

City of Keene
New Hampshire

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

Tuesday, September 8, 2020

6:30 PM

Remote Meeting via Zoom

Members Present:

Arthur Gaudio, Alternate
Joshua Greenwald
Josh Gorman, Chair
Jane Taylor
Louise Zerba, Alternate
Joseph Hoppock
Michael Welsh

Staff Present:

Corinne Marcou, Zoning Clerk
John Rogers, Zoning Administrator
Mari Brunner, Planner

Members Not Present:

I. Introduction of Board Members

Chair Gorman announced that the Zoning Board of Adjustment was experiencing technical difficulties with the telephone call-in portion of Zoom. Chair Gorman opened ZBA 20-11 and ZBA 20-16.

ZBA 20-11:/ Petitioner, Hundred Nights, Inc. of 17 Lamson St., Keene, represented by Jim Phippard, of Brickstone Land Use Consultants, 185 Winchester St., Keene, requests a Variance for property located at 122 & 124 Water St., Tax Map #585-027-000 & 585-028- 000; that is in the Business Growth and Re-Use District. The Petitioner requests a Variance to permit a homeless shelter (lodging house) and resource center in the BGR District where a homeless shelter and resource center are not listed as permitted uses per Section 102-771.1 of the Zoning Ordinance.

ZBA 20-16:/ Petitioner, Hundred Nights, Inc. of 17 Lamson St., Keene, represented by Jim Phippard, of Brickstone Land Use Consultants, 185 Winchester St., Keene, requests a Change of a Nonconforming Use for property located at 15 King Ct., Tax Map #122-022- 000; that is in the Low Density District. The Petitioner requests a Change of a Nonconforming Use from a now vacant fitness center to a lodging house (homeless shelter).

Stating to the high volume of public response to these two applications and the recent arrival of much information, Chair Gorman made a motion to continue ZBA 20-11 and ZBA 20-16 until September 22, 2020 at 6:30 PM to allow more time for the Zoning Board of Adjustment to adequately and properly review all public input. Mr. Hoppock seconded the motion.

Ms. Taylor asked if part of the reason for this is because there is additional information that will be disseminated to the Board. Chair Gorman replied yes, there is a high volume of feedback on this matter that the Board has yet to review. Ms. Taylor replied that she was not sure if it was feedback from people or documentation that would be disseminated. Chair Gorman replied that he can verify with City staff but his understanding is that they have an inundation of letters as well as representation from Attorney Tom Hanna for the Kings Ct. application who has submitted information within the last few days. Mr. Rogers stated that that is correct. He continued that they received a lot of input from citizens in regards to the properties on Water St. and Kings Ct.

Chair Gorman read a prepared statement explaining how the Emergency Order #12, pursuant to Executive Order #2020-04 issued by the Governor of New Hampshire, waives certain provisions of RSA 91-A (which regulates the operation of public body meetings) during the declared COVID-19 State of Emergency. He called the meeting to order at 6:50 PM. Roll call was conducted.

Chair Gorman called for a vote on the motion to continue ZBA 20-11 and ZBA 20-16. Mr. Greenwald stated that he will recuse himself from the vote regarding ZBA 20-11. Chair Gorman replied that it is okay for him to vote on this motion to continue the application until September 22, 2020 and then recuse himself at the time of the hearing.

The motion passed by unanimous vote.

II. Hearings:

- a. ZBA 20-12:/ Petitioner, Janis Manwaring of 50 Belmont Ave., Keene, requests a Variance for property located at 50 Belmont Ave., Tax Map #598-034-000; that is in the Low Density District. The Petitioner requests a Variance to permit a change to a detached garage into an Accessory Dwelling Unit (ADU) where a detached ADU is not a permitted use in the Low Density District per Section 102-896 of the Zoning Ordinance.**

Chair Gorman made a motion to continue ZBA 20-12 until September 15, 2020 at 6:30 PM, due to the technical difficulties tonight. Mr. Hoppock seconded the motion, which passed by unanimous vote.

Mr. Welsh stated that he is not available for a meeting on September 15. Chair Gorman stated that he thinks they could have an alternate ZBA member replace Mr. Welsh for the September 15 meeting. Mr. Rogers replied that that is okay.

- b. ZBA 20-13:/ Petitioner, Theodore Chabott of 245 Church St., Keene, requests a Variance for property located at 245 Church St., Tax Map #573-060-000; that is in the Medium Density District. The Petitioner requests a Variance to permit the construction of a three car garage within five foot setback where ten feet is required per Section 102-791 of the Zoning Ordinance.**

Chair Gorman made a motion to continue ZBA 20-13 until September 15 at 6:30 PM, due to technical difficulties. Mr. Greenwald seconded the motion.

Ms. Taylor asked if Chair Gorman was referring to today's technical difficulties or if the applicants are requesting the delay. Chair Gorman replied that today's technical difficulties result in the Board not being able to follow the protocol for handling the meeting properly. People are not able to phone in, so they are motioning to continue the hearings until those technical difficulties are fixed.

The motion to continue ZBA 20-13 until September 15 passed by unanimous vote.

- c. ZBA 20-14:/ Petitioner, David Borden of 55 Langley Rd., Keene, requests a Variance for property located at 173 Wyman Rd., Keene, owned by the Bruce L. and Phyllis R. Borden Revocable Trust, of 173 Wyman Rd., Keene, Tax Map #210-048-000 that is in the Rural District. The Petitioner requests a Variance to permit a three +/- acre lot with 2.85+/- acres of upland and 0.15+/- acres of delineated wetlands, where five acres are required per Section 102-791 of the Zoning Ordinance.**

Chair Gorman made a motion to continue ZBA 20-13 until September 15 at 6:30 PM. Mr. Hoppock seconded the motion, which passed by unanimous vote.

- d. ZBA 20-15:/ Petitioner, David Borden of 55 Langley Rd., Keene, requests a Variance for property located at 173 Wyman Rd., Keene, owned by the Bruce L. and Phyllis R. Borden Revocable Trust, of 173 Wyman Rd., Keene, Tax Map #210-048-000 that is in the Rural District. The Petitioner requests a Variance to permit a building on a 22 acre lot that only has four acres of defined upland per Section 102-1494 A and 1494 of the Zoning Ordinance.**

Chair Gorman stated that the applicant is withdrawing ZBA 20-15. He continued that his understanding is that the applicant found some more upland portion of the property. Mr. Rogers

replied yes, that is correct. He continued that the City learned via email that the petitioner found the land he needed to use, five acres of dry land that meets the Zoning Code.

Chair Gorman stated that he apologizes to everyone for the meeting's technical difficulties. He continued that they will see everyone next week and the following week.

III. Minutes of the Previous Meeting – June 1, 2020

Mr. Hoppock made a motion to accept the meeting minutes of June 1, 2020. Ms. Taylor seconded the motion, which passed by unanimous vote.

Chair Gorman adjourned the meeting at 7:05 PM.

Respectfully submitted by,
Britta Reida, Minute Taker

Staff edits submitted by,
Corinne Marcou, Zoning Clerk