

**CITY OF KEENE  
NEW HAMPSHIRE**

**PLANNING BOARD  
MEETING MINUTES**

Monday, December 18, 2017

6:30 PM

Council Chambers

Members Present

Gary Spykman, Chairman  
Douglas Barrett, Vice-Chair  
Mayor Kendall Lane  
Andrew Bohannon  
Martha Landry  
Councilor George Hansel  
Pamela Russell Slack  
Chris Cusack  
Nathaniel Stout

Staff:

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

Members Not Present:

Tammy Adams, Alternate  
David Webb, Alternate

**I. Call to order – Roll Call**

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

**II. Minutes of previous meeting – November 27, 2017 Meeting**

A motion was made by Mayor Kendall Lane to accept the November 27, 2017 meeting minutes. The motion was seconded by Pamela Russell Slack and was unanimously approved.

**III. Continued Public Hearings**

1. **SPR-11-17 – Water & Grove Streets – Site Plan** – Applicant Wendy Pelletier of Cardinal Surveying & Land Planning, on behalf owners, Jeanette Wright and Michael Lynch, proposes a commercial parking lot. The site is 4,635 SF in size and located in the High Density Zoning District (TMP# 028-03-011). The Applicant is requesting a Waiver from Development Standard #8 “Screening.”

**A. Public Hearing**

Ms. Wendy Pelletier of Cardinal Surveying addressed the Board and stated that this property is now in the Residential Preservation District, it has been rezoned since it came before the Board. Ms. Pelletier stated this is a 70’ x 50’ vacant lot which has been used as a parking lot since 1952 and was used to support the businesses across the street. In 1998 the land was separated and the city took the portion of the land the apartments are now

located and left the owners with this piece of land. Since, 1998, they have been using this as a parking lot and the city has recognized it as a parking lot in its tax records. The owners would like to continue with this use. In 2014, the city sent the owners a letter stating this lot is being used as a commercial lot in violation of the code and this is when the owners started working with the city to come into compliance. ZBA approval was granted in 2016 and in 2017 approval was given again to use it as a parking lot and to decrease the setbacks for paving and the requirement for maximum impervious surface.

Ms. Pelletier went on to say in the Residential Preservation District the minimum lot area requirement is 8,000 square feet and this lot is 4,635 square feet and maximum allowable coverage is 45% and the applicant is at 100%. The applicants would like to continue to use this as a parking lot and provide parking for tenants living in the area consisting of 11 spaces.

To improve the aesthetic of the lot the applicants are proposing wooden planters which will border Water and Grove Streets. The planters will be 4' x 4' pressure treated lumber and will be anchored to the ground by rebar drilled into the pavement. They will be two feet high by three feet wide. A landscape artist has reviewed this plan and is in agreement to what is being proposed. The planters will have a low growing perennial shrub which have a very shallow root system so not having access to the ground is not an issue for these plants and they are a very hardy plant. There was concern raised about sight distance because of these plants at the corner of Grove and Water Street but the sight distance of 123 feet does exist from this corner by keeping the plants low.

For screening along the westerly and southerly border, the applicant is proposing a low growing three foot high hedge planted in earthen berm. The total landscaping being provided is 536 square feet which is 8% of the parking lot; the minimum standard is 5%.

Wheel stops have been added on the westerly side.

The applicant did consult with lighting engineer who suggested a single light pole in the middle of the western boundary. This light will be operated by a motion sensor which will supplement the ambient light coming from street lights. Ms. Pelletier stated the applicant is requesting that they be permitted to use this as a parking lot and feel the changes being proposed would enhance this lot and provide for a safer option.

Mayor Lane asked whether anything is being proposed for the corner of Water Street and Grove Street where there are no planters being proposed to prevent drivers from crossing this area. The Chairman asked how wide this area was. Ms. Pelletier stated it was about 20 feet and added the planters can be continued in this area. The Mayor stated it does not have to be planters but anything to block vehicles from getting through will be helpful.

Vice-Chair Barrett stated there was an abutter who did not want extra light and felt the motion sensor was a good option but asked whether there might be any spill over on adjacent lots. Ms. Pelletier stated the designer has indicated there won't be any spill over.

