

**Zoning Board of Adjustment  
September 6, 2022 6:30 p.m.  
City Hall Council Chambers  
3 Washington Street, 2<sup>nd</sup> Floor**

**AGENDA**

- I. Introduction of Board Members:
- II. Minutes of the Previous Meeting: August 15, 2022
- III. Unfinished Business:  
House Bill 1661: Notice of Decision outlining the Findings of Fact

IV. Hearings:

**Continued ZBA 22-13:** Petitioners, Brian & Amalia Harmon, requests a Variance for property located at 27-29 Center St., Tax Map #568-016-000-000-000 that is in the Downtown Transition District. The Petitioners requests a Variance to permit a multi-family dwelling with three units on a lot with 3,049 sq. ft. where 18,800 sq. ft. is required, per Chapter 100, Article 4.6.1 of the Zoning Regulations.

**ZBA 22-14:** Petitioner, The Home for Little Wanderers of 10 Guest St., Boston, MA, represented by BCM Environmental & Land Law, PLLC of 41 School St., Keene, requests a Variance for property located at 39 Summer St., Tax Map #568-037-000-000-000 that is in the Downtown Transition District and owned by William K. Schofield, 27 Dublin Rd., Jaffrey, NH. The Petitioner requests a Variance to permit a large group home for youth where a large group home is not a permitted use per Chapter 100, Table 4-1 and Table 8-1 of the Zoning Regulations.

**ZBA 22-15:** Petitioner, 310 Marlboro St., LLC, requests a Variance for property located at 310 Marlboro St., Tax Map #595-001-000-000-000 that is in the Business Growth & Reuse District. The Petitioner requests a Variance to permit five total stories above grade where three stories above grade are permitted per Chapter 100, Article 5.4.4 of the Zoning Regulations.

**ZBA 22-16:** Petitioner, 310 Marlboro St., LLC, requests a Special Exception for property located at 310 Marlboro St., Tax Map #595-001-000-000-000 that is in the Business Growth & Reuse District. The Petitioner requests a Special Exception from Chapter 100, Article 9.2.7.C.2.a & b. of the Zoning Regulations, Major Parking Reduction Request.

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

Page intentionally left blank

1 City of Keene  
2 New Hampshire

3  
4  
5 ZONING BOARD OF ADJUSTMENT  
6 MEETING MINUTES  
7

8 **Monday, August 15, 2022**

**6:30 PM**

**Council Chambers**

**Members Present:**

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

**Staff Present:**

John Rogers, Zoning Administrator  
Corinne Marcou, Zoning Clerk  
Michael Hagan, Plans Examiner

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 6, 2022**  
17

18 Ms. Taylor stated that line 93 of the June 6, 2022 meeting minutes says "...in keeping with the  
19 Autex Mazda brand so that customers recognize," and then it is dropped. The sentence needs an  
20 object. Customers recognize what? She asked if someone can listen to the recording and fill that  
21 in. Chair Gorman asked staff to follow up on that.  
22

23 Mr. Welsh made a motion to approve the minutes of June 6, 2022, with line 93 corrected. Mr.  
24 Hoppock seconded the motion, which passed by unanimous vote.  
25

26 **III) Unfinished Business**  
27

28 Chair Gorman asked if there was any unfinished business. Mr. Rogers replied no.  
29

30 **IV) Hearings**  
31

32 **A. ZBA 22-12: Petitioner, Les Lynch of SPS Carpentry, LLC, requests a Variance for**  
33 **property located at 121 Davis St., Tax Map #584-046-000-000-000 that is in the**  
34 **Downtown Transition District and owned by Massoud, LLC of 105 Arch St, Keene.**

35           **The Petitioner requests a Variance to permit the renovation from a single-family**  
36           **dwelling to a multiple family dwelling on an 11,325 sq. ft. lot where 13,400 sq. ft. is**  
37           **required, per Chapter 100, Article 4.6.1 of the Zoning Regulations.**  
38

39 Chair Gorman introduced ZBA 22-12 and asked to hear from staff.

40  
41 Michael Hagan, Plans Examiner, stated that this building was built in 1870 and is located in the  
42 Downtown Transition District. He continued that it has 11,325 square feet where 13,400 square  
43 feet would be required. It has five bedrooms and would require four parking spaces for use as a  
44 two-family home.

45  
46 John Rogers, Zoning Administrator added that for clarity, where it states that this is a single-  
47 family home converting to a multi-family, it would be a two-family home. He continued that as  
48 a two-family home, it would require the four parking spaces as Mr. Hagan mentioned.

49  
50 Ms. Taylor stated that in reading the application, she sees that this is basically a six-bedroom  
51 home, and she assumes it would be one tenant per bedroom. She asked why it is not considered  
52 a lodging house. She knows that is not a permitted use in this district, but there could be a  
53 lodging house by Variance.

54  
55 Mr. Rogers replied that if they were to use this as one unit without dividing it to two units, it  
56 would be a lodging house and they would be before the Board seeking a Variance for that use.  
57 He continued that he will let the Applicant speak to it, but he believes their intent is to separate  
58 this into two distinct units.

59  
60 Ms. Taylor asked if this would meet the criteria for a lodging house if they did not have this  
61 application before them. Mr. Rogers replied that it depends, that the presence of six bedrooms  
62 does not necessarily make it a lodging house. Six bedrooms could still be a single-family home.  
63 It is based off the tenancy and the relationship between the occupants. For example, it could be a  
64 single family with eight children. If several people who were unrelated occupied it, then it  
65 would fit more as a lodging house. This has always been used as and considered a single-family  
66 home.

67  
68 Ms. Taylor asked if he is saying that if there were six unrelated people using the various  
69 bedrooms, it would be closer to the definition of “lodging house,” which would not be a  
70 permitted use. Mr. Rogers replied that is correct; it would require a license under the new Land  
71 Use Code.

72  
73 Mr. Welsh asked for clarification in asking if the property has been rented to six tenants in the  
74 past, and those six are not family members, has the property been in violation of the Code. Mr.  
75 Rogers replied that is correct.

77 Mr. Hagan stated that for further clarification, a landlord is allowed to rent to up to four  
78 unrelated people, regardless of how many bedrooms exist, for a single-family home. Ms. Taylor  
79 replied though she recognizes that, her understanding of the application is that they have six  
80 bedrooms and six unrelated tenants who are quite possibly Keene State College students, so she  
81 wondered if the City considered it a lodging house and it was just in the wrong zone. That was  
82 the foundation of her question; she wanted to make sure she understood the Code correctly.

83  
84 Chair Gorman thanked staff and asked to hear from the Applicant.

85  
86 Les Lynch of Walpole stated that he is representing SPS Carpentry, business address PO Box  
87 516, Walpole, NH. He continued that regarding the previous conversation, he would add that the  
88 current owners have recently purchased the property and this is their first go-round with signing  
89 tenants, and their goal is to not continue the practice of having more tenants than they are  
90 lawfully allowed. The Ordinance about four non-family members was the impetus for them  
91 choosing to subdivide and add a single-bedroom apartment rather than continuing to rent it in the  
92 way that the previous owners did.

93  
94 Chair Gorman stated that Mr. Lynch is welcome to present however he likes, going through the  
95 Variance criteria or not, but the Board will be deliberating on each of the five criteria.

96  
97 Mr. Lynch stated that City staff did a straightforward job of explaining the basic issue. He  
98 continued that the lot size is 11,325 square feet. The Downtown Transition District requires  
99 13,400 square feet in order to subdivide this property. This property has five or six bedrooms,  
100 and there is no use for the fifth or six bedroom, if they are only allowed to rent to four non-  
101 family members. The plan (SPS Carpentry) decided on, in the best interest of the owners and  
102 hopefully the spirit of the Variance, is to divide a section of the first floor to create a one-  
103 bedroom, single-family apartment that is separated from the rest of the house. The house itself  
104 has been traditionally rented as a communal rental, and to his knowledge will continue that way.  
105 Bedrooms are rented individually and there are communal spaces, with predominantly college  
106 students expected as the tenants. The backside would be for either a single individual or a small  
107 family; the intent is for it to be less of a communal situation and more of an individual, private  
108 apartment. They would have to add parking spaces to meet that criterion, as suggested in the  
109 plans he submitted. The existing driveway is a stacked driveway though there is an additional lot  
110 to the right that is also part of the plot, where they would add the required parking spaces. There  
111 are several Code issues that they would be expected to follow, which he probably does not need  
112 to get into now.

113  
114 Mr. Lynch continued that when he was first asked about whether this was feasible and he started  
115 researching, one of the first things he noticed was that on Davis St., there are ten other homes  
116 with lots smaller than this one, that have the multi-family classification. Thus, they assume there  
117 was a precedent to this Variance. He knows that with the way the Downtown Transition District  
118 has changed in the past years there was probably some grandfathering. He was not able to find a  
119 zoning hearing for any of those properties, so he is not sure how they got to that point. He could

120 not locate any records. The Massouds are inheriting this property with some questionable  
121 Ordinance adherence in the past, and given their plan to add additional buildings in the future,  
122 they really wanted to make sure this first one was done correctly. It was a matter of the four-  
123 person Ordinance or the single-family Ordinance and they chose to try to get a Variance from the  
124 single-family Ordinance so they can continue the property as a rental and add another suitable,  
125 well-kept unit to the side. They have greenlit a long list of improvements to the building itself,  
126 upgrading it both visually and structurally. He assumes that would add value to the property and  
127 the surrounding areas and that would be considered a positive for the endeavor itself.

128  
129 Chair Gorman asked how many bedrooms will remain in the existing unit. Mr. Lynch replied  
130 that the existing unit will have four bedrooms, as it currently does, all second floor. He  
131 continued that the two bedrooms on the first floor, or the bedroom and the “utility room,” would  
132 be transitioned into the new apartment space. Thus, only the four bedrooms upstairs would  
133 remain in the original space.

134  
135 Ms. Taylor asked Mr. Lynch to review the drawing in a more detail, continuing that even with a  
136 magnifying glass, she was not able to figure out the one provided in the agenda packet. Mr.  
137 Lynch replied that he has another drawing he can share, and he can describe what it shown on  
138 the screen. He continued that the steps, at the top of the screen, show the existing porch entrance  
139 that enters into the kitchen of what he will call the original apartment. By Code, that needs to be  
140 divided into a separate entrance for both apartments to meet the Fire Code. That will be a shared  
141 entrance for either apartment, on the first floor, and it will be secondary egress. The blank space  
142 is the existing kitchen and living room. He does have that floor plan, but because it is not being  
143 changed, he did not include it in what the Board is seeing. The new section, as you enter into the  
144 kitchen, is the current porch that will be renovated, insulated, and turned into a complete living  
145 space. The larger room to the back would be the living room of that space and the room closest  
146 to the blank space at the bottom is the master bedroom with an attached master bath.

147  
148 Ms. Taylor asked about a rear entrance. Mr. Lynch replied yes, for secondary egress there would  
149 be an additional entrance off the back. He continued that however, the primary function of that  
150 would be access to the basement for utility purposes for tradespeople doing service, so they  
151 could do so without having to enter either of the tenant spaces. Ms. Taylor asked if it is also an  
152 entrance for the back. Mr. Lynch replied that it is an entrance for the basement stairs. It does  
153 not tie into the apartment and he misspoke earlier. It is a service entrance, essentially, because  
154 the water heater and electrical functions are all downstairs. Ms. Taylor asked where the  
155 secondary egress is, then. Mr. Lynch replied that both bedroom windows are expected to be  
156 large enough. Ms. Taylor asked if it is correct that the apartment will not exit out the back. Mr.  
157 Lynch replied that is correct; the plan is for it to be a service entrance, because with the shared  
158 basement space, there has to be a way to divide it and limit access.

159  
160 Mr. Hoppock asked if it is correct that Mr. Lynch proposes four bedrooms be left alone on the  
161 second floor, with one on the first floor. Mr. Lynch replied yes. Mr. Hoppock asked if the blank  
162 space to the right is just a kitchen, because there is nothing in the drawings. Mr. Lynch replied it

163 is the existing kitchen, and that layout will remain unchanged. He continued that he has a full  
164 layout of the existing house if the Board wants to see it. Mr. Hoppock asked if he has the layout  
165 of the second floor. Mr. Lynch replied yes, and none of that is being changed, which is why he  
166 did not include it for the Board, but he does have it as part of the permitting process. Mr.  
167 Hoppock replied that he might want to look at it.  
168

169 Ms. Taylor stated that assuming that the additional parking area will be paved, the application  
170 only indicates that it is a little over 5% increase of impervious coverage. Mr. Lynch replied that  
171 it is two additional parking spaces, and the plan is for Surepak, not tar, due to the location and  
172 the timeliness. He continued that if tar is required, they can upgrade to that, but it was not  
173 mentioned at the time. He reviewed the Code for what constitutes a parking spot and went to the  
174 minimum requirements for two additional parking spaces. What is provided as additional parking  
175 is the width of the driveway, which he believes is still counting as two static with a pass by, and  
176 qualifies as it currently sits. If that needs to be addressed, it can be, but that was his  
177 understanding of the requirements for parking.  
178

179 Ms. Taylor asked staff how many parking spaces are required for this, and whether, under the  
180 Code, head-in/stacking parking is an issue. Mr. Rogers replied that with the two dwelling units,  
181 it would be a total of four parking spaces, that the Code does not have anything saying you cannot  
182 have stacking, but specified that the Code speaks to the location of the parking on the lot. He  
183 thinks what the Applicant is providing certainly would appear to meet the need of four parking  
184 spaces with probably some additional spaces if there is stacking. As problematic as stacking can  
185 be, the City does not have anything that prohibits it.  
186

187 Ms. Taylor asked if there is no longer a requirement for a certain number of parking spaces based  
188 on bedrooms. Mr. Rogers replied that the parking requirements have never been based off  
189 bedrooms; it has been based off the dwelling unit itself, with two parking spaces per dwelling  
190 unit required in most of the City. Some districts only require one, and some districts do not  
191 require any. This district requires two per dwelling unit.  
192

193 Chair Gorman stated that it is safe to assume that all of these issues will be sorted out through the  
194 permitting and inspection process. Mr. Rogers replied that is correct, they would be looking at  
195 the spaces, because there are specific sizes required. He continued that in this situation it would  
196 be an 8' x 18' area per parking space. From this drawing, it does appear that the Applicant has  
197 adequate room to provide that.  
198

199 Chair Gorman asked if the Board had more questions. Hearing none, he asked Mr. Lynch if he  
200 had anything more to present. Mr. Lynch replied that he believes they have discussed the  
201 questions from the Board. He continued that if Mr. Hoppock wants to see the plans, he can bring  
202 them, to show the complete first and second floor layout.  
203

204 Ms. Taylor stated that she would like to hear the Applicant go through the criteria.  
205

206 Chair Gorman asked Mr. Hoppock if he wants to see the plans. Mr. Hoppock's response is  
207 inaudible.

208  
209 Chair Gorman asked Mr. Lynch to go through the criteria. He explained the Board will be  
210 specifically deliberating on those, and the reason Ms. Taylor is making this request is because  
211 the Board needs to find just cause for each criterion to be granted fully. He asked Mr. Lynch to  
212 specifically spend time explaining the hardship criterion.

213  
214 *1. Granting the Variance would not be contrary to the public interest because:*

215  
216 Mr. Lynch stated that there would be additions and improvements to this property that come with  
217 the addition. He continued that they are also working hard to adhere to Ordinances that may  
218 have been overlooked in the past, and it is in the public interest that the Massouds adhere to all  
219 Ordinances and are attempting to go through the proper channels to do so. They are also talking  
220 about adding a stable, single-family residence to the area, and another lodging option in a  
221 community where rental properties are at a premium and smaller, single-family rental properties  
222 are difficult to come by in a non-communal environment, especially in this location, which is  
223 primarily a rental neighborhood. He believes the entire street is considered rental properties.

224  
225 *2. If the Variance were granted, the spirit of the Ordinance would be observed because:*

226  
227 Mr. Lynch stated that they are avoiding the extraneous lodging of stacking tenants on top of each  
228 other in properties not designed for it, especially one as old as this one is. Instead of stacking a  
229 six-bedroom house with tenants, they are taking the time to update it to a more modern approach  
230 that meets those Ordinances and even though the Ordinance is attempting to limit the expanse of  
231 that particular street, this, as a single-family home with six bedrooms, is actually the outlier in  
232 the neighborhood. As he mentioned earlier, ten other properties on this road are following this  
233 same Variance approach and have multi-family homes on smaller lots than the Massouds'.

234  
235 *3. Granting the Variance would do substantial justice because*

236  
237 Mr. Lynch stated that the Variance is offering the same opportunity to the Massouds that most of  
238 their neighbors are enjoying, while allowing a current "problem child" of the Ordinance system  
239 to be upgraded to a more appealing situation for the City.

240  
241 *4. If the Variance were granted, the values of the surrounding properties would not be*  
242 *diminished because*

243 Mr. Lynch stated that he apologizes if he repeats himself, but some of these criteria lend  
244 themselves to that. He continued that you can see the financial input the Massouds are putting  
245 into this building to improve the value and the overall state of the property. He has here a permit  
246 for about \$70,000 for interior, exterior, structural, electrical, and plumbing improvements to the  
247 building. In addition, the property now has owners who are much more concerned with the  
248 upkeep and aesthetics of the property, which he can only see as a benefit to the values of the



249 surrounding properties. The upkeep will make it a more visually appealing lot than what is  
250 currently there. He believes the Massouds' approach would extend to future actions on the  
251 property in addition to the current ones that are before the Board. For example, the garage is an  
252 eyesore on that street and is part of the long-term plan to be addressed as an improvement to the  
253 property. The Massouds bought the property knowing that it needed work, and they are doing a  
254 very diligent job, in his opinion, of following through on that.

255  
256 5. *Unnecessary Hardship*  
257 *A. Owing to special conditions of the property that distinguish it from other properties in*  
258 *the area, denial of the variance would result in unnecessary hardship because*  
259 *i. No fair and substantial relationship exists between the general public purposes*  
260 *of the ordinance provision and the specific application of that provision to the property because:*  
261 *and*

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

268  
269 Mr. Lynch stated that his primary comment was the fact that as a five- or six-bedroom house,  
270 depending on how the Board chooses to qualify it, it cannot be used to its potential because of  
271 the need and attempt to follow the Ordinance. He continued that the idea would be to allow the  
272 Massouds to use the full square footage of the house in a way that is correct and proper and in  
273 following with the City's Ordinances, and to allow the Massouds to not have two rooms that are  
274 not rentable, as is their current situation. The Massouds liken their situation to similar ones on  
275 the street with properties that have either been grandfathered or granted a Variance. That is a  
276 precedent for them applying for this one.

277  
278 Mr. Hoppock stated that he wants to ask staff about these ten other properties on the street. He  
279 continued that there is very little in the packet about that. He asked if these ten properties are  
280 non-conforming uses that are grandfathered, or if they received Variances in the past. He asked  
281 if anyone knows that history, and what the locations are in proximity to the Massouds' property.

282  
283 Mr. Rogers replied that as the Applicant said, staff did not research the overall neighborhood.  
284 He continued that he assumes that many of those properties have pre-existing, non-conforming  
285 uses happening on them. Many lots in this district are rather small. This is one of the larger  
286 ones, in terms of square feet, in the neighborhood. There are some single-family homes and  
287 many rentals in the neighborhood, many on small lots.

288  
289 Mr. Hoppock replied that that seems like a comfortable assumption, given the fact that it is a  
290 building from the 1870s. He continued that it would pre-exist zoning. Mr. Rogers agreed.

291

292 Mr. Hoppock asked the Applicant to tell the Board what he thinks the special conditions of the  
293 property are that distinguish it from the other properties.

294  
295 Mr. Lynch replied that he thinks the individual, single-family apartment they are proposing  
296 would be quite dissimilar to any other single bedroom apartments in that space. He continued  
297 that it is a small square footage, and unlike some of the apartment buildings that are proliferated  
298 on that road, there are three, he believes, multi-unit apartment buildings, it is offering a single  
299 bedroom aesthetic that is attainable for people. Most of the spots are either communal living or  
300 rental of a full floor of a duplex. This is somewhat unique compared to the surrounding area, for  
301 someone looking for that sort of living arrangement.

302  
303 Mr. Hoppock thanked Mr. Lynch for sharing the plans, and stated that it was helpful.

304  
305 Chair Gorman asked if the Board had more questions for the Applicant. Hearing none, he  
306 thanked Mr. Lynch and asked for public input. He asked to hear first from people speaking in  
307 favor of this application. Hearing none, he asked to hear from people who are opposed to the  
308 application.

309  
310 Frank DePippo of 33 Center Street stated that he has a question, asking what is the size of the  
311 required parking spaces and to confirm that they have to be at least 8'x18'. Mr. Rogers replied  
312 yes, and the parking spaces are required to be behind the front line of the house or behind the  
313 front setback.

314  
315 Hearing no further public input, Chair Gorman closed the public hearing and asked the Board to  
316 deliberate on the criteria.

317  
318 *1. Granting the Variance would not be contrary to the public interest.*

319  
320 Mr. Welsh stated that he thinks the Applicant has made a good case that the intent of the  
321 Ordinance is to prevent stacking and to reduce sprawl, and so on and so forth, and none of these  
322 things can ever be perfectly accomplished. He continued that he thinks that the best case he has  
323 heard is that it would be less in violation of the Ordinance if this Variance were granted, than to  
324 continue the use of the property as it has been in the past.

325  
326 Ms. Taylor stated that if this were granted, she does not believe it would alter the essential  
327 character of the neighborhood or threaten the public health, safety, or welfare. She continued  
328 that she thinks it would be in the public interest on those criteria.

329  
330 Mr. Hoppock stated that he agrees, and the shortage of square footage is 2,075. He continued  
331 that in weighing that with everything else, they are decreasing a six-bedroom unit to a five-  
332 bedroom unit, and thereby potentially reducing the density of the building. He sees that as a  
333 plus, and he agrees with Ms. Taylor's points.

334

335 Chair Gorman stated that he agrees. He continued that it is important to keep in mind why the  
336 Board is here, and as Mr. Hoppock said, it is just north of a couple thousand square feet.

337

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

339 Mr. Hoppock stated that that the applicant made the point about how there is a lot of overlap in  
340 these factors, stating that it is intended to be that way. The gain to the public would be the  
341 reduction in density, from a six-bedroom unit to a five-bedroom unit. The loss to the individual,  
342 if it were denied, would be significant restriction on the uses available. He supposes the  
343 Massouds could use the place as a single-family residence, but what he gets from the Applicant's  
344 presentation is that that is probably not the highest and best use in this zone. It is somewhat of a  
345 close call, but the third factor weighs in favor of the Applicant, for the reasons stated.

346

347 Chair Gorman stated that he agrees, and would add that the benefit to the public is the years of  
348 deferred maintenance that has been neglected will be taken care of, due to the capital investment  
349 being made in the property, which would benefit the neighborhood. He continued that he is  
350 familiar with the neighborhood and it is primarily what Mr. Lynch says it is, two- to four-family  
351 college housing. The Applicant's property, at first blush, is the one that is lacking the most  
352 upkeep in the neighborhood. Thus, to give cause to have those improvements done, he thinks is  
353 a win-win for both the owner and the public.

