

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, June 27, 2022

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Pamela Russell Slack, Chair
David Orgaz, Vice Chair
Councilor Michael Remy
Emily LaVigne-Bernier
Roberta Mastrogiovanni
Armando Rangel
Harold Farrington
Kenneth Kost, Alternate

Staff Present:

Mari Brunner, Senior Planner
Jesse Rounds, Community Development
Director

Members Not Present:

Mayor George S. Hansel
Gail Somers, Alternate
Tammy Adams, Alternate

I) Call to Order – Roll Call

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

II) Staff Update

Chair Russell-Slack asked the Board for its approval to move up item 7. The Board had no objection. Senior Planner, Mari Brunner, addressed the Board and began by introducing the new Community Development Director, Jesse Rounds. Mr. Rounds stated that he and his family have moved to the area from Colorado.

Ms. Brunner went on to say the Public Works Department and the City's consultant are holding a public workshop on Wednesday June 29th, which will focus on the downtown infrastructure project. She explained that this is a major project and will require tearing up the entirety of Main Street for improvement work. The workshops will be held from 11:00am-3:00pm and 5:00pm-7:00 pm in City Hall Council Chambers There will also be a mobile workshop during the lunch hour at Railroad Square and a site walk at 5:30 pm.

Ms. Brunner stated the Community Development Department received a letter from Southwest Region Planning Commission and the Board was copied on it. This is in reference to the State of NH 2025-2034 ten-year plan regarding the transportation improvement program. They are asking if municipalities would like to nominate a project for the ten-year plan. Staff will be responding to the letter.

III) Minutes of Previous Meeting – May 23, 2022

A motion was made by Councilor Michael Remy that the Planning Board approve the May 23, 2022 meeting minutes. The motion was seconded by Vice-Chair Orgaz and was unanimously approved.

IV) Extension Request:

CLSS-CUP-01-21 – Congregate Living & Social Service Conditional Use Permit – Monadnock Area Peer Support Agency, 32-34 Washington St #Rear – Applicant and owner Monadnock Area Peer Support Agency proposes to operate a Large Group Home as a second principal use on the property located at 32-34 Washington St #Rear (TMP 568-058-000-000-000). The site is 0.28-ac in size and is located in the Downtown Core District.

Ms. Christine Allen, the Executive Director for Monadnock Area Peer Support Agency, addressed the Board and stated that she is seeking an extension for their Conditional Use Permit. She explained that her agency has just partnered with Monadnock Family Services and they have recently expanded their capacity to six additional rooms and have received “Group Home” Status. They are not yet done with the construction work. City staff have recently inspected the building and there is some paperwork to complete. As a result, they were not ready for this Board meeting’s submission deadline.

Staff comments were next. Ms. Brunner stated the Board’s regulations as it pertains to a first extension are simple. In this case, MPS has to obtain their license prior to having the Conditional Use Permit signed by the Planning Board Chair. In order to obtain their license, they have to appear before the Congregate Living & Social Service Licensing Board, which meets two days after their CUP expires. Hence the need for them to request an extension from the Board.

A motion was made by Councilor Michael Remy that the Planning Board grant a six-month extension to the timeframe to meet the conditions of approval for CLSS-CUP-01-21, the Congregate Living & Social Service Conditional Use Permit for Monadnock Area Peer Support Agency. The motion was seconded by Vice-Chair Orgaz and was unanimously approved.

V) Earth Excavation Permit – Determination of Application Completeness

EXP-01-22 & CUHP-01-22 – Earth Excavation Permit & Hillside Protection Conditional Use Permit – 0 Rt 9 – Applicant TFMoran Inc., on behalf of owner G2 Holdings LLC, proposes to operate a gravel pit on the undeveloped property located at 0 Rt 9 (TMP# 215-007-000-000-000). A Hillside Protection Conditional Use Permit is requested for impacts to steep slopes. Waivers are requested from the following sections of Article 24 of the Land Development Code: 24.3.1.A (200’ public ROW setback), 24.3.1.C (150’ access driveway

setback), 24.3.1.D (surface water resource setbacks), 24.3.4 & 24.3.5 (Groundwater Quantity & Quality Baseline Measurements), 24.3.13 (Maximum Excavation Area), and 24.3.15.D (Annual Noise Monitoring). The site is 84.71 acres in size and is located in the Rural District.

Ms. Brunner stated that this earth excavation permit is a first for staff. She explained that the State of NH regulates earth excavation under RSA 155-E, which allows for municipalities to enact stricter regulations. This is what Keene has chosen to do through the Earth Excavation Regulations in Article 24 of the Land Development Code. The City has a long list of requirements that go above and beyond what the State requires. The City's regulations also require that they hire a third-party consultant to review the earth excavation permit application for completeness and to verify that all items are in compliance with State and local regulations.

Based on these regulations, the City has hired a third-party consultant, Fieldstone Land Consultants. Ms. Brunner called the Board's attention to the letter drafted by Fieldstone Land Consultants, which is dated June 24, 2022. She indicated that some of the items could use more detail, such as the Reclamation Plan. Overall, the recommendation from the consultant is to accept the application as complete. Ms. Brunner explained that the Board will not be opening the public hearing for at least a month, which gives the applicant time to provide additional information.

Ms. Brunner explained that Jeff Kevan from TF Moran, the project applicant, is present tonight if the Board has any questions for him regarding the submittal items.

