

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, March 26, 2018

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

Staff:

Tara Kessler, Planner
Michele Chalice, Planner
Mary Brunner, Planning Technician

Members Not Present:

Nathaniel Stout

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 – February 26, 2018 Meeting

A motion was made by Mayor Kendall Lane to accept the February 26, 2018 minutes. The motion was seconded by Councilor George Hansel and was unanimously approved.

III. Public Hearing

1. SPR-01-18 – 809 Court Street – Summit Athletic Center – Site Plan –

Applicant Fieldstone Land Consultants, PLLC on behalf of owner Hillsborough Capital, LLC is proposing to redevelop the subject parcel into an Indoor Athletic Facility which consists of the construction of a new 28,800 SF building with associated site improvements. The site is 1.812 acres in size and is located in the Commerce Zoning District (TMP# 188-01-001). A waiver is requested from Planning Board Standard 19.C.2. to allow for parking in the front of the building.

A. Board Determination of Completeness.

Planner Michele Chalice recommended to the Board that the Application SPR-01-18 was complete. A motion was made by Councilor George Hansel that the Board accept this application as complete. The motion was seconded by Mayor Kendall Lane and was unanimously approved.

B. Public Hearing

Mr. Chad Branon of Field Stone Land Consultants representing Hillsboro Capital LLC. addressed the Board. Mr. Branon also introduced Steve Holland of Hillsboro Capital LLC, Michael Petrovich of Petrovich Architects and Eric Mulligan. Mr. Branon stated he was before the Board regarding the redevelopment of 809 Court Street into an indoor facility which will be called the Summit Athletic Center.

This property is situated about 330 feet north of Starling Street and about 1,300 feet south of the Maple Avenue Roundabout. The property is bordered by the American Legion to the south, American Legion athletic fields to the east, commercial properties to the north and the residential

properties to the west. The property is recently vacant but was occupied by the NH Department of Health and Human Services. The property is 1.82 acres in size and is located in the commerce zoning district.

The proposed improvements consist of replacing the existing 19,943 square foot building (shown in the red hatched area) with a new 28,800 SF metal building. Proposed parking for the site will be at the rear, the south and to the front of the building; the grey hatched is the impervious parking on the site. The property is accessed through a shared driveway off Court Street which is shared with the Legion and the adjacent commercial property. Mr. Branon noted the current parking does not conform to city standards (access isles are too narrow).

The topography on site is generally mild with drainage flowing to the east. Ashuelot River is located about 200 feet off site. The NH DES Shoreland Protection Zone (a 250 foot setback from Ashuelot River) extends onto the property. The eastern portion of the site is located within the 100-year floodplain (shown in blue on the plan).

After review of the conditions of the building a decision was made to raze the structure. The new square would be 28,800 square feet in size. There will be new walkways, site lighting, and there is also a proposal to rework the front traffic configuration in order to reduce the impervious cover and to provide a more conventional layout. The aisle width is going to be increased from 20 feet to 24 feet.

The building will be 120 feet in width and 280 feet in depth and it will follow most of the existing foundation. The building will be serviced by municipal water and sewer as well as overhead utilities. The layout being proposed will provide for 58 parking spaces, with three ADA spaces next to the entrance. 25 spaces will be situated at the front of the building, 28 spaces along the east, and five spaces to the rear. Pedestrian access will be handled by sidewalk located along the front and on the eastern side of the building. There is a pedestrian connection to Court Street being added to the northwest corner of the property.

Site lighting will be handled by five building mounted lights and one pole mounted light. The lighting conforms to city standards. He referred to the area staff raised concerns which is less than .24 candle level at the sidewalk location which changed from the southeast corner of the site to the northwest corner of the site. Mr. Branon noted this area will not have any pedestrian activity or parking. He added there is a pole light in this area which has not been accounted for and the plan is to incorporate this light into the design.

This proposal also includes a landscaping plan – landscaping is being proposed along Court Street as well as three shade trees along the east boundary (per request of staff). Mr. Branon went on to say the applicant feels this design will improve the site as it would increase the green space. The redevelopment would also improve drainage; installation of oil debris hoods is being proposed for the catch basins that exist on site. He noted an infiltration trench would capture the roof runoff and infiltrate it into the ground. This system currently does not exist and would improve the drainage considerably.

