

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, September 25, 2017

6:30 PM

Council Chambers

Members Present

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

Staff:

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

Members Not Present:

Gary Spykman, Chairman
Pamela Russell Slack

I. Call to order – Roll Call

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

II. Minutes of previous meeting – August 28, 2017 Planning Board Meeting

Douglas Barrett offered the following corrections:

Page 2 – The motion should read as being seconded by Nathaniel Stout not George Hansel.

Page 10 – Vice -Chair Brackett should be corrected to read as Vice-Chair Barrett.

Page 14 – last line of the third paragraph should be corrected to read as “in any way they can”

A motion was made by Mayor Kendall Lane to accept the August 28, 2017 minutes as amended. The motion was seconded by Councilor George Hansel and was unanimously approved.

III. Public Hearing

S-8-17 – 21 Allen Court – 2-Lot Subdivision – Applicant Wendy Pelletier of Cardinal Surveying and Land Planning, LLC on behalf of owner George Trahan proposes to subdivide the property. The site is 0.46 acres in size and located in the Low Density Zoning District (TMP# 116-06-006).

A. Board Determination of Completeness.

Planner Michele Chalice recommended to the Board that Application S-08-17 was complete. A motion was made by Mayor Kendall Lane that the Board accept this application as complete. The motion was seconded by Councilor George Hansel and was unanimously approved.

B. Public Hearing

Ms. Wendi Pelletier of Cardinal Surveying stated this is a rather long lot (approximately 20,000 square feet) on the corner of Allen Court and Stevens Street. The proposal is to subdivide this lot into two lots. There is an existing house, garage and shed on the lot. The shed will be removed. The lot will be accessed via Stevens Street.

Staff comments were next. Ms. Chalice stated the garage will be permitted to remain on the lot even though it does not meet the setback requirements, as it existing non-conforming building.

Vice-Chair Barrett asked for public comment.

Mr. Stacy Mitchell of 3 Stevens Street asked where the driveway will be coming in, in relationship to the telephone pole and whether it would be underground or aerial. Ms. Pelletier stated the lot line is very close to where the telephone pole is located but the driveway location has not yet been defined as it will be up to whomever builds on the lot to make that determination. Mr. Mitchell noted there was information from a neighbor regarding additional lots being constructed and asked for clarification. Vice-Chair Barrett stated the Board does not have any information on this issue.

With no further comment, Vice-Chair Barrett closed the public hearing.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane approve S-08-17, as shown on the plan identified as “2-LOT SUBDIVISION 116-06-006-0000, 21 Allen Court, Keene NH, 03431”, dated August 18, 2017, received August 18, 2017 and revised September 5, 2017 at a scale of 1” = 20’ prepared by Wendy S. Pelletier. LLS, with the following condition:

1. Two additional notes be added to the subdivision plan as follows:
 - a. “The Owner and the Owner’s heirs, successors, and assigns agree that any future development of the new 10,049 SF lot be in a manner consistent with the applicable Planning Board Development Standards.”
 - b. “The existing sheds on the 10,049 SF lot shall be removed prior to the issuance of a building permit.”
2. Note 12 be corrected to state that a driveway permit and subsequent inspection happen through the City Engineering Department.
3. Owner’s signature on plan prior to approval.

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

IV. Continued Public Hearing
SPR-578, Mod. 1 – 219 West Street – Mobil Gas Station – Site Plan –

Applicant/Owner Summit Distributing, LLC proposes re-development of a gas station/convenience store/canopy/underground fuel storage and shifting of the Ashuelot Street driveway. A waiver is requested from Development Standard #19.C.2 to allow parking in front of the building. The site is 18,240 sf in size and located in the Commerce Zoning District (TMP# 098-02-014).

B. Public Hearing

Mr. Tom Frawley, President of Summit Distributing, and Huseyin Sevincgil of NHF Design were the first two presenters.

Mr. Sevincgil stated when this item came before the Board in July there was some concern raised about traffic. He indicated the applicant worked with staff and have come up with a solution. He noted the applicant is proposing a 15-foot wide landscaped island and a smaller triangular island to better delineate the applicant’s driveway from West Street. He referred to the driveway that has been made into an entrance only driveway.