Chair Russell-Slack asked for added clarification on the items that need more detail. Ms. Brunner referred to the text in bold, which is the consultant's comments on the submittal. The consultant is asking for a narrative to accompany the Reclamation Plan (#11) and the Impact Monitoring Plan (#10). There is also the requirement to submit a Reclamation estimate.

The Chair asked the applicant when this information will be provided to Planning Staff. Mr. Kevan stated that most of this information is already within the plan set and added that the narrative can be completed within a couple of weeks. He added that the estimate for stabilization is included in the plan (Sheet 8 of the Reclamation Plan).

Councilor Remy asked for an explanation of the waivers being requested. Mr. Kevan explained that the entry road to get onto the site is 50 vertical feet. There is an existing driveway and the applicant is proposing to follow that driveway to minimize disturbance. The driveway runs on a diagonal to get in; however, the City's regulations require that the driveway enter straight into the site. Hence, a waiver is required to utilize the existing driveway.

Mr. Kevan went on to say that along Route 9 there is a ditch line that is a jurisdictional wetland. He explained that cutting through this area of wetlands will allow them onto the site. There are also ravines located on the left and right. Excavation will occur on the opposite side of the ridge, so they are asking for a reduction in the wetland setback because they are protected by the ridge line.

He explained that there are also two waivers that pertain to ground water. These regulations address checking the quality and quantity of wells, which is associated with blasting. Keene's regulations prohibit blasting within 60 feet of the seasonal high water table. There is no blasting being proposed at this time. He added that they requested the waivers even though they will not be doing any blasting, as they were not sure how the Board would want to handle this issue.

Mr. Kevan added that Keene's regulations refer to five acres and this comes from the State's Alteration of Terrain Permit. They are asking for some flexibility with this item, as they will have an operational area of about an acre in size for stockpiling material and for processing and are hence asking for area a little larger than five acres.

Mr. Kevan then addressed the noise ordinance by explaining that their operation will take place by excavating into the hillside. All areas behind Route 9 will have about 40 vertical feet and the hill will be behind the work area. Hence, any noise will be blocked by the earth and the forested area. The parcel is approximately 80 acres in size and the work area will only be around 6 acres. What is being suggested for this item is to run a background noise test and run a 20-day test during operations. If there are no issues, they would to waive the requirement to perform the noise test every year.

Councilor Remy asked if moving operations further back from the road that would make the site non-viable. Mr. Kevan stated that they have an existing road, an existing clearing, and an area that is flat. If they move the work area back, then they will be running into a 2:1 or 3:1 slope, which can be done; however, they would end up with a steep cut on the uphill side and they would be pushed closer to residences.

Mr. Farrington asked for the cost of the annual noise monitoring study. Mr. Kevan stated that it is not necessarily the cost, but the location of the site minimizes the chances of noise being an issue. He explained that they would be happy to discuss this issue with the Board when the application comes before the Board and will also get cost estimates for the noise study.

Ms. Mastrogiovanni stated that the application might be complete; however, she does have some questions about how close Otter Brook is to this site. Mr. Kevan stated that their excavation is about 800 feet from the entry drive to Otter Brook and about 1,800 feet from the buildings at the park.

Staff comments were next. Ms. Brunner stated that if this application is accepted as "complete," then it will be referred to the Conservation Commission for their review. There will also be a site visit with the Conservation Commission and they will send their recommendation on the application to the Planning Board in time for the next public hearing.

Mr. Kost asked if the Board was to approve the Application whether there will be conditions attached to it. Mr. Kevan explained that the Board is voting on whether or not the application is complete. If it is deemed complete, a public hearing will be held at which time additional information will be provided.

A motion was made by Councilor Remy to accept this application as “complete.” The motion was seconded by David Orgaz and was unanimously approved.

Chair Russell-Slack explained that now that the application has been accepted as “complete,” it will be referred to the Conservation Commission for review and comment at their meeting on Monday July 18th at 4:30 pm. This meeting will be held at the Keene Recreation Center located at 312 Washington Street in Room 22. The Conservation Commission will conduct a site visit just before its meeting at 3:30 pm. The next public hearing on this item is set for Monday, July 25th at 6:30 pm in Council Chambers.

V. 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 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 are proposed to have access from Timberlane Dr via a shared private driveway and vary in size from 0.3 to 1.2 acres. 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, Section 20.14.3.D regarding the requirement that all off-street parking be located to the side or rear of buildings, and Section 19.3.5.A.3.a regarding the requirement that all structures be accessed from interior streets. The site is in the Low Density District.

A. Board Determination of Completeness

Ms. Brunner stated that the Applicant is requesting exemptions from submitting an Overview Plan, a Yield Analysis Plan, and a subdivision plan that shows the boundaries and acreage of the existing lots subject to review. The Applicant has provided the boundaries, acreage, metes and bounds of the portions of the lot that are proposed to be developed. The portion that is to be preserved as open space has not yet been fully surveyed. After reviewing each request, staff recommends that the Board grant the requested exemptions, as they have no bearing on the merits of the application and recommend that the Board accept this application as “complete.”

A motion was made by Councilor Michael Remy to recommend the Board accept Conservation Residential Development Application, S-04-21, as “complete.” The motion was seconded by David Orgaz and unanimously approved.