Chair Spykman thanked Ms. Pelletier for the much improved narrative this month which filled in many of the outstanding items the Board had.

Staff comments were next. Ms. Kessler addressed the Board and stated the plan the Board has today complies much more than the plans the Board had previously seen. She referred to the lighting plan which she noted exceeds the Board's average for this type of parking lot. The standard calls for .5 foot candles and this plan calls for .7 foot candles. What has not been accounted for is the ambient lighting and felt a note should be added if the Board was inclined to approve this application tonight.

With respect to screening, there was a waiver request for vehicular headlights but the applicant has altered their plan to include plant screening on all sides of the property. Ms. Kessler asked about the height of these plants during planting. The applicant had indicated the planters will be affixed to the ground with rebar but staff feels a more adequate solution will be to saw cut the pavement and affix the planters to the pavement but still have the rebar for better stabilization. Staff feels this would be important for a permanent landscape solution; if the plants don't have a connection below the pavement, the plants won't have a connection to the hydraulic system below the pavement. As well as securing the plants.

Ms. Kessler went on to say with respect to wheel stops the zoning ordinance does call for parking spaces to have some kind of bumpers. The prior plan had a post and chain barrier between the parking spaces and the adjacent properties and staff has indicated this is a requirement in the conditions of approval. This concluded Ms. Kessler's presentation.

Councilor Hansel referred to the plan and noted there are bumpers shown on the plan the applicant had referred to today. Ms. Kessler stated the Board would need a revised plan showing this.

Chair Spykman felt the ½ inch holes in the planters might clog up easily. Ms. Kessler stated this is staff's concern as well. Mayor Lane referred to the U-Haul site on Marlboro Street which also has planter boxes and these boxes have rotted out and expressed concern about the planters sitting on the pavement and collecting water underneath.

Dr. Cusack asked whether a commercial lot such as this does not require a handicap space. Ms. Kessler stated this is a conversation staff had had with Code Enforcement and at one time the plan did show a handicap space but because this lot is not connected to a building or a business they are not required to have one, but this would be up to the applicant if they would like to provide one or not.

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

Mayor Lane felt the applicant has made an effort to comply with lighting and landscaping but for him to vote in favor of this application the applicant would have to agree to have

the planters sunk into the pavement and a bollard at the intersection of Water Street and Grove Street. Mr. Lamb stated the Board's draft motion includes both these items.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board Approve application for SPR-11-17 as shown on the plan "Parking Lot Landscape Plan Lot 028-03-011-0000 Grove and Water Streets Keene, NH 03431" prepared by Cardinal Surveying and Land Planning and Arago Land Consultants, LLC at a scale of 1"=10' dated May 30, 2017 and last revised on December 13, 2017, and the plan "Lighting Study Lot 028-03-011-0000 Grove and Water Streets Keene, NH 03431" prepared by Charron and received by the Planning Department on December 15, 2017, with the following conditions:

1. Prior to signature, Applicant shall submit:
  - a) Owner's signature on plan.
  - b) Security, in an amount and form deemed acceptable by the City Engineer and Planning Director, for landscaping.
  - c) A revised Site Plan that documents the installation of wheel stops in compliance with Section 102-794 (a)(4) of the Keene Zoning Ordinance and the installation of a bollard at the corner of Water and Grove Streets.
  - d) A revised Landscaping Plan that indicates the pavement underneath the wooden planters will be sawcut and removed from the site to establish a direct connection between the planter base and the earth underneath the pavement.
  - e) A revised Lighting Plan that includes the note "At its meeting on December 18, 2017, the Planning Board determined that the combination of ambient light from nearby street lamps and the light emitting from the proposed pole-mounted light fixture on the site satisfy the Board's Lighting Development Standard."

The motion was seconded by Councilor Hansel.

Ms. Landry asked whether the saw cut area underneath the planters will be the same size as the planters and asked whether saw cutting would damage the integrity of the pavement. Mr. Lamb stated the reason it is a saw cut and not a jack hammer is to prevent this from happening.