This project would require a Shoreland permit through the NH Department of Environmental Services. The applicant does not anticipate any issues in obtaining this permit as the drainage is being reduced considerably by the improvements being proposed. This concluded Mr. Branon's presentation.

Councilor Hansel asked whether the existing light pole the applicant plans on utilizing has a full cutoff fixture. Mr. Branon stated it does not but it is something the applicant could consider addressing if the Board felt it was necessary.

Mayor Lane stated he was happy to see this property redeveloped but asked about the traffic patterns at the front of the site. He noted there is no place for pick up and drop off. Mr. Branon stated this applicant owns a similar property in Marlboro, smaller in size approximately 6,000 square feet in size and what was seen at that facility is that when parents drop off their children at that facility they occupy a parking space for drop off and pickup which avoids congestion and traffic moves through the property.

Chair Spykman asked about the waiver from standard 19. Mr. Branon referred to Standard 19 – C. 2. *Off-street parking and traffic flow shall not interfere with the flow of pedestrian travel or otherwise detract from the aesthetic character of a development or redevelopment. All required off-street parking shall be to the side and/or rear of buildings on the proposed site, and such parking shall be screened or aligned so that headlights do not adversely impact abutting properties.*

Mr. Branon stated they are asking for a waiver from the standard to locate parking in the front of the building which is how the parking exists at the present time. He added this property is severely restricted; there are utilities that run along the front of the property and there is also a deed restriction along the front of the property which prevents any building to extend any close to the front property line. He added the front setback line has not been created by the city but has been created by covenants. What the covenant indicates is that a building on this site will not project beyond the front legion building to the south or to an older building that used to exist to the north, which creates a hardship.

Mr. Branon went on to say this redevelopment would be an improvement to this site. It would have a similar building and parking layout but it would contemplate reconfiguration of the parking to the front which would provide additional buffering (greenspace) from Court Street. It will also provide for better traffic configuration; better access, better turning movement for through traffic because of wider travel isles.

Mr. Branon then went over the four waiver criteria they are required to meet:

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

The redevelopment of this site will provide for many improvements compared to what exists at the site currently which will benefit the surrounding areas. Only improvements are being proposed – the applicant is not proposing any conditions that do not already exist.

b) *That granting the waiver will not increase the potential for creating adverse impacts to abutters, the community or the environment;*

This project will create positive impacts to the neighborhood as the redevelopment will improve the visual impact, create a better traffic pattern throughout the site, and provide drainage improvements that would eventually make a positive impact to the community.

c) *That granting the waiver has not been shown to diminish the property values of abutting properties.*

The applicant feels this new proposal would improve what exists today.

d) *Consideration will also be given to whether strict conformity with the regulations or Development Standards would pose an unnecessary hardship to the applicant.*

Mr. Branon stated any new development would have to contemplate a new parking layout because of the special constraints and restrictions that exist on this site. Because of all these reasons the applicant is requesting a waiver from this standard.

Mr. Barrett stated because of the waiver request he was interested in the parking between Court Street and this site. Mr. Branon stated there are two landscape islands proposed for this section of the site. The reason it is positioned in this manner is so that any snow storage could happen on the front side of the site. The green space here is depressed and the landscaping would be most effective closest to the right of way. The number of street trees and shrubs are being proposed for this location meets the city requirement. The existing pavement will be removed and greenspace added. There will be shade trees proposed along the east side of the parking area as well.

Mr. Barrett referred to the pedestrian access on the north side; Court Street is about four feet above the grade of the parking lot and asked how this was going to be accommodated for this site. Mr. Branon stated fill is being proposed over that low spot to provide for a level connection as well as a culvert with head walls so there is still connectivity from north to south.