B. Public Hearing

Mr. John Noonan of Fieldstone Land Consultants addressed the Board on behalf of the owner. Mr. Noonan stated that the proposal is to subdivide this 13.1-acre lot into six lots – one of the lots would be 9.5 acres in size and left in conservation as open space. The other five lots would consist of multi-family buildings. He referred to a plan and pointed to the 13.1-acre lot. This

development will have a Homeowners Association that will own the conservation land. He indicated there was discussion about having the City acquire this land, as it directly abuts the Drummer Hill Conservation area; however, this has not been done yet.

Mr. Noonan explained that this application consists of a site plan application and a subdivision application. He indicated there are five developable lots and five buildings proposed as part of this project. Per the Conservation Residential Development (CRD) regulations, six units is the maximum number of units allowed per lot for this project. Four of the buildings will have five dwelling units and one building will have six dwelling units.

Mr. Noonan stated there will be three driveways; one off Timberlane Drive and two others branching off the main driveway. These will be private driveways, so there will be an easement (50 feet in width) along the center line containing all utilities. This will also be held by the Homeowners Association. Based on the number of units (over ten units) City water and sewer is required. The applicant will be going before the Council for approval on these items.

Mr. Noonan then referred to the grading plan. He explained that when you come off Timberlane Drive, it is about a 5% slope, which is fairly flat, before then climbing up and leveling off. At the first building, the slope across the intersection climbs up to 12% and then levels off. Drainage for all buildings will be directed to a single retention basin, which was designed using the Alteration of Terrain (AOT) Standards from NH DES. This site does not trigger the submittal of an AOT Permit, but the stormwater and drainage systems were designed according to those standards. Chair Russell-Slack asked Mr. Noonan to point to where the drainage area is located. Mr. Noonan referred to the area and stated that there is a sediment fore bay at this location and explained that drainage ditches run along each side of the driveway and drain into culverts and catch basins, which empty into a sediment fore bay and retention basin. The water is then treated and released into a grass treatment swale and into a level spreader. He added that this area is upland from the wetlands, so there is no impact to wetlands or to the surface water buffer.

Utilities: Mr. Noonan explained that the utilities will follow Timberlane Drive. There is a pump station downhill from the driveway and this will boost the water pressure for Timberlane Drive as well as for the homes located above Timberlane Drive. Each building will also have a pressure reducer, will be serviced by a hydrant, and will also have a sprinkler system. There will be fire protection water and domestic water.

Sewer: Mr. Noonan explained that sewer services require the submittal of an NH DES sewer connection permit. City Engineering Staff recorded flow meter data for two weeks and it has been determined there is sufficient capacity in the existing six inch line.

Other Utilities: Mr. Noonan explained that electricity will be fed from the transformers at the base of the driveway.

Landscaping: Mr. Noonan stated that there will be four red maple trees following the road (three on the left and one on the right), as well as shrubs along each building. There will also be four ornamental Hawthorn trees (two on each side). Currently, the perimeter of the site is heavily wooded. Chair Russell-Slack noted that most of this property has been clear cut; however, she

noted that it looks like the tree line has been maintained on both sides of the entrance. She asked if anything is going to be done to these trees. Mr. Noonan stated the trees on the east side of the driveway following Timberlane Drive (which is about 30 feet wide) will remain as is.

Councilor Remy asked whether the open space between lots 3 and 4 would be just an open field. Mr. Noonan agreed and stated it would be grass. He also added that bike racks will be provided for each building.

Lighting: Mr. Noonan explained that as these are going to be private driveways, the lighting will only be on the buildings, which will be full cut-off LED wall-mounted fixtures.

Mr. Noonan referred to the two Exhibit Plans. One is the slope analysis, which shows the grading done for the subdivision. He noted that precautionary slopes were impacted, but no prohibitive slopes were impacted. The area where the driveways cross is where the precautionary slopes are impacted.

The second exhibit shows compliance with the Fire Department's requirements to make sure a 150-foot fire hose could reach around each building. From the driveway to each end of the building is around 130 feet.

Vice-Chair Orgaz asked Mr. Noonan to explain snow storage and removal. Snow storage will be on either side of the driveway. There are also pocket areas at the end that could be used for storage. At the end of the driveway, there is a guardrail and snow would be stored there as well. During a significant storm, a loader can move the snow over this area. He added that there is sufficient room between the start of the guardrail at the sediment fore bay and the retention basin to store it on site. He noted that he doesn't see the need for any snow being taken off site.

The Chair asked for a description of the architecture and visual appearance of the buildings. Mr. Noonan stated these would be townhouse-style buildings. The front side would be three stories (two stories with drive under garage) and each unit would have one parking space in front of their unit and one in the garage. The exterior building materials would be maroon PVC panels, grey vinyl siding, and tan PVC trim. Chair Russell-Slack noted that the Board's regulations call for any new development to keep with the City's historic character and asked Mr. Noonan to explain how that has been accomplished with this development. Mr. Noonan stated that the vinyl clapboard would look similar to cedar siding. He noted that once the PVC is painted, it looks more like wood and is lower maintenance than wood. He noted that he felt that many houses in the neighborhood are covered with vinyl siding and plastic trim. The Chair stated that she doesn't know of any other buildings that look like the proposed building. Mr. Noonan felt it might not look similar to buildings in the neighborhood, but felt that it would fit in with Keene's architecture. The Chair stated the Board would like to see the material. Mr. Noonan stated the property owner also owns a home on Forest Street and he was going to match the material from this home.