The motion was unanimously approved.

2. **SPR-13-17 – Emerald Street Substation – Site Plan** – Applicant VHB on behalf owner Public Service of NH dba Eversource proposes to rebuild the existing substation at the west end of Emerald Street. A Surface Water Protection Conditional Use Permit Application is included in this submission (SWP-CUP-2017-01). The site is 2.52 acres in size and located in the Commerce & SEED Zoning Districts (TMP# 047-

03-009). The Applicant is requesting a waiver from Planning Board Development Standard #19, "Architecture and Visual Appearance."

A. Public Hearing

Mr. David Venstermarker from VHB stated the last time this application was before the Board there was the issue of the screening still outstanding. The Police Department had requested the applicant to remove screening but the abutter has asked for some screening. Since that time the applicant's representatives, the abutter and the Police Department have had a successful meeting. He turned the presentation over to Alan Roe from Eversource.

Mr. Roe stated Mr. Lamb, Ms. Chalice, Office Maxfield from the Keene Police Department and the applicant's representative had a meeting. After exploring the issue it was agreed providing 150 linear feet of screening would be acceptable. The screening will be plastic slats (green or black) woven into the mesh. He added the landscape plan has also been updated and another item they discussed with the Police Department is that the applicant will be providing security cameras. The Chairman asked whether the security cameras will be on live feed or whether they are a camera that will be recording and something that could be accessed at a later time. Mr. Roe stated they are triggered by a motion detector but the cameras are on all the time.

Mr. Venstermarker stated they will be providing an arborvitae screening between the two driveways.

Staff comments were next. Michelle Chalice stated the issues addressed by the applicants representatives were the issues raised by the Board last month. One item that was raised to the abutter was that this fence slats would increase snow drifting onto his property.

The Chairman asked for public comment. With no public comment, the Chairman closed the public hearing.

The Mayor thanked Eversource for working with the abutter on this proposal. Chair Spykman stated this is an industrial building located in the heart of the city and felt if this was a new proposal that came before the Board it would not be approved and stated anything that can be done to screen it was helpful.

B. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board approve SPR-13-17 with a waiver request from Standard 19, as shown within the plan set entitled "Emerald Street Substation, Emerald Street, Keene New Hampshire, Cheshire County", Tax Map 47-03-009, prepared for Eversource and PSNH by VHB of Bedford, NH, dated August 14, 2017, received September 15, 2017 and most recently revised December 6, 2017 at various scales; with the following conditions:

1. Submittal of the applicant's Soil Containment Plan and other protective construction details to prevent siltation into Mill Creek due to the movement

of construction materials across Emerald Street, for review and approval by the City Engineer.

2. Owner's representative's signature on the plan set.
3. Submittal of a security for erosion control, landscaping and an "as-built" plan in a form and amount acceptable to the Planning Director and City Engineer.
4. Signature by Planning Board Chair.

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

#### **IV. Public Hearings**

**1. SPR-967, Modification 8i – Site Plan** – Property owner Cypress Street Development, LLC c/o Monadnock Economic Development Corporation is proposing a 6,400 SF retail/office expansion of the 12,500 SF Monadnock Food Co-Op located on TMP# 023-04-027.800 (1.56 acres) at 34, #E Cypress Street in Keene, NH onto the adjacent 0.3287 acre parcel, TMP# 023-04-027.1100. The project will include the addition of eleven parking spaces and is located in the Central Business Zoning District. These properties are part of the larger Railroad Street Condominium development.

Chair Spykman stated there might be some members of the Board who might have a conflict with this application and asked those members to disclose that information. Mayor Lane stated he was not sure how many members had a conflict with this application and did not want this application to have issues later on because someone did not disclose this information. The Mayor recused himself because his wife is a member of the Food Coop, Ms. Russell Slack recused herself and Vice-Chair Barrett recused himself as well.

Mr. Lamb stated this application would be going before the Historic District Commission next week and in that case when members recuse themselves for the same conflict, they would not have a quorum unless they use the practice suggested to the Board. Initially the thought was there would be a disclosure statement by Board members and the public at that time would decide if they objected.

