

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, April 23, 2018

6:30 PM

Council Chambers

Members Present

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

Staff:

Rhett Lamb, Asst. City Manager/Planning
Director
Planner, Michele Chalice
Planning Technician, Mary Brunner

Members Not Present:

Mayor Kendall Lane

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 Planning Board Meeting

Pamela Russell Slack offered the following correction – to add language at the end of the paragraph.

Page 9 – Ms. Russell-Slack expressed frustration about seeing the letter at the end of 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.*

A motion was made by Councilor George Hansel to accept the February 26, 2018 minutes as amended. The motion was seconded by Andrew Bohannon 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.

Nathaniel Stout asked to be recused from this application because he is a member of the Zoning Board which body has already made a decision on this item.

A. Public Hearing

Mr. Chad Brennan of Field Stone Land Consultants addressed the Board. Mr. Brennan reminded the Board that this item came before the Board in March at that time the applicant went over the development standards as well as the waiver request. The waiver request is to locate parking at the front of the building.

He went on to say at the March meeting the applicant was presented with a letter from the abutter property owner to the north, 815 Court Street LLC. regarding shared access and the building design. The applicant has now reached an agreement with this abutter which is reflected in the letter from Brickstone Land Use Consultants dated April 11, 2018. Mr. Brennan stated when this abutter received their site plan approval, the city requested their deliver trucks utilize the entrance to the _____ to provide maximum separation from the residential properties located to the north.

Mr. Brennan stated after discussing some options with this abutter and meeting with city staff, the applicant has proposed a layout which now meets the landscaping requirement and greenspace requirement. What this layout indicates is a dedicated access way at the front of the parking and there will be a separation from the through way by a four foot wide concrete island. As part of this submission, the applicant also provided a revised stormwater management report which indicates the site does provide mitigation for all improvements.

Mr. Brennan went on to say based on comments received at the March meeting they also relocated the pedestrian connection to Court Street which existed along the northern boundary of the property, this has now been located to the main entrance which works out better with the new layout being proposed. The Board had also asked for better lighting at the pedestrian access and the applicant has provided a light pole at this location. With reference to the conditions being proposed by staff, the applicant is agreement with all recommendations except for requiring landscaping in the four foot island as the applicant does not feel there is sufficient space to provide any type of landscaping and any trees planted here would compromise parking and adjacent travel way.

Staff comments were next. Planner, Michele Chalice addressed the Committee and began with the revised drainage report which has been reviewed by Engineering Staff who are satisfied with the plan. With reference to flooding, the letter of map amendment would go through the code department but as a precautionary measure because of the property's proximity to the 100-year flood plan and the the Ashuelot River, staff is recommending an interim step upon the establishment of the finish floor elevation – under the conditions of approval there is a request for an elevation certification

Lighting- there is now two poles providing adequate lighting to the sidewalk connection as well as into the property.

There is now a dedicated two-lane path of travel separating the truck traffic from the parking area.

Four-foot island – Ms. Chalice felt some sort of sturdy planting could provide a good visual barrier.

Ms. Chalice reminded the applicant about the temporary construction entrance to be shown on the construction layout and this is outlined as a condition as well.

Chair Spykman stated he was in agreement in reference to the plantings but asked if these plantings would be viable. Ms. Chalice stated if they were a raised planter it would be more viable as they would prevent salt from entering the landscaping.

The Chairman asked for public comment. Mr. Brennan stated what is being referred to is a four-foot island and if this is going to be a landscape island the curbing would need to be subtracted from either side. If it is then a raised island, this then becomes an obstruction to vehicle and pedestrian movement and their preference would be to leave it as it is designed.

Vice-Chair Barrett asked what type of a structure is being referred to here. Mr. Brennan stated it would be a continuous structure, reinforced, similar to a sidewalk located in front of a commercial site. It would be about six inches high off the pavement. Mr. Barrett asked whether there could be risk of a driver missing this area. Mr. Brennan stated they have site lighting that would light this area. What the applicant is proposing is similar to what exists on site; what exist now are vehicle bumpers (six foot sections of concrete fastened to the pavement). What is being proposed is a much better solution than what exists. There is also a grade change from the travel way to the parking area and there will also be some signage in this area.

Ms. Landry asked whether raised planters would have any effect on snow removal. Mr. Brennan stated unlike a sidewalk which can be easily cleaned off, this has more to do with vehicular traffic turning movement.

Dr. Cusack asked whether the front parking lot (northern end) has an egress. Mr. Brennan stated this area is blocked off as the abutting owner did not want a connection here.

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

Mr. Bohannon felt a raised planter will be damaged by plow trucks and felt a curb is the best option. He stated he also sees this area as a drop off location for kids using this facility. Councilor Hansel stated he too is not in favor of raised planters in this area and felt it would not be aesthetically pleasing and would be difficult for people to move around the site. Chair Spykman stated he too was in favor of what is being proposed because this is a four-foot area.