Ms. LaVigne-Bernier stated she had gone by that home on Forest Street, but felt that it was difficult to compare that home to this building. The Vice-Chair agreed it is difficult to compare the home on Forest Street to this building because of its scale. Ms. Mastrogiovanni stated she

wouldn't have an issue with the material, as most modern homes incorporate the use of PVC. However, she felt that it was difficult to visualize this type of architecture in that part of town. Mr. Kost noted that the buildings seem to be perpendicular to the main road. He noted that if you live in the community, you are likely to see the buildings, but if you are driving by the impact might not be quite the same.

Staff comments were next. Ms. Brunner stated there was quite a few departmental comments received. Not all of these were included in the Board packet, as most of them had been addressed. The ones in the staff report would be incorporated into the conditions of approval. Chair Russell-Slack stated that during the site visit, she noticed a catch basin near the entryway to the site. Due to the paving, there is quite a bit of "lip" going up into the entrance and she asked whether this could become an issue. Ms. Brunner stated that the drainage would be designed to direct most of the runoff into the retention system, but noted that there is a small amount of runoff that would drain onto the road. She referred this question to Mr. Noonan. Mr. Noonan stated that the apron of the driveway is going to drain toward the catch basin. The "lip" at the entryway that Chair Russell-Slack was referring to is where the curb line is now and it has been removed. The road ditch on the right would capture the road runoff, which would then go from the culvert to a swale and ultimately into the retention basin. The apron area will still drain into that catch basin, which happens on the rest of Timberlane Drive.

Ms. Brunner went on with her presentation. She called the Board's attention to the CRD Subdivision Regulations.

(1) Dimensional Standards – Table 1 has been included in the staff report to show what is required and what is proposed. For example, the minimum tract size 5 acres, the minimum tract frontage is 50 feet, and the perimeter building setback from external roads is 30 feet from other tract boundaries is 20 ft, so these standards appear to have been met.

(2) With respect to open space, the applicant proposes to permanently reserve 9.54 contiguous acres as open space, or 72.3% of the tract (50% is required). Hence, the applicant is exceeding this requirement.

(3) Permitted Uses - The CRD Subdivision regulations allow for single-family, two-Family, and multi-family dwellings with a maximum of 6 dwelling units per structure in the Low Density District. The applicant proposes to construct five multifamily buildings. The open space parcel will be used for conservation land and possibly for passive recreation. The allowed open space uses include conservation, agriculture, forestry, and passive recreation.

(4) Design Criteria - This section states that all development shall be located outside of primary conservation areas, and shall minimize impact to any identified secondary conservation areas. All the primary conservation areas are noted on the plan, and include prohibitive slopes, slopes greater than 25%, wetland areas, wetland buffer, floodways, springs, etc. Secondary conservation areas include precautionary slopes, which are slopes between 15% and 25% grade. In addition, this standard states that all structures shall be accessed from interior streets, rather than from

roads bordering the perimeter of the tract. In addition, this section states “in the event that a waiver of this standard is granted, shared driveways shall be incorporated where feasible.”

Mr. Brunner noted that the Applicant is requesting a waiver from this standard and proposes to construct shared driveways in lieu of an internal road. The written waiver request is included as an attachment to this staff report. In making a determination whether or not to grant this waiver, the Board should find by a majority vote that the criteria outlined in Section 25.10.14 of the LDC have been met: Those criteria are as follows:

- 1. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations; and,*
- 2. Granting the waiver will not increase the potential for creating adverse impacts to abutters, the community or the environment; and,*
- 3. Consideration will also be given as to whether strict conformity with the regulations would pose an unnecessary hardship to the applicant.”*

Ms. Brunner noted that the applicant is proposing to build a shared driveway instead of a road. If they are to build a road, whether it is public or private, it would need to be built according to the City’s street standards. This would increase the cost, as the street would require things such as street lights, trees, a sidewalk on one side of the street, etc.

(5) Open Space Standards – These standards state that the area of land designated as open space shall not be used to site individual lots, construction of buildings, facilities for accessory uses, roads and other areas for vehicular traffic. This section further states that the open space reserve should not be fragmented, should be located adjacent to other open space or protected lands when possible, and should be reasonably accessible from each proposed lot. Staff’s review indicates that this standard has been met. Each lot can access the open space, either directly from the lot or by going onto Timberlane Drive.

(6) Open Space Ownership & Maintenance – This section requires that all land designated as open space shall not be further subdivided, and shall remain as open space in perpetuity. In addition, all designated open space must be permanently protected by covenants or easements, shall be deeded to and maintained by a Homeowners Association, a non-profit organization, or some other entity as approved by the Planning Board or its designee, and shall be held, managed and maintained by the developer until such time as they are transferred to the designated entity. Ms. Brunner stated that at this time there is no firm plans as to what the designated entity would be to manage the open space land. It sounds like the applicant would like the City to take ownership of the land, but if not it would be a Home Owners Association.

Staff is recommending a condition of approval stating that whatever the ultimate decision is, the Applicant needs to submit documentation of all legal instruments of that ownership and maintenance, subject to review and approval by the City Attorney.

Councilor Remy asked if the application can move forward, if the Board doesn’t information about the ownership of the conservation land. Ms. Brunner stated that the regulations dictate that

the Planning Board or its designee (such as the Community Development Director) could make that decision. Chair Russell-Slack noted that the Board could also continue the public hearing.