##### **A. Board Determination of Completeness.**

Planner Michele Chalice recommended to the Board that the Application SPR-967 was complete. A motion was made by Councilor 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. Rob Hitchcock of SVE Associates addressed the Board and introduced Katie Cassidy Sutherland architect, Jack Dugan of MEDC and Michael Faber, General Manager of the Food Coop. Mr. Hitchcock referred to the existing building and to the 5,200 square foot addition attached to the building and to the 11-space parking lot. He noted the storm drain on site will be tied directly into the storm detention bed underneath the parking lot. Water

and sewer will run from the existing building to the proposed expansion. There will be concrete patio consisting of about 16 – 17 tables. There will be a sidewalk running north to south. The concrete sidewalk is going to be separated from the patio with a sitting wall, planters and three bollard lights. Six new trees will be added and some of the existing landscaping will be used. Two bike racks are also going to be added. New lights are going to be added to the building and will replicate what exists now.

Mr. Hitchcock referred to the four and a half foot parapet on top of the building to screen the roof top units and this will mimic what exists there now. Snow will be pushed to the side and trucked off site as soon as they can.

The applicant did request a waiver from requiring a parking study, which is required for every intersection located half mile from the project if you generate more than 100 vehicle trips per day. The applicant will generate 300 trips per day and about 66 additional in the PM peak hour (one more vehicle per hour). Mr. Hitchcock stated he went back to the traffic study done by Clough Harbour and Associates in 2006 for the two buildings on Railroad Street and the envisioned Rec. Center/Ice Rink. That study projected 490 trips for those three buildings. Mr. Hitchcock stated he tallied up the traffic associated with the two buildings, plus the existing Food Coop and the expansion and came up with an estimate of 377 which is 113 trips less than what Clough Harbour and Associates estimated. Mr. Hitchcock stated the reason they asked for a waiver is because they did not have the time, the cost associated with the study and there was already a study done which he felt was still valid.

Ms. Sutherland addressed the Board next. Ms. Sutherland stated the proposal is to add on to the same building with the same material of the existing building. The existing store front is being expanded to the south and then anchoring the building with a corner brick wall and a four and a half foot parapet which turns the corner and goes to the back of the building. On the east side of the building there will be a similar store front and canopy entrance (smaller in scale) which will be the café entrance. There will be seating at this side of the building; this will face the bike path and Community Way. On the north side of the building, the proposal is to add the fourth curved wall and complete the circle and setting up a projection area and creating a function stage/community space. The applicant has spoken with many community groups about creating this pergola for them to use as backdrops, lighting etc. – the groups the applicant has approached have been Moco Arts, Monadnock International Film Festival, Arts Alive, Keene Music Festival, and have their support about using this space.

Mr. Michael Faber was the next to address the Board. Mr. Faber stated the community needed a downtown grocery store and the Food Coop came along in 2013 and filled that need. He indicated the support from the community has been great. Mr. Faber stated however, in these four years their staffing and sales have doubled but their space has remained static which has been challenging. He indicated they are excited about this potential project to better serve the community and would help them support local farmers and provide better food access. Mr. Faber went on to say that they are also excited about the increase to seating both inside and outside.

Mr. Stout referred to the north wall on the east side of the curve and asked what was going to be located here. Ms. Sutherland stated the plan is for this wall to be store front system with cement board panels and will be similar to a glazing appearance; it would be similar to what exists currently on the south elevation. Mr. Stout asked whether there was a reason not to have a passage way in this location. Ms. Sutherland stated the kitchen and restrooms will be on this side and did not feel this would efficient or appropriate to have glass on this end.

Chair Spykman asked how wide the top step was. Mr. Hitchcock stated it was about 4.5 feet. The Chair felt that step seemed rather narrow. Ms. Sutherland indicated there was a public five foot path pathway right next to it.