354

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

356

357 Given to slight confusion on which criteria the Board just discussed, criteria #3 was not  
358 deliberated.

359

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

362

363 Chair Gorman stated that it gets somewhat repetitive, based on what he just said,— it is probably  
364 (not possible to argue) that they are not raising the value of surrounding properties if they are  
365 going to put that amount of capital improvement into their own.

366

367 Mr. Hoppock stated that he cannot imagine a property where the application says between  
368 \$70,000 and \$80,000 worth of improvements is going to be invested, capital improvements, and  
369 it would not help the neighborhood to a degree. He cannot believe that it would not. He thinks  
370 this factor balances in favor of the Applicant as well.

371

372 5. *Unnecessary Hardship*

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

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

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

379

380 Ms. Taylor stated that as usual, she struggles with this particular criterion. She continued that in  
381 this case, as she has said on multiple occasions, all of the properties in this area are substandard.  
382 The remedy is not to, because all of the properties are substandard, grant a Variance. The  
383 remedy is to change the Zoning Ordinance. She does not believe that the lot size creates a  
384 special condition of the property, because as has been said, all the other properties are  
385 substandard. Thus, she is not sure what the special condition of the property is. She agrees that  
386 there is no particular relationship between what the Ordinance says and the properties on Davis  
387 St., but that does not make individual properties have a special condition. She is open to having  
388 someone convince her otherwise, but she has not heard anything yet that tells her there is a  
389 special condition of the property; albeit it would be nice to see the property fixed up and used  
390 appropriately.

391

392 Mr. Hoppock stated that he is having the same problem, questioning what is special about the  
393 property that distinguishes it from others. He does not think it is the lot size requirement. The  
394 Board heard a lot about this being the same as or very close to, the size of ten other properties. It  
395 is hard to get over that hurdle. Without the special condition being identified, the Board cannot  
396 do the balancing test here, to balance the impact of the Ordinance on the property to see if it  
397 creates the unnecessary hardship.

398

399 Chair Gorman stated that to him, the special condition is that this building has six bedrooms, and  
400 the Massouds did not build the house; it has been there for over 100 years. It was built as a six-  
401 bedroom, and as the world turns, six-bedroom houses are fairly obsolete these days. It is stuck in  
402 a college neighborhood, surrounded by properties that are not six-bedroom homes. They are  
403 primarily duplexes, rented to college students. To him, the special condition of the property is  
404 that is getting a lesser amount of allowable use than it was built for, and the remedy is to allow a  
405 conversion into two units so that it can be beneficial to the owner and also the community,  
406 because there is a housing shortage. It is very close to the square footage lot size requirements.  
407 He does not think a giant stretch is being made here.

408

409 Mr. Welsh stated that he agrees, further stating that one distinguishing factor it is that, although  
410 he is not sure about the history of the other houses, these have availed themselves to the remedy  
411 of becoming duplexes, either through Variances that the Board is not aware of, or during a period  
412 of time during which the Variances were not necessary. However, this one did not do that,  
413 though the current owners would be bringing it up to the standard of the rest of the neighborhood  
414 if the Board granted this Variance.

415

416 Ms. Taylor stated that she wants to add that regarding 5.A.ii., she thinks they can state for the  
417 record that regardless of whether or not the Board can find the hardship, the use would be  
418 reasonable. Chair Gorman agreed.

419

420 Mr. Hoppock stated that this application, in his mind, meets four of the five criteria. He  
421 continued that he is having a hard time saying that the six bedroom concept creates a hardship,  
422 but he likes the way Chair Gorman phrased it, as ‘a six-bedroom house stuck in a college  
423 neighborhood.’ He asked if they know anything about those other properties, questioning ifif  
424 any have six bedrooms. The problem he is having is the record seems incomplete about that  
425 comparison, although, he can be persuaded.

426  
427 Mr. Rogers replied that regarding the majority of the houses in that immediate area, there is a  
428 larger, multi-unit building next door. He continued that it is very doubtful that any of the other  
429 structures in that area have six bedrooms. Many of them, especially right across the street on  
430 Wilcox and Terrace Streets, mostly have single-family homes with a couple duplexes. The  
431 majority of them only have, going by his memory of providing inspections over the years, about  
432 four bedrooms and are family-type houses. He would be surprised if there were any other six-  
433 bedroom dwelling units within that neighborhood.

434  
435 Chair Gorman replied that he could speak to that a bit, from his time as a Housing Inspector for  
436 the City. He continued that the house in question was overcrowded for years, and Code  
437 Enforcement did have to deal with that, because the person who previously owned it was just  
438 renting rooms. There are a handful of those houses around the City. He is unaware of any other  
439 houses with that many bedrooms, and he has been in most of them for inspections. There are  
440 some six-bedroom homes throughout the city, for sure, but not right in this vicinity. Most are  
441 single-family, four-bedroom homes, or two or more units.

442  
443 Mr. Hoppock made a motion to approve ZBA 22-12. Mr. Welsh seconded the motion.

444  
445 1. *Granting the Variance would not be contrary to the public interest.*

446  
447 Granted with a vote of 5-0.

448  
449 2. If the Variance were granted, the spirit of the Ordinance would be observed.

450  
451 Granted with a vote of 4-1. Ms. Taylor was opposed.

452  
453 3. *Granting the Variance would do substantial justice.*

454  
455 Granted with a vote of 5-0.

456  
457 4. *If the Variance were granted, the values of the surrounding properties would not be*  
458 *diminished.*

459  
460 Granted with a vote of 5-0.

461  
462 5. *Unnecessary Hardship*

- 463 A. *Owing to special conditions of the property that distinguish it from other properties in*  
464 *the area, denial of the variance would result in unnecessary hardship because:*  
465 *i. No fair and substantial relationship exists between the general public purposes of the*  
466 *ordinance provision and the specific application of that provision to the property because:*  
467 *and*  
468 *ii. The proposed use is a reasonable one.*

469  
470 Granted with a vote of 4-1. Ms. Taylor was opposed.

471  
472 The motion to approve ZBA 22-21 passed with a vote of 4-1. Ms. Taylor was opposed.  
473

474 **B. ZBA 22-13: Petitioners, Brian & Amalia Harmon, requests a Variance for property**  
475 **located at 27-29 Center St., Tax Map #568-016-000-000-000 that is in the Downtown**  
476 **Transition District. The Petitioners requests a Variance to permit a multi-family**  
477 **dwelling with three units on a lot with 3,049 sq. ft. where 18,800 sq. ft. is required,**  
478 **per Chapter 100, Article 4.6.1 of the Zoning Regulations.**

479 Chair Gorman introduced ZBA 22-13 and asked to hear from staff.

480 Mr. Hagan stated that 27-29 Center St. is located in the Downtown Transition District. He  
481 continued that it is a brick building, built in 1920. It currently sits on 3,049 square feet where, if  
482 this Variance were granted, it would be required 18,800 square feet for a three unit building.  
483 This property received a Variance on September 7, 2021 to convert from an office building to a  
484 two-unit dwelling. In addition, four parking spaces were required, and a Variance was granted  
485 for three.

486 Mr. Welsh stated that the application before the Board is for the addition of another unit. He  
487 continued that they considered parking last time and asked if the Board should consider the  
488 addition of parking this time.

489  
490 Mr. Rogers replied that staff spoke with the Applicant, who will be presenting the Board with a  
491 different alternative that is allowed under the Zoning Code. He continued that a section of the  
492 Zoning Code speaks to the ability to provide the required off-street parking as “remote parking,”  
493 meeting the parking requirements by leasing off-site spaces somewhere within 1000 feet of  
494 where the required parking is needed. He will let the Applicant speak to that, but he believes  
495 their intent is to seek the additional parking spaces that would be required if this dwelling unit  
496 were granted through that “remote parking” section of the Zoning Code.

497  
498 Chair Gorman asked, for clarity, if it is correct that with the Variance the Board approved, the  
499 Applicant had two and a half spaces. Mr. Rogers replied that he believes that what they presented  
500 at the previous Variance request was that they had three and something spaces. The Variance  
501 that was granted, was for the one parking space that was lacking, because with that granted  
502 Variance was for the two dwelling units, which would require four spaces. With this new  
503 request, would require two mores spaces, and again, they are proposing to provide it through the

504 remote parking section of the Zoning Code. Chair Gorman replied that it would be imperative  
505 for the Board to focus on these two, because they have already granted a Variance for the  
506 existing fourth one. Mr. Rogers replied that that would be his recommendation. Certainly if this  
507 Variance were to be approved, they could condition that approval on the Applicant meeting the  
508 parking demand for that third unit.

509  
510 Chair Gorman asked if there were any more questions for staff. Hearing none, he asked to hear  
511 from the Applicant.

512  
513 Brian Harmon and Amalia Harmon, of 184 Colby Road, Danville, introduced themselves. Mr.  
514 Harmon stated that he and Mrs. Harmon do understand, and they have two options for parking,  
515 but they do not have leases. He continued that they have not selected either of the two options,  
516 because they did not know where this Variance request would take them. Not having any  
517 previous knowledge of how best to prepare for the meeting, they did seek two particular areas  
518 for potential parking. They do not have those leases in hand. They would like time, if that were  
519 what the Board needs, to produce these leases or submit them somehow.

520  
521 Mr. Rogers stated that just so the Board is aware, there is a whole process laid out in the Zoning  
522 Code for this parking lease agreement. He continued that there is an approval process that runs  
523 through the Community Development Department and ultimately is approved by the City  
524 Manager, if the Harmons are going to go with the remote parking.

525  
526 Chair Gorman stated that he would like to ask the Board if they are comfortable moving forward  
527 with the application without a lease in hand, but perhaps making that a contingency, should they  
528 see fit to approve the application otherwise.

529  
530 Ms. Taylor stated that if this moves forward, she thinks it would be appropriate to have that as a  
531 condition. Chair Gorman agreed. Mr. Hoppock agreed.

532  
533 Chair Gorman asked the Harmons if they are prepared to continue. He continued that the Board  
534 would be happy to continue this application to the next scheduled meeting, if they want to make  
535 further preparations. Mr. Harmon replied that he thinks they would like the opportunity to  
536 postpone this to the next meeting if possible. Chair Gorman replied that he is comfortable with  
537 that but cannot speak for the entire Board. He continued that they would have to make a motion.

538  
539 Ms. Taylor made a motion to move consideration of ZBA 22-13 to be considered further at the  
540 September meeting of the Zoning Board of Adjustment, at the Applicant's request. Mr.  
541 Hoppock seconded the motion.

542  
543 Chair Gorman noted that a member of the public has a question regarding what the grounds of  
544 the continuance are. He continued that the grounds are the Applicant has requested such a  
545 continuance and the Board is comfortable with that. He asked the member of the public to  
546 introduce himself and ask his question.

547  
548 Peter Espieffs stated that he lives next door to the Harmons and they have a common boundary.  
549 He continued that the Harmon's back boundary is his southern boundary. He is opposed to the  
550 Harmons' second request for a Variance.

551  
552 Chair Gorman replied that if Mr. Espieffs comes to the next scheduled hearing, he could voice  
553 that opposition. Mr. Espieffs replied that he does not understand why they need to keep coming  
554 to the meetings. Chair Gorman replied that this is the first time they have come for this  
555 application, and because there was some confusion around the parking and how the Board would  
556 wish for the Applicant to proceed, collectively, they are attempting to make a decision to  
557 postpone this until next month. It should not have much of an impact on Mr. Espieffs, who will  
558 be offered the same opportunity to come speak then. If he cannot attend, he is welcome to  
559 submit something in writing.

560  
561 Mr. Rogers added that the next Board meeting is Tuesday, September 6 at 6:30 PM, while the  
562 Board typically meets the first Monday of the month, Monday, September 5 is Labor Day.

563  
564 A member of the public asked to speak. Chair Gorman asked that he please be brief, continuing  
565 that he does not want to get into the meat and potatoes of the application if they are not going to  
566 hear from the Applicant.

567  
568 Frank DePippo, of Blue Spruce Ocean Holdings, stated that he owns the property next door at 33  
569 Center St. and has for many years. He continued that never has anyone removed his fence. The  
570 Board was given a photograph showing the potential parking, and he is very uncomfortable with  
571 it. The photo shows his fence in place. Mr. DePippo continued to share his opinions about the  
572 building, the parking, and the application. Chair Gorman stated that he is not comfortable  
573 allowing Mr. DePippo to continue in such depth, given that the Board has not yet heard from the  
574 Applicant. He continued that if the Board were going to continue this hearing, they would love  
575 to hear all of Mr. DePippo's input at the next hearing. He hears that Mr. DePippo is dissatisfied  
576 with a decision the Board has already made regarding a previous Variance, but that has been  
577 done, and they are moving on to this hearing. If they move this hearing to next month, he urges  
578 Mr. DePippo to come to speak, or write a letter to the Board. They did not know the application  
579 would be proposed for continuance, but it is an attempt to be fair to everyone, including Mr.  
580 DePippo.

581  
582 Mr. DePippo replied that he at least wants to submit a photograph he brought. Chair Gorman  
583 replied that he could submit it to City staff. Mr. DePippo continued to speak about his fence, and  
584 Chair Gorman stated that the topic is not the Board's purview and he encourages Mr. DePippo to  
585 reach out to the appropriate City staff members instead.

586  
587 Chair Gorman called for a vote on the motion to continue ZBA 22-13 to the September 6, 2022  
588 meeting. The motion passed unanimously.

589



590 Mr. Hoppock asked for the photographs to be circulated before the next meeting.

591

592 **V) New Business**

593 **A. Introduction of Community Development Director, Jesse Rounds**

594 Chair Gorman asked staff about new business for the next meeting. Mr. Rogers replied yes,  
595 there has been a change to the RSA, some of the land use requirements, and more about the  
596 meeting requirements and how notice of decisions are documented, which will take effect  
597 August 23. He continued that the City Attorney has just returned from vacation and will work on  
598 the discussion of how to move forward. This Board does a very good job with the finding of  
599 facts during their deliberations, but this new requirement requires the notice of decision have that  
600 detailed information as well. They have to figure out how to then take the information from the  
601 meetings and the Board dialogue then translate that to the notice of decision letter. Once they  
602 have an opportunity to speak with the City Attorney to discuss a process for staff, it will be  
603 presented it before the Board. Since it will be unfinished business, it can happen at the start of  
604 the meeting, so that moving forward into the public hearings, if there are any changes to the way  
605 the Board needs to handle their deliberations, they can do so. The Board does a good job  
606 discussing the findings of fact for the minutes, saying why they are voting the way that they are.  
607

608 Ms. Taylor stated that it sounds like the Board will have to formalize their findings of fact, but  
609 she thought there was also a change in the time limits for making final approval. She continued  
610 that her question is whether any of these changes require the Board to change its rules of  
611 procedure. She asked Mr. Rogers to look into that. Mr. Rogers replied that that will be part of  
612 the conversation with the City Attorney. He continued that regarding the changes to the time,  
613 that might be a change that needs to be made to the rules of procedure. Once the Board receives  
614 an application there is then a time limit for how long they have to hear an application, which  
615 applies to the Planning Board, too. He does not necessarily believe this time limitation will have  
616 a big effect on the way they accept applications and hear them, but it is something that will  
617 probably require a change to the rules of procedure.  
618

619 **VI) Communications and Miscellaneous**

620

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

622

623 **VIII) Adjournment**

624

625 There being no further business, Chair Gorman adjourned the meeting at 7:39 PM.

626

627 Respectfully submitted by,

628 Britta Reida, Minute Taker

629

630 Reviewed and edited by,

631 Corinne Marcou, Zoning Clerk

Page intentionally left blank

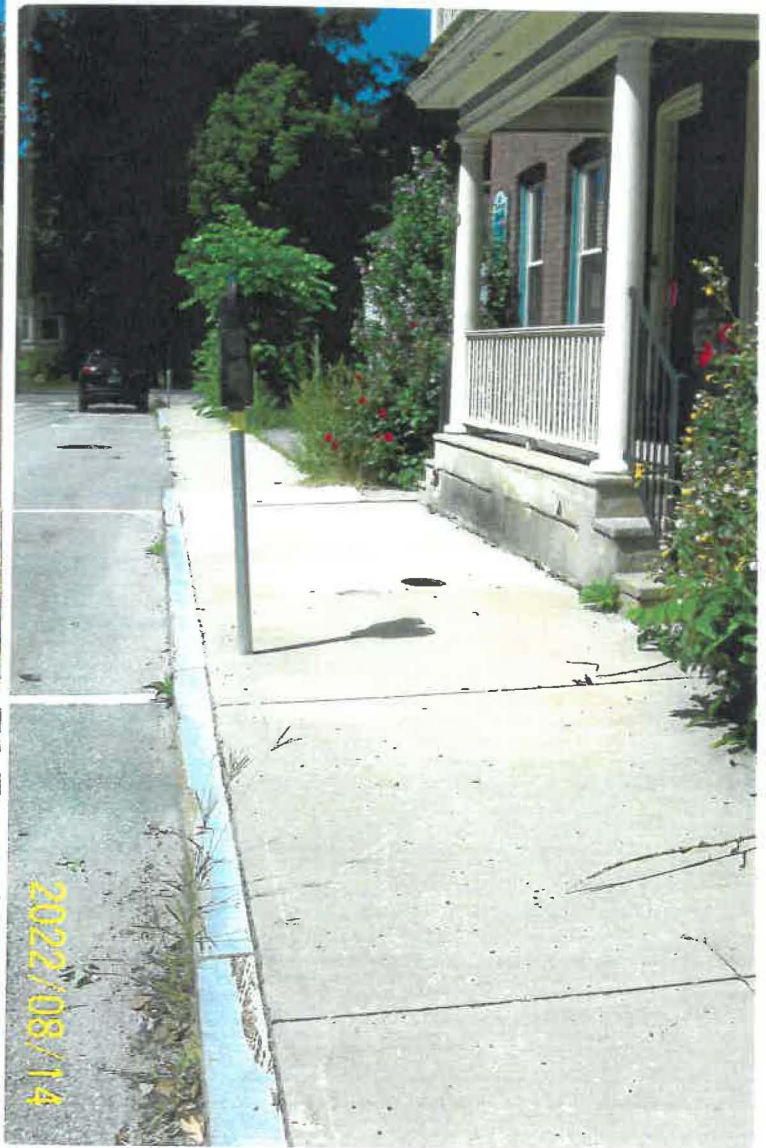
**John Rogers**

---

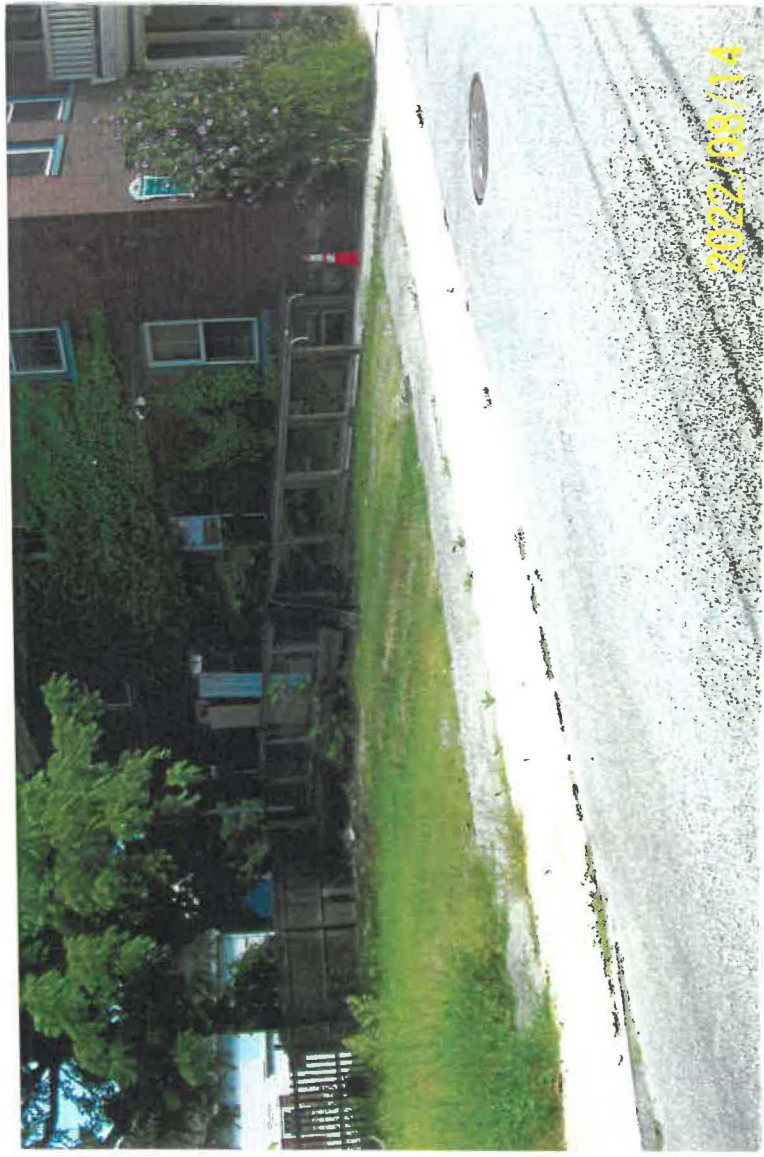
**From:** [REDACTED]  
**Sent:** Monday, August 15, 2022 6:21 PM  
**To:** f depippo  
**Cc:** John Rogers  
**Subject:** Center st photo 33 Frank