Mayor Lane noted there was also the issue with parking in front of the building. Mr. Sevincgil stated the applicant submitted a waiver with reference to this issue. He referred to the waiver criteria as follows:

a) *That granting the waiver will not be contrary to the spirit and intent of these Regulations;*

Mr. Sevincgil noted that currently there is parking closer to West Street and by removing the store, the parking is going to be further away from West Street.

Mayor Lane stated his concern is the conflict between parking and the people using the pumps. Mr. Sevincgil stated the vehicles using the pumps will be parallel to West Street and the parking would be

perpendicular to West Street. There will be an aisle behind the parking, which would be about 24 feet, which is a standard size for a two-way drive aisle. He feels this provides for adequate circulation.

Councilor Hansel asked whether there is a divider between the inlet and outlet of the driveway. Mr. Sevincgil stated it would be a double yellow line.

Mr. Stout asked whether there is a particular pattern for fueling trucks. Mr. Sevincgil referred to that pattern on the plan and added that the majority of deliveries happen between midnight and 6:00 am to avoid traffic congestion.

Vice-Chair Barrett asked whether the green space on the east side between this property and Ashuelot Street is owned by this property. Mr. Sevincgil referred to the right of way and noted that the existing driveway is being proposed to be closed off and moved further away from the street. He added that the city will be responsible for maintaining this green space.

Staff comments were next. Ms. Chalice stated the applicant has done a good job responding to the areas where the Board had concerns: traffic, access, parking and landscaping. Ms. Chalice referred to the Traffic Report, calling attention to the following statement, *“Under existing and future traffic volume conditions, all queue lengths are expected to be 1 vehicle or less with delays on the driveways of less than 21 seconds.”*

She noted that both Staff and the Board had been concerned at the previous meeting that traffic would backup into the intersection. The Traffic Reports indicates that under existing and future traffic conditions the Level of Service would be C or better with or without the redevelopment.

Ms. Chalice referred to page 35 of the Traffic Report where it talks about the critical gaps, which far exceed the vehicles entering and exiting the driveway. The applicant feels there will be enough space for the additional vehicles without causing a delay. The City Engineer has reviewed this traffic report and feels it is sufficient.

Staff also feel the access is much more delineated now. The proposed layout will better guide traffic and do a better job separating the entering and exiting vehicles.

Parking is currently in front of the building and the applicant has pointed out there is no other location for parking to happen. This is an issue for the Planning Board to consider.

Councilor Hansel stated he likes the islands but noted it is on Mascoma Bank property and asked who is responsible for maintaining these islands. Mr. Frawley stated their verbal agreement with the bank is that the applicant will maintain these islands. Ms. Chalice stated the City is asking for a written easement that lays out the maintenance of this property over time. Mr. Frawley stated this was an acceptable condition.

Mr. Bohannon asked if the city was responsible for the maintenance of the greenspace in the right of way. Ms. Chalice confirmed that the city is responsible and added the City Engineer gave permission for a shade tree to be planted in the landscaped area adjacent to Ashuelot Street because at that time there was no other location for a tree on the site. The applicant has changed the type of tree from a shade tree to an ornamental tree but because of the weather conditions, staff has suggested it goes back to a shade tree. Mr. Bohannon stated he was not concerned about the tree but more about the maintenance of the turf. Ms. Chalice stated the City has not discussed changing the responsibility for the maintenance of this land. Mr. Bohannon felt this should be part of the consideration.

Dr. Cusack stated he did not have too much concern about vehicular traffic. He asked whether any analysis was done on pedestrian traffic especially coming from the Colony Mills when they are turned to apartments. Ms. Chalice stated the existing sidewalk on West Street and Ashuelot Street will remain but wasn't sure whether pedestrian traffic or the issue of signalized timing was part of the traffic study.

Heather Monticup, traffic engineer stated they did include an exclusive pedestrian phase in their study. Bike counts were also included. She added the signalized timing was not included and this could change with the apartments going into the Colony Mill but did include the exclusive pedestrian count, which does affect the intersection operation.

Councilor Hansel asked about the maintenance of the strip of grass adjacent to the site. Mr. Frawley stated they had no issue maintaining that strip.