Mr. Bohannon with respect to the traffic concern raised by the Mayor, Mr. Bohannon asked whether this was a practice facility or a game facility. Mr. Branon stated it is primarily a practice/training complex where there could be games scheduled. Mr. Bohannon stated if this was a practice facility the trip generation will be entirely different to a game facility as there will be multiple teams entering and exiting and the drop off/pickup location the Mayor was referring to is going to be crucial. Mr. Branon stated what he has found in facilities similar to this one is, because the site is smaller the team sizes are smaller as well. He felt the parking on site does provide for a turn over scenario if there was a game going on and another one coming in because the owner has the ability to schedule all the peripheral events. Mr. Bohannon agreed this was going to be a great facility.

Ms. Landry asked about screening of the HVAC units. Mr. Branon stated the architect would address this item.

Chair Spykman referred to the area of the entrance where there is a large radius curve and because of the driveway is going to be located between the two isles of parking at this location and there is also an island “jutting” out here which require traffic to take a hard left turn and felt this seems very tight. Mr. Branon stated the layout they are proposing is much better than what exists and a truck utilizing the site should not be utilizing any of this paved because this is an oncoming vehicle scenario. He noted the new plan provides for more control for this turn, a driver would have to make this turn but felt there was adequate space to make this turn. He noted the landscape area at this location will provide for more control of the speed of traffic making this turn.

Chair Spykman asked whether the applicant has given any thought to how headlights would affect adjoining properties. Mr. Branon state the utilization of the parking is something the abutters are accustomed to as this is a parking situation that exists currently. However, felt the landscaping that’s going to be installed would shield some of the headlight issues which would be an improvement.

Councilor Hansel asked whether there was rationale for locating parking on the southern edge; on the property line side versus the building side. Mr. Branon stated this is because of the configuration of the intersection – where the access is along the building side to fit in with the configuration as it

exists right now. He added they wanted to minimize the construction on the eastern edge which is a flood plain area.

The presentation was then turned over to the architects.

Mr. Michael Petrovich addressed the Board next together with Eric Mulligan. Mr. Petrovich stated they have created a building that improves the site. It is a 28,000 square foot building, 50 feet high at its ridge and there are design elements that personalize the building and reduce the visual impact of the building.

He referred to the southwest elevation; the lowest façade is the front façade which faces Court Street. The sloped roof here reduces the scale of the building. The height of the building is required because of the activity that is going to happen inside the building.

The overall feel is agricultural and industrial to keep with what exists in the area. The higher part is a gable roof and a six-foot panel to give the roof a floating look to it.

The lobby and waiting area would have a glass element to it.

The northwest elevation faces the east. The HVAC equipment located on the roof will not be seen because of the height of the building.

Eric Mulligan talked about the material being used on this building. Mr. Mulligan stated this would be a steel structure which would have metal insulated panels wrapped around it (horizontal on the bottom and vertical on the top). The roof would be a standing seam roof similar to what exists on the American Legion building. The north side would have a fire rated panel due to the proximity of the property line, it would however, be painted in the two tone colors.

Staff comments were next. Ms. Chalice first addressed drainage and noted the engineering department has determined that this site will be a net zero runoff as the site would infiltrate all of the runoff from the paved area.

Erosion control – As this site is located very close to the Ashuelot River the applicant is proposing appropriate silt fencing and the applicant has also provided a detail for a construction entrance to keep the silt from entering the river – this is not shown on the plan yet but a condition is being added.

Flooding – A map amendment has been provided by the applicant and there is no council action necessary.

Landscaping and Parking – The plan meets the landscaping buffer standard and the parking requirement has also been met.

The dumpster area is being appropriately screened with a gate.

Lighting – Meets the Board standard, however, the plan shows a zero level at the entrance off Court Street and the sidewalk area. This fixture will need to be changed.

Traffic – The engineer agrees this is an unusual fit but the ITE classification of community recreational center is best and it would be less than the traffic numbers for the state offices that existed here previously.

Comprehensive Management Plan – The applicant has provided a link from this site to the sidewalk. The bicycle rack is situated in the front of the building and the accessible spaces meet city standards.