Ms. Brunner continued with her presentation. She continued with an analysis of the Site Development Standards:

Drainage & Stormwater Management: Ms. Brunner noted that the presentation by the applicant on this item was pretty thorough. The Applicant has submitted a Storm Water Management Report prepared by a licensed engineer dated March 18, 2022, which concludes that the proposed development will not increase the peak rates of runoff leaving the site. This is another item staff is recommending a condition of approval for regarding the submittal of cross-easements for the stormwater management system, so that there is a legal instrument in place to make sure this system is maintained into perpetuity and that sediment contaminated water is not entering the wetlands.

Sediment & Erosion Control: The applicant is proposing to install perimeter controls including silt fencing downslope of any disturbed areas. In addition, a stabilized construction entrance will be installed to prevent sediment tracking onto Timberlane Drive during construction. Following construction, all disturbed areas will be stabilized, loamed, and seeded. More information is included in Sheet DT-1 of the plan set.

Snow Storage & Removal: Ms. Brunner stated that this item was adequately addressed by the applicant.

Landscaping: Ms. Brunner stated that this item was also adequately addressed. However, Staff is recommending that the submittal of a security for landscaping be included as a condition of approval to ensure that the plantings survive in good health for at least one year.

Screening: This standard states that “*Screening in the form of landscaping or other treatment (e.g. berms, walls, fences) shall be used to ... form a buffer between single-family and multifamily dwellings, which are different in height, form or material than the adjacent single-family dwellings*” The proposed 9.5-acre open space parcel would form a forested buffer between the proposed development and adjacent residential uses. The site plan proposes to maintain trees along the frontage of Timberlane Drive. Ms. Brunner stated that in order to make sure those trees are maintained along Timberlane Drive and remain in perpetuity as a vegetative buffer, staff recommend that a 30-foot no-cut buffer be placed over the vegetated area along Timberlane Drive.

Ms. Brunner went on to say that in addition to this, the Applicant’s narrative states that HVAC equipment will either be mounted on the roof of each building or placed behind the buildings. The applicant included a note on the Utility Plan (Sheet UT-1, Note 20) which states that, “*All HVAC equipment shall meet the screening standards of the L.D.C.: Roof mounted equipment shall be setback 10’ from edge. Ground-mounted equipment to be located so as not to be visible from the public way – screen if visible.*” Staff felt this is adequate to address the screening standards especially because HVAC units will not be planned out at this stage. When the time comes for a building permit to be submitted, staff can review the plans to make sure they meet the standards

for screening. Ms. Brunner noted that there will also be a transformer on site, which will be screened from the public right-of-way with the installation of three evergreen shrubs.

Lighting: The Applicant proposes to install 26 wall-mounted LED light sconces. Ms. Brunner stated that everything looks appropriate on the lighting plan, however, staff has not received light fixture cut sheets and are recommending that they be included as a condition of approval to ensure that the proposed light fixtures meet the Board's standards for lighting.

Sewer & Water: Ms. Brunner stated that she does not have anything more to add. She indicated that the Applicant has submitted a sewer flow analysis, which was reviewed by engineering staff to ensure that there would be sufficient capacity in the sewer system for the proposed project. Staff is recommending that the submittal of written documentation for the utility and access easement be included as a condition of approval.

Traffic & Access Management: The Applicant submitted a traffic assessment on June 3rd which concludes that the proposed development would increase traffic volume along Court Street north of Elm Street by 5 to 6 vehicles per hour, and along Court Street south of Elm Street by 5 to 7 vehicles per hour. In total, the development is estimated to generate 176 site trips per day on a weekday (88 enter and 88 exit), 10 trips during the weekday AM peak hour (2 enter and 8 exit), and 13 trips during the weekday PM peak hour (8 enter and 5 exit). The estimated site trips for Saturday is 120 (60 enter and 60 exit), with a peak hour of 11 trips (6 enter and 5 exit). The traffic assessment concludes that these traffic volumes would have a negligible impact on the adjacent roadway system, which already has a pretty high volume of traffic.

With respect to access management, as previously discussed, the Applicant proposes to utilize a shared driveway in lieu of an internal road. Ms. Brunner noted that part of the Planning Board's decision should include a finding that the waiver criteria have been met. Staff is also recommending that the submittal of cross-easements for the shared driveway be included as a condition of approval. In order to accommodate pedestrians and bicyclists, the Applicant is proposing to install a bicycle rack at each building. In addition, there are wide shoulders along the shared driveway that pedestrians can utilize and there is a proposed 3'-wide gravel pedestrian path that would connect from the shared driveway near the building on Lot 2 to the sidewalk on Timberlane Drive.

Filling & Excavation: Ms. Brunner noted a significant portion of the development area contains precautionary slopes (15%-25%). She indicated that overall the applicant is not going to be impacting more than 20,000 square feet on each individual lot. 20,000 square feet is the threshold for the submittal of a Hillside Protection Conditional Use Permit and hence a Permit is not required for this application.

Surface Waters & Wetlands: Existing wetland systems have been delineated on the site and identified as primary conservation areas. Nearly all of the wetlands on the parent parcel will be captured within the new conservation lot. A waiver has been submitted to seek relief from performing a complete wetland delineation on the new conservation lot. Ms. Brunner noted that in this district the required wetland buffer is 30 feet. No development is proposed within the wetland buffer area and silt fencing is proposed to be installed to provide protection to the buffer area and

wetlands. In some instances, the proposed grading for buildings and stormwater structures comes within one foot of the wetland buffer. As a result, staff is recommending that the development area be flagged and inspected prior to grading or installation of silt fencing to ensure that the buffer remains undisturbed during construction. Encroachment into this buffer during construction activities would require a Surface Water Protection Conditional Use Permit pursuant to Section 11.6 of the LDC.