Vice-Chair Barrett asked for public comment. With no comment, Vice-Chair Barrett closed the public hearing.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board approve SPR-578, Modification 1, with a Waiver Request from Planning Board Standard 19; Architectural and Visual Appearance, as shown on the plan identified as “Proposed Retail Motor Fuel Outlet Site Re-Development Plans for Assessors Map 98 Block 2 Lot 14” 219 West Street, Keene NH, 03431, dated June 16, 2017, received June 16, 2017 and revised September 7, 2017 at a scale of 1” = 20’ prepared by MHF Design Consultants, Inc. with the following conditions:

1. A completed easement between the applicant and the adjacent property owner, Elm Street Plaza, to the satisfaction of the Planning Director and the City Attorney.
2. Revised plans showing:
 - a. The relocation of the fuel tank/s to allow for the safe siting of a single parking space along the site’s southeast grass area. These changes will need to meet with the approval of the City’s Fire Department Prevention Officer.
 - b. The replacement of the proposed Flowering Dogwood with a tree selected by the Applicant and approved by the Planning Director.
 - c. Abandoned storm drain and sewer service pipes shall be bulkheaded at each end and filled with flowable fill within the Right-of-Way.
3. Prior to signature, submittal security for landscaping and an electronic format “as-built” plan (.dwg or .dxf preferred) in a form and amount acceptable to the Planning Director and City Engineer.
4. Owner’s signature on plan prior to approval.

The motion was seconded by Councilor George Hansel. The Councilor thanked the applicant for making this investment in our community and felt their project is going to improve what exists at this location.

Vice-Chair Barrett asked whether the maintenance of the island next to Ashuelot Street needs to be included in the motion. Mr. Lamb stated his recommendation would be not to include this as a condition as it is a verbal agreement between the parties and felt this was more appropriate than a condition.

The motion made by the Mayor carried on a unanimous vote.

V. Request for 6-Month Extension

SPR-964. Modification #2 – 120 Key Road – Hampton Inn & Suites – Site Plan – Applicant SVE Associates on behalf of Jazzlyn Hospitality, LLC proposes to construct a 92-unit hotel with the same building footprint and site layout as was approved by the Keene Planning Board on February 27, 2006. The site is 2.25 acres in size and located in the Commerce Zoning District (TMP# 164-01-003).

Mr. Rob Hitchcock of SVE Associates addressed the Board on behalf of Jazzlyn Hospitality, LLC. Mr. Hitchcock stated they have addressed all the conditions except for the issue of security. Mr. Hitchcock stated Jazzlyn has indicated they will be ready to move forward within six weeks and are currently working with outside code review and should have a letter of credit in about two weeks and should start construction in about six weeks.

Mayor Lane stated his concern with granting an extension, is that this application is tied to a Court stipulation that the Owner of this site would complete the project or remove the building. Mr. Hitchcock stated he understands the concerns but was not aware of the legal document until tonight when the Planning Director shared it with him. He currently has no response from the owner. He stated the applicant is ready to move forward on this project, much more than they have been in the past. The Mayor stated he was happy to accept Mr. Hitchcock's representation but would have a difficult time approving any additional extensions based upon the fact the application and proposed construction were part of a settlement of litigation.

Mr. Lamb agreed with the Mayor and added this stipulation was agreed to in 2011, the latest amendment was amendment 6 and August 2017 was when this project was to have been completed. The original completion date was 2012 and asked that this be taken into consideration as well.

A motion was made by Mayor Kendall Lane that the Planning Board approve the requested six-month extension for SPR-964, Modification #2. The motion was seconded by Councilor Hansel and was unanimously approved.

VI. New Business

None at this time.

VII. Director Reports

Mr. Lamb stated the Upcoming Dates have changed: The Joint Committee October meeting has been cancelled. This meeting was scheduled for October 10, and was also part 2 of the electronic device training. As a result, prior to the next Planning Board meeting at 6pm on October 23, the second part of this training is scheduled to take place.

Mr. Bohannon noted the Downtown Revitalization meetings are happening at the old Ingenuity Store. Individuals are welcome to complete a survey online. Tuesday and Wednesday the hours are 10 am to 3 pm and there is also a night time session on Wednesday.

VIII. Upcoming Dates of Interest – September 2017

Planning Board Meeting – October 23, 6:30 PM

Planning Board Steering Committee – October 10, 12:00 PM

Electronic Device Training Part II – TUESDAY, October 10, 6:00 PM

Joint PB/PLD Committee – TUESDAY, October 10, 6:30 PM

Planning Board Site Visits – October 18, 8:00 AM – To Be Confirmed

The meeting adjourned at 7:10 pm.

Respectfully submitted,

Krishni Pahl
Minute Taker

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