

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, September 24, 2018

6:30 PM

Council Chambers

Members Present

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

Staff

Rhett Lamb, Community Devel. Dir./ACM
Senior Planner, Tara Kessler

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 – August 27, 2018 Meeting

Planning Board Meeting

A motion was made by Mayor Kendall Lane to accept the August 27, 2018 minutes. The motion was seconded by Councilor George Hansel and was unanimously approved.

III. Public Hearing

1. S-07-18 – 3-Lot Subdivision – 15 Langley Road – Applicant Russell Huntley of Huntley Survey & Design, PLLC, on behalf of owners, Nicholas and Donna Kellar, proposes to subdivide the existing 17.37-acre parcel at 15 Langley Road into three separate lots. The proposed lots will be 5.30 acres, 6.09 acres, and 5.98 acres in size and are subject to the Hillside Protection and Surface Water Protection Ordinance. The site is located in the Rural District (TMP# 243- 021-000-000-000).

A. Board Determination of Completeness.

Senior Planner Tara Kessler stated since there is no development being proposed at this time, the applicant is asking for certain exemptions from providing reports that would typically be submitted should there be development. She stated that staff recommends that the Board grant these exemptions and accept Application S-07-18 as 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

Mr. Russ Huntley of Huntley Survey and Design stated he was representing Nicholas and Donna Kellar who own a 17.3 acre land on Langley Road. The request is to subdivide this land into three parcels; the land itself slopes towards the northwest.

The perimeter of the northwest corner is wooded and this property is surrounded by stone walls.

There are two wetland areas on the property, one stream and a small basin located on the northerly end of the property; the rest of the property is open field. The request for subdivision is for each parcel to be five acres with one of those parcels having the existing house, septic, well and driveway (towards the west). The remaining two parcels, which are located towards the east of the existing lot, would share a common driveway.

Mr. Huntley noted that if these two undeveloped parcels were to be developed, there is enough space on each lot for a building envelope close to Langley Road, which meets the required frontage and setback, without affecting the wetlands or steep slopes on the site. He explained that this property is in the Hillside District, as there are some precautionary and prohibitive slopes but this has been taken into consideration for the minimum zoning requirements of each lot. This concluded Mr. Huntley's presentation.

Staff comments were next. Ms. Kessler noted there were precautionary and prohibitive slopes on this property but as has been noted they have been accounted in the deduction in the minimum lot size and each lot is exactly five acres in size and meets the minimum lot size for the Rural District. Ms. Kessler noted the common driveway, which has been included on the plan. She noted that staff are recommending that a condition be added, if the Board were to approve the subdivision, that requires the owner obtain all necessary permits to install this driveway when it would be developed in the future.

Mayor Lane congratulated Mr. Huntley for his presentation as this is Mr. Huntley's first presentation before the Keene Planning Board since he has been in business for himself.

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

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board approve S-07-18, as shown on the plan identified as "Three Lot Subdivision Plat, Land of Nicholas L. & Donna A. Kellar located at Tax Map Parcel No. (243-021) 15 Langley Road, Keene, Cheshire County, New Hampshire" prepared by Huntley Survey & Design, PLLC, dated July 18, 2018 at a scale of 1" = 20' with the following conditions:

1. Owner's signature appears on plan prior to signing by Planning Board Chair.
2. Prior to the installation and construction of the common driveway, the owner must:
 - A. Obtain all necessary permits for work within the public right-of-way; and,
 - B. Demonstrate compliance with all City of Keene ordinances and regulations related to driveways and vehicle parking areas at the time of installation and construction with the appropriate official or City body; and,
 - C. Coordinate with the City of Keene prior to the removal of any trees within the public right-of-way.

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

2. SPR-11-16, Mod. 6 – Hillside Village – 81, 95 & 100 Wyman Road – Site Plan – Applicant Brickstone Land Use Consultants, on behalf of owner Prospect Woodward Home, requests modifications to the west-facing façade of the Hillside Village Community Building including changes to fenestration, exterior materials, and screening of roof-mounted mechanical equipment. The site is 35.7 acres in size and is located in the Rural District (TMP# 221-019-000- 000-000).

The Mayor recused himself from this application due to a previously indicated conflict of interest.

A. Board Determination of Completeness.

Senior Planner Tara Kessler recommended to the Board that they accept Application SPR-11-16 as complete. A motion was made by Councilor George Hanse that the Board accept this application as complete. The motion was seconded by Nathaniel Stout and was unanimously approved.