Hazardous or Toxic Materials: Ms. Brunner stated there are no known hazardous or toxic materials present on the site.

Noise: Mr. Brunner noted that the project narrative states “*Little additional noise is expected to be generated by the subdivision.*”

Architecture & Visual Appearance: The purpose of this standard is to “*ensure that new and redeveloped buildings and structures blend aesthetically with the City’s historic character, are consistent with the prevailing scale, orientation, and design of the City, and do not detract from view sheds and view corridors.*” In their narrative that “*the architecture will be a townhouse design with variation of depth along the front façade to break up the expanse of the building structure. The three-story building will have balcony decks on some units to provide further architectural interest while also enhancing the outdoor living space for residents.*”

Ms. Brunner went on to say that the maximum building height on the three-story side of the building is proposed to be 31 feet above finish grade. Per zoning, structures in the Low Density District are required to be a maximum of two stories. The applicant has stated these are two story buildings with basement level for parking. In order to make sure this application meets zoning requirements, staff would require the submittal of revised building elevations that demonstrate compliance with the dimensional requirements for the Low Density District as a condition of approval. Ms. Brunner added there are some allowances with the code to allow some sections of the basement level to be at grade as long as remaining sections are at a different height. She again clarified that City Staff would need elevations for each building to be submitted, so that they can verify that the design of each building is in compliance with the requirements of the Low Density District.

Ms. Brunner went on to say the Applicant is requesting a waiver from Section 20.14.3.D of the Land Development Code regarding the requirement that all off-street parking be located to the side or rear of buildings, specifically for Lot 3. The reason for this waiver request is because the Applicant is proposing to utilize a shared driveway and all of the frontage is along Timberlane Drive. With Lot 3 in particular, parking is in front of the building. The written waiver request is included as an attachment to this staff report. This concluded staff comments.

Chair Russell-Slack asked whether there is parking available for guests. Ms. Brunner stated there are two spaces per unit. One space is a surface space and the other would be on the lower level. Mr. Noonan referred to where Lot 3 is located and noted that there will be ten spaces that face Timberlane Drive; however, the building on Lot 2 will obscure those spaces from view of Timberlane Drive. In total there are 54 parking spaces (there are two extra spaces).

Mr. Farrington confirmed there are 28 surface parking spots. He felt this could become an issue if someone had a gathering. He asked for a timeline from approval to certificate of occupancy. Mr. Noonan stated it would be approximately a year. He asked whether this would be contingent upon selling the units or whether the applicant would construct the entire project. Mr. Noonan stated the entire project would be constructed. Christopher Farris, the property owner, stated that the driveway would be constructed and then each building would be constructed one at a time.

The Chair asked for public comment next.

Mr. Dave Ploppert of 10 Drummer Road in Keene was the first speaker. Mr. Ploppert stated he worked on the Timberlane Drive project for a year and a half. 90% of the cellar holes needed to be blasted, which created more veins for water. He felt that the detention basin is not going to be able to hold back all this water coming down Timberland Drive.

Mr. Leo Echevaria of 459 Elm Street in Keene stated that he is concerned about the noise, lighting and traffic that will pass his driveway every day.

Mr. Charles Ferrando of 83 Timberlane Drive was the next speaker. He stated he has lived on Drummer Hill for 27 years, and also is part of the Goose Pond Sub-Committee. He stated that he is familiar with the amount of water that comes down this hill. The water that comes off Old Gilsum Road causes freezing. Several homes have had flooding issues and he added that the City has done a good job of looking at water flow issues. Mr. Ferrando said that he felt that there is going to be more water issues. Looking at the slope and based on the knowledge that he has of the area, he worries that these homes will flood. He further stated that he did not feel that the traffic pattern was adequate. Anyone trying to take a left off of Elm Street onto Court Street, especially when school is in session, has a difficult time. He noted that you are also exiting from Timberlane Drive into a school zone, which is heavily travelled and he felt that the traffic study underestimated the potential traffic generation.

Mr. Ferrando referred to page 72, which states that, *“The applicant proposes to place the open space into a conservation easement. In response to staff comments, the Applicant stated that the owner would like to deed the open space to the City of Keene; however, staff are not aware of any conversations between the City and the owner or applicant regarding this proposal.”* He also noted that the harvesting of timber started before a curb cut was allowed and questioned if the applicant would follow all rules as has been indicated in the staff report. He also felt the lack of parking will cause guests of residents to park on Timberlane Drive. He felt a lot needs to be reviewed before these buildings are permitted.

Dr. Paul Koutras of 59 Meetinghouse Road was the next speaker. Dr. Koutras stated that his biggest concern is the concentration of residents in this area, which is not suitable for the neighborhood. He felt that the number of residents is going to be doubled on that hill. Dr. Koutras stated that he is also concerned about his utilities being impacted by the number of residents being introduced to the area. In addition to this, he also raised concerns about the steep slope, especially during winter with the high number of vehicles driving down the street and the overflow parking that might also be using this street. He felt that five or six single family homes would be a much better solution than the 26 units being introduced.

