

**Zoning Board of Adjustment
Monday, August 2, 2021 6:30 p.m.
City Hall Council Chambers
3 Washington Street, 2nd Floor**

AGENDA

- I. Introduction of Board Members
- II. Minutes of the Previous Meeting – July 6, 2021
- III. Unfinished Business: Revisions to Zoning Board of Adjustment Regulations, Section II, I-Supplemental Information
- IV. Hearings:

ZBA 21-13: Petitioner, Cooper’s Crossroad, of 700 West St., Keene, requests a Variance for property located at 149 Hurricane Rd., Tax Map #542-021-000-000-000 that is in the Low Density-1 District. The Petitioner requests a Variance to permit an outdoor recreational activity as a business; agricultural-related education activity per Section 102-372 of the Zoning Ordinance.

- V. New Business:
- VI. Communications and Miscellaneous:
- VII. Non Public Session: (if required)
- VIII. Adjournment:

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1 **City of Keene**
2 **New Hampshire**

3
4
5 **ZONING BOARD OF ADJUSTMENT**
6 **MEETING MINUTES**
7

8 **Tuesday, July 6, 2021**

6:30 PM

Council Chambers

Members Present:

Joshua Gorman, Chair
Joseph Hoppock, Vice Chair
Jane Taylor
Michael Welsh

Staff Present:

John Rogers, Zoning Administrator
Corinne Marcou, Zoning Clerk

Members Not Present:

Louise Zerba, Alternate
Arthur Gaudio, Alternate

9
10
11 **I) Introduction of Board Members**
12

13 Chair Gorman called the meeting to order at 6:30 PM and explained the procedures of the
14 meeting. Roll call was conducted.
15

16 **II) Minutes of the Previous Meeting – June 7, 2021**
17

18 Ms. Taylor made a motion to approve the meeting minutes of June 7, 2021. Mr. Hoppock
19 seconded the motion, which passed by unanimous vote.
20

21 **III) Unfinished Business**
22

23 Mr. Rogers stated that staff has the language they need to bring back before the Board, regarding
24 the submittal of additional documentation. He continued that they are still working on the draft.
25 They would like to continue this until the next meeting. Chair Gorman agreed.
26

27 **IV) Hearings**

28 **A) ZBA 21-12: Petitioner, Todd Bergeron of 4 West Hill Rd., Troy, NH,**
29 **represented by Jim Phippard of Brickstone Land Use Consultants, 185 Winchester**
30 **St., requests a Variance for property located at 26 Fairbanks St., Tax Map #116-**
31 **032-000-000-000 that is in the High Density District. The Petitioner requests a**
32 **Variance to permit a building lot containing 5,583 square feet in the High Density**

33 **District where 6,000 square feet is required per Section 102-791, Basic Zoning**
34 **Dimensional Requirements of the Zoning Ordinance**
35

36 John Rogers, Zoning Administrator, stated that 26 Fairbanks St. is a property off lower
37 Winchester St. He continued that it is a pocket of high density. This was a development or
38 subdivision of land that occurred in 1926. Some of the lots were built on. Most of the lots seen
39 are around the same size of 5,583 square feet for many of the lots that have been developed.
40 Regarding other lots, people might have bought multiple lots, merged them, and built on that.
41 This was one of the lots that went through an involuntary merger. From the assessing
42 information, he determined that the involuntary merger probably happened around 1967. With
43 the NH RSA that allows for any property that was involuntarily merged to be unmerged, they
44 would create a second vacant lot that would not have the appropriate 6,000 square feet. That is
45 why the applicant is before the Board tonight.

46
47 Mr. Welsh stated that as they are discussing two lots out of one, his question is whether they are
48 looking at the boundary line that is precisely the old boundary line prior to the involuntary
49 merger or a new boundary line that divides the merged property line in half.

50
51 Mr. Rogers replied that the property line would be put back in the exact same spot it was prior to
52 [the involuntary merger]. He continued that that is what RSA 674:39-aa speaks to, saying that it
53 needs to go back to its pre-existing condition. The line needs to go right back where it was.

54
55 Mr. Welsh stated that if they are dividing this property in two they have two lots that are under
56 6,000 square feet and therefore, they need a Variance in order to build on the second. He asked
57 if the first one, that has a building on it, needs a Variance also.

58
59 Mr. Rogers replied that in his opinion as the Zoning Administrator, and the way the RSA is
60 written, it goes back to its pre-existing condition. He continued that it does not solve the non-
61 conformities. It would still be considered a non-conforming lot, but it would be in pre-existence.
62 It already has a house and garage on it. The garage is non-conforming for setbacks, but it was
63 built, as best as staff can tell, in about 1960. He does not know what the setbacks were then,
64 especially for this subdivision if there were special conditions in place. His opinion is this lot
65 has already had a residential use because of the structures that are there, built before the
66 involuntary merger, and would not need a Variance. The new, vacant lot that would be created
67 would need a Variance, hence, the applicant is before the Board tonight.

68
69 Mr. Welsh stated that he was concerned that what they were discussing was a new subdivision
70 and the Planning Board might need to weigh in on this. He thought that the ZBA was either
71 jumping the gun or the Planning Board had already done some work.

72
73 Mr. Rogers replied that the Restoration of Involuntary Merged Lot has its own section of the
74 RSA, separate from the subdivision. He continued that that is what they are following.

76 Ms. Taylor asked Mr. Rogers if these lots have been unmerged. Mr. Rogers replied that it is his
77 understanding that the Petitioner has applied to the City Assessor and the City Assessor has
78 approved the unmerging of the lots. Ms. Taylor replied that she asks because the RSA Mr.
79 Rogers referred to requires that the request for unmerging be submitted to the governing body,
80 not the Assessor. She did not know if the City Council had weighed in on this. Mr. Rogers
81 replied that the City Council has not weighed in on this. He continued that it has been the
82 practice of the Assessing Department for many years. He believes it was a practice put into play
83 by the prior City Assessor. Since Ms. Taylor raised this question with him earlier, they have
84 been in discussion with the City Attorney and the City Assessor, and they are looking into it
85 more in depth. The Board has a couple options tonight, if they wish to discuss that part of the
86 unmerging of the lots. He can go over that if the Board wants.

87
88 Ms. Taylor stated that she suspects that if it is a long-standing practice it was probably what was
89 there before this statute was enacted. She continued that it became effective in 2011 and became
90 a mandate in 2016. Her concern is that it is premature for the Board to consider this, if they
91 cannot confirm that the lots have been properly unmerged. With this relatively new statute, the
92 date for unmerging was extended to the end of this year, back in 2016. If it is supposed to go to
93 the City Council and it has not, she is concerned that the Board is granting something they
94 should not be granting, if they decide this would be appropriate to grant.

95
96 Chair Gorman asked if it would be appropriate for the Board to predicate the granting on the
97 proper unmerging. He asked if they could put that as a contingency, in order to move forward.
98 Ms. Taylor replied that she supposes that could be a condition. She continued that her only
99 concern would be that if it does have to go to the City Council, how could someone then say no,
100 if the Board has already granted it? She is not speaking to the merits or about whether it is a
101 good or bad idea. She is just concerned that they do not have appropriate documentation that the
102 original parcel has now been merged back to its original condition.

103
104 Mr. Rogers stated that regarding Ms. Taylor's concern that someone would be unable to say no,
105 the RSA states that the municipality "shall" unmerge the lots. He continued that a request to
106 unmerge a lot [can be denied] if there is evidence - which the municipality has the burden to
107 show - that what started as an involuntary merger became a voluntary merger due to the way the
108 property owner is using the property. For example, regarding this property, if the owner built the
109 garage *after* the involuntary merger very close to the old property line, that could indicate that
110 the owner accepted the merger and it would become a voluntary merger at that point. It is the
111 burden of the municipality to prove. That is what the Assessor has been doing, looking at the
112 records and realizing that the garage (which is non-conforming today to the rear setback, because
113 this lot goes from Fairbanks St. to Wetmore St. and has frontage on both streets) pre-dates the
114 involuntary merger. You could make the case [against unmerging] if they built the garage after
115 the fact, but that is not the case, and his understanding is that this is what the Assessor had
116 looked at before granting that part of it. The City Council would not be having a public hearing.
117 It is just put to the City Council, and unless evidence was granted showing that it could be

118 considered a voluntary merger due to some sort of action from the property owner, it “shall be
119 granted,” is how the RSA is worded.

120
121 Ms. Taylor stated that her purpose in raising the point was not to say whether it should or not
122 should be merged or unmerged or whether the Variance has merit or does not have merit. She
123 continued that her only concern was procedural, regarding whether or not they should move
124 forward with an application when they do not have confirmation that the parcels have been
125 properly unmerged. That is the sole point she is raising.

126
127 Mr. Welsh replied that that makes sense to him. He continued that for example, the hardship
128 criterion is predicated on the conditions of the property and if the Board does not know the
129 precise conditions of the property, including its dimensions, then it is harder for them to make
130 that judgment. He thinks that if they have an approval that has a condition attached to it that
131 might do the trick.

132
133 Mr. Hoppock stated that hopefully Mr. Phippard can speak to these issues, if he has any
134 information to share that might help the Board process this easier.

135
136 Chair Gorman asked to hear from Mr. Phippard. Jim Phippard stated that he is here on behalf of
137 Todd Bergeron. Chair Gorman asked if they are moving on to the presentation now, because he
138 first has a question for staff. Mr. Rogers replied that that is up to the Chair.

139
140 Mr. Phippard stated that he wanted to comment on what has been said so far, and will not get
141 into the merits of the Variance request right now. He continued that he talked with Mr. Rogers
142 and City Assessor Dan Langille about the unmerger of the properties, and Mr. Langille said that
143 the City Attorney expressed a concern that it might have to go before the City Council. He (Mr.
144 Langille) said he would continue to discuss it with staff and make a decision. He wanted a
145 written request from him (Mr. Phippard) and Mr. Bergeron. They filed a written request. He
146 also filed the Variance application. Halfway through the background paragraph he (Mr.
147 Phippard) stated that the applicant is “seeking to unmerge the lots and build a single-family
148 home.” When he wrote this, the lots were not unmerged. It was his understanding, under the
149 statute, that whether it went to the City Council or not they could unmerge the properties,
150 because they were merged by the City’s action, not the landowner’s action. They would like to
151 proceed and have the Variance heard. If the Board decides it can be approved, he asks that they
152 grant it with a condition of approval subject to the lots being unmerged successfully. Whether
153 that involves the City Council or not, he and Mr. Bergeron are comfortable with that, and they
154 would like permission to proceed.