B. Public Hearing

Jim Phippard addressed the Board on behalf of Hillside Village. He stated this was Modification #6 for this Site Plan and stated it was not unusual to have this many changes on a project of this size and the construction timeframe is over a year long for this project. He noted that staff have allowed the applicant to accumulate proposed minor modifications and combine them into one major project application.

Mr. Phippard stated the modifications before the Board are located on the west elevation of the community center. He referred to the plan which was approved in 2016 as well as to a plan with the modifications being proposed.

The first change is to the windows. Currently, the plan specifies arched windows located on the first floor of the north and south wing. The proposal is to change this to more conventional rectangular shaped windows. Mr. Phippard noted that the parking garages that are proposed in front of the Community Building need to be enclosed due to building and fire codes. This was not known at the time the site plan was approved. As such, the areas where the applicant is proposing to replace the arched windows will not be visible from Wyman Road.

Mr. Phippard noted that they are also proposing to remove the cultured stone, which was approved as part of the first floor's exterior treatment on the building's westerly facade. This material will be replaced with vinyl siding. He explained that the areas where the cultured stone would be removed would be obscured from view by the covered parking garages.

Mr. Phippard noted that they propose to install elevator hoists on the roofs, which would be screened with materials similar to the rest of the building. All other proposed changes relate to modifications to the exterior doors and windows on the western facade, including the proposed addition of a sky light in the roof of the building's main community room, and the replacement of a solarium at the south end of the building with conventional walls, fixed windows, and vinyl siding. Mr. Phippard reviewed these proposed changes.

Mr. Phippard referred to an error he had made on the submitted plan. The mullions on the Community Building's entryway windows were not shown on the prior plan and these are proposed to remain. He referred to mechanical equipment being added on the roof which will be partially visible from Wyman Road. There is a vinyl wall being added to shield this equipment. Mr. Phippard stated some of these changes are to accommodate the desires of the residents. This concluded Mr. Phippard's presentation. Ms. Landry asked whether the issue with the wall for fire regulation purposes was not noticed with the 2016 plan. Mr. Phippard stated it was not noticed by the architect and came about during third party review.

Ms. Landry thanked the applicant and staff for incorporating the 2016 version of the plan for easier clarification of the changes coming before the Board. She asked whether there were many changes being proposed today compared to what was approved in 2016. Mr. Phippard stated the changes were incremental in nature.

Mr. Stout asked for a completion date. Mr. Phippard stated they are looking for occupancy to happen in February 2019.

Ms. Landry asked whether any of these changes have already happened. Mr. Phippard stated some of the windows are already installed but the contractor is aware not all the changes will be approved and they may be forced to make changes.

Staff comments were next. Ms. Kessler stated the focus of the application is on proposed modifications to the Community Building and noted this is the first set of changes to this particular building since the 2016 approval. She stated many of the proposed changes will be covered from view from Wyman Way by the covered parking garages. She stated that with respect to Development Standard 19, Architecture and Visual Appearance, staff view the changes being proposed as consistent with the look and feel of the building and the surrounding structures. However, she understands that multiple modifications to the appearance of a building can have a cumulative impact that may lead to a design that is significantly different from the one originally approved by the Board.

Mr. Burke asked whether revisions typically happen before they are approved and whether other applicants would receive the similar leeway. Ms. Kessler stated approval is required before modifications can be made but there are instances when this does not happen. She noted as Mr. Phippard has indicated, this applicant is

aware should the Board not approve the changes that have been made, they would be required to revert back to the original plan at their expense.

Chair Spykman asked whether the Board could approve certain changes and not the others the applicant has brought forward today. Ms. Kessler stated the Board could craft a motion which approves certain items. The Chairman asked whether there was also another change that happened before the Zoning Board with respect to an additional floor. Ms. Kessler stated this was for the healthcare building.

Ms. Landry asked how common it was for an applicant to group all these changes into one and bring it before the Board; she felt this makes the Board's deliberations irrelevant. Ms. Kessler stated this is common with large scale projects and it is something that has happened in the past. She added grouping items together saves a lot of time for the applicant, staff, and board in the review process, if they are minor changes.

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

The Chairman stressed the Board should not be pressured to approve what the applicant has already done.

Ms. Landry stated these are seasoned professionals who are working on this project and she does not want to stand in the way of a great project. On the other hand, there is a reason the Board has rules and regulations in place.

Councilor Hansel, stated that having experience with how these large projects work, he feels the contractor probably didn't give much thought to Board approval. He noted it would be up to the contractor to change his plan should it not fit in with what the Board approves. He felt the changes proposed were minor.

Mr. Lamb added the Board is in a tough position because the Board prefers the original plan to the current proposal. He stated the task before the Board is to determine whether the plan before the Board can be approved under Standard 19.