Standard 19 – The Zoning Board of Adjustment (ZBA) approved a special exception as it relates to height and agreed the building scale is large. Ms. Chalice stated the applicant has done the best they could with reference to orientation, material to make this building feel less over-whelming. She pointed out with reference to the east elevation; pedestrians will be crossing a line of traffic to get to the building. She went on to say as of 4:11 pm the Planning Department received an email from an abutter expressing their concern with this proposal. She noted staff has not had time to go over these concerns. The Chair agreed there are some valid points raised in this email; however, item 4 with respect to the height of the building is out of the Board's hands. Ms. Chalice stated there are legal items staff would need time to review and recommended the continuance as outlined in the Board's packet.

Ms. Chalice read the email into the record as follows:

I have been asked by 815 Court Street, LLC to express their concerns regarding the proposed Summit Athletic Center at 809 Court Street. 815 Court Street, LLC is the owner of the property at 815 Court Street and directly abuts the proposed Summit Athletic Center at 809 Court Street. The owners are currently out of state and unable to attend the meeting. They wish to express several concerns with the proposed site plan and building.

- 1. The proposed site plan calls for removal of a landscaped island on their property at 815 Court Street so the driveway through 809 Court Street can be relocated. They were never asked if this could be done and have not given permission for this change on their property.*
- 2. The existing driveway crossing 809 Court Street to 815 Court Street is part of an access easement held by all the adjoining properties who also share the existing curb cuts at Court Street. 815 Court Street LLC was never asked if this easement could be relocated as they show on their site plan.*
- 3. The reconfiguration of the southerly curb cut at Court Street does not look like it will safely accommodate truck turning movements. This will affect one of the tenants who rely on this curb cut for their daily truck deliveries and truck shipments. Again, this change affects the access easement and is being done without permission from all the easement holders.*
- 4. The proposed building will be 50' tall. It is out of scale and out of character with the existing buildings in this area. They are very concerned that the appearance of this building will affect their ability to attract and keep tenants in their building.*

We respectfully request that the Keene Planning Board not allow the proposed site plan to proceed until all of these concerns are addressed.

*Sincerely,
James P. Phippard, agent for 815 Court Street, LLC*

Mr. Branon addressed the Board again and stated in speaking to one of the owners at 815 Court Street it seems like there could be a misunderstanding with this email. He has been involved with this project since its acquisition and felt it was unfortunate this email just came in. He added in reference to the email there is no actual dimensional easement along the front as it relates to parking – all it says is that future owners will be provided access through the property. What they are proposing is to line up the access isle to the property to the north. The applicant is not going to compromise access at all; they are going to actually improve the access. He stated they have also addressed truck movement and stated they would work with the land owner to address this as well, perhaps a partner of the property who was not property notified.

With reference to building height – this item went before the Zoning Board and the property owner was party to that hearing and was appropriately notified. At that time did the applicant did not hear anything from this property owner regarding the height of the building; he stated receiving opposition on this issue is of surprise to the applicant.

Mr. Branon went on to say that nothing done here was done with malicious intention and they are surprised these issues are being brought to light at this time and felt this is something they would need to settle with the abutters.

The Chairman asked for public comment, with no comments from the public the Chair closed the public hearing.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Board continue this application to the April 23 hearing. The motion was seconded by Councilor George Hansel.

Ms. Russell-Slack Expressed frustration about seeing the letter at the end of the public hearing after having to sit through an hour of testimony from the applicant and staff and also not receiving a copy of the amended agenda.

The motion was unanimously approved.

IV. Request for 6-Month Extension

SPR-578, Modification #1 – 219 West Street – Mobil Gas Station – Site Plan

Applicant/Owner Summit Distributing, LLC requests a six-month extension for the site plan approved on September 25, 2017.

Ms. Chalice stated this applicant has just been able to obtain an easement from the city for drainage which item still needs to go before the Council for a final vote. The other easement is with Mascoma Bank and has to do with traffic improvements. Once these easements are recorded the item can move forward. This is the first extension requested for this application.

A motion was made by Mayor Kendall Lane that the Board grant a six month extension for SPR-678, Modification #1. The motion was seconded by Councilor George Hansel and was unanimously approved.