Sent from Yahoo Mail for iPhone



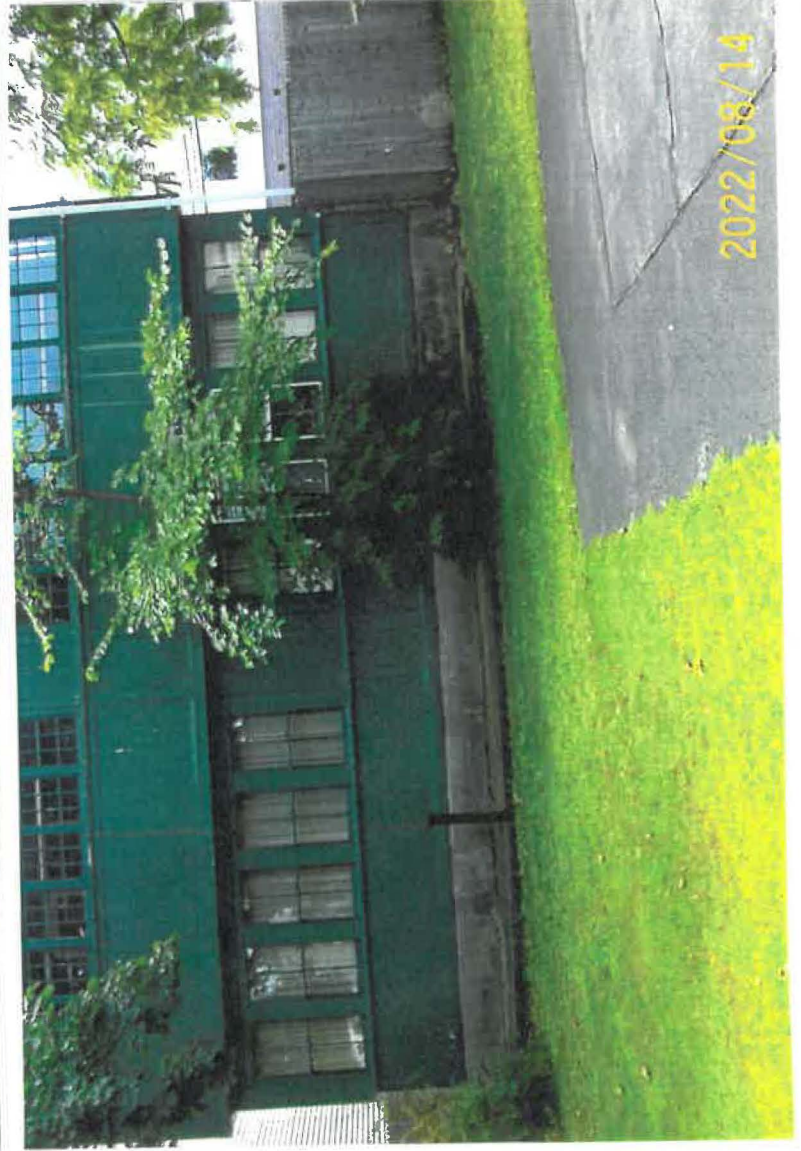
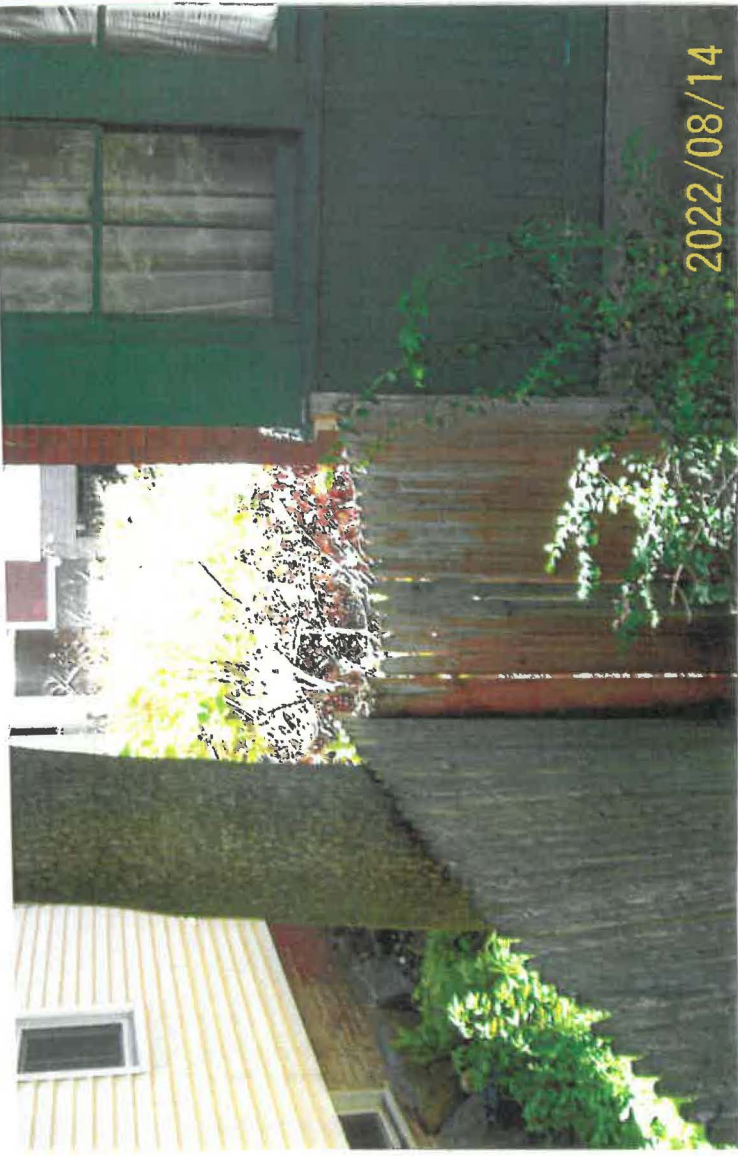
22-136.

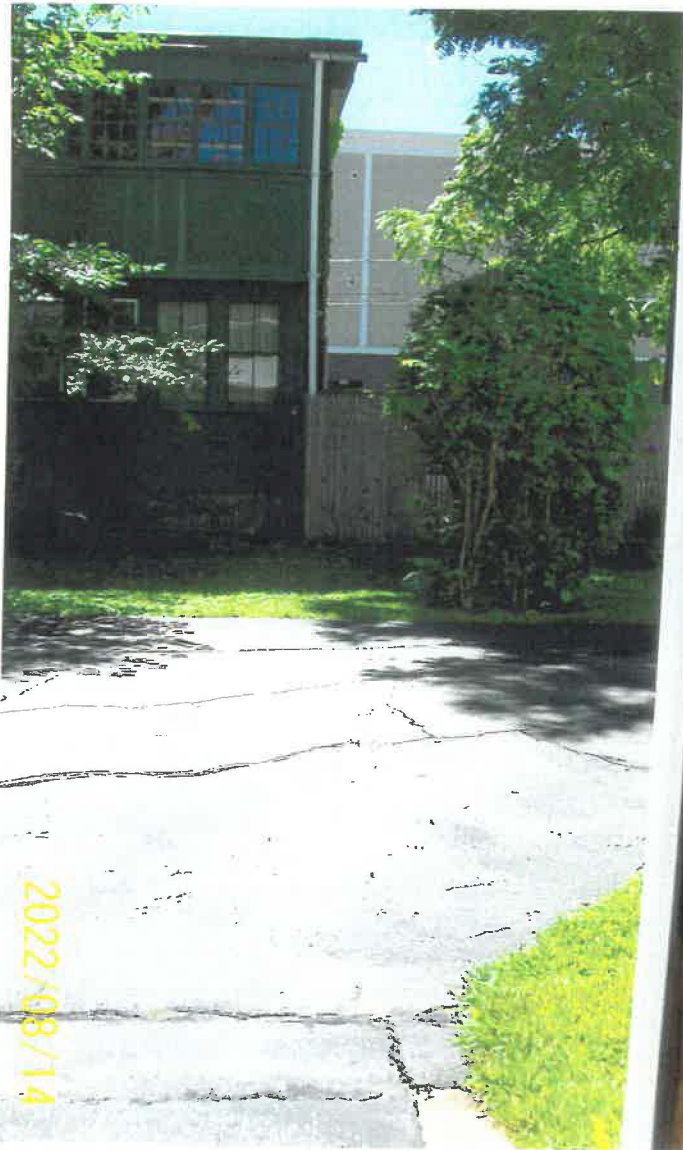


2022/08/14

2022/08/14

22-13d.

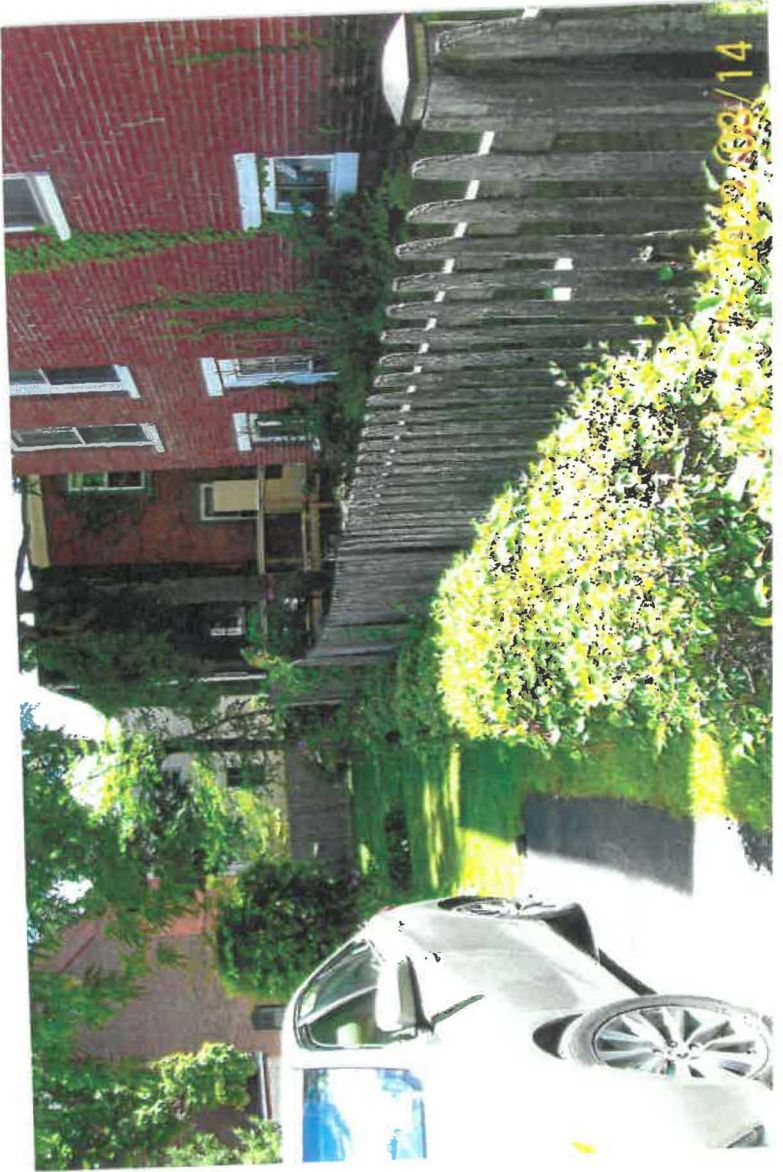




22-13f.



22-139.



# 39 SUMMER ST. ZBA 22-14



Petitioner requests a Variance to permit a large group home for youth where a large group home is not permitted per Chapter 100, Table 4-1 & Table 8-1 of the Zoning Regulations.



# City of Keene

*New Hampshire*

## **NOTICE OF HEARING**

### **ZBA 22-14**

A meeting of the Zoning Board of Adjustment will be held on Tuesday, September 6, 2022, at 6:30 PM in City Hall Council Chambers, 2<sup>nd</sup> floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioner, The Home for Little Wanderers of 10 Guest St., Boston, MA, represented by BCM Environmental & Land Law, PLLC of 41 School St., Keene, requests a Variance for property located at 39 Summer St., Tax Map #568-037-000-000-000 that is in the Downtown Transition District and owned by William K. Schofield, 27 Dublin Rd., Jaffrey, NH. The Petitioner requests a Variance to permit a large group home for youth where a large group home is not a permitted use per Chapter 100, Table 4-1 and Table 8-1 of the Zoning Regulations.

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://keenenh.gov/zoning-board-adjustment>

**Corinne Marcou, Zoning Clerk**

**Notice issuance date August 26, 2022**

City of Keene, NH

# Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No:	28A22-14
Date Filled:	8/18/22
Rec'd By:	City
Page:	1 of 27
Rec'd by:	

If you have questions on how to complete this form, please call: (603) 352-5440 or  
email: [communitydevelopment@keene-nh.gov](mailto:communitydevelopment@keene-nh.gov)

SECTION 1: CONTACT INFORMATION	
I hereby certify that I am the owner, applicant, 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. If applicant or authorized agent, a signed notification from the property owner is required.	
<b>OWNER / APPLICANT</b>	
NAME/COMPANY:	William K. Schofield
MAILING ADDRESS:	27 Dublin Rd, Jaffrey, NH 03452
PHONE:	603-532-4216
EMAIL:	wschofield@comcast.net
SIGNATURE:	
PRINTED NAME:	William Schofield
<b>APPLICANT (if different than Owner/Applicant)</b>	
NAME/COMPANY:	The Home for Little Wanderers
MAILING ADDRESS:	10 Guest Street, Boston, MA 02135
PHONE:	
EMAIL:	tdurling@thehome.org
SIGNATURE:	
PRINTED NAME:	Thomas Durling
<b>AUTHORIZED AGENT (if different than Owner/Applicant)</b>	
NAME/COMPANY:	BCM Environmental & Land Law, PLLC
MAILING ADDRESS:	41 School St, Keene, NH 03431
PHONE:	(603) 352-1928
EMAIL:	hanna@nhlandlaw.com
SIGNATURE:	
PRINTED NAME:	Thomas R. Hanna

City of Keene, NH

## Zoning Board of Adjustment Variance Application



**For Office Use Only:**

Case No. \_\_\_\_\_  
Date Filled \_\_\_\_\_  
Rec'd By \_\_\_\_\_  
Page \_\_\_\_\_ of \_\_\_\_\_  
Rev'd by \_\_\_\_\_

If you have questions on how to complete this form, please call: (603) 352-5440 or  
email: [communitydevelopment@keenenh.gov](mailto:communitydevelopment@keenenh.gov)

### SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, 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. If applicant or authorized agent, a signed notification from the property owner is required.

#### OWNER / APPLICANT

**NAME/COMPANY:** William K. Schofield

**MAILING ADDRESS:** 27 Dublin Rd, Jaffrey, NH 03452

**PHONE:**

**EMAIL:**

**SIGNATURE:**

**PRINTED NAME:** William Schofield

#### APPLICANT (if different than Owner/Applicant)

**NAME/COMPANY:** The Home for Little Wanderers

**MAILING ADDRESS:** 10 Guest Street, Boston, MA 02135

**PHONE:**

**EMAIL:** [tdurling@thehome.org](mailto:tdurling@thehome.org)

**SIGNATURE:** 

**PRINTED NAME:** Thomas Durling

#### AUTHORIZED AGENT (if different than Owner/Applicant)

**NAME/COMPANY:** BCM Environmental & Land Law, PLLC

**MAILING ADDRESS:** 41 School St, Keene, NH 03431

**PHONE:** (603) 352-1928

**EMAIL:** [hanna@nhlandlaw.com](mailto:hanna@nhlandlaw.com)

**SIGNATURE:** 

**PRINTED NAME:** Thomas R. Hanna

## SECTION 2: PROPERTY INFORMATION

Property Address: 39 Summer Street

Tax Map Parcel Number: 568-037-000

Zoning District: Downtown - Transition



Lot Dimensions: Front:                      Rear:                      Side:                      Side:

Lot Area: Acres: 0.4                      Square Feet: 17,424

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing:                      Proposed:

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing:                      Proposed:

Present Use: Office Building

Proposed Use: Large Group Home

## SECTION 3: WRITTEN NARRATIVE

**Article 25.5.4.A.:** Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

The Applicant, The Home for Little Wanderers (“The Home”) requests a variance from Table 4-1 and Table 8-1 of the City of Keene Zoning Regulations to permit a Large Group Home for youth at 39 Summer Street (TMP#: 568-037-000), which is located in the Downtown Transition (DT-T) District.

Since 1995, this 0.4-acre parcel and existing 6,694 square foot building was used as office space for Residential Resources Inc. Prior to this use, it was a nursing home. There are currently 12 offices, conference/meeting/file rooms, 1 office kitchen, 7 bathrooms, and an attached apartment unit.

The Home proposes a residential group home in the existing building for up to 12 youth ages 14-18, who identify as members of the LGBTQ+ community. Although the City’s definition of Large Group Home covers 8 to 16 residents, the proposed group home will not exceed 12 residents. This group home, to be called “Unity House,” will offer youth a safe and supportive living environment while they prepare for family reunification, independent living, secondary education paths, and future self-sufficiency. Unity House will operate as a partner program to The Home’s Waltham House in Massachusetts, which was one of only three group homes in the country supporting LGBTQ+ youth at the time it was established in 2002. Unity House will build on the Waltham House’s very successful model for delivering high quality residential care for LGBTQ+ youth for 20 years and will be the first of its kind in New Hampshire. The Home has a contract from the New Hampshire Department of Youth and Families to provide this service.

## SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) 4-1,8-1 of the Zoning Regulations to permit:

A Large Group Home for youth on the property at 39 Summer Street.

*Briefly describe your responses to each criteria, using additional sheets if necessary:*

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

See Attached

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

See Attached

3. Granting the variance would do substantial justice because:

See Attached



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

See 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 Attached

and

ii. The proposed use is a reasonable one because:

See Attached

B. Explain how, if the criterial 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 Attached

**VARIANCE APPLICATION FOR THE HOME FOR LITTLE WANDERERS**  
**39 Summer Street, Keene, NH**  
**TMP# 568-037-000**

**August 18, 2022**

**Descriptive Narrative:**

The Applicant, The Home for Little Wanderers (“The Home”) requests a variance from Table 4-1 and Table 8-1 of the City of Keene Zoning Regulations to permit a Large Group Home for youth at 39 Summer Street (TMP#: 568-037-000), which is located in the Downtown Transition (DT-T) District.

Since 1995, this 0.4-acre parcel and existing 6,694 square foot building was used as office space for Residential Resources Inc. Prior to this use, it was a nursing home. There are currently 12 offices, conference/meeting/file rooms, 1 office kitchen, 7 bathrooms, and an attached apartment unit.

The Home proposes a residential group home in the existing building for up to 12 youth ages 14-18, who identify as members of the LGBTQ+ community. Although the City’s definition of Large Group Home covers 8 to 16 residents, the proposed group home will not exceed 12 residents. This group home, to be called “Unity House,” will offer youth a safe and supportive living environment while they prepare for family reunification, independent living, secondary education paths, and future self-sufficiency. Unity House will operate as a partner program to The Home’s Waltham House in Massachusetts, which was one of only three group homes in the country supporting LGBTQ+ youth at the time it was established in 2002. Unity House will build on the Waltham House’s very successful model for delivering high quality residential care for LGBTQ+ youth for 20 years and will be the first of its kind in New Hampshire. The Home has a contract from the New Hampshire Department of Youth and Families to provide this service.

**Responses to Variance Criteria:**

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

Unity House will serve as a safe and supportive resource for youth, including those in Keene and surrounding towns. This group home will be a state-licensed facility with ample resources, including highly skilled professional staff with clinical and social service expertise, to ensure that the needs of its residents are met and that it is a good neighbor to the surrounding community.

Unity House will operate similarly to a residential dwelling, with residents sharing sleeping and common living space alongside The Home’s 24-hour staff. At no time will there be fewer than three staff present during “awake hours” and two staff present during “asleep hours” to ensure continual supervision in the event of an emergency. An administrator is also on-call 24/7 for any issues that need additional support or guidance. All points of ingress/egress for the building will be secured with key-pad locks and security cameras for added safety of the residents. With this level of onsite supervision and security, no unreasonable hazards or nuisances are likely to result.

While the residents and staff will utilize the site's outdoor space, such use will be in a manner similar to, and at a sound level consistent with a family residence. Staff will always be present to monitor ambient noise levels at all outdoor activities, and will be readily available to address neighbor concerns, should they arise. However, it should be noted that the residents will not be at Unity House because of behavior issues that prohibit them being in a community setting.

No adverse traffic impact will result from this use. The youth residents of this program will not be permitted to have vehicles onsite and will either be transported by Unity House's facility-owned vehicles or will walk to/from the site. With respect to staff, there will be three daily work shifts with an average number of four staff for the two daytime shifts, and two staff for an overnight shift. The average daily weekday trip generation is estimated to be between 20 to 26 vehicle trips. The average daily weekend trip generation is estimated to be between 16 to 20 vehicle trips. Although visitors and guests are permitted at the facility, residents will typically visit their families offsite and transportation will be provided by Unity House's vehicle(s). The estimated weekly number of visitors and guests will be between 1 and 3.

The projected traffic impact will be similar to the estimated daily trip generation for the site's existing office or nearby multifamily dwellings. According to the Institute of Transportation Engineers (ITE) Manual 10<sup>th</sup> Edition, the estimated average daily trip generation for a single unit in a multifamily dwelling is 7.32. Based on this estimate, a 3-unit apartment building generates an average of 21.96 trips per day. The ITE's estimated average daily trip generation for a small office building (Code 720) is 16.19 vehicle trips per 1,000 sf. ft. GFA. Based on this ratio, the estimated daily trip generation for the existing office use, which occupies approximately 5,806 sq. ft. of the building, is 93 trips. This is obviously a substantially greater traffic intensity than the proposed use.

The site presently has a paved parking area suitable for 16 vehicles. There is a driveway off Summer Street that provides access to 3 parking spaces. There is a 13-space parking lot at the rear of the building that is accessed via the driveway at 53 Summer Street. The current property owners have deeded rights to pass and repass over the driveway and parking area at 53 Summer Street to access this parking lot. This number of spaces exceeds the City's onsite parking requirement for group homes of 1 space per bed (See Table 9-1 of the Zoning Ordinance). These parking spaces will be utilized by The Home's staff and by two facility-owned vehicles used for transporting residents. The existing parking capacity on the site is greater than what the Unity House will need.

The Home has substantial experience with group homes generally and with a similar LGBTQ+ focused group home in Massachusetts. It is based on this experience that The Home can confidently say that the impact of this proposed group home on Keene's emergency response services (e.g. Fire, EMS, and Police) will be minimal. Likewise, the impact on the neighborhood will be similar to a single- or two-family home with multiple children, minus teenage drivers.

The site is currently served by city-supplied water and sewer services, which will be adequate to meet the needs of the proposed group home.

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

The proposed group home will be a low intensity residential use that is consistent with the spirit and intent of the underlying DT-T zoning district. The purpose of the DT-T District is to:

“...accommodate a variety of residential, open space, and other low intensity uses in a mixed-use environment of attached and detached structures. Development within the DT-T District is intended to complement and transition into existing residential neighborhoods adjacent to downtown Keene.” See Section 4.1.1.E of the Zoning Regulations.

The Unity House will have no more than 12 residents between the ages of 14 and 18 and will operate similarly to a single household unit. Based on The Home’s experience running similar programs, residents may stay as long as 3 to 4 years.

The size and nature of the proposed use are consistent with other uses permitted in the DT-T District. This District permits outright a diverse mix of housing types, including multifamily, and commercial uses such as office, funeral home, and bed and breakfast. Additionally, the DT-T District permits by Special Exception institutional uses including community center, cultural facility, day care center, and senior center. Group Home Small, which allows for up to 8 residents, is permitted by Conditional Use Permit in this District. See Table 4-1 of the Zoning Regulations. The proposed use will be less intense than many of the allowed uses in the DT-T District. As previously stated, the number of residents at the Unity House will be limited to 12 youth, who will not be permitted to have vehicles. Additionally, there is more than enough parking onsite to meet the minimum parking requirements in Table 9-1 of the Zoning Regulations for group home use, which is 1 parking space per bed. There are 16 paved parking spaces on the parcel.

The proposed use will be consistent with the diversity of uses within the Summer Street neighborhood. This parcel is the second largest lot on the north side of Summer Street. Adjacent uses on this side of the street include two 3-unit apartment buildings, one 2-unit apartment building, two office buildings, one single family residence, and one mixed office and apartment building. The office uses referenced include a doctor’s office, a tourism agency, and an accountant’s office.

Moreover, the proposed use is consistent with the intent of the City’s Comprehensive Master Plan, which includes a goal “to have a balanced and diverse housing stock, providing choice in housing types, affordability, location, and density.” (See page 49). The Home will convert the existing office building to a use that is residential in nature. At a time when there is a glut of office space and a dire need for housing, The Home has been searching for a site to locate Unity House in Western New Hampshire for nearly a year. The building and site at 39 Summer Street provide the ideal size, layout, location, and amenities for this youth-focused group home.