Ms. Landry felt the new plan is beginning to look more institutional. The Chairman stated Ms. Landry could always make a motion to modify, vote against the motion and if additional information is necessary, ask for a continuance.

Vice-Chair Barrett stated a contractor moving forward with changes prior to Board approval is something the Board has seen in the past – and agreed the Board has rules and regulations but also recognizes this Board has no enforcement role but rather an approval role. He added that he agrees with Councilor Hansel's assertion that if this plan came before him as an original plan he would have approved it even though he might not have liked it as much.

Mr. Stout stated it is unfortunate the Board is at a disadvantage as it does not get to see the parking at the front of the site and how it affects the overall view. He also felt the applicant has made an effort by bringing these items before the Board which might not have happened with another situation, which brings about enforcement issues. He stated he too agrees with Councilor Hansel.

C. Board Discussion and Action

A motion was made by Councilor George Hansel that the Planning Board approve SPR-11-16, modification 6 as shown on the elevation entitled "Community Center Front (West)" for Hillside Village, Wyman Road, Keene, New Hampshire prepared by Tsomides Associates Architects Planners at a scale of 1/8"=1' on August 10, 2018 with the following conditions:

1. Prior to signature by Planning Board Chair:
 - a. Submittal of revised elevation with stamp from a NH licensed Architect.
 - b. Owner's signature on the revised elevation.

The motion was seconded by Nathaniel Stout.

Martha Landry proposed an amendment to this motion, which is to include language that would retain the original arch windows. The amendment was seconded by Pamela Russell Slack.

Ms. Landry felt the quality of the building has been degraded because of the removal of the arch windows and even though she was not present in 2016, she felt the shape of the building is one of the reasons this plan was approved.

Councilor Hansel stated he shares in the disappointment; however, he did not view the proposed changes as being in conflict with Standard 19. Ms. Landry disagreed and noted that she sees these changes as impacting Standard 19. Councilor Hansel asked how this change differs from Standard 19. Ms. Landry stated the manner in which the windows were presented in 2016 was part of the plan being in compliance with Standard 19. Ms. Landry noted one item to consider is that the work has already been done.

Vice-Chair Barrett stated he would be more inclined to support Ms. Landry if the arch windows were visible from the road. Mr. Stout felt there were other very significant architectural features and the change being proposed was not that significant, especially because the parking structures sit in front of them. Dr. Cusack stated he agrees with Ms. Landry but does also agree the change is not as significant and hence could not support the amendment.

On a 2-6 vote, the amendment made by Martha Landry failed.

The original vote made by Councilor Hansel carried on a 7-1 vote, with Martha Landry voting in opposition.

Mayor Lane rejoined the Board.

3. SPR-930, Mod. 4 – Subaru of Keene – 11 Production Ave – Site Plan – Owner, Wilco Realty Corp., is proposing a 2,940 sf single-story addition to the west-side of the existing Subaru building to house six additional auto service bays. The site is 5.67 acres in size and is located in the Industrial District (TMP# 242-002-000-000-000).

A. Board Determination of Completeness.

Senior Planner Tara Kessler recommended to the Board that they accept Application SPR 930 as 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

Mr. David Bergeron addressed the Board on behalf of the applicant regarding an addition to the existing Subaru building on Production Avenue. This proposal is to install an addition at the rear of the building to house six additional work bays. An existing smaller bay would be demolished to accommodate the six new bays. The existing vehicle circulation pattern would still exist after the expansion. As part of this proposal the applicant would like to pave the existing gravel parking lot. There will be a reduction in the row of parking spaces to accommodate the addition. There are no other changes being proposed.

Mr. Bergeron reviewed how the application meets the Board's relevant development standards. He noted that the paving of the gravel parking area has a minor effect on drainage but the original design had ample storage for runoff. There will be silt fencing added to protect the area outside the developed area from erosion and sedimentation. The site will continue to drain in a similar manner as it has been. There are several areas allocated for snow storage, which are outlined on the plan submitted. There are no changes being proposed within the 100-year floodplain. At this time no changes are proposed that require landscaping. Three additional wall-mounted lights are proposed to be added to the building, all of which are fully shielded LED fixtures. As a result of the addition, there may be one additional employee hired,

and this increase would not have an impact on traffic patterns. Mr. Bergeron noted that there is sufficient room on the site for vehicles to travel as well as ample parking for customers. There is good sight visibility of Production Ave from the site entrance. With respect to architecture, the addition will continue the same pattern of design and appearance that the existing building has. This concluded Mr. Bergeron's presentation.