C. Board Discussion and Action

A motion was made by Councilor George Hansel that the Planning Board approve SPR-09-17, as shown on the plan set entitled “Proposed New Facility for MOCO ARTS, 38-42 Roxbury Street, Keene, NH 03431” prepared by Brickstone Land Use Consultants at a scale of 1” = 20’ on June 17, 2016 and last revised on March 8, 2017 along with elevations identified as “MoCo Arts, Building Elevations” prepared by KCS Architects at a scale of 3/16” = 1’ on February 10, 2017 with the following conditions prior to signature by Planning Board Chair.

- a. Owner’s signature on plan.
- b. The applicant shall submit an approved NH DES Shoreland Protection Permit.
- c. A revised Grading Utility Plan drawing showing the location of a temporary construction entrance at or before the building demolition and excavation work area to the satisfaction of the Planning Director and City Engineer.
- d.
 1. Security for landscaping, site stabilization and an as built plan per Planning Board Site Plan and Subdivision Regulations in a form and amount acceptable to the Planning Director and City Engineer.
 2. Submittal of an approved elevations certificate per the Federal Emergency Management Agency requirements to the Code Department confirming that the new structure’s finished floor elevations is in compliance with the City’s flood plain ordinance. This condition is to be met prior to the issuance of a Certificate of Occupancy.

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

IV. Public Hearings

1. SPR-11-16, Mod. #3 – Hillside Village – 99 Wyman Road – Site Plan –

Applicant Jim Phippard of Brickstone Land Use Consultants, LLC proposes modification to the Continuing Care Retirement Community (CCRC) to eliminate the cultured stone at the ground floor on the north building elevation and replace it with vinyl siding. The site is approximately 35.7 acres in size and located in the Rural Zoning District (TMP#s 919-09-024 & 919-08-003).

A. Board Determination of Completeness.

Planner Michele Chalice recommended to the Board that Application SPR-11-16 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. Jim Phippard stated the applicant is applying for modification #3 to specifically address the change on the north elevation of the health center building. The original elevation approved by the Board included a strip of cultured stone on the lowest level of the building. This is a four story building and the top floor consists of hardy board (cement fiber material), which leaves the middle two sections consisting of vinyl siding.

The proposal is to eliminate the cultured stone on the ground floor level and replace it with vinyl siding to match the two floors. Mr. Phippard stated this is just a cost saving measure and the applicant feels this would be a viable location as it has limited visibility.

Originally this area had cultured stone because of this site's proximity to Miracles in Motion. Prospect Home operates this property now and Miracles in Motion is no longer at this location. Screen plantings (weeping willow) are also being proposed for this elevation to screen this north elevation from Wyman Road. These plants are supposed to grow about six feet a year where they are located in the wetland area and should be providing a very effective screening.

Mr. Stout stated his understanding of weeping willows is that they are rather weak rooted and asked about their longevity. Mr. Phippard stated he had talked to a landscape specialist who has indicated they could have an issue with high winds but by placing them in a row they have the forest effect and felt they should last about 40 years.

Staff comments were next. Ms. Chalice stated the only standard being considered for this request is Standard 19. She indicated staff does not have an issue with the request as the material being requested is a material previously approved by the Board. Ms. Chalice noted her understanding is that the cultured stone would remain on the first floor for the eastern elevation – Mr. Phippard agreed. She added that for some portion of the year because weeping willows are deciduous plants the north elevation is the only section that won't have cultured stone. Chair Spykman asked whether having some evergreen would break up this line of sight during the period of the year Ms. Chalice referred to. Ms. Chalice agreed this would work.

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

Councilor Hansel stated he doesn't see this as a dramatic change and was agreeable to moving forward with this request. Mr. Stout agreed with Councilor Hansel

C. Board Determination and Action

A motion was made by Councilor George Hansel that the Planning Board approve SPR-11-16, Modification 3, as shown on the plan identified as "Health Center North Elevation, Hillside Village, Proposed CCRC Wyman Road, Keene NH", prepared for The Prospect-Woodward Home on March 15, 2018, and received on March 16, 2018, prepared by Tsomides Associate Architects Planners without a scale, with the following conditions:

1. Owner's representative's signature on the elevation.
2. Signature by Planning Board Chair.

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

2. SPR-09-12, Mod. #6 – Burger King – 480 West Street – Site Plan –

Applicant SVE Associates, on behalf of owner 480 West Street, LLC, is proposing to construct a 2,857 square foot fast food restaurant within an existing parking lot of the Fairbanks Plaza at 420-480 West Street. A waiver is requested from Development Standard #10, Lighting. The site is 15.15 acres in size and is located in the Commerce Zoning District (TMP# 060-01-001).