The Home is eager to locate Unity House in Keene, largely because of the City’s commitment to being a welcoming and inclusive community. A primary goal of the Unity House is to offer LGBTQ youth a safe and supportive environment in which to live and grow. Another important goal is to offer LGBTQ youth opportunities to develop strong connections to LGBTQ and non-

LGBTQ communities. These goals are aligned with the City’s Comprehensive Master Plan, which includes strategies to promote diversity. The Plan states on page 112 that:

“While some base the definition of diversity solely on race or ethnicity, the concept is much more tied to acceptance and respect. It means understanding individual differences and exploring these differences in a safe, positive and nurturing environment. It is about moving beyond simple tolerance to embracing and celebrating diversity’s many dimensions throughout our community.”

**3. Granting the variance would do substantial justice because:**

Granting the variance will not negatively impact the general public or the surrounding neighborhood and will provide The Home with the opportunity to locate this much needed program in a safe, residential setting.

If the variance is not granted, the Applicant would be disproportionately burdened by the restrictions placed on Large Group Homes in the City of Keene. The Zoning Ordinance permits higher intensity uses in the Downtown Transition District that would have greater impacts on the surrounding area than this proposal for a group home housing no more than 12 youth. Since Unity House will operate like a household unit, it is seeking to locate in a residential environment. However, most of the zoning districts that permit Large Group Homes in Keene are primarily commercial areas.

Granting the variance will provide benefits to the local community economically. The proposed use will add 22 well-paying jobs to the Keene economy, including 18.24 full time equivalent positions.

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

The Home has a long-standing and highly effective track record of operating similar residential group homes in New Hampshire and Massachusetts. The proposed Unity House will be licensed by the NH Department of Health and Human Services and will have a staff of 22 to oversee and support a successful operation. In addition to having professional staff to manage the residential program, there will be a part-time facility manager to oversee the maintenance and upkeep of the building and site. The Home has allocated approximately \$122,500 in Unity House’s annual operating budget for facility maintenance and repairs.

Prior to establishing the use, The Home will make renovations to the building and site including: the addition of a residential kitchen in the main part of the building; updates to all of the bathrooms; repair and replacement of damaged porch posts and flooring; replacement of damaged roofing; installation of landscaping for aesthetics and privacy; repainting the building’s interior and exterior; refinishing interior flooring; and replacement of the water heaters, oil tank, and boiler. These improvements will respect and restore the historic architectural features of this building. Additionally, The Home will install new IT infrastructure, exterior lighting, and security cameras on the exterior of the building. The cost of these initial improvements to the building and grounds is estimated to be \$250,000.00 and is approved by The Home’s Board for this fiscal year.

We expect that these improvements, along with the annual investment in property maintenance and 24/7 site supervision, will enhance the value of the property and insure that property values in the vicinity will not be reduced as a result of this use. In addition, the variety of uses of abutting properties, as described in the previous response, clearly indicate that the proposed use will not reduce property values in the neighborhood or the district.

The proposed Unity House will not adversely impact any abutters. The existing two-story building is of similar height to adjacent buildings and does not negatively affect the light or views of abutting properties. With respect to air quality, smoking will not be permitted anywhere on site.

No new structures or additions to the existing building are proposed.

## **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:**

The 0.4-acre parcel at 39 Summer Street is one of the largest lots and has one of the largest buildings on Summer Street. Except for 42-44 Court Street, no other building on the street has as much living space as the existing 6,694 sq. ft. building. In addition, the existing building, which is currently used by Residential Resources Inc. and was previously a nursing house, has a unique layout that includes 12 offices, 1 office kitchen, 7 bathrooms and an attached apartment unit, which also contains a partial kitchen and bathroom. There is also parking for 16 vehicles on site. Another special condition of this lot is that access to all but 3 parking spaces on the property is from the driveway at 53 Summer Street.

Due to its size and unique configuration, this building can accommodate commercial uses such as offices, multifamily, or a bed and breakfast. We suggest that such uses are of a higher intensity and would have greater impact on the neighborhood than the proposed group home. The Unity House will be of a significantly lower intensity than the existing office use as well as other uses that are permitted outright in the Downtown Transition (DT-T) District. The proposed group home will have no more than 12 residents between the ages of 14 and 18, who will not be permitted to have vehicles. These residents will share sleeping and common living space alongside The Home's 24-hour professional staff, similar to one large household.

Although the size of the proposed use exceeds the typical household size of a single-family dwelling and exceeds the size of a "Small Group Home," which the Zoning Regulations define as serving 8 or fewer residents, Unity House will have similar impacts to a two-family or three-family dwelling. This proposed use and associated level of land use impact is more closely aligned with the intent of the DT-T District than the commercial uses that are permitted outright in it. Section 4.1.1.E of the Zoning Regulations states that the intent of this District is to:

“...accommodate a variety of residential, open space, and other low intensity uses in a mixed-use environment of attached and detached structures...”

In other words, there is no fair and substantial relationship between the general public purposes of the ordinance provision (as described above) and the specific application of that provision. Granting the variance will provide the Unity House, which will operate in a similar manner as a medium-density residential household, with the same opportunity as the higher intensity and denser uses that are permitted outright in the DT-T District.

Furthermore, it must be noted that Keene’s Zoning Regulations significantly limit opportunity for a medium sized group home to be located in a residential neighborhood in Keene. Of the City’s 24 Zoning Districts, only 5 (High Density, High Density 1, Downtown Core, Downtown Growth, and Downtown Limited) permit a Large Group Home use. Four of these districts are concentrated in the City’s downtown area and the High Density 1 District is limited to a few parcels in West Keene. It is more appropriate for youth group homes like the Unity House to be located in low to medium density residential neighborhood settings instead of downtown commercial areas.

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

The proposed group home will be a well-managed, low intensity use that will fit in well with the surrounding area. It is in keeping with the purpose of the Downtown Transition (DT-T) District, which allows for mixed uses and serves as a transition to adjacent residential neighborhoods. In addition, it is compatible with the existing land use context of Summer Street. Currently, neighboring uses include multifamily apartments and office buildings, as well as some single-family homes. The proposed group home will have commensurate or lesser impact than these denser residential and commercial uses. Unity House will operate like a single-family dwelling, with residents sharing sleeping and common living space alongside The Home’s 24-hour professional staff, with none of the residents owning or operating vehicles.

The unique layout and large size of the building at 39 Summer Street can accommodate commercial or institutional uses. However, due to the unique requirements for a youth group home, this building provides the ideal amenities and floor plan to meet Unity House’s needs. Minimal work will be required to convert the building’s existing 6,694 square feet of living space for the program. Again, this use will be in keeping with the mixed use and residential character of Summer Street. The site, which is within walking distances of community resources (e.g. Keene Public Library, Keene Recreation Center, Cheshire Rail Trail and Ashuelot River Greenspace) and Keene’s downtown, is an ideal location for Unity’s Houses youth residents.

**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.**



The criteria in subparagraph A are fully satisfied. However, so are the criteria of this subparagraph B. Therefore, there is no need to respond further to this subparagraph B.

**ABUTTER LIST FOR VARIANCE APPLICATION FOR 39 SUMMER ST, KEENE, NH (TMP# 568-037-000)**

Parcel Number	Property Address	Owner Name	Owner Mailing Address	Owner Mailing Address 2
568-013-000-000-000	28 MIDDLE ST.	28 MIDDLE STREET REALTY LLC	99 VALLEY PARK DR.	SPOFFORD, NH 03462
568-042-000-000-000	82 COURT ST.	82 COURT PROPERTIES LLC	82 COURT ST.	KEENE, NH 03431
568-038-000-000-000	31 SUMMER ST.	MEGAN E. & JOHN G. ARRUDA	31 SUMMER ST.	KEENE, NH 03431
568-026-000-000-000	38 MIDDLE ST.	JOHN BERGERON & LINDA GROISS	38 MIDDLE ST.	KEENE, NH 03431
568-040-000-000-000	56 COURT ST.	NANCY E. BURK	PO BOX 413	KEENE, NH 03431
568-039-000-000-000	21 SUMMER ST.	SOFIA C. CUNHA VASCONCELOS	21 SUMMER ST.	KEENE, NH 03431
568-032-000-000-000	99 SCHOOL ST.	MARY JOSEPHINE CARMACK EMMET LIVING TRUST ATTN: MARY J. CARMACK EMMET & RICHARD H. EMMET	99 SCHOOL ST.	KEENE, NH 03431
568-014-000-000-000	29 MIDDLE ST.	PETER S. ESPIEFS REV. TRUST	29 MIDDLE ST.	KEENE, NH 03431
568-004-000-000-000	59 SCHOOL ST.	FARRAR FAMILY REV TRUST ATTN: ROBERT H. & JEANNA M. FARRAR	59 SCHOOL ST.	KEENE, NH 03431
568-041-000-000-000; 568-041-000-001-000	70 COURT ST.	KEENE SENIOR CITIZENS INC	70 COURT ST.	KEENE, NH 03431
568-025-000-000-000	37 MIDDLE ST.	JODY A. & KRISTEN LEACH	37 MIDDLE ST.	KEENE, NH 03431
568-031-000-000-000	103 SCHOOL ST.	SUSAN J. LISK	128 RIVER DR.	HADLEY, MA 01035
568-030-000-000-000	109 SCHOOL ST.	TYSON CHURCHILL & JULIE ANN SCHOELZEL	109 SCHOOL ST.	KEENE, NH 03431-3312
568-037-000-000-000	39 SUMMER ST.	WILLIAM K. SCHOFIELD	27 DUBLIN RD.	JAFFREY, NH 03452-5008
554-001-000-000-000	110 COURT ST.	JEREMY S. & SUSAN CLAIRE STIEGLITZ	8303 SW 43RD TERR.	GAINESVILLE, FL 32608
568-043-000-000-000	92 COURT ST.	MICHAEL JOHN JOSEPH & CERA BETHANY TERHAR	15113 BERNADETTE CT.	CHANTILLY, VA 20151
568-027-000-000-000	60 SUMMER ST.	ANTHONY TOEPFER	60 SUMMER ST.	KEENE, NH 03431-3353
568-034-000-000-000	61 SUMMER ST.	TOWNSEND CAPITAL TRUST ATTN: SYDNEY JANEY	61 SUMMER ST.	KEENE, NH 03431
568-036-000-000-000	45 SUMMER ST.	DAMIAN GILMARY WASSERBAUER	45 SUMMER ST.	KEENE, NH 03431
568-035-000-000-000	53 SUMMER ST.	FREDERICK K. WATSON TRUST	281 SHAWMUT AVE.	BOSTON, MA 02118
568-024-000-000-000	18 SUMMER ST.	MICHAEL J. & JENNIFER L. ZOLL	18 SUMMER ST.	KEENE, NH 03431
		BCM ENVIRONMENTAL & LAND LAW ATTN: TOM HANNA	41 SCHOOL ST.	KEENE, NH 03431
		THE HOME FOR LITTLE WANDERERS ATTN: THOMAS DURLING	10 GUEST ST	BOSTON, MA 02135



Abutter Map for 39 Summer Street (TMP# 568-037-000)

Keene, NH



1 inch = 137 Feet

August 8, 2022

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.



# Plot Plan of 39 Summer Street (TMP# 568-037-000)

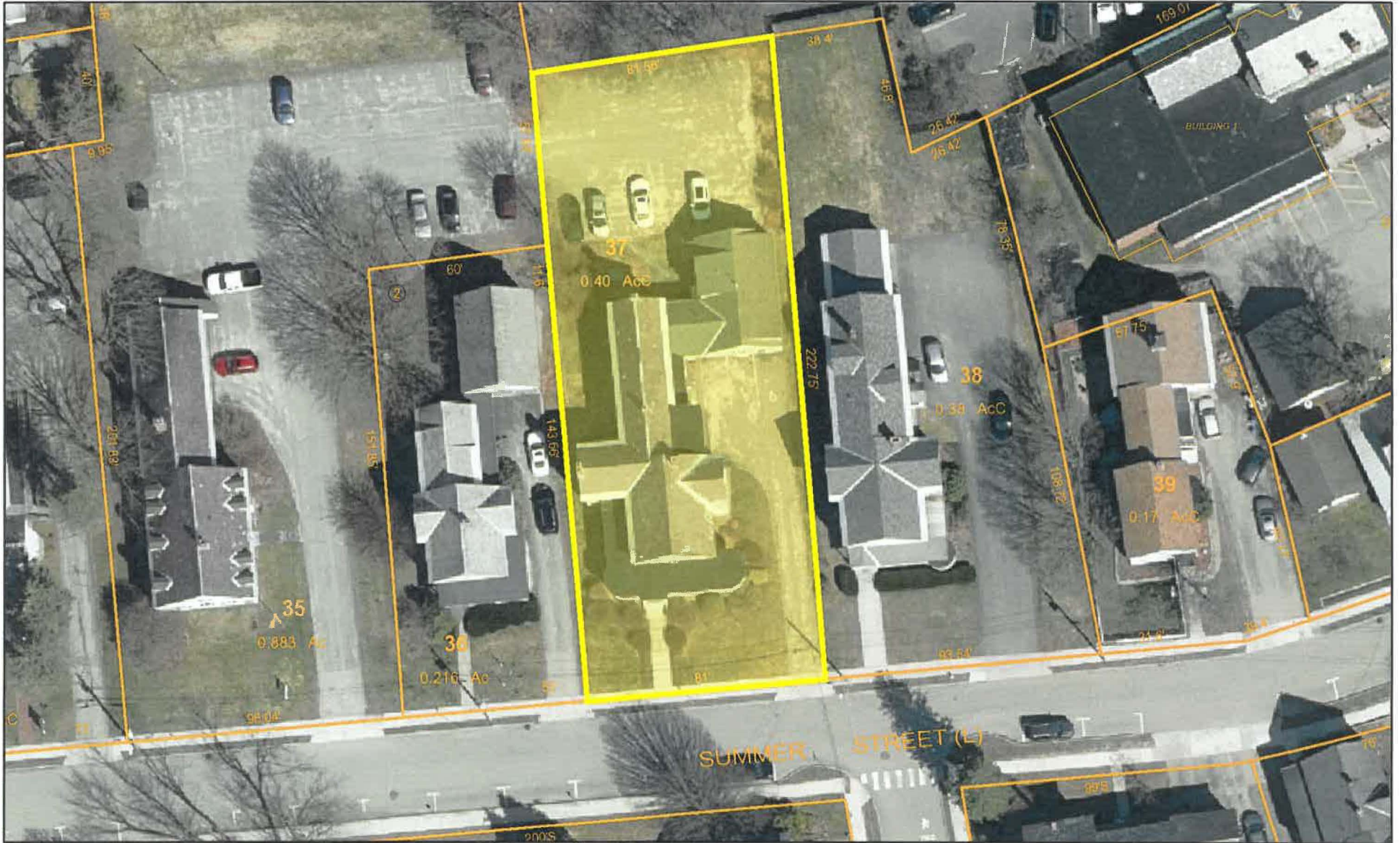
Keene, NH



August 8, 2022

1 inch = 47 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.



# Area Map for 39 Summer Street

Keene, NH



August 18, 2022

1 inch = 100 Feet

www.cai-tech.com



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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.

Page intentionally left blank

# 310 MARLBORO ST. ZBA 22-15



Petitioner requests a Variance to permit five stories above grade where three stories above grade are permitted per Chapter 100, Article 5.4.4 of the Zoning Regulations.



# City of Keene

New Hampshire

## **NOTICE OF HEARING**

### **ZBA 22-15**

A meeting of the Zoning Board of Adjustment will be held on Tuesday, September 6, 2022, at 6:30 PM in City Hall Council Chambers, 2<sup>nd</sup> floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioner, 310 Marlboro St., LLC, requests a Variance for property located at 310 Marlboro St., Tax Map #595-001-000-000-000 that is in the Business Growth & Reuse District. The Petitioner requests a Variance to permit five total stories above grade where three stories above grade are permitted per Chapter 100, Article 5.4.4 of the Zoning Regulations.

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://keenenh.gov/zoning-board-adjustment>

**Corinne Marcou, Zoning Clerk**

**Notice issuance date August 26, 2022**



# Zoning Board of Adjustment Variance Application



<b>For Office Use Only:</b>	
Case No.	<u>26A22-15</u>
Date Filled	<u>8/19/22</u>
Rec'd By	<u>CM</u>
Page	<u>1</u> of <u>22</u>
Rev'd by	_____

If you have questions on how to complete this form, please call: (603) 352-5440 or email: [communitydevelopment@keenenh.gov](mailto:communitydevelopment@keenenh.gov)

## SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, 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. If applicant or authorized agent, a signed notification from the property owner is required.

### OWNER / APPLICANT

NAME/COMPANY: **310 Marlboro St., LLC**

MAILING ADDRESS: **310 Marlboro Street, Keene, NH 03431**

PHONE: **(603) 721-1227**

EMAIL: **randallwalter@gmail.com**

SIGNATURE: 

PRINTED NAME: **Randall Walter**

### APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

### AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

**SECTION 2: PROPERTY INFORMATION**

Property Address: **310 Marlboro Street, Keene, NH 03431**

Tax Map Parcel Number: **595-001-000-000**

Zoning District: **Business Growth & Reuse**

Lot Dimensions: Front: **253'**      Rear: **279'**      Side: **675'**      Side: **675'**

Lot Area: Acres: **4.25**      Square Feet: **185,212**

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **31.14%**      Proposed: **31.16%**

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **68.9%**      Proposed: **67.9%**

Present Use: **Mixed Use Commercial**

Proposed Use: **Mixed Use Commercial & Residential**

**SECTION 3: WRITTEN NARRATIVE**

**Article 25.5.4.A.:** Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

**SEE ATTACHED**

**SECTION 4: APPLICATION CRITERIA**

A Variance is requested from Article (s) **5.4.4 Height** of the Zoning Regulations to permit:

**SEE ATTACHED**

*Briefly describe your responses to each criteria, using additional sheets if necessary:*

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

**SEE ATTACHED**

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

**SEE ATTACHED**

**3. Granting the variance would do substantial justice because:**

**SEE ATTACHED**

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

SEE 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 ATTACHED

and

ii. The proposed use is a reasonable one because:

SEE ATTACHED

B. Explain how, if the criterial 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 ATTACHED

# ZONING VARIANCE APPLICATION



**PREPARED FOR:**  
City of Keene Zoning Board of Adjustment  
3 Washington Street  
Keene, NH 03431

**PREPARED BY:**  
310 Marlboro St., LLC  
310 Marlboro Street  
Keene NH 03431

## SECTION 3 PROJECT NARRATIVE

**Article 25.4.5.A:** Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

---

### Location & Ownership

The property is located at 310 Marlboro Street in Keene, NH. It sits on the north side of the Marlboro Street corridor in the Business Growth and Reuse (BGR) District. The property is ½ mile from Main Street. It is also adjacent to the Cheshire Rail Trail. It was purchased by 310 Marlboro St., LLC/Randall Walter, a local architect and developer, in July of 2021.

### Property Description

The property has an existing building which has been built in phases totalling 86,689 square feet. The original structure was built in 1947. Built originally as the Pittsburgh Paint Factory to manufacture paint brushes, the building has substantial structural capacity which is not being utilized to its potential. A metal building of 12,580 square feet was added in 1984. All buildings are non combustible, steel framed, with metal and masonry exteriors, and are fully sprinklered.

The property is a mixed-use commercial building located in the Business Growth and ReUse (BGR) District of Keene, NH. It houses over 40 businesses offering a variety of services including a grades 9-12 charter school, professional offices, fitness studios, light manufacturing/ artisan spaces, and a variety of trades.

Since the change in ownership, the unique number of tenants has more than doubled. What was once a neglected building in need of repairs and maintenance is now a thriving center for a variety of entrepreneurs, professionals and tradespeople. Aside from the increased use of the building, notable energy improvements have been made including a 143kW solar array, installing a wood chip boiler and distribution system (decommissioned oil boiler), new air source heat pumps, triple pane windows & occupancy sensors on most common lighting. Plans are to continue energy improvements of the existing building when possible along with adding 57 residential units on top of the original structure.

### Purpose, Effect & Justification

This project will provide high performance, walkable housing for Keene, with minimal impacts to the community and the environment.



The PURPOSE of this request is multifaceted.

1. This will provide a variety of units to help alleviate the housing shortage in Cheshire County..
2. The project is located in the Business Growth and ReUse (BGR) District. 310 supports small business growth and development while reusing the existing building to its greatest potential.
3. Reusing an existing building rather than disrupting a greenfield or wooded site is the most effective way to reduce carbon emissions in the built environment.
4. The project falls in lockstep with SMART Growth principles including:
  - a. Reinvesting in existing infrastructure
  - b. Rehabilitating existing buildings
  - c. Revitalizes the neighborhood
  - d. Creating a walkable live/work community that is adjacent to bicycle trails and downtown amenities
  - e. Preserves New Hampshire's open spaces, farmlands, wetlands and forests

THE EFFECT of this request is that Keene will have 57 units of much needed housing added to an area near the downtown that will have a lasting impact on the sustainable development of Keene.

THE JUSTIFICATION for increasing the number of stories allowed on this building is to help alleviate the continued and ever pressing need for housing and to create it in the most environmentally sensitive manner possible.

#### SECTION 4 APPLICATION CRITERIA

**Article 5.4.4:** A variance is requested from Article(s) 5.4.4 Height of the Zoning Regulations

---

Article 5.4 Business Growth & Reuse 5.4.4 Height

Max Stories Above Grade: 3

Max Stories Above Grade w/Parking on 1st Floor: 4

Stories Proposed: 3 on top of 2 existing

---

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

Underutilized industrial buildings are contrary to the public interest. Housing availability is one of the most pressing issues in New Hampshire; so much so that Governor Sununu created a \$100M InvestNH Housing Fund to help fund housing projects. The NH Business Review has stated that the lack of housing availability is making it harder for businesses to thrive here. The NH Council on Housing Stability (of which Mayor George Hansel is a member) determined that in order for Cheshire County to do their part

there must be 760 units added to the area by 2024. Large employers in Keene cite available and quality housing as a hurdle to attracting new employees to the region.

---

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

It is clear from the description of the BGR District in the City of Keene's Land Development Code, that the staff and planners who wrote it envisioned this type of development. It specifically states that *"is intended to serve as an additional downtown zoning district that provides opportunity for redevelopment and revitalization of a former industrial area in an environmentally sensitive manner that is of a scale and type compatible with adjacent residential neighborhoods. The development in this District should be oriented towards pedestrian and bicyclist access. All uses in this district shall have city water and sewer service."*

Dwelling, multifamily is a permitted use in the BGR district.

@310's proposal to build up falls in direct sync with this intention. Utilizing an existing building as a foundation is the best solution to build in an environmentally sensitive matter. We want to bring forth a compact building form that is efficient and provides much needed housing.

Building upwards lends itself to:

- reducing the surface area of the building, thereby making it more energy efficient
- creating a more efficient structure, thereby reducing the raw materials needed
- reduces the need for single family homes and greenfield development

Scale and type compatible with adjacent residential neighborhoods

Location of the addition is being thoughtfully placed so that the adjacent neighborhood to the south is minimally impacted. The addition is closely in-line with the front of the existing HCS building at 312 Marlboro St. Solar access, privacy and character of the neighborhood will be preserved. Kevin Lynch points in "Site Planning" that 80' is the distance that a person becomes socially relevant. The upper story setback of the proposed addition is more than twice this distance.

