

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, May 23, 2022

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Pamela Russell Slack, Chair
David Orgaz, Vice Chair
Mayor George S. Hansel
Councilor Michael Remy
Emily Lavigne-Bernier
Armando Rangel
Harold Farrington

Staff Present:

Mari Brunner, Senior Planner

Members Not Present:

Roberta Mastrogiovanni
Gail Somers, Alternate
Tammy Adams, Alternate
Kenneth Kost, Alternate

I) Call to Order

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

II) Minutes of Previous Meeting – April 25, 2022

A motion was made by Mayor George Hansel that the Planning Board approve the April 25, 2022 meeting minutes. The motion was seconded by Councilor Michael Remy and was unanimously approved.

III) Extension Request:

SPR-01-18, Modification #1 – Site Plan – 809 Court St – Owner and Applicant, Hillsborough Capital LLC, is requesting a one-year extension of the timeframe for achieving active and substantial development of the site plan for 809 Court Street for the demolition of the existing 19,943 sf building and the construction of a 28,800 square foot (sf) indoor athletic facility in its place. This is the third extension request for this site plan. The applicant is also requesting to continue to occupy the existing building as an athletic facility until the new building is constructed. The parcel is TMP# 219-005-000-000-000 and is located in the Commerce District.

A. Public Hearing

Steve Holland explained that he started his business, Summit Athletic Center, in Marlboro, NH in 2015 and received his initial site plan approval from the Planning Board in April 2018. In December 2018, the Planning Board approved the first modification to the site plan. When Mr. Holland got into the detailed planning phase, he realized that the project was going to cost more than anticipated. This brought Summit Athletic Center back before the Board for another modification to the approved site plan that would allow for a phased implementation of the project with a grand opening set for November 2019.

Due to the pandemic, Summit Athletic Center was shut down for nearly three months, which caused financial hardship. Mr. Holland explained that this is the reason for requesting another extension. He added that they are also dealing with issues such as staffing, inflation, etc.

Mr. Farrington asked what their biggest stumbling block has been. Mr. Holland stated that it has been a combination of many things. He explained that when they opened in 2020, they had to do so with reduced capacity and the cost to operate the building was high. They also had challenges moving forward with a phased plan. Mr. Farrington asked whether a year would be sufficient. Mr. Holland stated that he was not sure and noted that they might have to come back for a modification to their site plan for a smaller-scale project.

Staff comments were next. Mari Brunner, Senior Planner, stated that this is the third and final extension request that can be submitted for this site plan application. She explained that the Board allows for a maximum of three extensions. Ms. Brunner referred to the following language as it pertains to extensions from Section 25.12.12.C.3.a of the Land Development Code, which states the following:

“Prior to expiration of the second extension period, an applicant may request a third extension.

a. Such extension shall only be granted by the respective decision-making authority where an applicant can demonstrate that there are extraordinary circumstances that warrant a third extension of the deadline.”

Ms. Brunner noted that the key phrase here is “extraordinary circumstances.” The Board should evaluate whether or not they consider some of the items mentioned by the Applicant, such as the pandemic and the resulting issues to be “extraordinary circumstances”. Ms. Brunner further stated that the applicant is also requesting to continue their operation out of the existing building for the time being while working toward the ultimate goal of constructing a new facility on site. She indicated that staff has discussed the option of a site plan modification with the Applicant and this extension would give them time to consider all of their options.

Ms. Brunner noted that this extension is just for one year. Chair Russell-Slack asked staff to explain what happens at the end of the one year timeframe. Ms. Brunner explained that if the Board approves a one year extension it will push the date by which Summit Athletic Center has to achieve active and substantial development out to June 2023. If active and substantial development (including starting construction on the building, laying of a foundation, etc.) has not been achieved

by that time, Summit Athletic Center will lose their site plan approval and the site will revert back to its original use, which was as an office building.

Mayor Hansel felt that the timing of this issue is unfortunate and wished the applicant the best. He stated that he felt this was a good business model and something that is needed for this community. Chair Russell-Slack concurred.

A motion was made by Mayor George Hansel that the Planning Board extend the deadline for achieving active and substantial development of the site plan, SPR-01-2018, for 809 Court Street (TMP# 219-005-000-000-000) for the demolition of the existing 19,943 sf building and the construction of a 28,800 square foot (sf) indoor athletic facility to June 17, 2023, and to permit the applicant to continue to occupying the existing building as an athletic facility until the new building is constructed.

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

IV) Public Hearings:

S-04-22 – Conservation Residential Development Subdivision & SPR-04-22 – Site Plan – 0 Drummer Road – Applicant and owner Christopher Farris proposes to subdivide the 13.1-ac parcel located at 0 Drummer Rd (TMP #515-015-000-000-000) into 6 lots with a shared private driveway and construct 5 multi-family buildings. Four of the lots are proposed to be developed into 5-unit multifamily residences, one lot is proposed to be developed as a 6-unit multifamily residence, and the remaining lot would be conserved as open space. The developable lots vary in size from 0.3 to 1.2 acres, and the open space lot is 9.5 acres. Waivers are requested from Section 25.10.8.B.2 of the Land Development Code regarding the requirement to prepare a survey that shows all metes and bounds of the revised parcels and Section 20.14.3.D regarding the requirement that all off-street parking be located to the side or rear of buildings. The site is in the Low Density District.

Chair Russell-Slack stated the Planning Board will not be opening the public hearing for this project, as the application is considered “incomplete” and, so it will need to be re-noticed. She stated that the Board would not be accepting public comment during this meeting. She noted that abutters will be re-noticed for the next public hearing, which is scheduled for Monday, June 27th at 6:30 pm.

V. Staff Updates

Ms. Brunner stated that staff is still working on updating the Rules of Procedure, which are currently being reviewed by the City Attorney. This item will be brought to the Planning Board for its next meeting, depending on how busy the schedule is.

VI. New Business

There was no new business; however, the Chair urged the Board to visit the Drummer Hill site prior to the June meeting.

VII. Upcoming Dates of Interest – April 2022

- Joint Committee of the Planning Board and PLD – June 13, 6:30 PM
- Planning Board Steering Committee – June 14, 11:00 AM
- Planning Board Site Visit – June 22, 8:00 AM – To Be Confirmed
- Planning Board Meeting – June 27, 6:30 PM

There being no further business, Chair Russell Slack adjourned the meeting at 6:46 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Megan Fortson, Planning Technician