

**City of Keene**  
**New Hampshire**

**PLANNING BOARD**  
**MEETING MINUTES**

**Monday, October 25, 2021**

**6:30 PM**

**Council Chambers,  
City Hall**

**Members Present:**

David Orgaz, Vice Chair  
Mayor George S. Hansel  
Councilor Michael Remy  
Andrew Weglinski  
Harold Farrington, Alternate

**Staff Present:**

Rhett Lamb, Community Development  
Director/Assistant City Manager  
Tara Kessler, Senior Planner

**Members Not Present:**

Pamela Russell Slack, Chair  
Roberta Mastrogiovanni  
Emily Lavigne-Bernier  
Gail Somers  
Tammy Adams, Alternate

**I) Call to Order – Roll Call**

Vice-Chair Orgaz called the meeting to order at 6:30 PM and a roll call was taken.

**II) Minutes of Previous Meeting – September 27, 2021**

A motion was made by Mayor George Hansel to approve the September 27, 2021 meeting minutes. The motion was seconded by Councilor Michael Remy and was unanimously approved.

**III) Public Hearing**

**SWP-CUP-03-21 – Surface Water Protection Conditional Use Permit – W110 Distribution Line Pole Replacement**– Applicant GZA GeoEnvironmental, on behalf of owner Public Service Company of New Hampshire (dba Eversource Energy), proposes to replace 2 existing wood utility structures along the W110 Distribution Line with 2 new steel structures. This project will temporarily impact 4,764 sf of the Surface Water Protection Buffer for work pad placement and the creation/improvement of access roads.

**A. Board Determination of Completeness**

Senior Planner Tara Kessler recommended accepting this application as complete.

A motion was made by Mayor George Hansel to recommend that the Board accept application SWP-CUP-03-21 as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved.

### **B. Public Hearing**

Lindsey White of GZA GeoEnvironmental addressed the Board first. Ms. White stated that Eversource was proposing to replace poles 178 and 179 on the W110 Distribution Line with two new steel structures. The W110 Distribution Line is located off Chesterfield Road near the town line between Keene and Chesterfield. During inspection, it was determined that these poles had defects and needed to be replaced to maintain safety and reliability. Ms. White explained that these changes will have an impact on the Surface Water Protection Overlay District; however, there is the need to access the poles and to construct a work pad around the poles to stage equipment.

Ms. White referred to the orange hatched area on the plan, which delineates areas of impact within the surface water buffer, and the yellow hatched area, which shows areas of wetland impacts from the proposed work. Timber matting will be placed in the impacted wetlands. Once the work is completed, the area will be seeded and mulched. The upland buffer area will also be restored to prior conditions by seeding and mulching the affected areas. This item was raised at the Conservation Commission meeting, where it was suggested a pollinator friendly seed mix be used. The applicant is in agreement with this suggestion. Ms. White stated that they have submitted an NHDES Wetlands Application, which was approved. This concluded the applicant's presentation.

Mr. Weglinski asked for the duration of the activity. Ashley Ruprecht from Eversource stated that the work should last about three days and explained that the restoration of the site will happen in the spring.

Mr. Farrington asked when Eversource thinks this area will need to be disturbed again in the future to replace additional poles or lines. Ms. Ruprecht stated they don't have any future plans at this time to revisit this area or to increase capacity.

Staff comments were next. Senior Planner Tara Kessler addressed the committee and noted that the applicant has addressed the Conditional Use Permit criteria fairly well. She noted the suggestion from the Conservation Commission regarding the use of a pollinator-friendly seed mix for remediation and confirmed that they had received the list from Ms. White

The Chairman asked for public comment next. With no comments from the public, the Chairman closed the public hearing.