V. Discussion

Planning Board Lighting Standards

Ms. Chalice addressed the Board.

Why regulate lighting? Night time safety, energy conservation, enjoyment, commerce, and curtail light pollution.

Why update lighting standards? Applicant concerns regarding challenging uniformity ratios, outdated gas canopy lighting, lack of LED provisions. There are many variety of LED lighting that is available now. There are creative fixtures available without compromising safety.

She referred to the foot-candle ranges that currently exist in the city. The city's standard calls for 1 to 5 foot candles, gas stations in Keene are ranging from 9 to 53 foot candles.

Human acclimatization was another item discussed – looking at ambient light within the community, 0.1 foot candles is sufficient for many uses, but would be ineffective in a downtown setting with abundant ambient light.

Light and Color – the current standards specify the best colors for safety and the color index shows greater than 70, making sure that incandescent and florescent lighting provided appropriate lighting (not too yellow or orange). The current LED gives us a much different type of light and what is being recommended is a correlated color temperature.

Comparison Analysis – Looking at other towns it can be determined that Keene's standards are thorough. However, Keene seems to be missing a Definitions Chapter. Ms. Chalice went over how communities have their lighting standard structured.

Lighting Consultant Comments – Their general opinion is that Keene's standards are considered to be thorough. However, the minimum pedestrian light levels are low (.2 to .5). The uniformity ratio that Keene has which is strictly 4:1 could be made to be more flexible depending on the development. Up-lighting is not well specified and lacks flexibility. The Illumination Section needs to incorporate LED fixtures and the standard as a whole could have more clarity.

Ms. Chalice talked about two Model Lighting Ordinances. The first one is between the Illuminating Engineering Society and the International Dark Sky Association. The second is from NH's Innovative Land Use Planning Techniques: Handbook for Sustainable Development.

Ms. Chalice then referred to the LEED Standards; they utilize the IES and IDA lighting zone definitions. Each fixture the LEED Standard utilizes needs to have the Back Light, Up Light and Glare (BUG) specifications.

Staff's Recommendation – (1)

- Revise the structure of the standard to one that is more user friendly.
- A Purpose section followed by a Definition section.
- A Residential section and a Non-Residential section.
- A section for lighting by special permit (sports facilities, industrial structures, parking facilities).
- A section for Existing Lighting.
- Major modification and minor modification

(2)

- Consider adding items that exist in the Model Lighting Ordinances which would improve the scope and safety of lighting while creating flexibility for applicants.

- Creating lighting zones to accommodate ambient light and to make sure the lighting is consistent with the use.

Chair Spykman asked how these recommendations relate to the overall code update. Ms. Kessler stated the land use code update will involve a review of the development standards. There would be an opportunity to look at the standards more thoroughly and lighting is a standard that has had some issues.

Councilor Hansel asked whether other communities require controls. Ms. Chalice stated Keene has one of the more progressive standards with the exception of Cambridge and Durham.

Chair Spykman felt staff should be moving forward with this item. Councilor Hansel agreed but asked that staff keep in mind that the city is trying to streamline the process and asked that staff take what the consultants said as a top priority (to allow for LED's etc.). Mr. Barrett agreed with what Councilor Hansel said.

Ms. Landry stated she would like to hold off on adoption until the bigger plan is complete. Ms. Chalice stated she will come back before the Board with a draft version for the Board to review.

VI. Director Reports Southwest Region Planning Commission Nomination Process

Ms. Kessler stated staff is requesting more time before this item can be brought back before the Board forward.

Ms. Kessler introduced Mari Brunner, Planning Technician who started with the Planning Department a few weeks ago.

VII. Upcoming Dates of Interest – April 2018 Planning Board Meeting – April 23, 6:30 PM Planning Board Steering Committee – April 10, 12:00 PM Joint PB/PLD Committee – April 9, 6:30 PM Planning Board Site Visits – April 18, 8:00 AM – To Be Confirmed

The meeting adjourned at 8:20 pm.
Respectfully submitted,

Krishni Pahl
Minute Taker

Reviewed by: Rhett Lamb, Planning Director
Edits, Lee Langella, Michele Chalice