155
156 Mr. Hoppock stated that that is what he wanted to hear from the applicant’s representative. He
157 continued that it sounds great.

158
159 Chair Gorman asked Ms. Taylor if she agrees that the Board can hear this. Ms. Taylor replied
160 that she would prefer to have the unmerger completed before they hear it, but she is one voice of

161 the Board and there are three other voices, and the majority rules. If they want to move forward
162 with this, she thinks they definitely should have a condition attached to it. Chair Gorman stated
163 that they will move forward this evening, then, and they will be attaching that condition of it
164 being properly unmerged.

165
166 Chair Gorman stated that he sees a picture with the house on it and then another picture with four
167 or more vehicles. He continued that one appears dismantled. He asked if that is a picture of the
168 proposed second lot. Mr. Rogers replied yes, the picture in the upper left is from 26 Fairbanks
169 St. and the second picture is from the Wetmore St. side. If this becomes unmerged, if the
170 Variance is granted, those vehicles would need to be removed. There might also be a shed on
171 that property that would also need to be removed, because right now, they would be considered
172 “accessory uses” to the primary single-family home. If the unmerger and Variance were granted
173 it should become a vacant lot, which has no primary use at the moment.

174
175 Chair Gorman asked if there were any further questions from the Board for staff. Hearing none,
176 he welcomed Mr. Phippard to speak.

177
178 Mr. Phippard showed a map of the lower Winchester St. area and explained the property’s
179 location. He stated that this side of Winchester St. is a subdivision that was laid out in 1926 and
180 there were 172 lots. He continued that back then, they tended to lay out residential lots in narrow
181 strips. People could buy strips, put them together, and end up with a reasonable-sized area to
182 build their homes on. This is another example of that. Over the years, many homes were built.
183 This area is serviced by City water and City sewer. It is entirely within the 100-year floodplain,
184 thus, there are issues with building here that relate to that. If there is an approval and a new
185 home is to be built, they would have to obtain a flood permit from the City and comply with the
186 flood regulations. Not all of Fairbanks St. or Wetmore St. as they were laid out were built.
187 Today a gravel connector loops around and connects Fairbanks St. and Wetmore St. [There is a]
188 portion that was never built. The lots are all recorded in the Registry of Deeds. They all exist.
189 They do not have access from a public right-of-way. Today it is swampy/wetlands/floodplain
190 and probably will never be built on in our lifetime. The plan is a copy from the City Assessor’s
191 database and in the areas that were built he highlighted the lots that are non-conforming under
192 today’s high density regulations for lot size. They are all undersized at .12 acres.

193
194 Mr. Phippard showed the property in question, 26 Fairbanks St. He continued that there is an
195 existing home and a garage located off Fairbanks St. In the backyard is the second lot that was
196 merged to the other piece decades ago. Mr. Bergeron has filed a request to unmerge the
197 properties. The intent is to build a small single-family home on the newly-unmerged land area.
198 It is currently a vacant lot occupied by several vehicles and debris, which will be cleaned up. In
199 order to build on that lot, which is less than the 6,000 square feet minimum land area required in
200 the High Density Zone, Mr. Bergeron would need a Variance.

201
202 Mr. Phippard continued that he has retained surveyor Russell Huntley, who has gone to the
203 property and is just now completing the survey. An hour ago, Mr. Huntley sent him an email

204 correcting the square footage of this lot if it is successfully unmerged. In his background
205 paragraph to the ZBA, he (Mr. Phippard) described it as “approximately 5,583 square feet.” Mr.
206 Huntley says the correct number is 5,558 square feet. The reason he had said “approximately” is
207 because he did not have the survey done at the time. Regardless, it is undersized by a little over
208 400 square feet. That is a rather small measure. There are six other lots along Fairbanks St. that
209 are developed with houses and garages and buildings, which are on the same size land areas of
210 .12 acres. Thus, they are not proposing anything that is out of character with the neighborhood.
211 He thinks this *is* in character with the neighborhood. More importantly, it gives an opportunity
212 for an affordable house to be built.

213

214 Mr. Phippard stated that he prepared a plan. This is what Mr. Bergeron proposes to build. The
215 area shaded in green would be the unmerged property. He showed the footprint of the house Mr.
216 Bergeron proposes to build, 22’ by 18.’ He continued that by today’s single-family home
217 standards, this is small, but certainly habitable. It would be a two-story building. There is room
218 to comply with the setback and lot coverage requirements, and plenty of room for a driveway
219 and parking for two cars, which is the City’s standard for a single-family home. Figuring all of
220 that lot coverage, they are well under what is permitted in the High Density District. This
221 conforms in every way except for the size of the lot, which is an important point to consider.

222

223 Mr. Phippard went through the criteria.

224

225 1. *Granting the Variance would not be contrary to the public interest.*

226

227 Mr. Phippard stated that he thinks this is true, because of the existing properties in the
228 neighborhood today. This is consistent with the character of the neighborhood. This is also true
229 because even though it is a small lot and substandard in size, it can comply with all of the other
230 zone dimensional requirements. It would be a new house built on this property and it would be
231 elevated because it is in the floodplain. All of that can be accommodated. He believes it would
232 help enhance the character of the neighborhood. It would encourage other properties to improve
233 and to enhance the appearance of their properties as well. It is an opportunity to construct
234 affordable housing in the city. This helps to satisfy one of the goals they are hearing more and
235 more about.

236

237 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

238

239 Mr. Phippard stated that in the High Density District, the spirit of the Ordinance is “to allow
240 high-density, high-intensity, residential uses on lots served by City water and City sewer.” He
241 continued that all of this area is on City water and City sewer. This house, if constructed, would
242 also be on City water and City sewer, which already exists through this location on Wetmore St.
243 He believes it does comply with the spirit of the Ordinance. It would also meet the setback, lot
244 coverage, and density requirements of the High Density Ordinance.

245

246 3. *Granting the Variance would do substantial justice.*

247 Mr. Phippard stated that using the surveyor's corrected number, they are 442 square feet short of
248 the required minimum lot size, which he thinks is a small number. He continued that if this were
249 retained as a single lot, they would have the ability to build a second house on this property
250 because only 5,000 square feet is needed for a second dwelling unit on a lot in a High Density
251 District. Mr. Bergeron does not want to do that, because he wants his daughter to own this
252 house, and he wants the ability to sell the existing house on Fairbanks St. Substantial justice
253 would be allowed by recognizing such a small shortfall and in other circumstances, it is larger
254 than the 5,000 square feet necessary if this were a second dwelling unit on the property.
255

256 4. *If the Variance were granted, the values of the surrounding properties would not be*
257 *diminished.*
258

259 Mr. Phippard stated that he thinks cleaning up the lot and getting rid of the junk cars, trailers, and
260 used equipment is the first step to help enhance the properties in the neighborhood. Building a
261 new home here, with a homeowner occupying the premises, not having it as a rental unit, will
262 further enhance the values of not only this property but adjacent properties as well.
263

264 5. *Unnecessary Hardship*

265 A. *Owing to special conditions of the property that distinguish it from other properties*
266 *in the area, denial of the variance would result in unnecessary hardship because:*

267 i. *No fair and substantial relationship exists between the general public purposes of*
268 *the ordinance provision and the specific application of that provision to the property because:*
269

270 Mr. Phippard stated that he believes that, because this lot was created in 1926, long before the
271 current Zoning regulations. He continued that he thinks that the High Density District, under the
272 current dimensional requirements, was created in 1970. That is just before he started working in
273 his business, but he has been familiar with those old Ordinances and has binders collecting them
274 over the years, which have come in useful, especially in cases like this. This was a legal,
275 conforming lot at the time it was constructed and became non-conforming because the City
276 decided to change all the Zoning requirements throughout the city. This property meets all of the
277 dimensional requirements, other than that square footage, which he thinks is the most important
278 characteristic. It resulted in creating this hardship where a only a Variance can give the relief
279 needed to construct a single-family home on this property, which is the primary purpose of
280 having the High Density District.
281

282 *and*

283 ii. *The proposed use is a reasonable one because:*
284

285 Mr. Phippard stated that the use is a reasonable one. It will be on City water and City sewer and
286 meets all the dimensional requirements, lot coverage, and setbacks. It will not feel
287 overdeveloped. If you drive up and down those streets, you will see it is similar to existing lots.
288 Six other undersized properties are developed without creating problems in the neighborhood.
289

290 B. *Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*
291 *hardship will be deemed to exist if, and only if, owing to special conditions of the*
292 *property that distinguish it from other properties in the area, the property cannot be*
293 *reasonably used in strict conformance with the ordinance, and a variance is therefore*
294 *necessary to enable a reasonable use of it.*
295

296 Mr. Phippard stated that he does not need to repeat all the same reasons. Changes to municipal
297 zoning created the non-conformity for this lot due to its lot size. He is not sure why the merger
298 occurred. Many mergers were done in that time period. Mr. Bergeron is asking for it to be
299 restored back to its original condition. Regarding Mr. Welsh's questions, this would be the
300 historic lot line location between the two properties and the existing lot fronting on Fairbanks St.
301 is non-conforming today and will remain that way if the lots are unmerged as proposed. The
302 existing house on the front lot is partially within the side setback and meets the front setbacks.
303 The garage constructed in the rear is about three feet off the rear property line. That is non-
304 conforming and would remain so.
305

306 Ms. Taylor asked if the owner's purpose for wanting to unmerge is specifically to be able to
307 build on this lot. Mr. Phippard replied that is correct.
308

309 Ms. Taylor stated that she was confused by Mr. Phippard's statement that they could build a
310 "second unit" on the property. She asked if he meant a second stand-alone unit or a duplex or
311 something like that. Mr. Rogers replied that the owner would not be able to build a separate,
312 detached, single-family home, per the City's Zoning Code. He continued that it would have to
313 be attached. As Mr. Phippard stated, they could build a second dwelling unit attached to the
314 existing one based on the square footage that they currently have.
315

316 Chair Gorman asked if there were any further questions from the Board. Hearing none, he asked
317 if members of the public had any questions or input.
318

319 Douglas Fish of 25 Wetmore St. stated that he has lived there for 37 years. He continued that
320 Jane and Frank Hinkle own the piece of land between the end of Fairbanks St. and Wetmore St.
321 They also own a piece of land out into the swamp. The people right across the street from this
322 house on Fairbanks St. park in a way that [blocks others], and have been doing so for a long
323 time. He owns a lot on Fairbanks St. and right across from it are two places that are close
324 together, and when they first started out they planted a tree, which is now in between both
325 houses. It is a fire hazard but no one complains. There is a lot on the east side of (Mr.
326 Bergeron's) property that is a hook property; there were a lot of spaces in there that were funny.
327 If you drive there now and look at the pavement, every place that has new pavement has a
328 [sinkhole] for water or sewer. On Wetmore St. there is a big pile of gravel getting deeper and
329 deeper, which has something to do with the water lines. At the end of Wetmore St. and
330 Fairbanks St. a pipe goes from one street to the other, above the ground. There are ramps so cars
331 can drive over it. The water goes to Filtrine. There is a problem with the water system there and
332 it will get worse. He does not think there is any malicious intent and they are scrambling to get

333 jobs done, but when you get people closer and closer together, these little things become big
334 things. There are neighbors who do not like each other, who had a fistfight.