The development in this District should be oriented towards pedestrian and bicyclist access

- Adjacent to the Cheshire Rail Trail (less than 100' to the north)
- City has plans to connect Marlboro Street directly to the Rail Trail adjacent to the property
- 2024 proposal includes a bike lane as part of the roadway redevelopment of Marlboro St.
- ½ mile to Downtown Keene
- Located on an existing bus route

### 3. Granting the variance would do substantial justice because:

The built outcome optimizes:

- the location and the stated goals for the district
  - the existing structure and its capacity to carry additional floors
  - a scale that is consistent with other buildings in Keene while developing a significant number of housing units.
- 

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

The current state of Marlboro Street lacks scale and vitality; as a result has a negative effect on real estate values. This project revitalizes & expands an existing building with new uses in an environmentally sensitive manner. There will be an eye for quality, aesthetics and sustainability integrated into this project. It will improve access to activities, the rail trail and provide live/work opportunities. Studies have shown that adding well designed multifamily housing to an area increases property values. This addition will be an improvement to the surrounding neighborhood and to the City of Keene as a whole.

---

### 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:

A property is considered to be the land and buildings. The lot is undersized and notably the current building features significant unused structural capacity from its previous use as a factory.

The property has been subdivided by past owners resulting in a disproportionate amount of land for a large, strong building. Rather than building horizontally, the unique opportunity here is to build vertically. Five stories is compatible with other housing in downtown Keene, and can be supported with parking available on site.

#### 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:

Correct. The BGR encourages housing, but does not anticipate the efficiency of mid-rise housing that is allowed downtown. The relationship between NH housing needs, city goals for sustainable building, and responsible rural development can be achieved on this property as proposed.

ii. The proposed use is a reasonable one because:

- It is in line with the spirit of the intention of the BGR District
- Reusing and growing an existing building
- Following Smart Growth Principles
- Keene is in dire need of more housing - this addresses this challenge with an environmentally responsible solution

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.

The BGR District is a relatively new zone that was thoughtfully created to redevelop the Marlboro Street corridor into a vibrant district.. The most efficient and environmentally responsible way to build is to have multiple stories, using current mid-rise housing methods, materials and strategies..

This variance unlocks the potential at 310 Marlboro Street. Without it, the housing situation will not improve. The existing embodied energy built into the existing structure will not be leveraged at a time when sustainable housing solutions are needed.



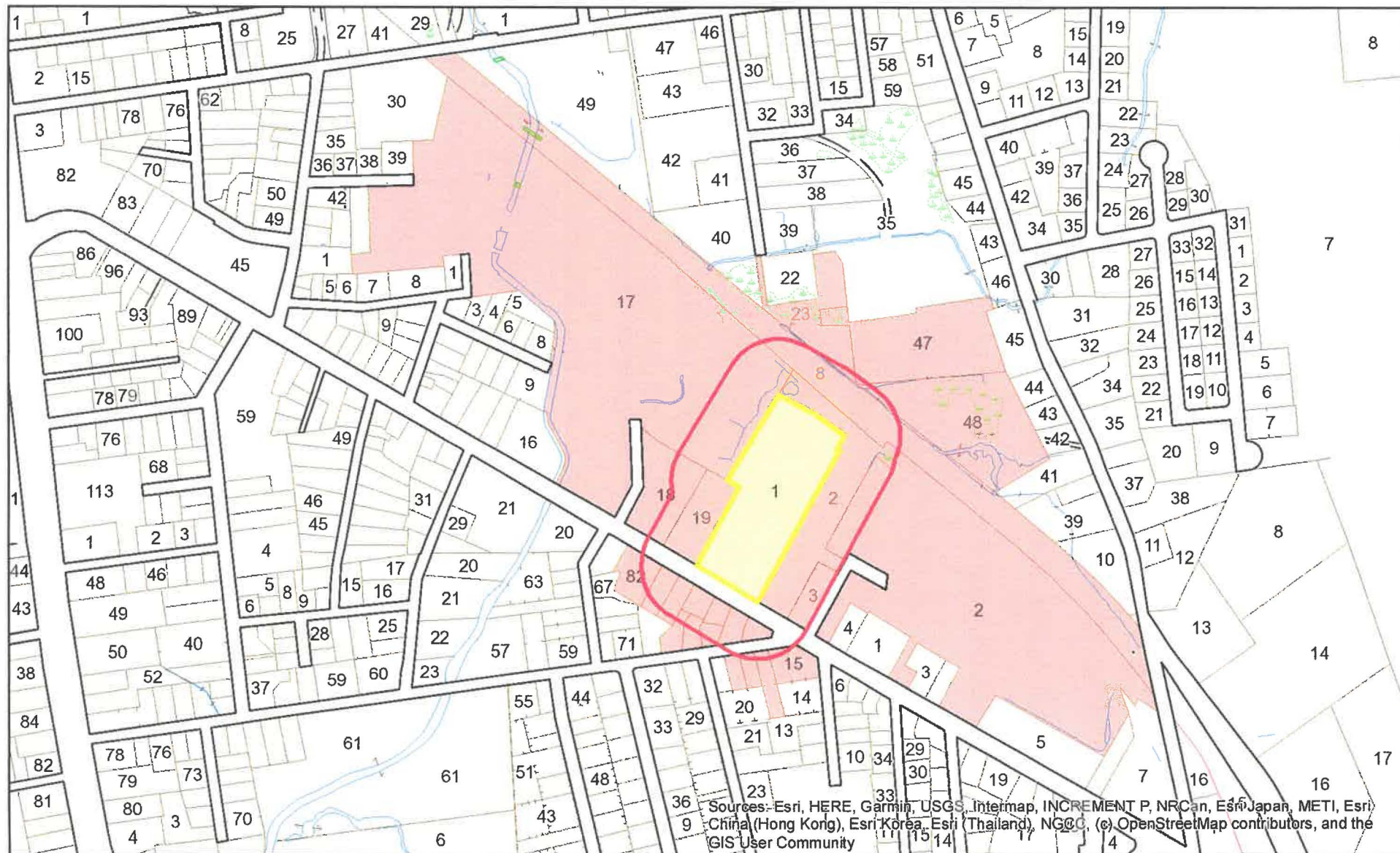
Keene, NH



August 17, 2022

1 inch = 500 Feet

www.cai-tech.com



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri  
9 China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the  
GIS User Community

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.



# 200 foot Abutters List Report

Keene, NH  
August 18, 2022

## Subject Property:

Parcel Number: 595-001-000  
CAMA Number: 595-001-000-000-000  
Property Address: 310 MARLBORO ST.

Mailing Address: 310 MARLBORO ST. LLC  
310 MARLBORO ST.  
KEENE, NH 03431

## Abutters:

Parcel Number: 588-047-000  
CAMA Number: 588-047-000-000-000  
Property Address: 26 VICTORIA CT.

Mailing Address: 26 VICTORIA CT. LLC  
63 EMERALD ST. PMB 434  
KEENE, NH 03431

Parcel Number: 588-048-000  
CAMA Number: 588-048-000-000-000  
Property Address: 0 OFF EASTERN AVE.

Mailing Address: 26 VICTORIA CT. LLC  
63 EMERALD ST. PMB 434  
KEENE, NH 03431

Parcel Number: 589-017-000  
CAMA Number: 589-017-000-000-000  
Property Address: 80 LAUREL ST.

Mailing Address: KINGSBURY ACQUISITION LLC  
300 GAY ST.  
MANCHESTER, NH 03103

Parcel Number: 589-018-000  
CAMA Number: 589-018-000-000-000  
Property Address: 250 MARLBORO ST.

Mailing Address: ALL PURPOSE OFFICE KEENE LLC  
4023 DEAN MARTIN DR.  
LAS VEGAS, NV 89103

Parcel Number: 589-019-000  
CAMA Number: 589-019-000-000-000  
Property Address: 260 MARLBORO ST.

Mailing Address: FEB REALTY LLC  
1800 SHELBURNE RD.  
SOUTH BURLINGTON, VT 05403

Parcel Number: 589-023-000  
CAMA Number: 589-023-000-000-000  
Property Address: 92 VICTORIA ST.

Mailing Address: ELLS, JAMES L. ELLS BEVERLY A.  
PO BOX 3  
SPOFFORD, NH 03462

Parcel Number: 595-002-000  
CAMA Number: 595-002-000-000-000  
Property Address: 312 MARLBORO ST.

Mailing Address: HOME HEALTHCARE HOSPICE &  
COMMUNITY SVC  
PO BOX 564  
KEENE, NH 03431

Parcel Number: 595-003-000  
CAMA Number: 595-003-000-000-000  
Property Address: 0 MARLBORO ST.

Mailing Address: CITY OF KEENE  
PO BOX 483  
CONCORD, NH 03302-0483

Parcel Number: 595-015-000  
CAMA Number: 595-015-000-000-000  
Property Address: 321 BAKER ST.

Mailing Address: BOUDREAU J. C. BOUDREAU LYNN A.  
321 BAKER ST.  
KEENE, NH 03431

Parcel Number: 595-016-000  
CAMA Number: 595-016-000-000-000  
Property Address: 243 BAKER ST.

Mailing Address: MARTEL MATTHEW WEBSTER SMALL-  
MARTEL SAMANTHA LEE  
243 BAKER ST.  
KEENE, NH 03431



www.cai-tech.com

Data shown on this report 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 report.



# 200 foot Abutters List Report

Keene, NH  
August 18, 2022

Parcel Number: 595-017-000  
CAMA Number: 595-017-000-000-000  
Property Address: 237 BAKER ST.

Mailing Address: WHITEHILL SCOTT E.  
237 BAKER ST.  
KEENE, NH 03431

Parcel Number: 595-018-000  
CAMA Number: 595-018-000-000-000  
Property Address: 231-233 BAKER ST.

Mailing Address: SCALIA, SANTINA  
286 GEORGE ST.  
MIDDLETOWN, CT 06457

Parcel Number: 595-073-000  
CAMA Number: 595-073-000-000-000  
Property Address: 204 BAKER ST.

Mailing Address: HANSMEIER MARTIN E. HANSMEIER  
SUSAN M.  
204 BAKER ST.  
KEENE, NH 03431

Parcel Number: 595-074-000  
CAMA Number: 595-074-000-000-000  
Property Address: 206 BAKER ST.

Mailing Address: GERMANA, NICHOLAS A. GERMANA  
LESLIE A.  
206 BAKER ST.  
KEENE, NH 03431

Parcel Number: 595-075-000  
CAMA Number: 595-075-000-000-000  
Property Address: 218 BAKER ST.

Mailing Address: DAVIS MARYANN  
218 BAKER ST.  
KEENE, NH 03431

Parcel Number: 595-076-000  
CAMA Number: 595-076-000-000-000  
Property Address: 305 MARLBORO ST.

Mailing Address: KEENE RENTALS LLC  
1032 ROUTE 119 UNIT 4  
RINDGE, NH 03461

Parcel Number: 595-077-000  
CAMA Number: 595-077-000-000-000  
Property Address: 297 MARLBORO ST.

Mailing Address: XANTHOPOULOS SEMELA LIVING  
TRUST  
297 MARLBORO ST.  
KEENE, NH 03431

Parcel Number: 595-078-000  
CAMA Number: 595-078-000-000-000  
Property Address: 291 MARLBORO ST.

Mailing Address: JOYAL DEAN JOYAL KATHLEEN  
291 MARLBORO ST.  
KEENE, NH 03431

Parcel Number: 595-079-000  
CAMA Number: 595-079-000-000-000  
Property Address: 285 MARLBORO ST.

Mailing Address: GRANT RICHARD & CYNTHIA LIVING  
TRUST  
285 MARLBORO ST.  
KEENE, NH 03431

Parcel Number: 595-080-000  
CAMA Number: 595-080-000-000-000  
Property Address: 279 MARLBORO ST.

Mailing Address: HARPER KATHRYN A.  
279 MARLBORO ST.  
KEENE, NH 03431

Parcel Number: 595-081-000  
CAMA Number: 595-081-000-000-000  
Property Address: 271 MARLBORO ST.

Mailing Address: MADDEN, LAURA L.  
271 MARLBORO ST. APT. 1  
KEENE, NH 03431

Parcel Number: 595-082-000  
CAMA Number: 595-082-000-000-000  
Property Address: 259 MARLBORO ST.

Mailing Address: TOUSLEY CHARLES D. REV. TRUST  
PO BOX 626  
KEENE, NH 03431



www.cai-tech.com

Data shown on this report 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 report.

8/18/2022

Page 2 of 3



# 200 foot Abutters List Report

Keene, NH  
August 18, 2022

Parcel Number: 596-002-000  
CAMA Number: 596-002-000-000-000  
Property Address: 350 MARLBORO ST.

Mailing Address: CITY OF KEENE  
3 WASHINGTON ST.  
KEENE, NH 03431

Parcel Number: 596-008-000  
CAMA Number: 596-008-000-000-000  
Property Address: 0 WATER ST.

Mailing Address: CITY OF KEENE  
3 WASHINGTON ST.  
KEENE, NH 03431

Parcel Number: 596-008-000  
CAMA Number: 596-008-000-001-000  
Property Address: 0 WATER ST.

Mailing Address: FIRSTLIGHT FIBER INC.  
41 STATE ST. STE. 1001  
ALBANY, NY 12207



[www.cai-tech.com](http://www.cai-tech.com)

Data shown on this report 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 report.

8/18/2022

Page 3 of 3

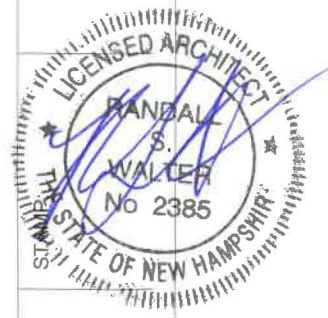




**A601.1**

ISSUED: 01/24/20  
 FOR: RANDALL  
 DRAWN BY: Author  
 PROJECT NO.: 202 10022

**310 MARLBORO STREET**  
 KEENE, NEW HAMPSHIRE, 03401



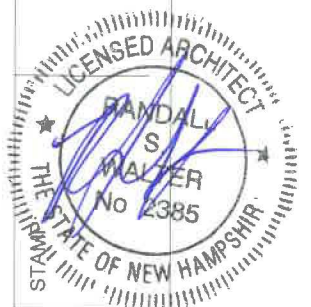
**Randall S. Walter, AIA**  
 DESIGN/BUILD  
 603.721.1227  
[www.randallwalter.com](http://www.randallwalter.com)  
[randallwalter@gmail.com](mailto:randallwalter@gmail.com)



A600.1

ISSUED: 01/24/20  
 FOR: RANDALL  
 DRAWN BY: Author  
 PROJECT NO.: 20210022

310 MARLBORO STREET  
 KEENE, NEW HAMPSHIRE, 03431

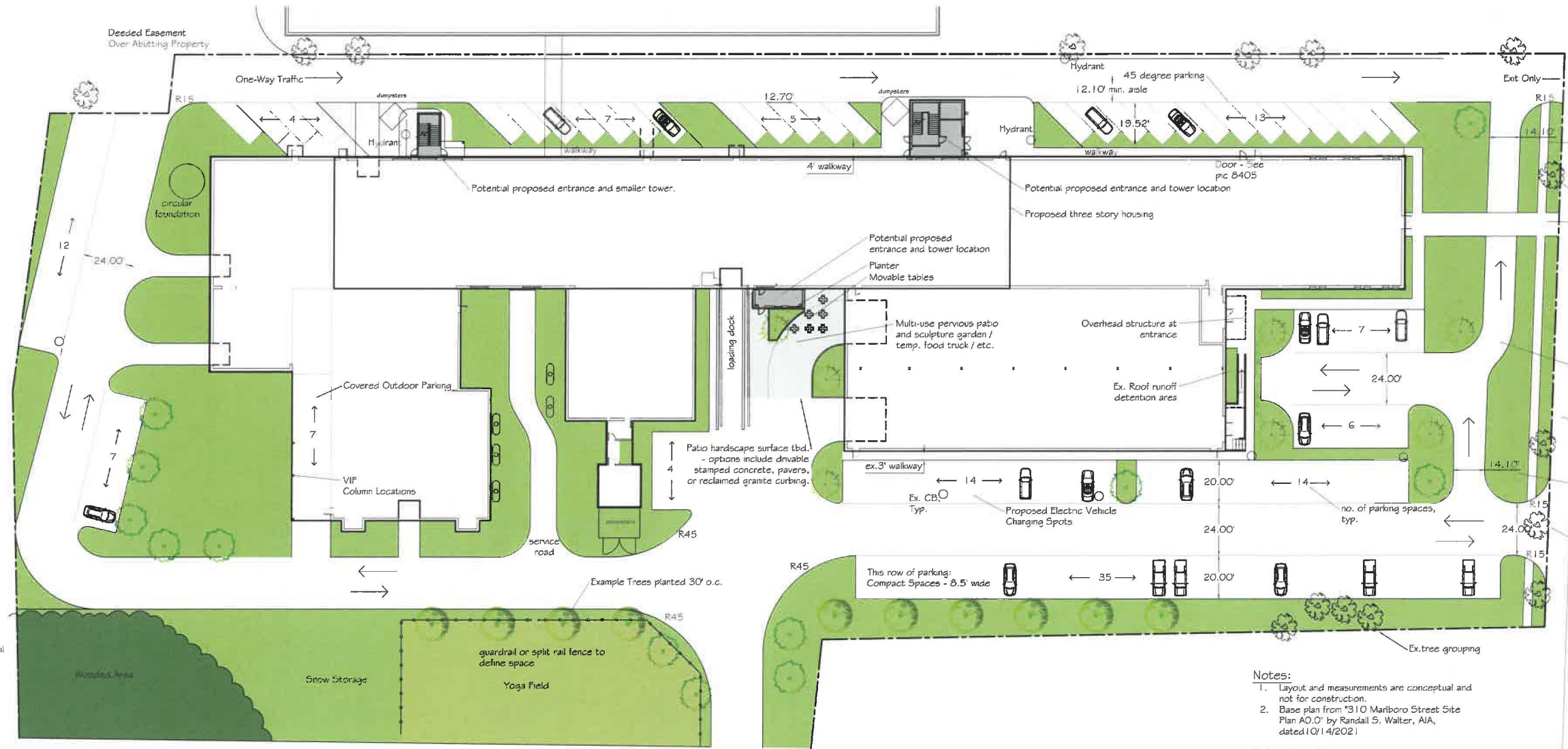
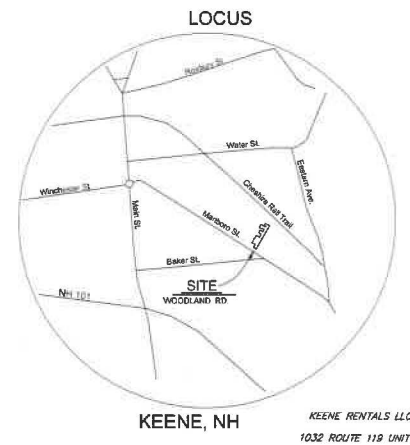


Randall S. Walter, AIA  
 DESIGN|BUILD  
 603.721.1227  
 www.randallwalter.com  
 randallwalter@gmail.com

HOME HEALTHCARE HOSPICE & COMMUNITY SVC  
P.O. BOX 564  
KEENE, NH 03431  
TAX MAP 595 LOT 2

**Plant Legend**

Common Name	Botanical Name
Sun Valley Red Maple	Acer rubrum 'Sun Valley'
Green Vase Zelkova	Zelkova serrata 'Green Vase'
Starburst Amur Maackia	Maackia amurensis 'Starburst'
Existing Tree	



KEENE RENTALS LLC  
1032 ROUTE 119 UNIT 4  
RINDGE, NH 03461  
TAX MAP 595 LOT 76

SEMELA XANTHOPOULOS LIVING TRUST  
297 MARLBORO STREET  
KEENE, NH 03431  
TAX MAP 595 LOT 77

DEAN JOYAL  
KATHLEEN JOYAL  
291 MARLBORO STREET  
KEENE, NH 03431  
TAX MAP 595 LOT 78

RICHARD & CYNTHIA GRANT LIVING TRUST  
285 MARLBORO STREET  
KEENE, NH 03431  
TAX MAP 595 LOT 79

KATHRYN A. HARPER  
279 MARLBORO STREET  
KEENE, NH 03431  
TAX MAP 595 LOT 80

**Notes:**

- Layout and measurements are conceptual and not for construction.
- Base plan from "310 Marlboro Street Site Plan A0.0" by Randall S. Walter, AIA, dated 10/14/2021.

**Parking Space Sizes**

- 90 degree standard - 9' x 20'
- 90 degree compact - 8.5' x 20'
- 45 degree - see dims on plan

**310 Parking Spaces Count**

130 Existing spaces  
135 Proposed spaces

**Lot Coverage**

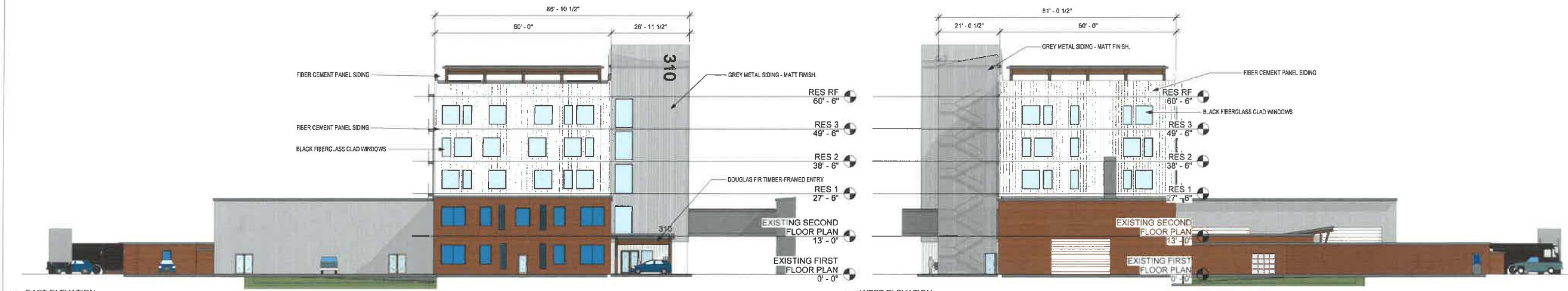
Lot = 185,212 sq.ft.