A. Board Determination of Completeness.

Planning Technician Mary Brunner stated the applicant has requested a waiver from submitting a drainage report and a waiver from standard 10 lighting. Since the Board packet was sent out the applicant has submitted professionally prepared lighting calculations. Staff has reviewed this material, which the Board has been provided today has determined this provides adequate lighting for the site. Staff recommended to the Board that Application SPR-09-12 was complete. A motion was made by Councilor 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

Mr. Robert Hitchcock of SVE Associates addressed the Board. Mr. Hitchcock referred to a plan where this site is going to be located on West Street (65% of the business would be drive thru). Steve Pernaw, traffic engineer performed traffic counts and came up with the conclusion that the counts were acceptable but because this site has proximity to the bypass DOT has input on same. This would be a condition of approval.

This will be a 60-seat restaurant and parking is adequate for use of this site. Mr. Hitchcock referred to the crash bars that are being installed and the canopy for the order station at the drive thru. The drive thru has space for ten vehicles.

Drainage – 100% pavement and noted to the grassy areas being proposed on site. Run off is being reduced and the run off would eventually tie into the four foot diameter catch basin. The four islands on site are being taken out but there are eight trees being planted as well as low growth shrubbery. There will be no change to the entrance.

Water and gas will be brought in from West Street and electric from the north side of West Street to the south side and would be trenched through to a transformer on the south side.

Lighting – the two poles that are being moved about ten feet will be installed with new LED lights.

The building itself will have a three-foot parapet to hide the rooftop elements. The dumpster will be closed off with split faced siemu as well as a black iron gate to close it off.

Snow at the present time is stored on the lot but the applicant is agreeing to haul it away, but reserves the right to come back before the Zoning Board potentially for a variance.

The building would have a typical fast food appearance to it. This concluded Mr. Hitchcock's presentation.

Councilor Hansel referred to the parking on the north side and asked where someone who turns right would go. Mr. Hitchcock agreed those individuals would be required to go around and cross the drive thru but did not think too many would park in this area. He added these spaces are required to meet the zoning requirement.

Vice-Chair Barrett noted a good portion of the day traffic will be backed up at the drive thru causing issues to get into the rest of the plaza. Mr. Steven Pernaw addressed this concern and noted his calculation came up with 95th percentile queue of nine vehicles not ten. He noted this is a dual ordering system and he does not have calculations for that, but felt the calculation would be better than what is being presented here. Per the ITE manual a drive thru for a site such as this, the maximum queue is seven.

Staff comments were next. Ms. Brunner with respect to drainage, this is a completely paved site but this proposal will actually increase the pervious area.

Sedimentation and erosion control – they are using _____ around the stock pile material.

Snow Storage – the parking space is not permitted for snow storage per zoning standards.

Landscaping – the four islands are being removed and new plantings are being added (132 new shrubs) as well as replacing tree for tree.

Lighting – after the Board packet went out the applicant submitted a professionally prepared lighting report for the Burger King site which only include new proposed lights and don't take into account the existing lights. Staff feels the new report plus the existing lighting meets the intent of the standard.

The applicant has also noted the hours of operation will be Sunday through Thursday from 8 am to 12 am and Friday and Saturday from 8 am to 1 am. The city has a standard which indicates outdoor lighting cannot be illuminated between the hours 10 pm and 6 am but noted this excludes 24 hour operational sites. Ms. Brunner noted the new lights being proposed will need to be dimmed or turned off through 6 am. She added the applicant has asked for a waiver from standard 10 and as per the waiver criteria, staff feels the applicant has meet this criteria.

Water and Sewer – Water will connect to the water line on West Street and sewer will connect to the sewer main next to the Walgreens site. The applicant is also proposing a 1,500 gallon grease trap which has been reviewed by the pre-treatment coordinator and it meets the city standards.

The traffic assessment report the applicant submitted has also been submitted to NHDOT and they are waiting a reply. The report indicates there will be a 93 trip increase during

the week day evening peak hour and a 150 trip increase during the Saturday peak hour which corresponds to a 3% and a 5% increase in the utilization of the Kohls intersection. However, the report does indicate there will not be a change in the level of service at this intersection or the Route 9/10/12 north bound and south bound ramps. Because of initial concern the applicant has changed their travel route to one way around the site.

With respect to comprehensive access management, pedestrians will access the site using the existing sidewalk on West Street. The site plan also shows four bikes racks near the entrance. There is however, high activity at the eastern portion with the city express and Walgreens and there is currently no direct route to get from the east side of the site to the Burger King site.

Architectural and Visual Appearance – the site is similar to what exists in this plaza. This concluded staff presentation.