335
336 Mr. Fish continued that (Mr. Bergeron's) property on Fairbanks St. does not have enough land
337 on it so he can take care of his own sewage. A couple weeks ago, Mr. Bergeron asked to use his
338 property to get to his sewer. There are several people there and the sewer is blocked and it costs
339 several thousand dollars to have it dug up. He agreed to let Mr. Bergeron use his (Mr. Fish's)
340 land to access his (Mr. Bergeron's) sewer. The next morning, there were 10 or 12 people from
341 different construction companies digging and he told Mr. Bergeron he did not want them putting
342 a sewer line in his property. Mr. Bergeron replied that Mr. Fish had agreed to that, but he had
343 not. Mr. Fish spoke more about this situation. Chair Gorman asked him to keep his comments
344 limited to those that are relevant to this application and the five criteria that need to be met. He
345 continued that Mr. Fish is making general comments but the Board is looking for specific things
346 relative to this application.

347
348 Chair Gorman asked if members of the public had any further questions or comments. Hearing
349 none, he asked for questions from the Board.

350
351 Ms. Taylor asked to see the map again. She stated that she may have read something in the
352 paper that she would like clarified. She asked if the City is currently undertaking improvements
353 in this area. Mr. Rogers replied not that he is aware of. He continued that it is possible, but not
354 something he could speak to. Ms. Taylor asked if Mr. Phippard is aware of any. Mr. Phippard
355 replied that he is not aware of any improvements happening on Fairbanks St. and Wetmore St.
356 He continued that the City did improve drainage on lower Winchester St. and there is a State
357 plan in 2025 to improve traffic on Winchester St. Ms. Taylor asked if there is anything specific
358 to these two streets. Mr. Phippard replied not that he is aware of.

359
360 Mr. Hoppock stated that he did not hear Mr. Hoppock elaborate on the special conditions of
361 these two lots, on his plan, as distinguished from the other properties in the area. He continued
362 that he heard Mr. Phippard say there are six substandard lots with single-family homes on them,
363 but that seems, to him, to make this property *similar* to those, not distinguishable from them.

364
365 Mr. Phippard replied that it is six out of 172 lots. He continued that if you look at the original
366 subdivision, he thinks that does create a unique situation under today's standards. The bulk of
367 the properties are larger, and as you can see over the years, several lots were bought and
368 combined to make wider lots, depending on how people wanted to construct their homes on the
369 property. This area is developed on both sides of those parcels, so they are left with the
370 remaining, original tracts of land, which are only 55 feet wide. That creates a limiting factor for
371 laying out a house or building improvements on the property, to be forced to build a house like
372 they are proposing, which is only 18 feet wide. That is a rather narrow house by today's
373 standards and the construction standards in the City of Keene. That is due to the limiting factor
374 on the lot sizes. He thinks this *is* unusual in the City of Keene, where there is only this handful
375 out of 172 lots that remain this non-conforming size.

376 Mr. Hoppock asked, of the six that Mr. Phippard just mentioned, how many received Variances?
377 Or are they all legally non-conforming? Mr. Phippard replied that he does not know. He
378 continued that he did not research other than to find out the sizes of the existing lot sizes, using
379 the tax assessment information. They are not new homes that were built. If they were newer,
380 they would have had to come for a Variance. He did not check each property file to determine if
381 individual Variances were granted.

382
383 Chair Gorman asked if Mr. Phippard could offer any relevant rebuttal to the public input. Mr.
384 Phippard replied that the sewer line to the existing house fronting on Fairbanks St. failed and had
385 to be replaced. He continued that his understanding is that Mr. Fish was approached and (Mr.
386 Bergeron) requested permission. The contractor was Frank Lucius and he (Mr. Phippard) knows
387 him well. Mr. Lucius asked for permission to go on the Fish property so he could gain access,
388 because of the location of the sewer lines. A new sewer line was installed. His understanding is
389 that it is entirely on the Bergeron property, but they did disturb the Fish property in order to get
390 to it and complete the installation. Yes, there are parking issues. On the plan, you see that the
391 houses are fairly close to the street and the right-of-way. The lots are not wide enough to have
392 wide driveways to allow multiple parking spaces, so parking does become an issue in situations
393 like that. He and Mr. Bergeron have no control over where people park or whether they are on
394 someone else's property. On the lot they are asking for permission to build on, they are
395 proposing a very small house, which leaves room to put in a double-wide driveway so cars can
396 park side by side out of the right-of-way and not on anyone else's property. The Zoning
397 regulations require two parking spaces for each single-family home and that is what this plan
398 proposes. He does not think this will exacerbate the parking problems.

399
400 Chair Gorman stated that he thinks it is fair to say, then, that some of these issues are accurately
401 reflected by the public, but perhaps not relevant to this specific piece of property and they are
402 problems that already exist. He continued that he has a question about the parking. It appears to
403 him that there is some parking in the setback, in Mr. Phippard's drawing. Mr. Phippard replied
404 yes, there is. Chair Gorman replied that he imagines that will be amended upon final approval.

405
406 Mr. Rogers stated that the parking as shown on the plan would not meet the current Zoning
407 standards. He continued that it would have to be moved back a little further to get outside of the
408 front setback. The parking configuration that the Board sees would need to change.

409
410 Chair Gorman asked if he is convinced that the parking can be adequately satisfied. Mr. Rogers
411 replied yes, he believes so. He continued that one concern that Mr. Phippard brought up before
412 that he would have to look at is lot coverage, but in the High Density District, your lot coverage
413 is rather high number, so he thinks he would be able to do that. The front setback is of concern.
414 The side setback would only have to be three feet, but in order to get out of the front setback he
415 would have to create a parking space that is 18 feet long past that front setback issue. He might
416 have to move it back a little further, but he believes Mr. Bergeron has the room for that.

417

418 Mr. Phippard stated that Mr. Rogers mentioned that they would have to watch the lot coverage
419 and check it. He continued that on the plan, he summarized what the lot coverage would be
420 under this proposal and the total lot coverage, including the building and the paving, would only
421 be 14.9%. That is a low number. Seventy-five percent is allowed in the High Density District.
422 They can certainly accommodate a straight driveway so cars can be parking behind the front line
423 of the building. They could also propose to move the building forward. He prefers [this]
424 location because there was a tree, which he did not show on this plan, that this plan would allow
425 him to save. He thought that was important.

426
427 Mr. Hoppock stated that Mr. Fish also spoke about some density concerns along those streets.
428 He asked if Mr. Phippard could speak to that. Will this proposal create greater density in terms
429 of living space, air, traffic, and so on and so forth? Mr. Phippard replied that certainly, adding a
430 dwelling unit adds to the density of the neighborhood, by one single-family home. He continued
431 that it would fall in between two existing, developed lots. The location of the building they
432 propose is almost parallel to the building on the lot numbered "28" on the plan, which is closer to
433 the street. It does not align further back with this building. There would be a backyard area,
434 which exists today and would remain. He does not think it is out of keeping. If you look at the
435 areas across the street, that is the character of the neighborhood. He knows in-fill can be an issue
436 in neighborhoods, but he thinks it is creating a characteristic that matches what is there today.
437 There are houses in close proximity. In this case, he believes there is adequate yard area that can
438 be preserved between these two properties and between the adjacent properties. He thinks it fits
439 well. He was glad to hear Mr. Bergeron was proposing such a small building footprint.

440
441 Ms. Taylor stated that all of the current, substandard parcels Mr. Phippard referenced are on
442 Fairbanks St. She continued that this proposal, if approved, would be fronting on Wetmore St.
443 She does not see any of the substandard lots/construction on Wetmore St. She asked if she is
444 reading that correctly. Mr. Phippard replied that he did not highlight any on Wetmore St., but
445 the lot numbered "31" on the plan, closer to Winchester St., is 0.12 acres. That is currently
446 used as a parking lot for the old Ocean Harvest restaurant. That is a separate lot, non-
447 conforming, that fronts on and has access from Wetmore St. She is correct that most of the other
448 properties on Wetmore St. were merged to make wider lots so people could build bigger homes.
449 He does not think this is out of place for this location. He thinks the neighborhood is both
450 streets. The character of the homes are similar on both streets. Both are zoned the same.

451
452 Chair Gorman thanked Mr. Phippard and closed the public hearing. He asked the Board to
453 deliberate on the criteria.

454
455 Mr. Hoppock stated that subject to the approval of the unmerging of the lots at 26 Fairbanks St.,
456 he makes a motion to approve [ZBA 21-12] and to vary the terms of the Zoning Ordinance
457 Section 102-791, to allow a Variance for the property located at 26 Fairbanks St. so the
458 Petitioner can build a single-family home on a lot containing 5,558 square feet where 6,000
459 square feet is needed. Mr. Welsh seconded the motion.