Existing:  
Impervious: 127,689sq.ft. (68.9%)  
Pervious: 57,523sq.ft. (31.1%)

Proposed:  
Impervious: 124,212sq.ft. (67.9%)  
Pervious: 59,519sq.ft. (32.1%)

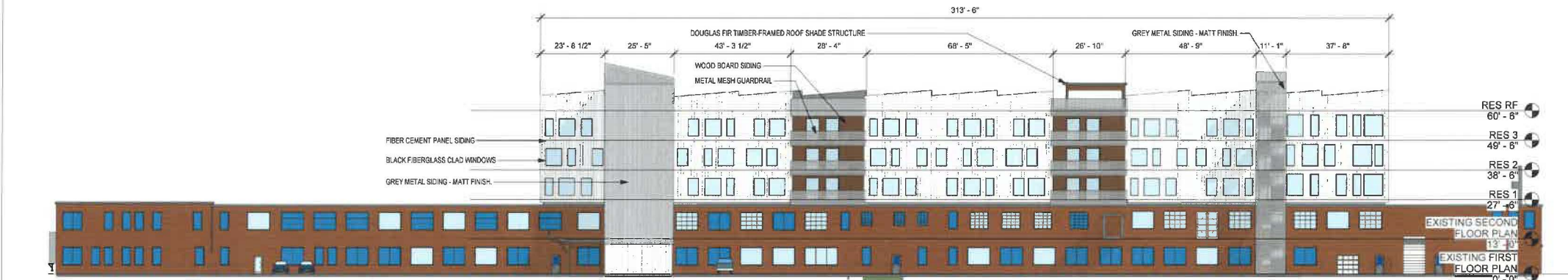
KINGSBURY ACQUISITION LLC  
300 GAY STREET  
MANCHESTER, NH 03103  
TAX MAP 589 LOT 017

FEB REALTY LLC  
1800 SHELburnE ROAD  
SOUTH BURLINGTON, VT 05403  
TAX MAP 589 LOT 19

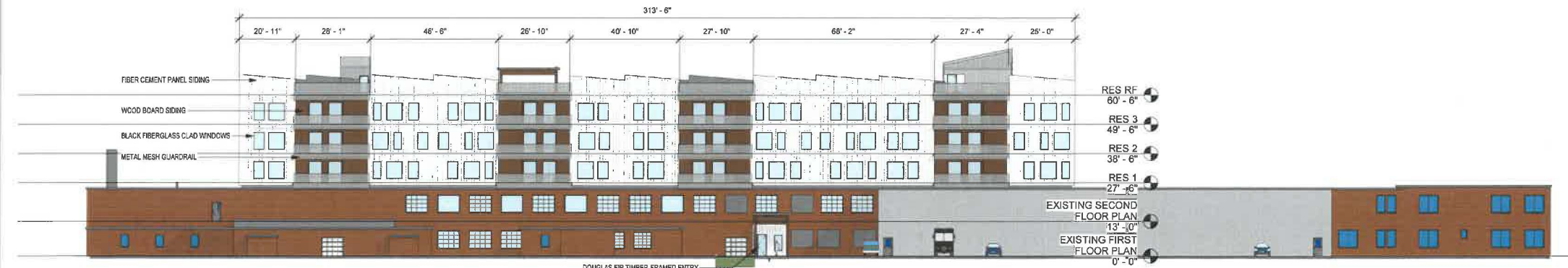


1 EAST ELEVATION  
1/16" = 1'-0"

4 WEST ELEVATION  
1/16" = 1'-0"



2 NORTH ELEVATION  
3/64" = 1'-0"

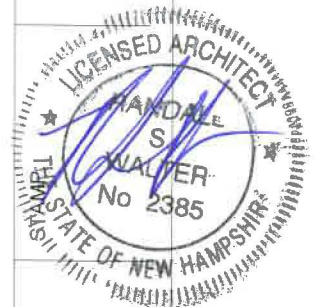


3 SOUTH ELEVATION  
3/64" = 1'-0"

A200.1

ISSUED: 01/24/20  
FOR: RANDALL  
DRAWN BY: Author  
PROJECT NO.: 20210022

310 MARLBORO STREET  
KEENE, NEW HAMPSHIRE, 03431



Randall S. Walter, AIA  
DESIGN|BUILD  
603.721.1227  
www.randallwalter.com  
randallwalter@gmail.com

Page intentionally left blank

# 310 MARLBORO ST. ZBA 22-16



**Petitioner requests a Special Exception from Chapter 100, Article 9.2.7.C.2 a & b of the Zoning Regulations, Major Parking Reduction Request.**



# City of Keene

New Hampshire

## **NOTICE OF HEARING**

### **ZBA 22-16**

A meeting of the Zoning Board of Adjustment will be held on Tuesday, September 6, 2022, at 6:30 PM in City Hall Council Chambers, 2<sup>nd</sup> floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioner, 310 Marlboro St., LLC, requests a Special Exception for property located at 310 Marlboro St., Tax Map #595-001-000-000-000 that is in the Business Growth & Reuse District. The Petitioner requests a Special Exception from Chapter 100, Article 9.2.7.C.2.a & b. of the Zoning Regulations, Major Parking Reduction Request.

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://keenenh.gov/zoning-board-adjustment>

**Corinne Marcou, Zoning Clerk**

**Notice issuance date August 26, 2022**

# Zoning Board of Adjustment Special Exception Application



<b>For Office Use Only:</b>	
Case No.	<u>ZBA22-10</u>
Date Filled	<u>8/19/22</u>
Rec'd By	<u>CW</u>
Page	<u>1</u> of <u>31</u>
Rev'd by	_____

If you have questions on how to complete this form, please call: (603) 352-5440  
or email: [communitydevelopment@keenenh.gov](mailto:communitydevelopment@keenenh.gov)

## SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, 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. If applicant or authorized agent, a signed notification from the property owner is required.

### OWNER / APPLICANT

NAME/COMPANY: **310 Marlboro St., LLC**

MAILING ADDRESS: **310 Marlboro Street, Keene, NH 03431**

PHONE: **(603) 721-1227**

EMAIL: **randallwalter@gmail.com**

SIGNATURE: 

PRINTED NAME: **Randall Walter**

### APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

### AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:



**SECTION 2: GENERAL PROPERTY INFORMATION**

Property Address: **310 Marlboro Street, Keene, NH 03431**

Tax Map Parcel Number: **595-001-000-000**

Zoning District: **Business Growth & Reuse**

Lot Dimensions: Front: **253'**      Rear: **279'**      Side: **675'**      Side: **675'**

Lot Area: Acres: **4.25**      Square Feet: **185,212**

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **31.14%**      Proposed: **31.16%**

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **68.9%**      Proposed: **67.9%**

Present Use: **Mixed-Use Commercial**

Proposed Use: **Mixed-Use Commercial and Residential**

**SECTION 3: WRITTEN NARRATIVE**

**Article 25.6.4.A.:** Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed special exception.

SEE ATTACHED

**SECTION 4: APPLICATION CRITERIA**

*Article of the Zoning Ordinance under which the Special Exception is sought:*

**9.2.7.C Reduction of Required Parking Major Reduction Request: 49%**

The Zoning Board of Adjustment shall have the authority to hear and decide special exceptions from the provisions of the Zoning Regulations of the City's Land Development Code, subject to the requirements of Article 25.6, Zoning Special Exception, 25.6.3 Authority and NH RSA 674:33.

*Briefly describe your responses to each criteria, using additional sheets if needed:*

**1. The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies with all applicable standards in this LDC for the particular use.**

SEE ATTACHED

2. The proposed use will be established, maintained and operated so as not to endanger the public health, safety or welfare.

SEE ATTACHED

3. The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use and enjoyment of adjacent property.

SEE ATTACHED

4. The proposed use will be of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.

SEE ATTACHED

5. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.

SEE ATTACHED

6. The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic or historic importance.

SEE ATTACHED

7. The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.

SEE ATTACHED





**PREPARED FOR:**  
City of Keene Zoning Board of Adjustment  
3 Washington Street  
Keene, NH 03431

**PREPARED BY:**  
310 Marlboro St., LLC  
310 Marlboro Street  
Keene NH 0343

### SECTION 3 WRITTEN NARRATIVE

**Article 25.6.4.A:** Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed special exception.

---

#### **Location & Ownership**

The property is located at 310 Marlboro Street in Keene, NH. It sits on the north side of the Marlboro Street corridor in the Business Growth and Reuse (BGR) District. The property is ½ mile from Main Street. It is also adjacent to the Cheshire Rail Trail. It was purchased by 310 Marlboro St., LLC/Randall Walter, a local architect and developer, in July of 2021.

#### **Property Description**

The property has an existing building which has been built in phases totalling 86,689 square feet. The original structure was built in 1947. Built originally as the Pittsburgh Paint Factory to manufacture paint brushes, the building has substantial structural capacity which is not being utilized to its potential. A metal building of 12,580 square feet was added in 1984. All buildings are non combustibile, steel framed, with metal and masonry exteriors, and are fully sprinklered.

The property is a mixed-use commercial building located in the Business Growth and ReUse (BGR) District of Keene, NH. It houses over 40 businesses offering a variety of services including a grades 9-12 charter school, professional offices, fitness studios, light manufacturing/ artisan spaces, and a variety of trades.

Since the change in ownership, the unique number of tenants has more than doubled. What was once a neglected building in need of repairs and maintenance is now a thriving center for a variety of entrepreneurs, professionals and tradespeople. Aside from the increased use of the building, notable energy improvements have been made including a 143kW solar array, installing a wood chip boiler and distribution system (decommissioned oil boiler), new air source heat pumps, triple pane windows & occupancy sensors on most common lighting. Plans are to continue energy improvements of the existing building when possible along with adding 57 residential units on top of the original structure.

#### **Purpose, Effect & Justification**

This project will provide high performance, walkable housing for Keene, with minimal impacts to the community and the environment.

**THE PURPOSE** of this request is multifaceted.

1. This will provide a variety of units to help alleviate the housing shortage in Cheshire County..
2. The project is located in the Business Growth and ReUse (BGR) District. 310 supports small business growth and development while reusing the existing building to its greatest potential.
3. Reusing an existing building rather than disrupting a greenfield or wooded site is the most effective way to reduce carbon emissions in the built environment.
4. The project falls in lockstep with SMART Growth principles including:
  - a. Reinvesting in existing infrastructure
  - b. Rehabilitating existing buildings
  - c. Revitalizes the neighborhood
  - d. Creating a walkable live/work community that is adjacent to bicycle trails and downtown amenities
  - e. Preserves New Hampshire's open spaces, farmlands, wetlands and forests

**THE EFFECT** of this request is that Keene will have 57 units of much needed housing added to an area near the downtown that will have a lasting impact on the sustainable development of Keene. The site is constrained in size and is unable to accommodate the parking requirements. The effect will be having reduced paving thus resulting in fewer heat islands as well as encouraging a live work environment and walkable community.

**THE JUSTIFICATION** for reduced parking is that the Institution of Transportation Engineers Parking Manual, 5th ed. Washington D.C., Feb 2019 clearly shows cumulative parking demands of the proposed development can be significantly lowered. See Attachment A. This will enable 310 Marlboro to move forward with building the proposed 57 units to help alleviate the continued and ever pressing need for housing created in an environmentally sensitive manner.

## SECTION 4 APPLICATION CRITERIA

### **Article 9.2.7.C: Reduction of Required Parking Major Reduction Request: 49%**

---

1. The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies with all applicable standards in this LDC for the particular use.

A single parking place can be used upwards of three times per day by three different users. IE: A person coming for a gym workout, a traditional day worker and a resident.

The mixed use of the existing building in addition to the proposed housing matches the spirit of the BGR district and the master plan, with reduced parking demand due to access to the rail trail, sidewalks, and public transportation available.

It is clear from the description of the BGR District in the City of Keene's Land Development Code that the staff and planners who wrote it envisioned building in an environmentally sensitive manner. Strategies for parking include

- Approach parking design to maximize the use of spaces rather than for peak load
  - Rethinking parking as a dynamic site feature that allows for rotating users sharing one space over a 24 hour period
- 

2. The proposed use will be established, maintained and operated so as not to endanger the public health, safety or welfare.

Site design improvements greatly improve the safety entering and exiting the site. Additionally by clarifying on site circulation with dropoff and one way travel, all aspects mentioned will improve and be easier for first time visitors as well as residents to understand.

---

3. The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use and enjoyment of adjacent property.

The proposed site design increases the green space distributed on all sides, adding relief and interruption to paved areas. Additional outdoor seating, recreation and space for the public are planned.

4. The proposed use will be of a character that does not produce noise, odors, glare, and/or vibration-that adversely affects the surrounding area.

Transitioning the site design from a former factory layout with extensive utilitarian paving, the proposed design introduces separate zones for parking and outdoor gathering consistent with the mixed use of the project.

---

5. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities

The burden will be no more and no less than it is now. The impervious area of the site will be slightly lower than the existing conditions thereby not adding to additional stormwater discharge.

---

6. The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic or historic importance.

The existing buildings will be updated, reused and adapted, maintaining them as originally constructed. The primary brick facade and overall mill building appearance. The proposal is located in a manner to minimize the primary views from Marlboro Street.

---

7. The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.

Marlboro Street, adjacent to the site is under City of Keene jurisdiction, is legislatively categorized as a Class IV: Compact Road, and functionally categorized as a Minor Arterial.

Based on Institute of Transportation Engineers (ITE) trip-generation methodologies, the proposed residential use is not anticipated to generate more than 30 total vehicles per hour during the weekday AM, weekday PM, or Saturday midday peak hours.

These estimated site trips are below the ITE and NHDOT general thresholds for when a development may result in a noticeable impact to the adjacent roadway network.

## In regards to: ARTICLE 9.2.7.C.2

---

In determining whether to grant a special exception, the Zoning Board of Adjustment shall make the following findings in addition to those required for a special exception.

**a. The specific use or site has such characteristics that the number of required parking spaces is too restrictive.**

Citing the parking analysis conducted by VHB Engineering, the mixed use nature of this property lends itself to sharing parking spaces rather than having a parking space for every use and every person, 24 hours per day. The conclusions from their report show that the peak load is 118 spaces. The proposed plan provides more than 14% spaces above the identified peak load.

- According to the LDC it would appear that we could need 258 parking spaces
- 51% of 258 = 132
- As proposed with the project site plan there are 135 parking spaces
- ITE study shows 118 parking spaces required
- Therefore there is an existing surplus of 17 spots built into this request.

**b. The requested reduction will not cause long term parking problems for adjacent properties or future anticipated uses.**

Again, the parking analysis conducted by VHB Engineering was done using the methods set forth by the ITE. We are aware that if parking needs are not met properly the tenants and thus the business model of 310 would suffer.

Furthermore, 310 Marlboro Street has a current lease with HCS next door for 10 additional spaces. 310 Marlboro Street also has an option within this agreement to lease 30 more parking spaces if needed in the future to address unforeseen outcomes or growth.

There is also non-metered on street parking available on Marlboro Street.

These relief valves should provide enough of a buffer so as to alleviate any long term parking problems for adjacent properties of future anticipated uses.

To: Ms. Hilary Harris  
310 Marlboro Street, LLC  
310 Marlboro Street  
Keene, NH 03431

Date: August 19, 2022

Project #: 52934.00

From: Jason R. Plourde, PE, PTP

Re: Trip-Generation and Parking Demand Assessment  
Proposed Marlboro Street Residential Development  
Keene, New Hampshire

---

Vanasse Hangen Brustlin, Inc. (VHB) has prepared this memorandum to summarize the anticipated traffic impacts and the parking demand associated with a proposed residential development to be constructed above existing commercial space at 310 Marlboro Street in Keene, New Hampshire. As proposed, the development would consist of 57 multifamily residential units to be constructed above the existing 86,689 square foot commercial space that consists of 9,040 square feet of office space, 44,980 square feet of general light industrial space, and 12,669 square feet of warehouse/storage space. In addition, the 130 existing on-site parking spaces would be expanded to 135 parking spaces.

Marlboro Street is legislatively categorized as a Class IV: Compact Road that is under City of Keene jurisdiction. Therefore, review and approval are expected to be required with respect to traffic through the City of Keene permitting process. In accordance with Article 20.9.1 of the City of Keene's Land Development Code, a traffic study is required for a residential development with 10 or more dwelling units. This evaluation has been conducted to summarize the anticipated traffic impacts associated with the proposed residential development. In addition, a parking demand evaluation has been summarized for the existing and proposed uses on the site.

### **Trip-Generation Methodology**

To estimate the volume of traffic to be generated by the proposed project, trip rates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual<sup>1</sup> were researched. The trip-generation summary for the existing and proposed uses is provided in Table 1 with the trip-generation calculations provided in the Appendix. As shown, the proposed residential development is estimated to generate 23 trips (5 entering and 18 exiting) during the weekday AM peak hour, and 29 trips (18 entering and 11 exiting) during the weekday PM peak hour.

<sup>1</sup> Institute of Transportation Engineers. Trip Generation Manual, 11th ed. Washington, DC, Sept. 2021.

**Table 1 – Trip-Generation Summary**

Time Period/Direction	Existing Site Trips			Proposed Residential Trips <sup>d</sup>	Total Trips
	Office Space <sup>a</sup>	Industrial Space <sup>b</sup>	Storage Space <sup>c</sup>		
<b>Weekday Daily</b>					
Enter	158	110	30	<b>193</b>	491
Exit	158	110	30	<b>193</b>	491
Total	316	220	60	<b>386</b>	982
<b>Weekday AM Peak Hour</b>					
Enter	39	36	2	<b>5</b>	82
Exit	5	5	0	<b>18</b>	28
Total	44	41	2	<b>23</b>	110
<b>Weekday PM Peak Hour</b>					
Enter	7	6	1	<b>18</b>	32
Exit	35	30	2	<b>11</b>	78
Total	42	36	3	<b>29</b>	110

<sup>a</sup> ITE Land Use Code 710 (General Office Building) for 29,040 sf.

<sup>b</sup> ITE Land Use Code 110 (General Light Industrial) for 44,980 sf.

<sup>c</sup> ITE Land Use Code 150 (Warehousing) for 12,669 sf.

<sup>d</sup> ITE Land Use Code 220 (Multifamily Housing [Low-Rise]) for 57 units.



The vehicle trips calculated for the proposed development reflected in Table 1 represent single-use trips to the site on the study area system. Based on the ITE Trip Generation Handbook, studies have shown that some patrons of multi-use developments could visit more than one of the uses on the site (internal trips).<sup>2</sup> To provide a conservative (worse-case) analysis, no internal trips were accounted for between the proposed residential use and the existing uses. Therefore, the site trips reflected for the proposed residential use represent a worse-case methodology.

In accordance with ITE methodologies,<sup>3</sup> a development may have an impact if the addition of site trips would increase peak hour traffic volumes on an intersection approach by 100 vehicles or more. In addition, NHDOT guidance<sup>4</sup> suggests that a development estimated to generate 100 vehicles per hour or more (total of entering and exiting trips) through an intersection may result in a change in vehicular operations (i.e., noticeably drop level of service or increase volume-to-capacity [v/c] ratios). In general, traffic increases less than these thresholds could be attributed to the fluctuation of vehicles due to driver patterns that occur during the day, on different days of a week, or different months of a year. As shown in Table 1, the projected traffic-volume increases associated with the proposed residential development are anticipated to be less than these thresholds (i.e., less than 100 vehicles per hour entering or exiting, and less than 100 total vehicles per hour). Therefore, standard traffic engineering practice suggests that the proposed development would be expected to result in negligible impacts to the adjacent roadway system.

## Peak Parking Demand

In accordance with Article 9.2.1 of the City of Keene's Land Development Code, the minimum number of on-site vehicle parking spaces for the existing and proposed uses were determined as follows:

- 29,040 square feet of office space = 116 spaces<sup>5</sup>
- 44,980 square feet of general light industrial space = 22 spaces<sup>6</sup>
- 12,669 square feet of warehouse/storage space = 6 spaces<sup>7</sup>

<sup>2</sup> Institute of Transportation Engineers. Trip Generation Handbook, 3rd ed. Washington, DC, Sept. 2017.

<sup>3</sup> Transportation Impact Analyses for Site Development: An ITE Proposed Recommended Practice. Washington, DC: Institute of Transportation Engineers, 2010.

<sup>4</sup> Bollinger, Robert E. Inter-Department Communication. New Hampshire Department of Transportation, Bureau of Traffic. 17 Feb. 2010.

<sup>5</sup> Table 9-1 of the City of Keene's Land Development Code: 4 spaces/1,000 sf.

<sup>6</sup> Table 9-1 of the City of Keene's Land Development Code: 0.5 spaces/1,000 sf with no office space.

<sup>7</sup> Table 9-1 of the City of Keene's Land Development Code: 0.5 spaces/1,000 sf with no office space.

- 57 multifamily residential units = 114 spaces<sup>8</sup>
- Total = 258 spaces

Based on Article 9.2.3 of the City of Keene’s Land Development Code for mixed-use developments, the minimum number of parking spaces required is the sum of each use computed separately (258 spaces). Since the existing and proposed uses may have different parking characteristics that complement each other, Article 9.2.6 of the City of Keene’s Land Development Code allows for a reduction in the number of parking spaces as per the conditions outlined in Article 9.2.7. In compliance with Article 9.2.7.C, a special exception is being sought from the Keene Zoning Board of Adjustment to reduce the required number of parking spaces by less than 50 percent. To satisfy these conditions, the following parking study information has been developed in accordance with Article 9.2.7.C.3.

- **Article 9.2.7.C.3.a:** A description of the proposed uses.
  - › The proposed use consists of 57 multifamily residential units to be constructed above the existing 86,689 square foot commercial building.
- **Article 9.2.7.C.3.b:** Days and hours of operation for the existing and proposed uses.
  - › The existing building contains 45 tenants with varying days and time of operation. A table of the typical days and times for each tenant is provided in the Appendix.
  - › The proposed residential use will be open all hours of each day for the residents.
- **Article 9.2.7.C.3.c:** Anticipated number of employees and number of daily customers or clients.
  - › The approximate number of employees for the existing 45 tenants is tabulated in the Appendix. In accordance with ITE methodologies, the daily customer or client trips are reflected in the site trips provided in Table 1.
  - › There are no employees associated with the proposed multifamily residential use. The number of daily customer or client trips is reflected in Table 1
- **Article 9.2.7.C.3.d:** The anticipated rate of turnover for proposed spaces.
  - › To estimate the peak parking demands of the existing and proposed uses, parking demand rates published in the ITE Parking Generation Manual<sup>9</sup> were researched. Based on ITE procedures, the daily peak parking demands were calculated for each use and then distributed for each hour throughout the day. The parking demands for each use were combined during each hour to determine the cumulative parking demands of the development. This methodology accounts for land uses within a mixed-use development

<sup>8</sup> Table 9-1 of the City of Keene’s Land Development Code: 2 spaces/unit.

<sup>9</sup> Institute of Transportation Engineers. Parking Generation Manual, 5th ed. Washington, DC, Feb. 2019.

that experience different peak parking demands. The parking demand calculations are provided in the Appendix and are summarized in Table 2.