Mr. Bohannon asked who was responsible for scheduling of the oval space. Mr. Faber stated the Coop has agreed to take ownership and coordinate reserving of this space. Chair Spykman asked whether there was any plan to turn this space over to the city as it appears as a public space. Mr. Jack Dugan responded by saying that MEDC does not own this space anymore, the Condominium Association owns it now and those members will have to vote on turning the space over to the city. The Chairman asked what happens if any of these members did not like the programming that happens in this space – could they object to it. Mr. Dugan stated they could and added the Condominium Association is going to use the language the city uses for its public space and amend that language for their use. Chair Spykman stated the applicant is referring to use of the space by the public but there could be an instance when a few private owners could interfere with this. Mr. Faber stated there is agreement the uses will be compatible with the Condo Association and they are confident they will be able to do so.

Staff comments were next. Ms. Chalice addressed the Board referred to the four letters of support from Moco Arts, two private citizens and Monadnock International Film Festival. Ms. Chalice stated the applicant has addressed the pertinent standards as it relates to traffic, drainage and screening and the project is in full compliance of city standards. She noted the Request for Proposal did not require the public space to be deeded to the city after the completion of the project in any legal sense even though it has been referred to as public space throughout many meetings.

Ms. Chalice then talked about the oval space which has always been referred to as the green space or the public park. The original intention of this space was as following “*the city will reserve an area approximately 1.75 acres, 76,000 square feet in size to the east of Railroad Square and south of Railroad Street for a future public park.*” She noted there was concern about this public park early on by different City Bodies. In the 2006 plan there were four entry points to the oval. Now there is a 1,500 square foot oval, 3% of a single acre, which is far from the 1.75 acres as previously envisioned green space of which only part is a green space and this area is enclosed by 50 foot long 23 feet high solid walls of glaze block. However, this would be a great theatrical area for many community groups to enjoy.



Ms. Chalice suggested three points for the Boards to consider:

- \*The entire rear portion of the store face the oval.
- \*These dramatic walls even though they are impressive have no relationship to human scale and will dwarf all things inside.
- \*The space is very seldom used but the area used for outdoor eating will be severely compromised.

She asked that the Board consider the following with the applicant:

- \*To replace the clear, fluid open connection that existed between the exterior eating area and now completed rather dramatic oval.
- \*To consider the addition of a corresponding dramatic natural element, such as a waterfall.
- \*Reconfiguration of a reduced number of parking spaces along the north side of the access road so that the current temporary parking lot could be re-created as an open space.

Councilor Hansel felt that it was necessary for the Board to turn their attention to the Board's development standards and felt it was not up to the Board to design or re-design a project but to take a project presented to them and apply the appropriate standards. He asked the Board to move the project along as it relates to the standards.

Ms. Landry asked whether this project will complete the Railroad Land Development. Ms. Chalice stated that was her understanding.

Mr. Stout referred to the suggestion of a waterfall and agreed the Board was not here to re-design this project but the city is looking at a change of ownership and this type of vision could be perpetuated and felt there are things that can be done to enhance a project but is not beholden on an applicant to do so.

Chair Spykman stated with reference to this being the last of the projects on the Railroad land – the narrow piece of land adjacent to the parking lot was supposed to have been a three-story housing development and asked for clarification. Mr. Dugan stated they do not have a plan for this area but it is supposed to be a condominium unit; there was a plan which was withdrawn. The Chairman asked if the Board was to approve this expansion whether it means there will not be a building constructed on this parking lot. Mr. Dugan stated he wasn't sure what the Coop would want to do in the future, they might want to further expand their building.

Mr. Lamb noted Ms. Chalice at the beginning of her presentation did indicate this application meets all of the Board's standards and is ready to be approved. He stated it was also important to note the history of this project and this was what Ms. Chalice was referring to and this plan does have some pluses and minuses. The original plan had an area where the businesses "spilled" onto where people could use as a gathering place, but that does not exist in this plan. Chair Spykman stated if the Board was to approve this application tonight; the Board would be changing the original vision for the function of that space.

Dr. Cusack asked whether the Board was not voting on a waiver for traffic. Mr. Lamb answered in the negative.

Mr. Stout stated there is not much pedestrian activity in this area and this plan is not changing a pre-existing condition.

Chair Spykman asked for public comment next.