### **C. Board Discussion and Action**

A motion was made by Mayor George Hansel to approve Conditional Use Permit SWP-CUP-03-21 as shown on the plan set identified as "W110 Distribution Line Structure Replacement

Project, Keene New Hampshire” prepared by GZA GeoEnvironmental Inc. at varying scales and dated September 9, 2021, with the following conditions:

- A. Applicant submits to the Community Development Department documentation of all necessary permits and approvals from local, state and federal agencies, including but not limited to:
  - i. An approved Wetlands Permit from the NH Department of Environmental Services;
  - ii. Temporary driveway permits for each access point from a public right of-way from the City Public Works Department;
  - iii. Excavation permits for any ground disturbance within the public right of-way; and,
  - iv. Encumbrance permits for any vehicles, equipment or materials to be staged or stored within the public right-of-way.
- B. Applicant shall remediate all disturbed areas with vegetation that includes pollinator friendly plant species. A list of plant species used for remediation shall be submitted to the Community Development Department in advance of planting.

The motion was seconded by Councilor Michael Remy and was unanimously approved.

**IV) S-08-21 – 3-Lot Subdivision – 120 Stearns Rd – Applicant Michael Ploof of Fieldstone Land Consultants, PLLC, on behalf of owner Megan Burke Kidder, proposes to subdivide the existing 76-acre parcel at 120 Stearns Rd (TMP# 236-023-000) into three lots. The proposed subdivision would result in a 41.9-acre lot, a 12-acre lot, and a 22.1-acre lot, all of which would share a common driveway. The site is located in the Rural District. The applicant is requesting an exception from Section 22.5.4.A.5 of the City’s Street Access Standards to permit 4 dwellings to share a common driveway where no more 2 dwellings are permitted to share a common driveway.**

**A. Board Determination of Completeness**

Senior Planner Tara Kessler recommended accepting this application as complete.

A motion was made by Mayor George Hansel to recommend that the Board accept application S-08-21 as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved.

**B. Public Hearing**

Mr. John Noonan of Fieldstone Land Consultants addressed the Board on behalf of the owner, Megan Burke Kidder. Mr. Noonan stated this applicant is looking to subdivide a 76 acre lot into three lots. All three lots will have frontage along Stearns Road. Following the subdivision, the parent parcel will be 41.9 acres and will have 215 ft. of frontage along Stearns Road. Proposed Lot #1 will be 12 acres in size with 305 feet of frontage on Stearns Road. Lot #2 will be 22.1 acres in size with 1,494 feet of frontage on Stearns Road. A total of 393 feet of this frontage will be along the Class V section of Stearns Road. He explained that they are requesting an exception

from Section 22.5.4.A.5 of the City's Street Access Standards, so that all 4 dwellings can utilize the existing driveway that comes off Chesterfield Road to access their property. An easement will be created to allow for access onto the lots.

The existing driveway is 24 feet in width and accesses the residential lot on 361 Chesterfield Road and the parcel at 120 Stearns Road. The reason for requesting access off Chesterfield Road is due to the fact that the other section of the road is quite steep, because Grimes Brook runs parallel to Stearns Road, and because there are also jurisdictional wetlands that surround this area. The Applicant explained that allowing the shared driveway would eliminate impacts to wetlands and would allow the future homeowners to avoid steep slopes.

Mr. Noonan explained that a conceptual driveway plan and profile have been submitted. The house for Lot #1 is in the process of being designed. There is no buyer for Lot #2 as of yet. The proposed plans show a potential house and driveway location on Lot #2; however, the house could be relocated. The plans for both homes show a 4,000 square foot area with test pit information, along with a 75 foot well radius.

He further stated to provide access to all four proposed houses, there will be a hammer head turnaround for fire and emergency access. The driveway will be built to City road standards. The two extension driveways will be ten feet wide and will start at Chesterfield Road. Mr. Noonan stated that these are all conceptual plans that show that any future driveways on these properties can meet the City's width and slope standards. He went on to say that when plans and permits are submitted for these lots, a driveway permit will also be submitted at that the same time. This concluded the presentation from Mr. Noonan.

Mayor Hansel clarified that the ten-foot-wide sections of driveway are not serving multiple houses. Mr. Noonan stated there is an area of overlap for Lot #1 and Lot #2.

Councilor Remy asked whether easements would be placed on each of these properties or just on the Chesterfield Street property. Mr. Noonan stated Lot #2 would end up with an easement on Lot #1, as well as on the lot located at 120 Stearns Road (TMP# 236-023-000). He referred to the two adjoining lots owned by Megan Burke Kidder at 120 Stearns Road and 361 Chesterfield Road, which don't have an easement; however, the two lots being created would need an easement allowing them to access their residences through her lot.