- › As shown, the proposed development is expected to experience a peak parking demand of 128 vehicles on a weekday. These estimates provide a conservative evaluation as no credit was applied for a patron visiting more than one land use on the site. Within a mixed-use development, a motorist can park the vehicle once and then is able to visit more than one of the uses that are within walking distance. Even with this higher parking demand method, the minimum required parking spaces are shown to result in an overabundance of parking spaces as compared with the minimum required parking spaces (258 spaces).
- **Article 9.2.7.C.3.e:** The availability of nearby on-street parking or alternative modes of transportation (e.g., public transit, multi-use pathways).
  - › There are approximately 100 on-street parking spaces provided along both sides of Marlboro Street within 0.25 miles of the site.
  - › As part of the City's Marlboro Street Rehabilitation project, chicanes will be constructed along the corridor, a connection will be provided to Cheshire Rail Trail, a bike lane will be striped, and approximately 30 unmetered parking spaces will remain within 0.25 miles of the site.
  - › Sidewalks are currently provided along both sides of Marlboro Street adjacent to the site.
  - › City Express provides fixed bus route service throughout Keene with Black Route (Bus 1) having a stop located at Home Healthcare Hospice & Community Services (312 Marlboro Street).
  - › Cheshire Rail Trail is located to the north of the property that allows walking, bicycling, horseback riding, snowmobiling, and cross-country skiing.
- **Article 9.2.7.C.3.f:** The anticipated peak parking and traffic loads for each of the uses on the site.
  - › The ITE estimated traffic generation and parking demands for the existing and proposed uses are summarized in Tables 1 and 2, respectively. The calculations are provided in the Appendix.
- **Article 9.2.7.C.3.g:** The total vehicle movements for the parking facility as a whole.
  - › Table 1 summarizes the ITE estimated traffic generation for the existing and proposed uses (aka, the entering and entering vehicle movements). The calculations are provided in the Appendix

The ITE data show that the minimum required number of parking spaces (258) far exceeds the parking demand for the existing and proposed uses (128). Therefore, ITE methodologies suggest that the 135 proposed on-site parking spaces would accommodate the future parking demands. The 135 proposed parking spaces represent a 48 percent reduction from the City's minimum number of required parking spaces  $([1 - 128/258] \times 100\%)$ .

**Table 2 – Parking Demand Summary**

<b>Hour</b>	<b>Weekday Parking Demand</b>
6:00-7:00 AM	63
7:00-8:00 AM	72
8:00-9:00 AM	97
9:00-10:00 AM	123
<b>10:00-11:00 AM</b>	<b>128</b>
11:00 AM-12:00 PM	126
12:00-1:00 PM	114
1:00-2:00 PM	113
2:00-3:00 PM	121
3:00-4:00 PM	124
4:00-5:00 PM	112
5:00-6:00 PM	92
6:00-7:00 PM	61
7:00-8:00 PM	57
8:00-9:00 PM	51
9:00-10:00 PM	57
10:00-11:00 PM	59

### Summary of Findings

In summary, standard traffic engineering practice suggests that the vehicular trips associated with the proposed 57 unit multifamily residential development would have negligible impacts to the adjacent roadway system. The total additional site trips estimated for the proposed residential use do not meet the ITE and NHDOT guidelines for which developments may have a noticeable impact. In addition, ITE methodologies suggest that the mixed-use development would experience less parking demands than the City's minimum requirements. Therefore, standard traffic engineering practice supports relief for the reduction in the number of required parking spaces.

## Appendix

---

Trip-Generation Calculations  
Parking Demand Calculations  
Existing and Proposed Tenant Data

## Trip-Generation Data

---

**ITE TRIP GENERATION WORKSHEET**  
*(11th Edition, Updated 2021)*

**LANDUSE:** General Office Building  
**LANDUSE CODE:** 710  
**SETTING/LOCATION:** General Urban/Suburban  
**JOB NAME:**  
**JOB NUMBER:**

Trip Type --- Vehicle  
 Independent Variable --- 1,000 Sq. Feet Gross Floor Area

**FLOOR AREA (KSF):** 29.04

**WEEKDAY**

RATES:		# Studies	R <sup>2</sup>	Total Trip Ends			Independent Variable Range			Directional Distribution	
				Average	Low	High	Average	Low	High	Enter	Exit
	DAILY	59	0.78	10.84	3.27	27.56	163	14	677	50%	50%
	AM PEAK (ADJACENT ST)	221	0.78	1.52	0.32	4.93	201	10	815	88%	12%
	PM PEAK (ADJACENT ST)	232	0.77	1.44	0.26	6.20	199	10	1,092	17%	83%

TRIPS:		BY AVERAGE			BY REGRESSION		
		Total	Enter	Exit	Total	Enter	Exit
	DAILY	316	158	158	396	198	198
	AM PEAK (ADJACENT ST)	44	39	5	58	51	7
	PM PEAK (ADJACENT ST)	42	7	35	60	10	49

**SATURDAY**

RATES:		# Studies	R <sup>2</sup>	Total Trip Ends			Independent Variable Range			Directional Distribution	
				Average	Low	High	Average	Low	High	Enter	Exit
	DAILY	5	--	2.21	1.24	7.46	94	28	183	50%	50%
	PEAK OF GENERATOR	3	--	0.52	0.30	1.57	82	28	183	54%	46%

TRIPS:		BY AVERAGE			BY REGRESSION		
		Total	Enter	Exit	Total	Enter	Exit
	DAILY	66	33	33	--	--	--
	PEAK OF GENERATOR	15	8	7	--	--	--

**SUNDAY**

RATES:		# Studies	R <sup>2</sup>	Total Trip Ends			Independent Variable Range			Directional Distribution	
				Average	Low	High	Average	Low	High	Enter	Exit
	DAILY	5	--	0.70	0.19	3.05	94	28	183	50%	50%
	PEAK OF GENERATOR	3	--	0.21	0.11	0.68	82	28	183	58%	42%

TRIPS:		BY AVERAGE			BY REGRESSION		
		Total	Enter	Exit	Total	Enter	Exit
	DAILY	22	11	11	--	--	--
	PEAK OF GENERATOR	6	4	3	--	--	--

**ITE TRIP GENERATION WORKSHEET**  
 (11th Edition, Updated 2021)

**LANDUSE:** General Light Industrial  
**LANDUSE CODE:** 110 Independent Variable ---1000 Sq. Feet Gross Floor Area  
**LOCATION:** General Urban / Suburban  
**JOB NAME:** 1000 SQ. FEET GROSS FLOOR AREA 44.98  
**JOB NUMBER:**

**WEEKDAY**

RATES:	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	37	0.61	4.87	0.34	43.86	45	1	328	50%	50%
AM PEAK (ADJACENT ST) 7-9am	41	0.66	0.74	0.02	4.46	65	1	328	88%	12%
PM PEAK (ADJACENT ST) 4-6pm	58	0.55	0.65	0.07	7.02	58	1	300	14%	86%
PEAK OF GENERATOR AM	40	0.62	0.91	0.09	11.40	56	1	328	87%	13%
PEAK OF GENERATOR PM	41	0.65	0.80	0.09	8.77	62	1	328	18%	82%

**TRIPS:**

	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	220	110	110	220	110	110
AM PEAK (ADJACENT ST)	33	29	4	34	30	4
PM PEAK (ADJACENT ST)	29	4	25	23	3	19
PEAK OF GENERATOR AM	41	36	5	43	37	6
PEAK OF GENERATOR PM	36	6	30	38	7	32

**SATURDAY**

RATES:	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	1	--	0.69	0.69	0.69	58	58	58	50%	50%
PEAK OF GENERATOR	-	--	-	-	-	-	-	-	-	-

**TRIPS:**

	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	32	16	16	--	--	--
PEAK OF GENERATOR	--	--	--	--	--	--

**SUNDAY**

RATES:	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	1	--	5.00	5.00	5.00	58	58	58	50%	50%
PEAK OF GENERATOR	1	--	0.69	0.69	0.69	58	58	58	48%	52%

**TRIPS:**

	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	226	113	113	--	--	--
PEAK OF GENERATOR	31	15	16	--	--	--



**ITE TRIP GENERATION WORKSHEET**  
*(11th Edition, Updated 2021)*

**LANDUSE:** Warehousing  
**LANDUSE CODE:** 150  
**LOCATION:** General Urban / Suburban  
**JOB NAME:**  
**JOB NUMBER:**

Independent Variable --- 1,000 Sq. Feet Gross Floor Area

**FLOOR AREA (KSF):** 12.669

**WEEKDAY**

RATES:	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	31	0.92	1.71	0.15	16.93	292	4	3,300	50%	50%
AM PEAK OF GENERATOR	25	0.85	0.21	0.02	2.08	284	4	3,300	66%	34%
PM PEAK OF GENERATOR	27	0.90	0.23	0.02	1.80	284	4	3,300	24%	76%
AM PEAK (ADJACENT ST)	36	0.69	0.17	0.02	1.93	448	4	3,300	77%	23%
PM PEAK (ADJACENT ST)	49	0.65	0.18	0.01	1.80	400	4	3,300	28%	72%

TRIPS:	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	22	11	11	60	30	30
AM PEAK OF GENERATOR	3	2	1	30	20	10
PM PEAK OF GENERATOR	3	1	2	22	5	17
AM PEAK (ADJACENT ST)	2	2	0	25	19	6
PM PEAK (ADJACENT ST)	2	1	2	28	8	20

**SATURDAY**

RATES:	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	3	--	0.15	0.01	1.58	226	56	420	50%	50%
PEAK OF GENERATOR	2	--	0.05	0.01	0.22	129	56	201	64%	36%

TRIPS:	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	2	1	1	--	--	--
PEAK OF GENERATOR	1	0	0	--	--	--

**SUNDAY**

RATES:	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	3	--	0.06	0.03	0.32	226	56	420	50%	50%
PEAK OF GENERATOR	2	--	0.04	0.02	0.11	129	56	201	52%	48%

TRIPS:	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	2	1	1	--	--	--
PEAK OF GENERATOR	1	0	0	--	--	--

**ITE TRIP GENERATION WORKSHEET**  
*(11th Edition, Updated 2021)*

**LANDUSE:** Multi-Family Housing (Low-Rise): 2-3 Story - Not Close to Rail Transit  
**LANDUSE CODE:** 220 Independent Variable --- Number of Dwelling Units  
**SETTING/LOCATION:** General Urban/Suburban  
**JOB NAME:** \_\_\_\_\_ 57 units  
**JOB NUMBER:** \_\_\_\_\_

**WEEKDAY**

RATES:	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	22	0.86	6.74	2.46	12.50	229	33	494	50%	50%
AM PEAK OF GENERATOR	40	0.76	0.47	0.25	0.98	234	12	1,103	24%	76%
PM PEAK OF GENERATOR	38	0.80	0.57	0.25	1.26	231	12	1,103	62%	38%
AM PEAK (ADJACENT ST)	49	0.79	0.40	0.13	0.73	249	12	1,103	24%	76%
PM PEAK (ADJACENT ST)	59	0.84	0.51	0.08	1.04	241	12	1,103	63%	37%

TRIPS:		BY AVERAGE			BY REGRESSION		
		Total	Enter	Exit	Total	Enter	Exit
	DAILY	386	193	193	442	221	221
	AM PEAK OF GENERATOR	27	6	20	48	12	37
	PM PEAK OF GENERATOR	32	20	12	59	36	22
	AM PEAK (ADJACENT ST)	23	5	17	41	10	31
	PM PEAK (ADJACENT ST)	29	18	11	46	29	17

**SATURDAY**

RATES:	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	1	--	4.55	4.55	4.55	282	282	282	50%	50%
PEAK OF GENERATOR	1	--	0.41	0.41	0.41	282	282	282	51%	49%

TRIPS:		BY AVERAGE			BY REGRESSION		
		Total	Enter	Exit	Total	Enter	Exit
	DAILY	260	130	130	--	--	--
	PEAK OF GENERATOR	23	12	11	--	--	--

**SUNDAY**

RATES:	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	1	--	3.86	3.86	3.86	282	282	282	50%	50%
PEAK OF GENERATOR	1	--	0.36	0.36	0.36	282	282	282	55%	45%

TRIPS:		BY AVERAGE			BY REGRESSION		
		Total	Enter	Exit	Total	Enter	Exit
	DAILY	222	111	111	--	--	--
	PEAK OF GENERATOR	21	11	9	--	--	--

## Parking Demand Calculations

---

Marlboro Street Development Peak Parking Demand Summary

Start Time	Office Space <sup>a</sup> 69 peak demand		Industrial Space <sup>b</sup> 30 peak demand		Warehouse Space <sup>c</sup> 5 peak demand		Residential Units <sup>d</sup> 64 peak demand		Total Parked Vehicles
	% of Weekday Demand	Parked Vehicles	% of Weekday Demand	Parked Vehicles	% of Weekday Demand	Parked Vehicles	% of Weekday Demand	Parked Vehicles	
12:00-4:00 AM	0%	0	0%	0	1%	0	100%	64	64
5:00 AM	0%	0	2%	1	3%	0	97%	62	63
6:00 AM	0%	0	15%	5	8%	0	90%	58	63
7:00 AM	13%	9	41%	12	27%	1	77%	49	72
8:00 AM	48%	33	83%	25	57%	3	56%	36	97
9:00 AM	88%	61	100%	30	79%	4	45%	29	123
<b>10:00 AM</b>	100%	69	99%	30	83%	4	40%	26	<b>128</b>
11:00 AM	100%	69	98%	29	87%	4	37%	24	126
12:00 PM	85%	59	94%	28	91%	5	36%	23	114
1:00 PM	84%	58	90%	27	91%	5	36%	23	113
2:00 PM	93%	64	94%	28	97%	5	37%	24	121
3:00 PM	94%	65	88%	26	100%	5	43%	28	124
4:00 PM	85%	59	68%	20	91%	5	45%	29	112
5:00 PM	56%	39	49%	15	74%	4	55%	35	92
6:00 PM	20%	14	9%	3	47%	2	66%	42	61
7:00 PM	11%	8	3%	1	26%	1	73%	47	57
8:00 PM	0%	0	3%	1	20%	1	77%	49	51
9:00 PM	0%	0	3%	1	17%	1	86%	55	57
10:00 PM	0%	0	0%	0	1%	0	92%	59	59
11:00 PM	0%	0	0%	0	1%	0	97%	62	62

<sup>a</sup> ITE Land Use Code 710 (General Office Build) for 29,040 sf.

<sup>b</sup> ITE Land Use Code 110 (General Light Industrial) for 44,980.

<sup>c</sup> ITE Land Use Code 150 (Warehousing) for 12,669 sf.

<sup>d</sup> ITE Land Use Code 220 (Multifamily Housing [Low-Rise]) for 57 units.

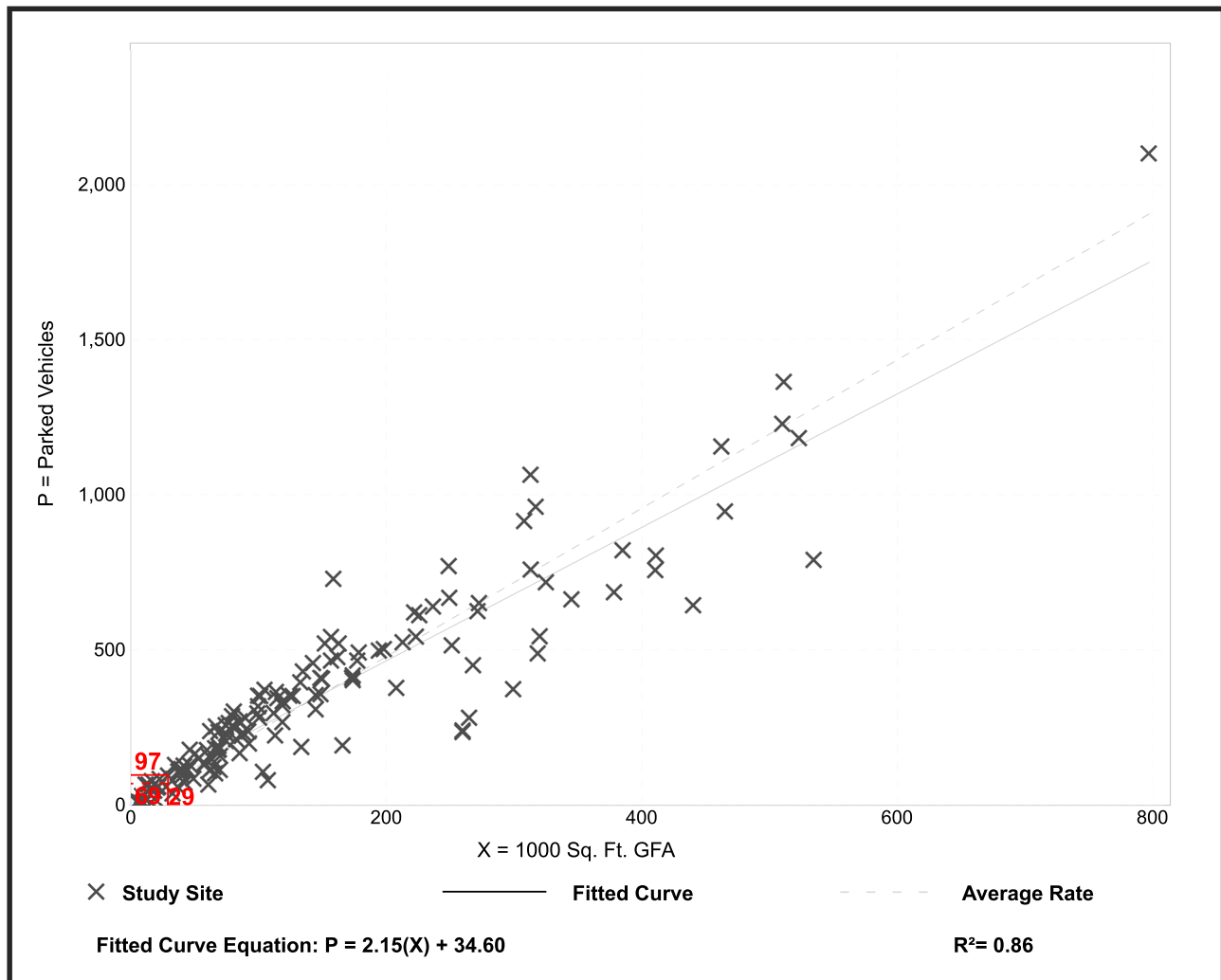
# General Office Building (710)

**Peak Period Parking Demand vs: 1000 Sq. Ft. GFA**  
**On a: Weekday (Monday - Friday)**  
**Setting/Location: General Urban/Suburban**  
**Peak Period of Parking Demand: 9:00 a.m. - 3:00 p.m.**  
 Number of Studies: 148  
 Avg. 1000 Sq. Ft. GFA: 145

## Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
2.39	0.50 - 5.58	2.30 / 3.30	2.28 - 2.50	0.69 (29%)

## Data Plot and Equation



# Land Use: 710 General Office Building

## Description

A general office building houses multiple tenants. It is a location where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted. An office building or buildings may contain a mixture of tenants including professional services, insurance companies, investment brokers, and tenant services, such as a bank or savings and loan institution, a restaurant, or cafeteria and service retail facilities. A general office building with a gross floor area of 5,000 square feet or less is classified as a small office building (Land Use 712). Corporate headquarters building (Land Use 714), single tenant office building (Land Use 715), medical-dental office building (Land Use 720), office park (Land Use 750), and research and development center (Land Use 760) are additional related uses.

If information is known about individual buildings, it is suggested that the general office building category be used rather than office parks when estimating parking generation for one or more office buildings in a single development. The office park category is more general and should be used when a breakdown of individual or different uses is not known. If the general office building category is used and if additional buildings, such as banks, restaurants, or retail stores are included in the development, the development should be treated as a multiuse project. On the other hand, if the office park category is used, internal trips are already reflected in the data and do not need to be considered.

When the buildings are interrelated (defined by shared parking facilities or the ability to easily walk between buildings) or house one tenant, it is suggested that the total area or employment of all the buildings be used for calculating parking generation. When the individual buildings are isolated and not related to one another, it is suggested that parking generation be calculated for each building separately and then summed.

## Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday at 30 study sites in a general urban/suburban setting and two study sites in a dense multi-use urban setting.

Hour Beginning	Percent of Weekday Peak Parking Demand	
	General Urban/Suburban	Dense Multi-Use Urban
12:00–4:00 a.m.	–	–
5:00 a.m.	–	–
6:00 a.m.	–	–
7:00 a.m.	13	26
8:00 a.m.	48	65
9:00 a.m.	88	95
10:00 a.m.	100	100
11:00 a.m.	100	100
12:00 p.m.	85	99
1:00 p.m.	84	99
2:00 p.m.	93	97
3:00 p.m.	94	94
4:00 p.m.	85	90
5:00 p.m.	56	–
6:00 p.m.	20	–
7:00 p.m.	11	–
8:00 p.m.	–	–
9:00 p.m.	–	–
10:00 p.m.	–	–
11:00 p.m.	–	–

### Additional Data

The average parking supply ratios for the study sites with parking supply information are as follows:

- 2.9 spaces per 1,000 square feet GFA in a dense multi-use urban setting that is not within ½ mile of rail transit (seven sites)
- 3.3 spaces per 1,000 square feet GFA (73 sites) and 1.2 spaces per employee (20 sites) in a general urban/suburban setting that is not within ½ mile of rail transit
- 3.0 spaces per 1,000 square feet GFA (seven sites) and 0.8 spaces per employee (two sites) in a general urban/suburban setting that is within ½ mile of rail transit

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Arizona, California, Colorado, Connecticut, Georgia, Illinois, Massachusetts, Minnesota, Montana, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, Texas, Utah, and Washington.

### Source Numbers

21, 22, 47, 122, 124, 142, 172, 201, 202, 205, 211, 215, 216, 217, 227, 239, 241, 243, 276, 295, 399, 400, 425, 431, 433, 436, 438, 440, 516, 531, 540, 551, 555, 556, 557, 571, 572, 588

# Land Use: 110 General Light Industrial

## Description

A light industrial facility is a free-standing facility devoted to a single use. The facility has an emphasis on activities other than manufacturing and typically has minimal office space. Typical light industrial activities include printing, material testing, and assembly of data processing equipment. Industrial park (Land Use 130) and manufacturing (Land Use 140) are related uses.

## Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday at 29 general urban/suburban study sites.

Hour Beginning	Percent of Weekday Peak Parking Demand
12:00–4:00 a.m.	0
5:00 a.m.	2
6:00 a.m.	15
7:00 a.m.	41
8:00 a.m.	83
9:00 a.m.	100
10:00 a.m.	99
11:00 a.m.	98
12:00 p.m.	94
1:00 p.m.	90
2:00 p.m.	94
3:00 p.m.	88
4:00 p.m.	68
5:00 p.m.	49
6:00 p.m.	9
7:00 p.m.	3
8:00 p.m.	3
9:00 p.m.	3
10:00 p.m.	0
11:00 p.m.	0



### **Additional Data**

The number of employees for this land use was the total number of employees working on all shifts. Facilities with employees that work on shifts may peak at different hours. It is unclear from the data collected for this land use whether the parking demand counts occurred during, prior to, or after shift changes at the study sites.

The average parking supply ratio for the nine study sites with parking supply information is 1.2 spaces per 1,000 square feet GFA.

The sites were surveyed in the 1980s, the 1990s, and the 2010s in California, Illinois, Oklahoma, Texas, and Washington.