Ms. Russell Slack stated she is fully support of this project and noted she was around when the design first came before the Council. She stated even though she appreciates the history, she likes what she sees before the Board tonight. Ms. Russell Slack also added that she likes that entities like Moco Arts will be able to use this theater space.

Mayor Lane stated he remembers this project going back prior to 2006. He stated he understands the concerns about the oval but that proposal has now been changed. The Mayor stated he agrees with Ms. Chalice that this area has lost the human scale but felt that plan was not created by the Food Coop. He stated the city is extremely fortunate to have the Coop be as successful as they are and something the Board needs to keep in mind; this is not just a downtown grocery store but a community asset which needs to be preserved.

Doug Barrett of Keene stated he wanted to support this project but expressed concern about the oval and the outdoor patio area; at the present time there is at least visual connection but as the Mayor has pointed out this is not wholly the responsibility of the Coop. He hoped the programming being planned for the oval would be successful and perhaps there might be a redesign of the oval at a future time.

Chair Spykman referred to the four letters of support the Board has received. They are from Moco Arts, Monadnock International Film Festival, Paula Sousa and Chris Marseilles. With no further public comment, the Chairman closed the public hearing.

Mr. Stout asked what the surface of the parking lot will be. The applicant's representative stated it would consist of asphalt pavement.

Councilor Hansel stated he was ready to approve this proposal.

Mr. Bohannon stated only a few groups have used the oval and only two have called the Parks and Recreation about using it and knowing that the arts community is growing and having another space for them to use would be beneficial. In addition adding more space to the Coop and adding more parking is a good thing for the city. Dr. Cusack agreed this is a great project and thanked Ms. Chalice for her presentation. Ms. Landry stated she was thrilled to see a local business doing well in this community. She recalled when this area was a dirt parking lot and commended Mr. Dugan for his work. Mr. Stout commended the Coop for working with this plan and felt this plan was far ahead than

what the city could have envisioned. Chair Spykman stated he too is happy with this project even though he is concerned with the change to the plan.

C. Board Discussion and Action

A motion was made by Councilor George Hansel that the Planning Board approve SPR-967, Modification #8I, as shown on the plan entitled “Monadnock Food Co-Op Expansion, 34 Cypress Street, Keene, NH” prepared for Cypress Development, LLC c/o MEDC, dated and received November 20, 2017, revised December 7, 2017, drawn by kcs Architects and SVE Associates of Keene NH at predominant scales of 1” = 10’ and 1” = 20’ with the following conditions:

1. Submittal of a revised lighting plan and project specification documents to add light lids to the streetlight fixtures by including the abbreviation “LL” (Light Lid) to both the streetlight fixtures (P3 and P5) specifications of “Label” (ex. P3-LL and P5-LL) as well as both fixture’s “Description”(ex. LEX-ACR-PRS (425LL)).
2. Prior to signature by Planning Board Chair, Owner’s signature on plan.
3. Prior to signature, submittal security for erosion control measures, landscaping and an “as-built” plan in a form and amount acceptable to the Planning Director and City Engineer.

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

Mayor Lane, Ms. Russell Slack and Vice-Chair Barrett rejoined the Board.

V. New Business

None

VI. Director Reports

**Discussion: Co-Op Withdrawal of Temporary Parking Lot Application**

Mr. Lamb reminded the Board as to the Coop’s request to use the temporary parking area. This item was not moved forward to a public hearing and at this time the Coop is withdrawing its application.

A motion was made by Mayor Kendall Lane that the Board accept the Coop’s withdrawal of the temporary parking lot application. The motion was seconded by Councilor George Hansel and was unanimously approved.

VII. Upcoming Dates of Interest – January 2018

Planning Board Meeting – January 23, 6:30 PM

Planning Board Steering Committee – January 9, 12:00 PM

Joint PB/PLD Committee – Monday, January 8, 6:30 PM

Planning Board Site Visits – January 17, 8:00 AM – To Be Confirmed

The meeting adjourned at 8:25 PM.

Respectfully submitted,

Krishni Pahl  
Minute Taker

Reviewed by: Rhett Lamb, Planning Director