Mr. Dave Paris of 60 Timberlane Drive stated they are the first house as you go up the hill. He indicated during winter this road does not get plowed right away, it does get salted, but is treated like it is a secondary road. Mr. Paris stated that going up and down the road in four inches of slush can be very difficult, which is something that happens a lot. He noted that he has often seen cars not able to make it up the hill.

Mr. Nathan Carbone of 463 Elm Street began by circulating photographs of the wetland area, which show how rapidly the water accumulates.

Mr. Don Doody of 11 Drummer Road addressed the Board next. Mr. Doody stated that his property abuts the wetland. He indicated that the last ten to fifteen years the wetland area has been stressed and the water takes longer to drain out of his backyard. He stated that he knows of neighbors who have had to build inside troths to pump water out. Mr. Doody added that the emergency overflow is directed down the hill and the culvert on Drummer Road is always full during a large storm. He noted that he felt that this area could not handle any more water. Mr. Doody also questioned how much blasting is going to be done. Mr. Brunner referred that question to Mr. Noonan.

Ms. Theresa Quigley of 9 Drummer Road stated that she owns one of the properties that is right against the wetland area. Her backyard is always flooded and she is concerned about having more flooding issues. She said that one thing that has not been mentioned is the potential impact on Fuller School. She is a former teacher and is worried about the school not having enough capacity to handle new families. She also expressed concerns about traffic.

Mr. Ryan Clark of 13 Drummer Road stated he is one of the neighbors that Mr. Doody referred to who has to pump water out of their basement. Last year with the unprecedented amount of rain, they could not use their backyard and he worries that this development will add to those issues. He indicated that any more water coming down that hill would make the existing situation worse. Mr. Clark stated the developer made a good presentation, but he did not feel it was sufficient to address the water issues.

Ms. Lynn Libby of 22 Drummer Road addressed the Board next and stated that she has a sump pump in her cellar that works 24/7 365 days of the year. She stated that she is concerned about additional water coming down Timberlane Drive. She stated this area has been clear cut to accommodate this project, which has opened up the area to water runoff worse than it has ever been. Ms. Libby did not feel there was sufficient plantings being proposed to accommodate the additional water runoff. She also expressed concern with traffic and did not feel the buildings being proposed will fit in with the neighborhood.

A resident who lives on the top of Meetinghouse Lane stated they usually have about four or five cars in their driveway and questioned where 26 more vehicles would be parked.

Mr. BJ Adams of Green Acres Road stated that he agrees with everyone who has just spoken. He stated he has spent nearly \$40,000 to have a dry basement. He indicated regardless of the time of year, there is always water coming down Drummer Hill. He also stated that he is concerned about

traffic and noted that Green Acres and Drummer Road are not wide enough. He also talked about the issue of trying to exit onto Court Street from Elm Street. Mr. Adams further stated that Fuller School is at capacity at the present time. He commended the developer's presentation but was under the impression there would be about eight homes constructed on this lot.

Mr. Ferrando addressed the Board again and stated that he failed to mention that there is going to be logging above Timberlane Drive. He stressed again that people who live on Drummer Road, Timberlane Drive, and Meetinghouse Lane know how wet it is. He stated that the City has already constructed two maintenance drains to handle the excess water.

Mr. David Ploppert of 10 Drummer Road addressed the Board again and stated that staff had indicated that there are no hazardous waste or toxic material on site; however, he is worried that all the pavement is going create hazardous runoff that will be directed into the wetlands.

Mr. Leo Echevaria of 459 Elm Street stated he has lived at the bottom of this hill for 15 years and he has had to live with a wet basement for many years. Last July during the two large storms, he had water in his basement for over a week.

With no other public comment, the Chair closed the public hearing.

The Chair explained that this is the time for the Board to discuss this item and their decision has to be based on the 13 Development Standards. For instance, the issue with the school is not something that the Board can base its decision on.

Councilor Remy asked whether the Chair would consider having Mr. Noonan address the issue with blasting. He also stated that he would like Mr. Noonan to explain how they would address the water runoff on Drummer Hill and how it will be mitigated. The Chair reopened the public hearing. Mr. Noonan stated they have done test pits around the site and the areas where the buildings are going to be located has good soil and no ledge was discovered. Given this information, they are not anticipating having to do any blasting. There are boulders that were discovered during the driveway construction, but no ledge was discovered.

With respect to run off, they are sizing the retention basin and sediment fore bay using guidance provided by the State's Best Management Practices. This site does not need an Alteration of Terrain Permit; however, the system was designed using those standards. The existing conditions are taken into consideration, which in this case is a forested area and this will tell the applicant how much water they have to consider as their target. Once the site is designed and the grading is completed, it is based on it being grass and does not take into consideration trees, landscaping, etc. The impervious area from the building and pavement is captured and directed into the sediment fore bay and then into the retention basin. The retention basin is designed for a two year, ten year and a 50 year storm and calculations are based on Cornell University's Extreme Precipitation Table for the Northeast.

Mr. Noonan explained that the 50 year storm event they are calculating for, is a very conservative number and once the development is completed, the water directed off the site will actually be reduced. With respect to the emergency spill way someone had raised as a concern, this is

something that is constructed with a retention basin in the event that water gets to the very top of the wall and it is not likely that the water will ever get that high. However, if the culvert ever gets jammed due to some unforeseen reason, it gives it a controlled area for it to spill out. The grass treatment area also works to remove pollutants before it enters the wetlands.