Mr. Weglinski asked whether any portion of this land is maintained by the City. Mr. Noonan answered in the negative. It will be a private driveway servicing four lots.

Councilor Remy asked if there was a way to access each property from Stearns Road, if this is not approved for a driveway permit. Mr. Noonan stated it could be done with a wetland permit for Lot #1 and a bridge construction.

Staff comments were next.

Ms. Kessler stated that the subdivision standards she would like to focus on are traffic and access management. Ms. Kessler noted that the parcel proposed to be subdivided has a common

driveway that comes off Chesterfield Road and serves a single family home off Chesterfield Road and the home at 120 Stearns Road. The applicant is requesting a waiver from the City's Public Improvement Standards, specifically the Street Access Standards, which specify that only two dwellings can share a common driveway. This proposal is to allow four dwellings to share a common driveway. She explained that the existing driveway is long and does meet the long driveway definition in that it exceeds 300 feet; however, it does not meet all other long driveway requirements outlined in our current code.

Ms. Kessler explained that the City Engineer has reviewed the application and is not requiring anything be done to the existing portion of the driveway to bring it up to current standards; however, any new sections added to the existing driveway will need to meet the requirements of the long driveway standard. She explained that the new sections of the driveway can be no more than 10 feet wide and that there need to be turnarounds for emergency vehicles. The City Engineer also noted that if the exception is granted, new Chesterfield Road addresses will need to be issued for the two new lots. Ms. Kessler noted that a new driveway concept plan would also need to be submitted and should show that the new sections of driveway are 10 feet wide or smaller in width. She explained that when a driveway permit is submitted, an easement stating that the four properties can utilize a common driveway will also need to be submitted.

Ms. Kessler called the Board's attention to the driveway exception criteria included in the Board's packet, which are as follows:

*A. Issuance of the exception will not adversely affect the safety of pedestrians, bicyclists, and vehicles using adjacent streets and intersections.*

*B. Issuance of the exception does not adversely affect the efficiency and capacity of the street or intersection.*

*C. There are unique characteristics of the land or property which present a physical hardship to the requestor.*

*D. In no case shall financial hardship be used to justify the granting of the exception.*

Ms. Kessler noted there are significant steep slopes close to the Stearns Road portion of the property shown on the existing conditions plan, as well as some very large wetland complexes that any new driveways would have to cross to access these two new lots. She added that this is something the Board should take into consideration tonight. If the Board chooses not to grant the exception, then they will want ensure that the applicant can demonstrate there is the possibility for access to the properties from Stearns Road. Ms. Kessler explained that part of the subdivision review process is to ensure that lots are developable and that they can be accessed for future development. This concluded staff comments.

Mr. Farrington asked for the requirement for the construction of a City Street. Mr. Lamb stated that there is no specific road standard, what exists here is a Class V street on Stearns Road. Even though it is not going to be used for their actual driveway, the subdivision will create adequate frontage on an existing street. In this case, two new lots are being created on an existing Class V street. He explained that the applicant has to demonstrate access to the lots from Stearns Road; however, they do not necessarily have to utilize that frontage to access the parcels and can use another way to access the lots.

He went on to say this applicant wants to construct two homes on the hill near the existing residence; however, if they decided not to construct the homes in this location, we would need to know if they could build two homes closer to the Stearns Road frontage without the need to cross wetlands and the stream. Mr. Noonan stated that there is room, but there is the issue with the wetlands and setbacks. He explained that in that scenario, they would most likely utilize the existing driveway as a shared driveway that would allow for access to Lot #1. Mr. Lamb stated that, in his opinion, this demonstrates that there is adequate road frontage for the two new lots on Stearns Road and that the applicant can choose to gain access to the properties from a different access point.

The Vice-Chair then asked for public comment.

Ms. Megan Burke Kidder addressed the Board. Ms. Burke Kidder stated that what they refer to as the “old driveway” can be treacherous at times and is not safe to drive on during the winter. Ms. Burke Kidder noted she is not planning on selling any of these lots – they are going to be kept in the family. She noted that the house that is going to be built on Lot #1 will be handicap accessible. She further explained that a small cabin will be built on Lot #2 for use by her family.