Chair Spykman stated he has concern with pedestrian traffic within the site and asked the applicant to address this item. His concern was foot traffic from Walgreens toward West Street. Mr. Hitchcock stated he did not see this as an issue and did not feel there was an ideal solution. The Chair felt some sort of internal pathway would be prudent. Ms. Russell-Slack felt this was a concern but many are likely to drive across. Mr. Stout asked whether a painted walkway was considered between the green area on the south side of the entry way to the restaurant.

Mr. Hitchcock also noted the hours of operation should be correctly noted as 6 am not 8 am as was presented earlier. Councilor Hansel asked if the site was going to open at 6 am whether this was be an issue with lights being turned on at 6 am as was mentioned by staff earlier and asked if lights could be permitted to be turned on an hour before the site opens. Mr. Lamb stated there is always an exception to lighting as it relates to safety and security. He added if the lights needed to be turned on, it could be accommodated with a condition.

Mr. Lamb stated the issue here is there is no good location for a crossing because the traffic flow in bound has no stop sign. The issue here is pedestrians are crossing in a very confusing traffic movement and this is why staff raised the issue. Ms. Landry felt a majority of the traffic is going to be drive thru.

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

Mr. Stout stated what he was trying to convey is not to remove the islands but to modify same. Ms. Landry felt this was a good use of vastly under-utilized land. Dr. Cusack stated it was unfortunate there couldn't be better access provided to pedestrians and did not feel there was a safe way except using your car. Chair Spykman stated he likes that the bike racks are located in a place where people can actually use them.

C. Board Determination and Action

A motion was made by Councilor George Hansel that the Planning Board approve SPR-09-12 Mod. 6 with a Standard 10 waiver request for construction of a 2,857 square foot Burger King restaurant at 480 West Street, Keene, Cheshire County, NH, as presented in the application and on the plan entitled “Burger King Restaurant” prepared by Donald R, Scott and SVE Associates at varying scales on March 16, 2018 and revised on April 6, 2018 and submitted to the Planning Department on April 9, 2018, along with Sheets A-2, A-2,1 and A-5 prepared by Amaral Associates at varying scales and submitted to the Planning Board on April 9, 2018 on behalf of owner, 480 West Street, LLC with the following conditions:

1. Prior to signature by the Planning Board Chair:
 - a. Submittal of a security for landscaping in a form and amount acceptable to the Planning Director.
 - b. Submittal of a revised overall site plan with on-site snow storage areas removed.
 - c. Receipt of State Department of Transportation traffic impact review.
 - d. Submittal of lighting cut sheets showing all new exterior lights as full cutoff.
 - e. Owner’s signature on plan.
2. Snow accumulation will be removed and disposed off-site.
3. Except for security lights, all outdoor building lights shall not be illuminated from one hours after the building closed and 5:00 am.

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

V. Director Reports

Mr. Lamb stated a new member will be joining the Board and taking Mr. Bohannon’s seat, Michael Burke.

Mr. Lamb then talked about how an abutter is defined by the Board. He noted the Assessing Department has taken on a new task of tax parcel correction and creation of mapping database which will be useful for creating abutter list. He talked about the many issues facing applicants when creating these lists at this time and the issues surrounding the need to have to subtract the areas of roads and waterbodies from the calculation. Mr. Lamb stated what staff is recommending is to make this process work for everyone and make the software work; to require roads and waterbodies to be included in the calculation so that it is consistent with how abutter list are derived in other areas of the city. The software will go live in June.

Mr. Lamb stated staff will bring forward to the next Planning Board meeting a proposal and notice a public hearing to do so. The zoning ordinance through the Zoning Board would need to be changed as well to put this in in place.

Ms. Landry asked why staff could not produce this list. Mr. Lamb stated it would be to avoid any errors caused by staff – what staff will do is to make sure the information is correct.

Chair Spykman asked how Keene compares to other communities with this item. Mr. Lamb stated the exception is the distance of the roads and waterbodies.

VI. New Business

None

The Chairman thanked Mr. Bohannon for his service on the Planning Board.

VII. Upcoming Dates of Interest – May 2018

Planning & Zoning 101 for City Officials – Tuesday, May 1, 6:00 PM

Mr. Lamb explained the intent of this event to get everyone on the same page with the upcoming changes to the landuse code update. City Council, Planning Board and Zoning Board members are invited to attend. Mr. Stout clarified this is not only for new members. Mr. Lamb answered in the negative.

Planning Board Meeting – TUESDAY, May 29, 6:30 PM

Planning Board Steering Committee – May 15, 12:00 PM

Joint PB/PLD Committee – WEDNESDAY, May 16, 6:30 PM

Planning Board Site Visits – May 23, 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