Mayor Lane asked if the landscape screening that exists today would also be extended to reduce visual impact of the building from Route 9. He remembered that this was a condition of the original approval for the site. Mr. Bergeron stated they were not planning on adding any more trees but perhaps they could add one more tree. The Mayor asked for at least two more trees. Mr. Bergeron referred to two additional mature trees along the highway.

Staff comments were next. Ms. Kessler called the Board's attention to engineering comments regarding drainage, and noted that these concerns have been addressed. She noted that Mr. Bergeron did a thorough job addressing the development standards in his presentation. She reviewed the relevant standards and noted that staff are recommending the Board include a condition in their approval, if they were inclined to approve the project, that would require the issuance of a shoreland protection permit prior to signature by the Planning Board chair.

With respect to landscaping, staff did refer to the conditions of the original site plan approval. As there was no additional parking being installed, staff had viewed this development standard as being met. Ms. Kessler went on to say the proposed appearance of the building matches what exists today. The site is within the floodplain, but the applicant has indicated there would be no impact to floodplain. There are no significant changes being proposed for traffic. The wall packs being proposed meet the Board's standard.

With that the Chairman asked for public comment. Mr. Bergeron stated the applicant would be agreeable to replacing the two mature trees should they be damaged at this time. He added the Board is going to be seeing him back as the applicant is making more changes to this site – adding a car wash, as well as new parking.

Mayor Lane stressed the need for two more trees along the north-facing elevation (for a total of four trees). Mr. Lamb stated according to the aerial photo, it seems like there is one tree at the present time.

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

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board approve SPR-930, Modification 4 as shown on a plan entitled "Modification #4, SPR 930, proposed addition for Subaru of Keene, 11 Production Avenue, Keene, NH 03431" prepared by Brickstone Landuse Consultants on August 17, 2018, and last revised on September 5, 2018 at a scale of predominantly 1" = 30' and as shown on the elevations entitled "Subaru of Keene Addition" prepared by Bruce Ronayne Hamilton Architects on August 15, 2018 with the following conditions:

1. Prior to signature by Planning Board Chair the applicant shall submit:
 - a. Owner's signature on plan;
 - b. An approved NH DES Shoreland Protection Permit;
 - c. A security for landscaping, site stabilization and an "as-built" plan in a form and amount acceptable to the Community Development Director and City Engineer; and,
 - d. Submittal of a revised conditions plan, sheet 2 that shows the installation of four trees to screen the north facing façade.

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

It was clarified that the applicant would be responsible for replanting the original two trees, if any were missing from the site, and that two additional trees would be installed to screen the approved addition from Route 9.

IV. Assistant City Manager/Community Development Director Report

a. Protocol for temporary Chair of Planning Board meetings

Mr. Lamb reminded the Board about the unique circumstance last month where the Chair, Vice-Chair, Mayor were absent from the meeting. Typically, the protocol for selecting a chair to run the meeting, absent the Chair, Vice Chair and Mayor, is for the Board to elect a pro-tem chair at the start of the meeting. This is usually the most senior member of the Board. As some Board members were unaware of this practice, it was advised that language be drafted to outline the protocol for electing a pro-tem (temporary) chair.

He asked the Board to review the language being proposed for this protocol. He indicated if the Board is comfortable with same the Board could vote to adopt it.

What the language says is that the Chairman presides over a meeting; in his or her absence the Vice-Chair takes their place. In the absence of both the Chair and Vice Chair, the Mayor would conduct the meeting. When all three are absent, a member of the Board would call the meeting to order and the Board would nominate and elect a Chair Pro-Tem.

Ms. Slack stated because of the confusion last month she would like to vote on this item tonight.

Ms. Landry asked whether the third member of the Steering Committee, other than the Chair and Vice Chair, could serve in this position. Chair Spykman stated according to the Rules of Order this is not a titled position. Dr. Cusack asked what happens when the Mayor Chairs a meeting but has to be recused for an item. Mayor Lane stated at such a scenario, the Board would vote for someone else to take over.

A motion was made by Mayor Kendall Lane that the Board approve the Temporary Chairman Protocol. The motion was seconded by Councilor George Hansel and was unanimously approved.

b. Other

None at this time.

V. New Business

None at this time.

VI. Upcoming Dates of Interest –

Chair Spykman state the following upcoming dates of interest.

Planning Board Meeting – October 22, 6:30 PM

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

Joint PB/PLD Committee – TUESDAY, October 9, 6:30 PM

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

VII. Adjourn –

On a unanimous vote, the meeting adjourned at 8:15 pm

Respectfully submitted,

Krishni Pahl

Minute Taker

Reviewed by: Tara Kessler, Senior Planner