Mr. Gary Johnson of 132 Arch Street was the next speaker. Mr. Johnson stated his father owns the abutting property and felt that using the existing driveway would be better than using Stearns Road to access this property. He explained that the existing driveway is wider and straighter than Stearns Road. He felt that using the existing driveway would reduce traffic congestion.

Ms. Burke Kidder noted that there are several other properties with shared driveways that allow access to more than two homes. She stated that there is a property at the beginning of Stearns Road that utilizes a shared private driveway to access three properties. Mr. Lamb confirmed what the applicant stated, but noted that this is not a common practice in the City, even though there are some other instances where such driveways exist.

With no further public comment, the Vice-Chair closed the public hearing.

### **C. Board Discussion and Action**

Mayor Hansel stated felt this subdivision seems straightforward and noted that they have the street frontage as required by Code. He also stated that they meet the criteria to grant the exception. Councilor Remy echoed the Mayor’s comments and added he is also happy there is buildable space next to Stearns Road, in the circumstance that it is needed in the future.

A motion was made by Mayor George Hansel that the Planning Board approve the request for an exemption from Section 22.5.4.A.5 of the Land Development Code to permit a common street access to serve 4 dwellings, and to approve S-08-21 for a 3-lot subdivision of the parcel located at 120 Stearns Rd (TMP# 236-023-000), as shown on the plans identified as “Subdivision Plan – South” and “Subdivision Plan – North” prepared by Fieldstone Land Consultants PLLC at a scale of 1” = 100’, dated September 16, 2021 and last revised on October 8, 2021 with the following conditions:

1. Prior to signature by Planning Board Chair:

- A. Owner's signature appear on plan.
  - B. Submission of a revised driveway concept plan showing the portion of new driveway to be no wider than 10-feet.
2. Prior to installation of new driveways:
- A. Approval from the City Engineer for a street Access Permit.
  - B. Submission of a recorded driveway easement for the four properties sharing the common street access, which should include a description of the responsibilities for ongoing maintenance and dispute resolution of the driveway.

The motion was seconded by Councilor Remy and was unanimously approved.

**V) Community Development Director Report**  
**A. Minor Project Review**

Ms. Kessler addressed the Committee and noted that the Minor Project Review Committee is an administrative item. She indicated in August, the Board appointed members to this committee. However, with the upcoming staff changes, there is a new roster to make sure the committee is properly staffed. Ms. Kessler stated this is her last meeting with the City of Keene, as she is resigning in the next few weeks. At this time, there is no one assigned to replace her on the committee, but someone should be appointed soon. Ms. Kessler noted that with the Community Development Director's upcoming retirement, Mari Brunner is set to replace him as Chair of the committee.

Mayor Hansel expressed his appreciation to both Ms. Kessler and Mr. Lamb for all they've done for the City.

A motion was made Mayor George Hansel that the following individuals serve as regular and alternate members of the Minor Project Review Committee.

John Rogers – Building Health Official; Mari Brunner, Planner; Don Lussier, City Engineer; Lt. John Bates, Fire Prevention Officer; Med Kopczynski, Economic Development Director.  
Alternates: Michael Hagan, Plans Examiner; Kurt Blomquist, Public Works Director.

The motion was seconded by Councilor Michael Remy and was unanimously approved.

Mr. Lamb expressed his appreciation working for the City for the past 26 years. Mr. Lamb recognized Ms. Kessler for everything she has done for the city and the department.

**VI) New Business**

None

**VII) Upcoming Dates of Interest – November 2021**

- Joint Committee of the Planning Board and PLD – November 8, 6:30 PM
- Planning Board Steering Committee – November 9, 11:00 AM
- Planning Board Site Visit – November 17, 8:00 AM – To Be Confirmed
- Planning Board Meeting – November 22, 6:30 PM

There being no further business, the Vice-Chair adjourned the meeting at 7:20 PM.

Respectfully submitted by,  
Krishni Pahl, Minute Taker

Reviewed and edited by,  
Megan Fortson, Planning Technician