460

461 1. *Granting the Variance would not be contrary to the public interest.*

462

463 Mr. Hoppock stated that he agrees with Mr. Phippard's characterization of the neighborhood and
464 the property and that it will serve to meet the housing needs, especially in this market today,
465 which is consistent with the public interest. He continued that his argument is that construction
466 on this lot would enhance the values of other lots in the neighborhood and the appearance on the
467 street, and he thinks that is important as well. He mentioned the small lot on Wetmore St. that is
468 a parking lot, which was the subject of another application to the ZBA not long ago, and there
469 was some information during that hearing that led him to believe that that lot reflected negatively
470 on the neighborhood, so this might counterbalance that to a degree. He would find that the
471 Variance meets the requirements of the first criterion.

472

473 Ms. Taylor stated that she does not believe that this meets the public interest. She continued that
474 she drove down there to see it and it is already a very overburdened area. Yes, the houses are
475 small; and yes, the lots are small; and this would be adding additional traffic and other issues.
476 She knows they can construct out of the floodplain but it is very wet. She does not see that it is
477 in the public interest.

478

479 Mr. Welsh stated that for the most part, he concurs with Mr. Hoppock regarding the first
480 criterion. He continued that his concern for crowding, which he thinks was raised by a member
481 of the public, is valid, but the concentration of undersized lots is on Fairbanks St. and this would
482 be a lot developed on Wetmore St. where there does seem to be more space. He is impressed
483 that the development of the lot would be an improvement on the current use of the space. That is
484 in the public interest.

485

486 Chair Gorman stated that he is inclined to agree with Mr. Hoppock and Mr. Welsh. He
487 continued that that the affordable single-family home is probably more valuable to the public
488 interest than the vacant lot. He thinks this fits the neighborhood, at least, and perhaps could
489 enhance it.

490

491 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

492

493 Mr. Hoppock stated that as he sees it, there are two questions to ask here. The first is whether
494 granting the Variance would alter the essential character of the neighborhood, and he thinks Mr.
495 Phippard persuasively demonstrated that it would not. His observation about most of the lots
496 that are undersized with buildings on them, the single-family homes being on Fairbanks St.
497 versus Wetmore St., is not a distinction he finds persuasive. He thinks it is one neighborhood,
498 although entered by two different roads. It is in the same area and they are of the same type of
499 dwelling structures, all small houses. He drove by the other day and did not get the impression
500 that Ms. Taylor did, but he might not have spent enough time there. The second question is
501 whether granting the Variance would threaten the public health, safety, or welfare of the
502 neighborhood. He does not think, in this instance, that it will, for the same reasons he believes
503 the first prong was satisfied. He does not see any evidence that granting this Variance will

504 threaten the people there or threaten the people who will be there, should a home be built. He
505 does not think there will be any harm to the public if this is granted.

506

507 Chair Gorman stated that he is inclined to agree with Mr. Hoppock. He continued that it helps
508 him that they are talking about a few hundred square feet, 450 plus or minus. Less than 10% of
509 what is required is not met, so in that sense, the lot is already close to what the Ordinance calls
510 for. It is also high density, high intensity use. He is satisfied with this criterion.

511

512 3. *Granting the Variance would do substantial justice.*

513

514 Mr. Hoppock stated that he is trying to see what gain to the general public there would be if they
515 denied this application and then compare it to the loss the individual would suffer. He continued
516 that he thinks the loss to the individual is not outweighed by any gain to the general public, and
517 therefore that criterion is met; that is an injustice.

518

519 4. *If the Variance were granted, the values of the surrounding properties would not be*
520 *diminished.*

521

522 Mr. Welsh stated that this criterion always seems to involve some guesswork. He continued that
523 his view is that the development of the property would be an improvement on the lot itself and it
524 would improve the general character of the neighborhood. He thinks it would not diminish
525 property values.

526

527 Mr. Hoppock stated that to support that observation and make it a little better than a guess, he
528 would submit the pictures on the application cover sheet. He continued that those four vehicles
529 that appear abandoned (although they might not be technically abandoned) will be gone. Those
530 unsightly remnants will be removed. That will enhance the value of the land, too. He would say
531 the fourth criterion is met.

532

533 Chair Gorman asked Mr. Rogers if it is safe to say that a permit will not be issued until that
534 property is cleaned up. Mr. Rogers replied that is correct.

535

536 Ms. Taylor stated that she thinks what they see in that picture is a Code Enforcement issue, not
537 necessarily "This is the state of the neighborhood." She continued that she thinks it is sort of a
538 break-even situation of whether or not if there was a Code Enforcement action that would clean
539 up the property that an open area might have as much value to the neighborhood as a new house.
540 For her it is a wash.

541

542 5. *Unnecessary Hardship*

543

544 A. *Owing to special conditions of the property that distinguish it from other*
properties in the area, denial of the variance would result in unnecessary hardship because:

545 i. *No fair and substantial relationship exists between the general public*
546 *purposes of the ordinance provision and the specific application of that provision to the*
547 *property*

548 *and*

549 ii. *The proposed use is a reasonable one*
550

551 Mr. Hoppock stated that he is convinced; Mr. Phippard persuaded him that 6 of 172 lots that
552 have substandard lots that have single-family homes on them; he agrees that that is a special
553 condition of the property that distinguishes it from 166 other properties in the area. The general
554 public purpose of a dimensional size is to maintain regulation on density of population on a lot
555 and density of vehicles that come on a lot. What they have been presented with is a lot with
556 room for two cars, within the setbacks, and a modest-sized house that will not significantly
557 increase people density or car density. He would have to conclude that no fair and substantial
558 relationship exists between the general public purpose of the Ordinance and its application to this
559 property, for the reasons just explained. And the proposed use is a reasonable one, a single-
560 family home, not a business or something else.

561
562 Ms. Taylor stated that she disagrees with Mr. Hoppock. She continued that as she commented
563 earlier, she has some concerns. There may have been 172 house lots in 1926 but she is not sure
564 that is a valid number for what they see before them. As Mr. Phippard said, many of the original
565 lots will probably never be developed because they are wet. Her primary concern of why she
566 does not see the reasonable hardship is that there is fairly decent case law that states that just
567 because a lot is small, and is similar to other ones in the neighborhood, does not mean that there
568 is a special condition of the property. Thus, while it may be considered a reasonable use, she
569 does not feel that it meets the standard for a special condition on the property.

570
571 Mr. Welsh stated that 5A is the most daunting of the criteria. He continued that he thinks that
572 Mr. Phippard has made an argument that the property satisfies the Ordinance in many ways,
573 creatively with the use of spacing and building size and things of that sort, and that it misses, just
574 barely, in one way – the lot size itself. There is good effort there and that justifies hardship. He
575 also thinks the use is a reasonable one. A modest-sized house in that neighborhood is a
576 reasonable way to use that lot. A business or something else would not be.

577
578 Chair Gorman called for a vote on the criteria.

579
580 1. Granting the Variance would not be contrary to the public interest.

581
582 *Met with a vote of 3-1. Ms. Taylor was opposed.*

583
584 2. If the Variance were granted, the spirit of the Ordinance would be observed.

585
586
587 *Met with a vote of 3-1. Ms. Taylor was opposed.*

588 3. Granting the Variance would do substantial justice.

589

590 *Met with a vote of 3-1. Ms. Taylor was opposed.*

591

592 4. If the Variance were granted, the values of the surrounding properties would not be
593 diminished.

594

595 *Met with a vote of 4-0.*

596

597 5. Unnecessary Hardship

598 A. Owing to special conditions of the property that distinguish it from other
599 properties in the area, denial of the variance would result in unnecessary hardship because

600 i. No fair and substantial relationship exists between the general public
601 purposes of the ordinance provision and the specific application of that provision to the
602 property.

603 and

604 ii. The proposed use is a reasonable one.

605

606 *Met with a vote of 3-1. Ms. Taylor was opposed.*

607

608 The motion to approve ZBA 21-12 passed with a vote of 3-1. Ms. Taylor was opposed.

609

610 **V) New Business**

611

612 Chair Gorman asked if there was any new business. Mr. Rogers replied no.

613

614 **VI) Communications and Miscellaneous**

615

616 **VII) Non-public Session (if required)**

617

618 **VIII) Adjournment**

619

620 There being no further business, Chair Gorman adjourned the meeting at 7:45 PM.

621

622 Respectfully submitted by,

623 Britta Reida, Minute Taker

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149 HURRICANE RD. ZBA 21-13



Petitioner requests a Variance to permit an outdoor recreational activity as a business; agricultural related education activity per Section 102-372 of the Zoning Ordinance.



NOTICE OF HEARING

ZBA 21-13

A meeting of the Zoning Board of Adjustment will be held on Monday, August 2, 2021 at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the petition of Cooper's Crossroad, of 700 West St., Keene, requests a Variance for property located at 149 Hurricane Rd., Tax Map #542-021-000-000-000 that is in the Low Density-1 District. The Petitioner requests a Variance to permit an outdoor recreational activity as a business; agricultural-related education activity per Section 102-372 of the Zoning Ordinance.