Ms. LaVigne-Bernier asked how the drainage would be accommodated on site as it relates to the construction of the buildings. Mr. Noonan stated the driveway would be roughed in, the storm water and retention basins would be then constructed, the stormwater management systems will be stabilized (85% vegetation), and both the temporary and permanent erosion control methods would then be installed. The building construction would begin after all this work is completed.

Chair Russell-Slack referred to this language from “Surface Water and Wetlands” ... *Nearly all of the wetlands on the parent parcel will be captured within the new conservation lot.*” She asked what happens to the water that is not captured on the conservation lot. Ms. Brunner stated most of the wetlands are in the open space lot. However, a portion of the wetland buffer extends onto Lot 3 and this is where the retention basin is going to be located.

Ms. Mastrogiovanni asked where there logging is taking place. Ms. Brunner stated there is a company that has purchased land at the top of Timberlane Drive and they have filed an intent to cut. Ms. Mastrogiovanni asked how that would affect water on to this property. Ms. Brunner stated she did not have an answer to that question – when it comes to activities such as logging those are permitted at the state level and there is not a lot of local control. There has not been an analysis done as to how that would affect Timberlane Drive.

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

Mr. Kost asked how over flowing parking on Timberlane Drive will be handled – is this something that is allowed. Chair Russell stated this is something the Board would have to decide as to whether this has been addressed. The Chair stated this is her question as well.

The Chair stated her concerns are with traffic and parking. She indicated she has travelled this route during winter and knows what it is like. Parking on Timberlane Drive is a concern. She is also concerned about the architecture and visual appearance and would like to see samples of the materials. The Chair stated she is also concerned about runoff. She felt the applicant should be asked to come back with these concerns addressed.

Councilor Remy stated that this application has been challenge for him. He agreed that Keene needs affordable housing and given that this project is proposing multi-family housing this would align with the goals of the Master Plan. He indicated he has seen the house on Forest Street and sees some of those elements incorporated into this design. If this application is continued, the Councilor would like to see a rendering from the street. He stated that runoff is of concern and he wants to make sure that the 50 year plans actually are up to date. He also stated that he wants to be supportive of the project, but would like to see a rendering from the street.

Vice-Chair Orgaz stated that he too echoes what has been said and agrees there is a housing need in Keene. If the concerns with water and traffic can be addressed, then he would be in support. He expressed his appreciation to the public for their comments.

Mr. Farrington agreed that Keene has a housing need. He felt that staff has outlined a long list of conditions and there seems to be quite a bit of information still required from the applicant.

Ms. Mastrogiovanni stated that she has questions regarding the exemption process for going from a two-story to a three-story and what that would entail to be permitted in this area. Ms. Brunner stated that the two-story height limitation is in zoning and it would not be an exemption if they wanted to go up to three stories. The Applicant would have to be granted a variance from the Zoning Board of Adjustment to allow for three stories. However, the Applicant has indicated that the lowest level is a basement and staff would need to see more information to verify that. What staff has now is just a rendering of what the front façade of the building would look like and generic elevations. Staff needs separate elevations for each building to verify that these are two story buildings and not three-story buildings.

Ms. LaVigne-Bernier clarified that the basement can also be considered a garage. Ms. Brunner agreed and added that the definition is not about how it is used but how much it is above grade on all four sides.

Mr. Kost clarified that the definition of a “building story” has a height attached to it and asked if the basement was a garage and whether there was a limit to the structures. Ms. Brunner stated that in the Low Density District, the maximum height is 35 feet and these buildings are at a maximum height of 31 feet. She added that staff needs to verify if the lower level would be considered a story above grade or whether it can be considered a basement.

Chair Russell-Slack stated she is in favor of this project, but has concerns which she has addressed. Housing is needed not only in our community but throughout the country. She stated she would like to continue this public hearing to July. Councilor Remy asked whether the Applicant would need to be consulted as to a continuance. Ms. Brunner stated the Board at this point is within the timeframe to request a continuance. The Chair stated this has been a difficult decision, but did not feel that she was confident enough moving this item forward. She stated that during her time on the Board, she recalls one other item that has been continued and she does not see it happen often, but it has happened.

C. Board Discussion and Action

A motion was made by Councilor Michael Remy that the Planning Board continue this application the next Planning Board meeting scheduled for Monday, July 25th. The motion was seconded by Vice-Chair Orgaz.

Ms. LaVigne-Bernier stated she too would not feel comfortable moving this item forward.

The Board unanimously approved the motion made by Councilor Michael Remy.

The Board took a five minute break.

VI. Updates to the Planning Board Rules of Procedure

The Board continued this item to the July meeting. Ms. Brunner stated a draft of the Rules of Procedure are included on Page 117 of the packet. She indicated this is a complete rewrite. She indicated she would provide a red lined document for next month.

VII. Staff Updates

None

VIII. New Business

None

IX. Upcoming Dates of Interest – July 2022

- Joint Committee of the Planning Board and PLD – July 11, 6:30 PM
- Planning Board Steering Committee – July 12, 11:00 AM
- Planning Board Site Visit – July 20, 8:00 AM – To Be Confirmed
- Planning Board Meeting – July 25, 6:30 PM

X. Adjournment

There being no further business, Chair Russell Slack adjourned the meeting at 8:59 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Megan Fortson, Planning Technician

Additional typographic edits by,
Katrnya Kibler, Clerk's Office