This application is available for public review in the Community Development Department at City Hall, 3 Washington Street, Keene, NH 03431 between the hours of 8:00 am and 4:30 pm. or online at <https://ci.keene.nh.us/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk

Notice issuance date July 23, 2021



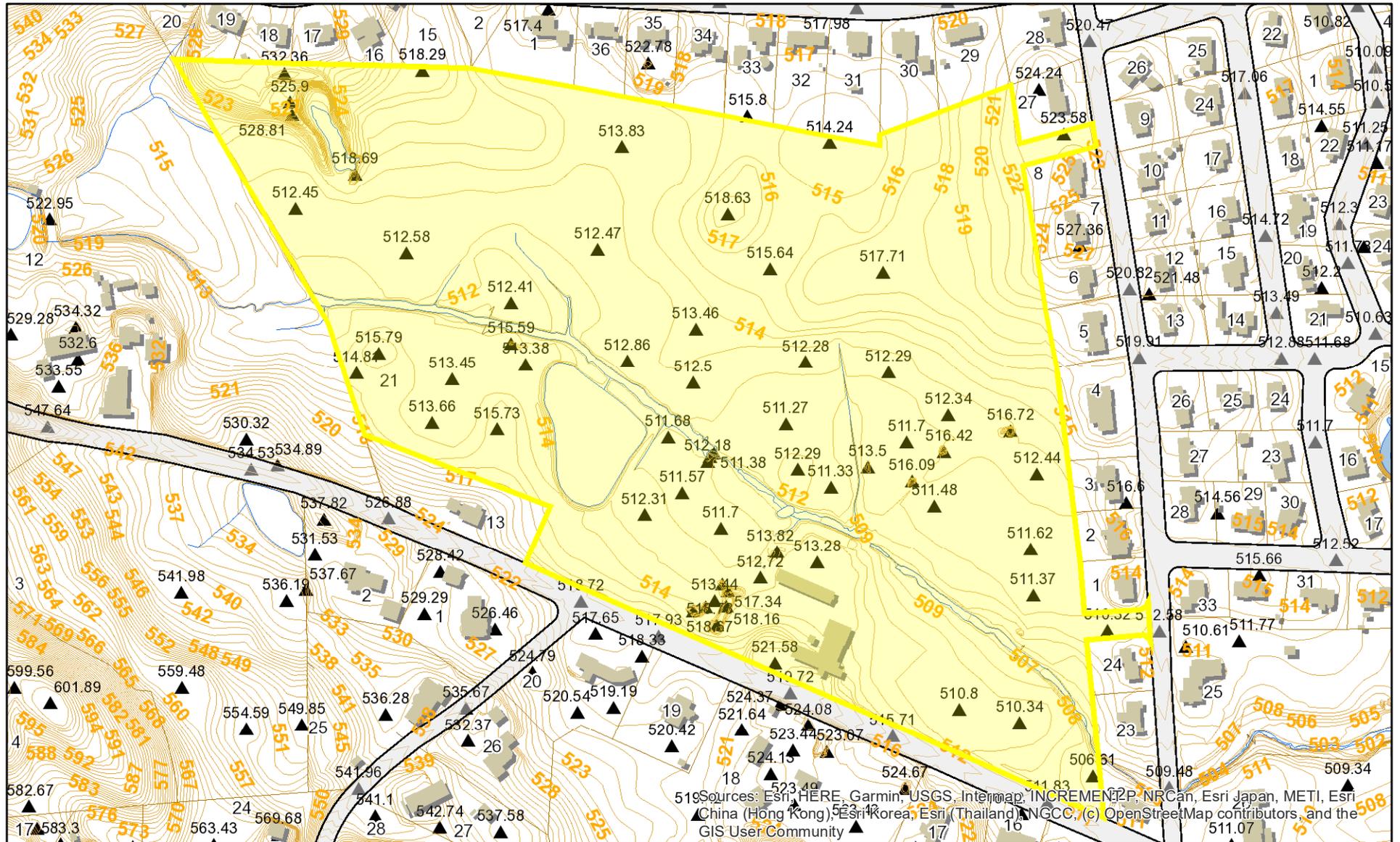
Keene, NH



July 22, 2021

1 inch = 275 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



700 West Street
Keene, NH 03431
cooperscrossroad@gmail.com

EIN: 82-2627732
CoopersCrossroad.com

July 19, 2021

Attn: Corinne Marcou, Clerk of Zoning
City of Keene
3 Washington Street
Keene, NH 03431

Dear Ms. Marcou,

Enclosed please find the following:

1. Authorization from owner for authorized agent to apply for a variance;
2. Application for a Variance with attachments;
3. Description of Educational Activity;
4. Abutters' Report (to be certified);
5. Two sets of mailing labels for all abutters.

Thank you for your help in processing this application and we look forward to hearing from you.

Sincerely,

Susan Payton
Member, Board of Directors
Cooper's Crossroad
860-712-1410 (cell)
603-363-8101 (home)
susandpayton@yahoo.com

Filtrine Manufacturing Company, Inc., of 15 Kit Street, Keene, New Hampshire, (Landlord) hereby designates Cooper's Crossroad, of 700 West Street, Keene, New Hampshire, (Tenant) as its duly authorized agent for the purpose of obtaining a variance from the City of Keene regarding the leased property at 139-149 Hurricane Road, Keene, New Hampshire, in order for Tenant to conduct an agricultural-related educational activity on the leased property.

FILTRINE MANUFACTURING COMPANY, INC

By: C. T. Hansel

Charles T. Hansel

Its duly authorized President

Date: 7/13/21

APPLICATION FOR APPEAL

Zoning Board of Adjustment
3 Washington Street, Fourth Floor
Keene, New Hampshire 03431
Phone: (603) 352-5440

For Office Use Only:

Case No. ZBA21-13
Date Filed 7/19/2021
Received By CSM
Page 1 of 24
Reviewed By _____

The undersigned hereby applies to the City of Keene Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

TYPE OF APPEAL - MARK AS MANY AS NECESSARY

- APPEAL OF AN ADMINISTRATIVE DECISION
- APPLICATION FOR CHANGE OF A NONCONFORMING USE
- APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE
- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

SECTION I - GENERAL INFORMATION

Name(s) of Applicant(s) Cooper's Crossroad Phone: 603-852-8029
Address 700 West Street, Keene, NH 03431
Name(s) of Owner(s) Filtrine Manufacturing Company, Inc.
Address 15 Kit Street, Keene, NH 03431
Location of Property 139-149 Hurricane Road, Keene, NH 03431

SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number 542-021-000 Zoning District Low Density-1
Lot Dimensions: Front _____ Rear _____ Side _____ Side _____
Lot Area: Acres +/- 37 acres Square Feet _____
% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing >1 Proposed >1
% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing >1 Proposed >1
Present Use vacant farm
Proposed Use agricultural-related educational activities

SECTION III - AFFIDAVIT

I hereby certify that I am the owner or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law.

 Date 7/16/2021
(Signature of Owner or Authorized Agent)

Please Print Name Christina K. Major for Cooper's Crossroad

PROPERTY ADDRESS 139-149 Hurricane Road, Keene, NH

APPLICATION FOR A VARIANCE

- A Variance is requested from Section (s) 102-36372 of the Zoning Ordinance to permit: *outdoor recreational activity as a business;* agricultural-related education activity. See attached "Activity Description".

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH VARIANCE CRITERIA:

1. Granting the variance would not be contrary to the public interest because:

SEE "STATEMENT I" ATTACHED.

2. If the variance were granted, the spirit of the ordinance would be observed because:

SEE "STATEMENT I" ATTACHED.

3. Granting the variance would do substantial justice because:

SEE "STATEMENT II" ATTACHED.

4. If the variance were granted, the values of the surrounding properties would not be diminished because

SEE "STATEMENT III" ATTACHED.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

SEE "STATEMENT IV" ATTACHED.

and

ii. The proposed use is a reasonable one because:

SEE "STATEMENT V" ATTACHED.

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

SEE "STATEMENT VI" ATTACHED.

DESCRIPTION OF EDUCATIONAL ACTIVITY

Cooper's Crossroad is a volunteer based, non-profit 501(c)3 corporation formed in 2017 in Keene, New Hampshire. Its mission is to raise awareness of the profound, insidious effects of trauma and adverse childhood experiences by providing programs and educational resources for our community. We do this primarily through equine facilitated learning programs, in league with local public and private schools.

Our programs, "Farming for Resilience" and "Pathways to Wellness", are agricultural-related educational activities necessitating a farm environment, and they require equine partners, who are carefully selected for safety and temperament. Students are selected to participate by their school administrations (guidance counselors, social workers, teachers, etc.).

Cooper's Crossroad has leased a portion of Elm Farm at 139-149 Hurricane Road, Keene (as shown on map attached hereto as **Attachment A**) and requests a land use variance to conduct its equine educational programs. The programs are limited to a maximum of twelve students per program, take place in the middle of weekdays (each lasting one hour) and the students are transported to the premises usually in vans, but public schools may use a school bus. The program will not be conducted during winter months. There will be minimum impact on traffic in any adjoining streets. Other individuals will come daily to feed, water, groom, exercise the horses, and clean the premises.

The horses (between 4 and 10 in number, per our lease) would be sheltered in one of two fenced paddocks, with a "run-in" shed in each paddock (see map attached hereto as **Attachment B**). Each run-in shed is a three sided covered structure (14' x 20') that horses may enter at their discretion for protection against the weather. A fenced riding arena (100' x 200') would be adjacent to the driveway of the property. The barn interior will be used for grooming, tacking up, and general horse care education. Dense vegetation buffers (see photos submitted as **Attachment C**) limit most views of the fenced paddocks from all roads abutting the fenced areas except at the driveway to the property. Fences would be set back at least 50' from all property boundaries.

STATEMENT I

1. Granting the variance would not be contrary to the public interest because:
2. If the variance were granted, the spirit of the ordinance would be observed because:

The proposed variance is not contrary to (1) the public interest or (2) the spirit of the ordinance for the following reasons.

The Elm Farm is located in a LD-1 zone and the surrounding properties are located in a LD zone. A basic difference is that the LD-1 zone requires at least one acre. Both are low density, residential zones. The zoning objective of both LD and LD-1 is to maintain a low density/low intensity concentration of buildings and activity. The use requested in the variance is an agricultural-related educational activity that will not change or upset the current low density/low intensity environment. The agricultural and open space ‘feel’ of the neighborhood surrounding Elm Farm will continue undisturbed, consistent with the objective of the zoning ordinance.

The only new structures proposed in the variance request are two small run-in sheds for horses. The sheds will be approximately 14 feet by 20 feet in size. They are not enclosed structures, but are covered and open to provide shelter for the horses in bad weather. The sheds will be set back from the road, one to the right and rear of the existing barn and the other further back on the leased property in a future paddock not visible from Hurricane Road or surrounding properties, both as indicated on **Attachment B**.

As discussed in the **DESCRIPTION OF EDUCATIONAL ACTIVITY**, the traffic impact of the educational activity to Elm Farm and the surrounding area will be minimal and not contrary to the purpose of the LD-1 or LD zones. Daily trips by barn staff to tend to the horses will be limited, usually occurring twice a day by one or two staff members traveling in one vehicle, less than the typical activity at a residence. Delivery of barn supplies would also be no more frequent nor by larger commercial vehicles than that occurring at a residence. The agricultural-related education activities for students are expected to be held twice a week, two sessions per day during midday, or four sessions per week. No programs are planned for winter months.

The Elm Farm property is 37 acres +/- and the educational activity will use 14+/- of that total acreage, as indicated on **Attachment A**. The granting of the variance will not result in the removal of any trees or vegetation area. The field area visible from Hurricane Road will continue to be open and maintained with a proposed paddock and riding ring. With the addition of paddock fencing, the 14 acre area affords more than sufficient space to conduct the desired agricultural-related educational activity without presenting any threat to public health, safety or welfare.

STATEMENT II

3. Granting the variance would do substantial justice because:

This determination involves a balancing of harm, if any, to the general public and benefit to the property owner. In this case, granting the variance does no harm to the general public because, taking into account the proposed educational activity the variance will permit, granting the variance will benefit the general public as well as the property owner. The property will be improved by fencing, pasture, paddocks and ongoing maintenance to care for the horses to be located on the property. The appearance of the property and surrounding area will be enhanced to the benefit of nearby residents as well as the general public. The general public and nearby residents will also benefit because the property owner will be able to continue use of the property so as to maintain its current agricultural character as well as continue applicant’s goal of conserving the property rather than putting it to other uses permitted in the LD-1 zone that may serve to increase the current low density/low intensity.

STATEMENT III

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

The proposed variance will not diminish the values of the surrounding properties because the essential character of the neighborhood and area remain unchanged. In fact, the proposed addition of fencing, paddock, riding ring, pasture and ongoing maintenance of those additions, if anything, may serve to enhance the values of the surrounding properties, not diminish them.

STATEMENT IV (page 1)

5. A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

Literal enforcement of the ordinance to prohibit the proposed agricultural-related educational use at Elm Farm would result in an unnecessary hardship because of the special conditions at the Elm Farm property that clearly distinguish it from the surrounding properties. Those special conditions include the following.

Size of the Property

The size of the property is 37 acres +/- with 14 acres +/- being used for the proposed educational activity described above. The surrounding residential properties, located in zone LD, are generally one acre or less in size. The size of Elm Farm is more than adequate to accommodate the proposed agricultural-related educational activity without adversely impacting surrounding properties, which distinguishes it from those surrounding properties.

Configuration & Location of the Property

The Elm Farm sits to the north of Hurricane Road and begins just beyond the turn off to Hastings Avenue. After continuing on Hurricane Road, Elm Farm is immediately on the right side to the north. The Elm Farm continues along Hurricane Road for approximately 1200 feet. The Elm Farm barn is located approximately 780 feet from the turn at Hastings Avenue. Across Hurricane Road from Elm Farm on that 780 foot stretch are four residential lots (the one immediately across the street from the barn is owned by the owner of Elm Farm) facing the field

STATEMENT IV (page 2)

on Elm Farm, some with sightlines through trees and vegetation looking onto a field at Elm Farm. (See **Attachment B**). The views of the field from these lots will not be obstructed if the variance is granted. Fencing will be erected for a paddock and riding ring.

The location of Elm Farm in Keene makes it easily accessible to local schools in Keene and the surrounding area whose students may take advantage of and benefit from the educational activities made possible by granting the variance. The location and configuration of the property is such that the educational activity proposed in the variance will have minimal impact on surrounding properties.

Wooded Tree & Vegetation Buffer

Unlike other properties surrounding Elm Farm, the Elm Farm contains significant wooded tree and vegetation buffer from surrounding properties, particularly those located on Trowbridge Road and Hastings Avenue. See **Attachment C** photos. This unique and significant natural vegetation will serve to shield surrounding properties from educational activity taking place in the proposed paddock and riding ring.

Elm Farm Barn

Elm Farm, formerly the Ellis Farm, contains a large dairy barn in good repair. The barn is a significant historic structure, not only unique to this property but applicant believes to Keene in general. A recent decision by the property owner to move its elm tree conservation activity from Elm Farm to Walpole will leave portions of the property and barn unused and vacant. None of the surrounding properties contains such a barn that, if the variance is granted, can be put to good and productive educational use for students from the surrounding schools.

Variance Application– Elm Farm, Filtrine Manufacturing Company, Inc., Cooper’s Crossroad
July 16, 2021

STATEMENT IV (page 3)

It is not necessary to literally enforce the LD-1 zoning ordinance in order to meet its goals of low density/low intensity. Those goals can continue to be met even when the proposed educational activity is conducted because of the special conditions present on the Elm Farm property. Thus, to apply the ordinance literally in applicant’s case would not advance its purpose in a fair and substantial way; rather such literal application would deny the property owner ability to continue its current conservation practices and at the same time advance a worthy educational purpose made possible by the unique characteristics of the property and barn.

STATEMENT V

5.A. ii. The proposed use is reasonable because:

Given the foregoing special conditions of the Elm Farm property, the proposed agricultural-related education activity is reasonable because it will not alter the essential character of the neighborhood. The purpose of the LD-1 and LD zoning ordinance is to maintain a low density/low intensity environment. That environment will not change if the variance is granted and granting the variance will allow the property owner to continue to realize its goal of conserving the property in a manner that is consistent with the zoning goal of low density/low intensity.

STATEMENT VI

5.B.

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

5.B. If a variance cannot be granted under 5.A., then it should be granted under 5.B., because this would permit a fair and reasonable use of the property.

This property is in an LD-1 residential zoning district. It is a large vacant farm surrounded by small residential properties. This is what distinguishes it from other properties in the area.

A reasonable use of this property is to allow outdoor recreational activities appropriate to a farm or rural setting and relating to agricultural uses, which is the intent of the applicant.

Granting this variance is necessary to allow this reasonable use of this unique property.



FENCING



"RUN-IN" SHED



Keene, NH



July 13, 2021

1 inch = 275 Feet

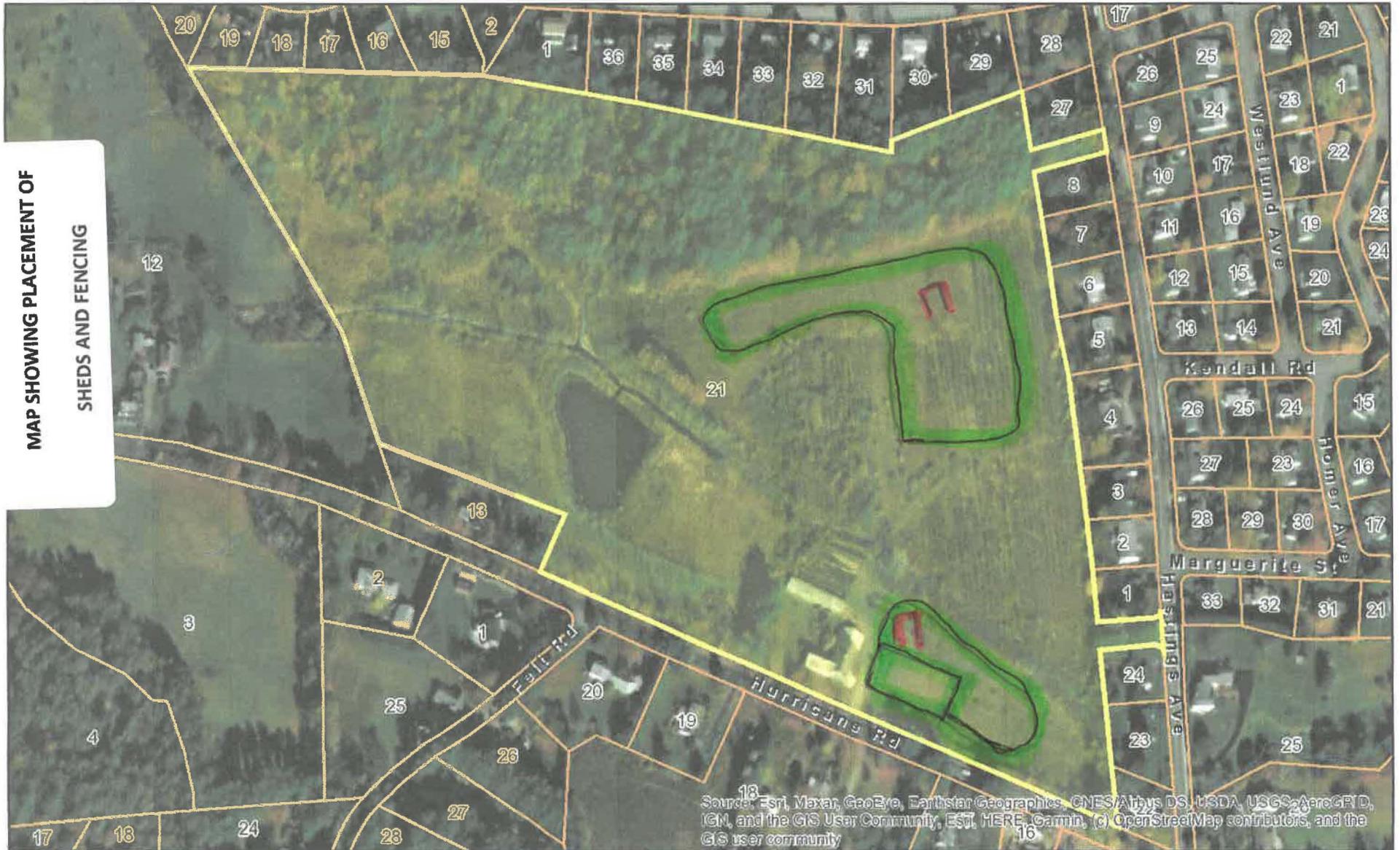
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0 275 551 827

ATTACHMENT B

MAP SHOWING PLACEMENT OF

SHEDS AND FENCING



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

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ATTACHMENT C

PHOTOS SHOWING VEGETATION
BUFFERS FACING HASTINGS AVENUE







200 foot Abutters List Report

Keene, NH
July 15, 2021

Subject Property:

Parcel Number: 542-021-000
CAMA Number: 542-021-000-000-000
Property Address: 149 HURRICANE RD.

Mailing Address: FILTRINE MANUFACTURING CO. INC.
15 KIT ST.
KEENE, NH 03431

Abutters:

Parcel Number: 106-001-000
CAMA Number: 106-001-000-000-000
Property Address: 90 FELT RD.

Mailing Address: HOGANCAMP JAMES A. REV. TRUST
PO BOX 602
KEENE, NH 03431

Parcel Number: 106-002-000
CAMA Number: 106-002-000-000-000
Property Address: 220 HURRICANE RD.

Mailing Address: MCCANN ANN H. REV. TRUST
220 HURRICANE RD.
KEENE, NH 03431

Parcel Number: 106-003-000
CAMA Number: 106-003-000-000-000
Property Address: 0 HURRICANE RD.

Mailing Address: HANSEL SARAH H. REV. TRUST
233 HURRICANE RD.
KEENE, NH 03431

Parcel Number: 106-012-000
CAMA Number: 106-012-000-000-000
Property Address: 233 HURRICANE RD.

Mailing Address: HANSEL SARAH H. REV. TRUST
233 HURRICANE RD.
KEENE, NH 03431

Parcel Number: 106-013-000
CAMA Number: 106-013-000-000-000
Property Address: 203 HURRICANE RD.

Mailing Address: FILTRINE MANUFACTURING COMPANY
INC.
15 KIT ST.
KEENE, NH 03431

Parcel Number: 524-001-000
CAMA Number: 524-001-000-000-000
Property Address: 42 TROWBRIDGE RD.

Mailing Address: ROCKWOOD-MAZZOLA DENISE WILLEY
AMY E.
42 TROWBRIDGE RD.
KEENE, NH 03431

Parcel Number: 524-002-000
CAMA Number: 524-002-000-000-000
Property Address: 45 TROWBRIDGE RD.

Mailing Address: BEAUREGARD EUGENE ROBIN &
JUDITH ANN LIVING TRUST
45 TROWBRIDGE RD.
KEENE, NH 03431-5240

Parcel Number: 524-003-000
CAMA Number: 524-003-000-000-000
Property Address: 39 TROWBRIDGE RD.

Mailing Address: DOWER MARY J.
39 TROWBRIDGE RD.
KEENE, NH 03431

Parcel Number: 524-014-000
CAMA Number: 524-014-000-000-000
Property Address: 230 SKYLINE DR.

Mailing Address: WALKER JOHN C. JR. & LINDA J. REV.
TRUST
230 SKYLINE DR.
KEENE, NH 03431-5257

Parcel Number: 524-015-000
CAMA Number: 524-015-000-000-000
Property Address: 242 SKYLINE DR.

Mailing Address: KUROWSKI, ALEC KUROWSKI, KATRINA
242 SKYLINE DR.
KEENE, NH 03431



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200 foot Abutters List Report

Keene, NH
July 15, 2021

Parcel Number: 524-016-000
CAMA Number: 524-016-000-000-000
Property Address: 250 SKYLINE DR.

Mailing Address: OPSAHL ALAN
250 SKYLINE DR.
KEENE, NH 03431

Parcel Number: 524-017-000
CAMA Number: 524-017-000-000-000
Property Address: 254 SKYLINE DR.

Mailing Address: MONTECALVO JANET
254 SKYLINE DR.
KEENE, NH 03431

Parcel Number: 524-018-000
CAMA Number: 524-018-000-000-000
Property Address: 262 SKYLINE DR.

Mailing Address: HALL, ZACHARY S. SOUKSANH,
LEANNE M.
262 SKYLINE DR.
KEENE, NH 03431

Parcel Number: 524-019-000
CAMA Number: 524-019-000-000-000
Property Address: 270 SKYLINE DR.

Mailing Address: RAFFERTY MICHAEL J. SHAMIM ANNE
F.
270 SKYLINE DR.
KEENE, NH 03431

Parcel Number: 524-020-000
CAMA Number: 524-020-000-000-000
Property Address: 280 SKYLINE DR.

Mailing Address: KENNEDY, SHANNON E.
280 SKYLINE DR.
KEENE, NH 03431-5257

Parcel Number: 524-021-000
CAMA Number: 524-021-000-000-000
Property Address: 284 SKYLINE DR.

Mailing Address: TURNER, ANN C.
284 SKYLINE DR.
KEENE, NH 03431

Parcel Number: 524-033-000
CAMA Number: 524-033-000-000-000
Property Address: 275 SKYLINE DR.

Mailing Address: MCGINN DANA F. TRUST
DANA F. MCGINN TRUSTEE 275
SKYLINE DR.
KEENE, NH 03431

Parcel Number: 524-034-000
CAMA Number: 524-034-000-000-000
Property Address: 263 SKYLINE DR.

Mailing Address: DOMBROWSKI TODD F. DOMBROWSKI
THAIS M.
263 SKYLINE DR.
KEENE, NH 03431

Parcel Number: 524-035-000
CAMA Number: 524-035-000-000-000
Property Address: 251 SKYLINE DR.

Mailing Address: CAVALERI, CHRISTOPHER
251 SKYLINE DR.
KEENE, NH 03431

Parcel Number: 525-017-000
CAMA Number: 525-017-000-000-000
Property Address: 4 HAROLD RD.

Mailing Address: OUELLETTE, GEORGE E. OUELLETTE,
DENISE C.
4 HAROLD RD.
KEENE, NH 03431

Parcel Number: 525-024-000
CAMA Number: 525-024-000-000-000
Property Address: 20 WESTLUND AVE.

Mailing Address: WICHLAND, ERINNA B. WICHLAND,
BENJAMIN R.
20 WESTLUND AVE.
KEENE, NH 03431

Parcel Number: 525-025-000
CAMA Number: 525-025-000-000-000
Property Address: 7 HAROLD RD.

Mailing Address: SWYMER REV. TRUST
7 HAROLD RD.
KEENE, NH 03431



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200 foot Abutters List Report

Keene, NH
July 15, 2021

Parcel Number: 525-026-000
CAMA Number: 525-026-000-000-000
Property Address: 3 HAROLD RD.

Mailing Address: DELL, AMANDA P. DELL, DAVID E.
3 HAROLD RD.
KEENE, NH 03431

Parcel Number: 525-027-000
CAMA Number: 525-027-000-000-000
Property Address: 64 HASTINGS AVE.

Mailing Address: LIPSKY AARON A.
64 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 525-028-000
CAMA Number: 525-028-000-000-000
Property Address: 70 HASTINGS AVE.

Mailing Address: BARNES LEWIS A. & CAROL H. REV.
TRUST
70 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 525-029-000
CAMA Number: 525-029-000-000-000
Property Address: 10 TROWBRIDGE RD.

Mailing Address: HODGMAN, JOSEPH R. PATNODE,
SASHA L.
10 TROWBRIDGE RD.
KEENE, NH 03431

Parcel Number: 525-030-000
CAMA Number: 525-030-000-000-000
Property Address: 14 TROWBRIDGE RD.

Mailing Address: KEY THOMAS C. KEY STACY L.
14 TROWBRIDGE RD.
KEENE, NH 03431

Parcel Number: 525-031-000
CAMA Number: 525-031-000-000-000
Property Address: 18 TROWBRIDGE RD.

Mailing Address: OLSON KRISTEN L.
18 TROWBRIDGE RD.
KEENE, NH 03431

Parcel Number: 525-032-000
CAMA Number: 525-032-000-000-000
Property Address: 22 TROWBRIDGE RD.

Mailing Address: MOYNIHAN GERALD D. MOYNIHAN M.
ELLEN
22 TROWBRIDGE RD.
KEENE, NH 03431

Parcel Number: 525-033-000
CAMA Number: 525-033-000-000-000
Property Address: 26 TROWBRIDGE RD.

Mailing Address: LESLIE RONALD J. MAGUIRE TRACY L.
26 TROWBRIDGE RD.
KEENE, NH 03431

Parcel Number: 525-034-000
CAMA Number: 525-034-000-000-000
Property Address: 30 TROWBRIDGE RD.

Mailing Address: HERZOG TERRI
30 TROWBRIDGE RD.
KEENE, NH 03431

Parcel Number: 525-035-000
CAMA Number: 525-035-000-000-000
Property Address: 34 TROWBRIDGE RD.

Mailing Address: MARKLAND ALLEN S.
34 TROWBRIDGE RD.
KEENE, NH 03431

Parcel Number: 525-036-000
CAMA Number: 525-036-000-000-000
Property Address: 38 TROWBRIDGE RD.

Mailing Address: MULLALLY MICHAEL G. SHELDON
MELISSA M.
38 TROWBRIDGE RD.
KEENE, NH 03431-5226

Parcel Number: 525-037-000
CAMA Number: 525-037-000-000-000
Property Address: 35 TROWBRIDGE RD.

Mailing Address: OLSON ANTHONY L. REV. TRUST
OLSON JUDITH E. REV. TRUST
35 TROWBRIDGE RD.
KEENE, NH 03431



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200 foot Abutters List Report

Keene, NH
July 15, 2021

Parcel Number: 525-038-000
CAMA Number: 525-038-000-000-000
Property Address: 31 TROWBRIDGE RD.

Mailing Address: FRANKLIN KIM E.
31 TROWBRIDGE RD.
KEENE, NH 03431

Parcel Number: 525-039-000
CAMA Number: 525-039-000-000-000
Property Address: 27 TROWBRIDGE RD.

Mailing Address: PIERMATTEI ANITA J. REVOCABLE TRUST
27 TROWBRIDGE RD.
KEENE, NH 03431

Parcel Number: 525-040-000
CAMA Number: 525-040-000-000-000
Property Address: 23 TROWBRIDGE RD.

Mailing Address: MORIN MICHAEL G. MORIN GAIL A.
23 TROWBRIDGE RD.
KEENE, NH 03431

Parcel Number: 525-041-000
CAMA Number: 525-041-000-000-000
Property Address: 19 TROWBRIDGE RD.

Mailing Address: REED, MICHAEL A. REED, DAWN R.
19 TROWBRIDGE RD.
KEENE, NH 03431

Parcel Number: 525-042-000
CAMA Number: 525-042-000-000-000
Property Address: 15 TROWBRIDGE RD.

Mailing Address: WOOD, MATTHEW T. WOOD, ELIZABETH G.
15 TROWBRIDGE RD.
KEENE, NH 03431-5240

Parcel Number: 525-043-000
CAMA Number: 525-043-000-000-000
Property Address: 11 TROWBRIDGE RD.

Mailing Address: ALBRECHT DWIGHT D. ALBRECHT SARAH
11 TROWBRIDGE RD.
KEENE, NH 03431

Parcel Number: 525-044-000
CAMA Number: 525-044-000-000-000
Property Address: 76 HASTINGS AVE.

Mailing Address: GRAVES, REED DEVERILL GRAVES, JON BRADSTREET
79 SWANZEY FACTORY RD.
KEENE, NH 03431

Parcel Number: 541-001-000
CAMA Number: 541-001-000-000-000
Property Address: 22 HASTINGS AVE.

Mailing Address: MYERS LORI A.
22 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 541-002-000
CAMA Number: 541-002-000-000-000
Property Address: 24 HASTINGS AVE.

Mailing Address: DAVE BEAN CONSTRUCTION LLC
36 ACREBROOK RD.
KEENE, NH 03431

Parcel Number: 541-003-000
CAMA Number: 541-003-000-000-000
Property Address: 28 HASTINGS AVE.

Mailing Address: BALDWIN-EVANS REV. LIVING TRUST
28 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 541-004-000
CAMA Number: 541-004-000-000-000
Property Address: 36 HASTINGS AVE.

Mailing Address: ROSIMOS JOHN G. III ESTATE OF AND HEIR
36 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 541-005-000
CAMA Number: 541-005-000-000-000
Property Address: 42 HASTINGS AVE.

Mailing Address: HAZLETON DONNA J. REV TRUST DONNA J. HAZLETON TRUSTEE 42 HASTINGS AVE.
KEENE, NH 03431



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200 foot Abutters List Report

Keene, NH
July 15, 2021

Parcel Number: 541-006-000
CAMA Number: 541-006-000-000-000
Property Address: 46 HASTINGS AVE.

Mailing Address: DELISLE, ARTHUR DELISLE, MYONG
46 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 541-007-000
CAMA Number: 541-007-000-000-000
Property Address: 52 HASTINGS AVE.

Mailing Address: ALDRICH, STEPHEN L. ALDRICH,
BARBARA L.
21 WASHINGTON AVE.
KEENE, NH 03431

Parcel Number: 541-008-000
CAMA Number: 541-008-000-000-000
Property Address: 58 HASTINGS AVE.

Mailing Address: BARTASHEVICH SHIRLEY A.
58 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 541-009-000
CAMA Number: 541-009-000-000-000
Property Address: 59 HASTINGS AVE.

Mailing Address: TARDIFF, MATTHEW A. TARDIFF,
OLIVIA E.
59 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 541-010-000
CAMA Number: 541-010-000-000-000
Property Address: 53 HASTINGS AVE.

Mailing Address: RICKER MARK E. RICKER DEBRA W.
53 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 541-011-000
CAMA Number: 541-011-000-000-000
Property Address: 49 HASTINGS AVE.

Mailing Address: PETERS, KATHERINE E.
49 HASTINGS AVE.
KEENE, NH 03431-5207

Parcel Number: 541-012-000
CAMA Number: 541-012-000-000-000
Property Address: 45 HASTINGS AVE.

Mailing Address: TREMBLAY CONSTANCE C.
45 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 541-013-000
CAMA Number: 541-013-000-000-000
Property Address: 41 HASTINGS AVE.

Mailing Address: DESAUTELL, EUGENE GEORGE
41 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 541-017-000
CAMA Number: 541-017-000-000-000
Property Address: 16 WESTLUND AVE.

Mailing Address: FRYE GERALDINE P. REV. TRUST
16 WESTLUND AVE.
KEENE, NH 03431

Parcel Number: 541-026-000
CAMA Number: 541-026-000-000-000
Property Address: 35 HASTINGS AVE.

Mailing Address: CHILA, ANTHONY C. DIONNE, REBECCA
A.
35 HASTINGS AVE.
KEENE, NH 03431-5206

Parcel Number: 541-027-000
CAMA Number: 541-027-000-000-000
Property Address: 31 HASTINGS AVE.

Mailing Address: CHERTOK KATHLEEN
31 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 541-028-000
CAMA Number: 541-028-000-000-000
Property Address: 27 HASTINGS AVE.

Mailing Address: HUNT, DAVID L. HUNT, DENISE J.
27 HASTINGS AVE.
KEENE, NH 03431



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200 foot Abutters List Report

Keene, NH
July 15, 2021

Parcel Number: 541-029-000
CAMA Number: 541-029-000-000-000
Property Address: 8 MARGUERITE ST.

Mailing Address: LAPLUME, BENJAMIN H. LAPLUME,
JACQUELINE M.
8 MARGUERITE ST.
KEENE, NH 03431

Parcel Number: 541-032-000
CAMA Number: 541-032-000-000-000
Property Address: 7 MARGUERITE ST.

Mailing Address: FORREST MICHAEL B. FORREST
ELIZABETH M.
7 MARGUERITE ST.
KEENE, NH 03431

Parcel Number: 541-033-000
CAMA Number: 541-033-000-000-000
Property Address: 19 HASTINGS AVE.

Mailing Address: EMERY, COURTNEY W.
1423 SANTIAGO DR.
NEWPORT BEACH, CA 92660

Parcel Number: 542-010-000
CAMA Number: 542-010-000-000-000
Property Address: 9 ORCHARD ST.

Mailing Address: RICHARDSON PETER J.
9 ORCHARD ST.
KEENE, NH 03431

Parcel Number: 542-011-000
CAMA Number: 542-011-000-000-000
Property Address: 7 ORCHARD ST.

Mailing Address: BODEN JAMES L. BODEN BEVERLY J.
7 ORCHARD ST.
KEENE, NH 03431

Parcel Number: 542-014-000
CAMA Number: 542-014-000-000-000
Property Address: 86 HURRICANE RD.

Mailing Address: ALEXANDER, GREGORY J.
ALEXANDER, JENNIFER L.
86 HURRICANE RD.
KEENE, NH 03431

Parcel Number: 542-015-000
CAMA Number: 542-015-000-000-000
Property Address: 94 HURRICANE RD.

Mailing Address: CARUSO, DON JOHNSON, NANCY E.
94 HURRICANE RD.
KEENE, NH 03431

Parcel Number: 542-016-000
CAMA Number: 542-016-000-000-000
Property Address: 104 HURRICANE RD.

Mailing Address: PARSONS RODNEY D. & JOANNE R.
REV. FAMILY TRUST
104 HURRICANE RD.
KEENE, NH 03431-2107

Parcel Number: 542-017-000
CAMA Number: 542-017-000-000-000
Property Address: 118 HURRICANE RD.

Mailing Address: HOUSTON, JASON
118 HURRICANE RD.
KEENE, NH 03431-2107

Parcel Number: 542-018-000
CAMA Number: 542-018-000-000-000
Property Address: 140 HURRICANE RD.

Mailing Address: FILTRINE MANUFACTURING COMPANY
INC.
15 KIT ST.
KEENE, NH 03431

Parcel Number: 542-019-000
CAMA Number: 542-019-000-000-000
Property Address: 162 HURRICANE RD.

Mailing Address: FORTIER DENIS P. FORTIER KAREN A.
162 HURRICANE RD.
KEENE, NH 03431

Parcel Number: 542-020-000
CAMA Number: 542-020-000-000-000
Property Address: 180 HURRICANE RD.

Mailing Address: MANN ROBERT D. JR. MANN LEE A.
180 HURRICANE RD.
KEENE, NH 03431



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200 foot Abutters List Report

Keene, NH
July 15, 2021

Parcel Number: 542-022-000
CAMA Number: 542-022-000-000-000
Property Address: 85 HURRICANE RD.

Mailing Address: EDGE ROBERT EDGE ERIN
PO BOX 925
KEENE, NH 03431

Parcel Number: 542-023-000
CAMA Number: 542-023-000-000-000
Property Address: 10 HASTINGS AVE.

Mailing Address: AUSTIN, JEFFREY
10 HASTINGS AVE.
KEENE, NH 03431-5203

Parcel Number: 542-024-000
CAMA Number: 542-024-000-000-000
Property Address: 14 HASTINGS AVE.

Mailing Address: BUKER, ROBERT M. BUKER, TERESSA
M.
14 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 542-025-000
CAMA Number: 542-025-000-000-000
Property Address: 15 HASTINGS AVE.

Mailing Address: PROVOST THOMAS G. PROVOST BETH
E.
15 HASTINGS AVE.
KEENE, NH 03431

Parcel Number: 542-026-000
CAMA Number: 542-026-000-000-000
Property Address: 5 HASTINGS AVE.

Mailing Address: LANE KENDALL W. LANE MOLLY B.
5 HASTINGS AVE.
KEENE, NH 03431-5204



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7/15/2021

Page 7 of 7

ZBA Regulations, Section II, I – Supplemental Information

Current language

Supplemental Information: Any information and/or evidence that is provided after the submittal deadline which the Board determines to be material and necessary may result in a continuation of the public hearing in order to allow the Board an opportunity to review the information and/or evidence and/or to have City staff, legal counsel, abutters, or other interested persons review and provide input or advice to the Board in regards to such information and/or evidence.

Suggested Revision

Submission of supplemental information.

- a. An applicant or applicant's agent may submit additional information pertaining to an application either submitted by the filing deadline or already on the agenda for a scheduled public hearing no less than ten (10) days prior to that hearing. ~~Failure to do so may result in the additional information not being considered at the public hearing.~~
- b. During the meeting when the subject application is being heard, the board shall consider and decide by majority vote, whether to accept the supplemental information for consideration, or grant a continuance to the next scheduled board meeting to permit the city staff, board, abutters, and other party's time to review the new information, *submitted after the deadline of subsection A.*
- c. ~~No such submission limitations shall be imposed upon an abutter or other party wishing to submit comments or information about the subject application at the public hearing. The limitations in subsections A and B shall not be imposed.~~

Conversation note: As an FYI, the 10 days prior to the scheduled meeting is the last day packets are to be mailed, which is also the last day of the week after the deadline.