### **Source Numbers**

149, 151, 201, 235, 261, 560, 561

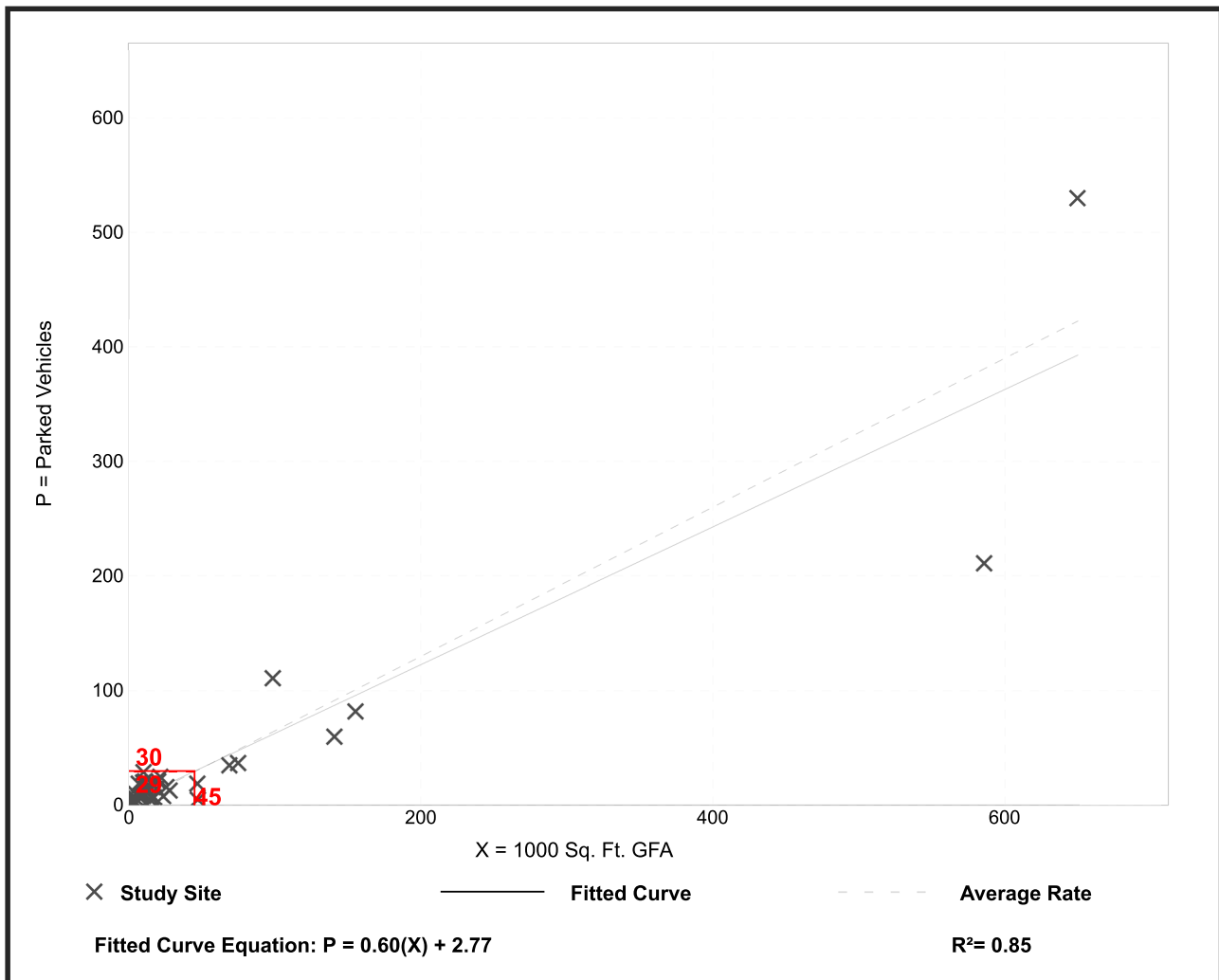
# General Light Industrial (110)

**Peak Period Parking Demand vs: 1000 Sq. Ft. GFA**  
**On a: Weekday (Monday - Friday)**  
**Setting/Location: General Urban/Suburban**  
**Peak Period of Parking Demand: 9:00 a.m. - 3:00 p.m.**  
 Number of Studies: 40  
 Avg. 1000 Sq. Ft. GFA: 56

## Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.65	0.11 - 7.89	0.58 / 1.94	0.52 - 0.78	0.41 (63%)

## Data Plot and Equation



# Land Use: 150 Warehousing

## Description

A warehouse is primarily devoted to the storage of materials, but it may also include office and maintenance areas.

## Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday at 11 general urban/suburban study sites.

Hour Beginning	Percent of Weekday Peak Parking Demand
12:00–4:00 a.m.	1
5:00 a.m.	3
6:00 a.m.	8
7:00 a.m.	27
8:00 a.m.	57
9:00 a.m.	79
10:00 a.m.	83
11:00 a.m.	87
12:00 p.m.	91
1:00 p.m.	91
2:00 p.m.	97
3:00 p.m.	100
4:00 p.m.	91
5:00 p.m.	74
6:00 p.m.	47
7:00 p.m.	26
8:00 p.m.	20
9:00 p.m.	17
10:00 p.m.	1
11:00 p.m.	1

## Additional Data

For eight of the study sites, data were also collected for trucks parked at the site. The average truck parking demand ratio was 0.11 trucks per 1,000 sq. ft. GFA with a range between 0.04 and 0.25 trucks per 1,000 sq. ft. GFA.

The average parking supply ratio for the study sites with parking supply information is 0.6 spaces per 1,000 square feet GFA (15 sites) and 1.1 spaces per employee (12 sites).

The sites were surveyed in the 1990s, the 2000s, and the 2010s in Minnesota, New Jersey, New York, Oregon, Texas, and Washington.

**Source Numbers**

22, 122, 275, 433, 528, 556, 558, 561, 562

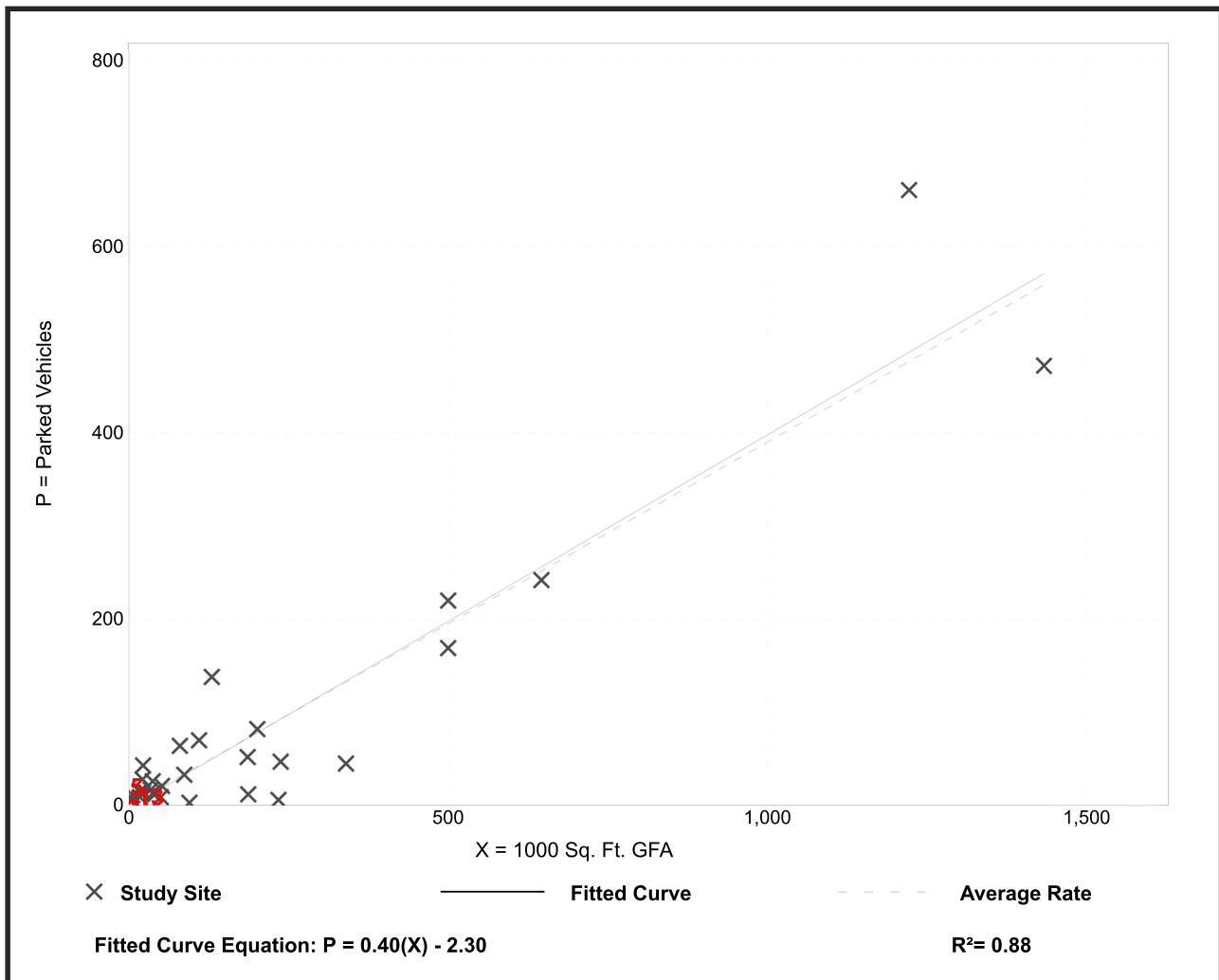
# Warehousing (150)

**Peak Period Parking Demand vs: 1000 Sq. Ft. GFA**  
**On a: Weekday (Monday - Friday)**  
**Setting/Location: General Urban/Suburban**  
**Peak Period of Parking Demand: 11:00 a.m. - 4:00 p.m.**  
 Number of Studies: 31  
 Avg. 1000 Sq. Ft. GFA: 212

## Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.39	0.03 - 1.96	0.34 / 1.11	0.31 - 0.47	0.22 (56%)

## Data Plot and Equation



*Parking Generation Manual, 5th Edition* • Institute of Transportation Engineers

# Land Use: 220 Multifamily Housing (Low-Rise)

## Description

Low-rise multifamily housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and with one or two levels (floors) of residence. Multifamily housing (mid-rise) (Land Use 221), multifamily housing (high-rise) (Land Use 222), and affordable housing (Land Use 223) are related land uses.

## Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand (1) on a weekday (10 study sites) and a Saturday (11 study sites) in a general urban/suburban setting and (2) on a weekday (three study sites) and a Saturday (three study sites) in a dense multi-use urban setting.

Hour Beginning	Percent of Peak Parking Demand			
	General Urban/Suburban		Dense Multi-Use Urban	
	Weekday	Saturday	Weekday	Saturday
12:00–4:00 a.m.	100	93	86	100
5:00 a.m.	97	100	100	94
6:00 a.m.	90	98	94	91
7:00 a.m.	77	96	81	85
8:00 a.m.	56	92	58	79
9:00 a.m.	45	80	56	76
10:00 a.m.	40	78	53	71
11:00 a.m.	37	71	58	74
12:00 p.m.	36	68	56	68
1:00 p.m.	36	66	53	68
2:00 p.m.	37	65	47	68
3:00 p.m.	43	68	56	56
4:00 p.m.	45	70	53	59
5:00 p.m.	55	73	61	53
6:00 p.m.	66	77	81	50
7:00 p.m.	73	81	67	56
8:00 p.m.	77	82	61	65
9:00 p.m.	86	86	64	74
10:00 p.m.	92	87	75	85
11:00 p.m.	97	92	86	91

## Additional Data

In prior editions of *Parking Generation*, the low-rise multifamily housing sites were further divided into rental and condominium categories. An investigation of parking demand data found no clear differences in parking demand between the rental and condominium sites within the ITE database. As more data are compiled for future editions, this land use classification can be reinvestigated.

The average parking supply ratios for the study sites with parking supply information are shown in the table below.

Setting	Proximity to Rail Transit	Parking Supply Ratio	
		Per Dwelling Unit	Per Bedroom
Dense Multi-Use Urban	Within ½ mile of rail transit	0.6 (12 sites)	0.4 (10 sites)
	Not within ½ mile of rail transit	0.9 (18 sites)	0.6 (18 sites)
General Urban/ Suburban	Within ½ mile of rail transit	1.5 (10 sites)	0.9 (10 sites)
	Not within ½ mile of rail transit	1.7 (52 sites)	1.0 (52 sites)

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), California, Colorado, District of Columbia, Maryland, Massachusetts, Oregon, Pennsylvania, Texas, Washington, and Wisconsin.

*It is expected that the number of bedrooms and number of residents are likely correlated to the parking demand generated by a residential site. Parking studies of multifamily housing should attempt to obtain information on occupancy rate and on the mix of residential unit sizes (i.e. number of units by number of bedrooms at the site complex). Future parking studies should also indicate the number of levels contained in the residential building.*

## Source Numbers

72, 124, 152, 154, 209, 215, 216, 218, 219, 255, 257, 314, 414, 419, 432, 437, 505, 512, 533, 535, 536, 537, 544, 545, 577, 578, 579, 580, 584, 585, 587

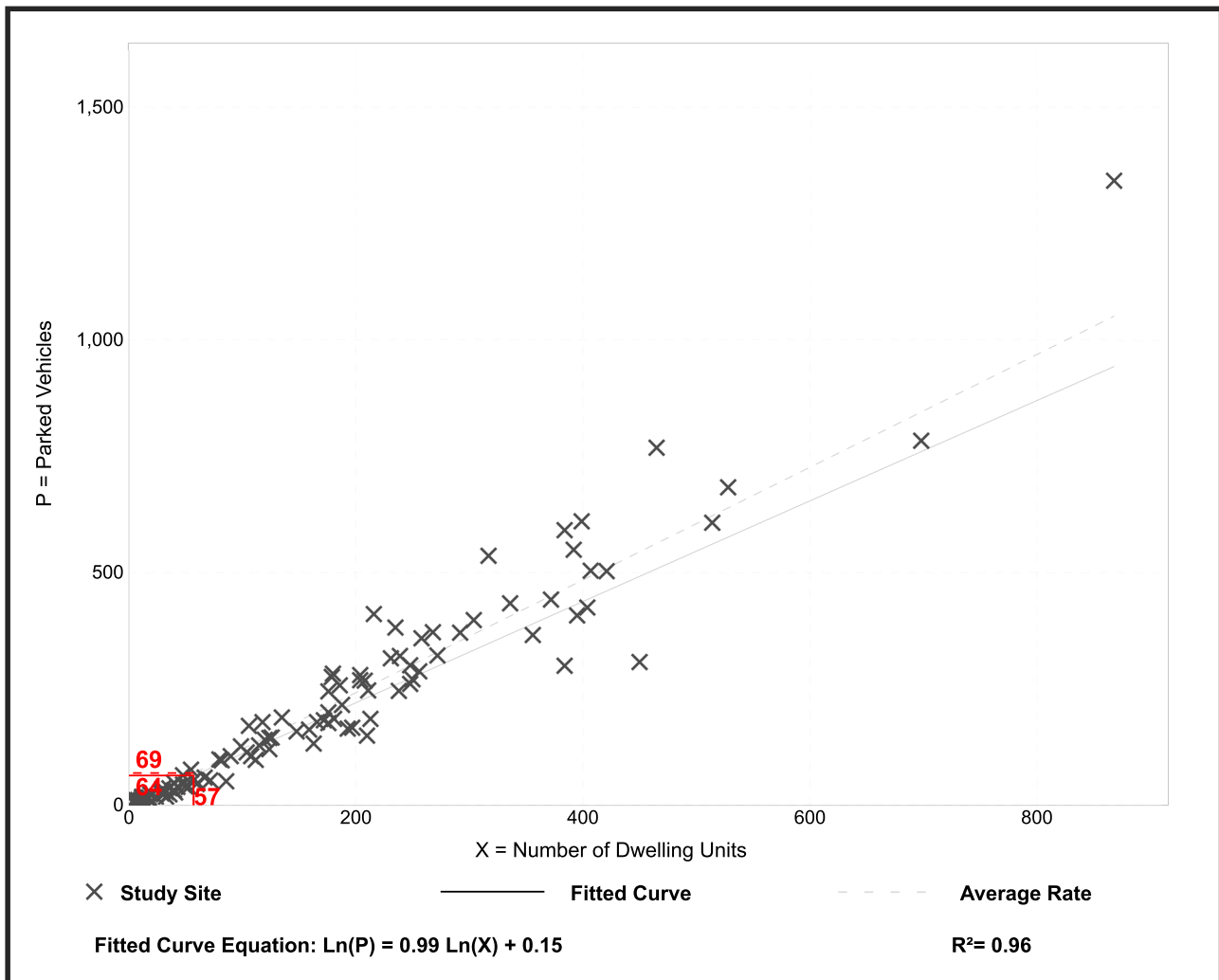
# Multifamily Housing (Low-Rise) (220)

**Peak Period Parking Demand vs: Dwelling Units**  
**On a: Weekday (Monday - Friday)**  
**Setting/Location: General Urban/Suburban (no nearby rail transit)**  
**Peak Period of Parking Demand: 11:00 p.m. - 6:00 a.m.**  
 Number of Studies: 119  
 Avg. Num. of Dwelling Units: 156

## Peak Period Parking Demand per Dwelling Unit

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.21	0.58 - 2.50	1.03 / 1.52	1.16 - 1.26	0.27 (22%)

## Data Plot and Equation



*Parking Generation Manual, 5th Edition* • Institute of Transportation Engineers



## Existing and Proposed Tenant Data

---



Manchester Street, east side, at its first 90-degree angle, 90.75 feet to the second 90-degree angle.

Manchester Street, north side, 136 feet from Main Street; west side, 130.7 feet from the end of the first prohibition; and north side, 179 feet from the end of the second prohibition.

Marlboro Street, both sides, from the dead end a distance of 300 feet westerly including the dead end and the turnaround.

Marlboro Street; north side, from the east curb line of Grove Street for 66 feet in a southeasterly direction.

Marlboro Street, south side, from a point even with the westerly line of Adams Street, 366 feet in a southeasterly direction.

Marlboro Street, south side, for a distance of 20 feet in a westerly direction from the western intersection of Adams Street.

Marlboro Street, south side, from Prescott Street to Avalon Place.

Marlboro Street, within 310 feet of the easterly curblines of Main Street on the south side, and within 310 feet of the easterly curblines of Main Street on the north side.

Martel Court, both sides of street, from a point 1,295 feet from the west curblines of Main Street to the dead end and turnaround.

Mechanic Street, north side, from Washington Street curblines to a point 130 feet westerly and a point of 210 feet westerly from Washington Street to Court Street.

Middle Street, east side.

Middle Street, west side from a point 70 feet north of the curblines of Winter Street to a point 148 feet north of the curblines of Winter St.

Middle Street, west side from a point 168 feet north of the curblines of Winter Street to Summer Street

Morin Avenue, southeast side, from a point 50 feet east of Park Avenue to Park Avenue.

Norway Avenue, west side, for a distance of 78 feet southerly from Roxbury Street.

## **Parking Space Lease Agreement**

*New Hampshire*

This Parking Space Lease Agreement, hereinafter referred to as the "Agreement," is entered into and made effective as of the date set forth at the end of this document by and between the following parties:

**Home Healthcare, Hospice and Community Services, Inc.**, a Corporation, incorporated under the laws of the state of New Hampshire, having its principal place of business at the following address:

**312 Marlboro Street  
Keene, NH 03431**

and **310 Marlboro Street, LLC**, a Limited Liability Company, organized under the laws of the state of New Hampshire, having its principal place of business at the following address:

**310 Marlboro Street  
Keene, NH 03431**

Hereinafter, "Lessor" will refer to and be used to describe the following party: Home Healthcare, Hospice and Community Services, Inc. "Lessee" will refer to and be used to describe the following party: 310 Marlboro Street, LLC. Lessor and Lessee may be referred to individually as "Party" and collectively as the "Parties."

### *RECITALS:*

*WHEREAS, Lessor wishes to offer for rent parking spaces,*

*WHEREAS, Lessee wishes to rent such parking spaces from Lessor;*

*NOW, therefore, in consideration of the promises and covenants contained herein, as well as other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the Parties do hereby agree as follows:*

### **Article 1 - LEASE OF SPACE:**

Lessor hereby agrees to provide, and Lessee agrees to rent, ten (10) parking spaces located at the following address:

**312 Marlboro Street  
Keene, NH 03431**

with the following description:





A) **GOVERNING LAW:** This Agreement shall be governed in all respects by the laws of the state of New Hampshire and any applicable federal law. Both Parties consent to jurisdiction under the state and federal courts within the state of New Hampshire. The Parties agree that this choice of law, venue, and jurisdiction provision is not permissive, but rather mandatory in nature.

B) **LANGUAGE:** All communications made or notices given pursuant to this Agreement shall be in the English language.

C) **ASSIGNMENT:** This Agreement, or the rights granted hereunder, may not be assigned, sold, leased or otherwise transferred in whole or part by either Party.

D) **AMENDMENTS:** This Agreement may only be amended in writing signed by both Parties.

E) **NO WAIVER:** None of the terms of this Agreement shall be deemed to have been waived by any act or acquiescence of either Party. Only an additional written agreement can constitute waiver of any of the terms of this Agreement between the Parties. No waiver of any term or provision of this Agreement shall constitute a waiver of any other term or provision or of the same provision on a future date. Failure of either Party to enforce any term of this Agreement shall not constitute waiver of such term or any other term.

F) **SEVERABILITY:** If any provision or term of this Agreement is held to be unenforceable, then this Agreement will be deemed amended to the extent necessary to render the otherwise unenforceable provision, and the rest of the Agreement, valid and enforceable. If a court declines to amend this Agreement as provided herein, the invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of the remaining terms and provisions, which shall be enforced as if the offending term or provision had not been included in this Agreement.

G) **ENTIRE AGREEMENT:** This Agreement constitutes the entire agreement between the Parties and supersedes any prior or contemporaneous understandings, whether written or oral.

H) **HEADINGS:** Headings to this Agreement are for convenience only and shall not be construed to limit or otherwise affect the terms of this Agreement.

I) **COUNTERPARTS:** This Agreement may be executed in counterparts, all of which shall constitute a single agreement. If the dates set forth at the end of this document are different, this Agreement is to be considered effective as of the date that both Parties have signed the agreement, which may be the later date.

J) **FORCE MAJEURE/EXCUSE:** Neither Party is liable to the other for any failure to perform due to causes beyond its reasonable control including, but not limited to, acts of God, acts of civil authorities, acts of military authorities, riots, embargoes, acts of nature and natural disasters, and other acts which may be due to unforeseen circumstances.

K) **NOTICES ELECTRONIC COMMUNICATIONS PERMITTED:** Any notice to be given under this Agreement shall be in writing and shall be sent by first class mail or airmail to the address of the relevant Party set out at the head of this Agreement. Notices may also be sent via email to the relevant email address set out below, if any, or other

email address as that Party may from time to time notify to the other Party in accordance with this clause.

**Article 13 – Contact Information:**

The relevant contact information for the Parties is as follows:

Lessor:

Jessica Mack, MBA, CHC  
Corporate Compliance Officer  
312 Marlboro Street  
Keene, NH 03431  
603-757-1718  
jmack@hcsservices.org

Lessee:

Randall Walter, AIA  
310 Marlboro Street  
Keene, NH 03431  
603-721-1227  
310marlborostreetllc@gmail.com

Notices sent as above shall be deemed to have been received 3 working days after the day of posting (in the case of inland first class mail), or 7 working days after the date of posting (in the case of airmail). In the case of email, notices shall be deemed to have been received the next working day after sending.

In proving the giving of a notice it shall be sufficient to prove that the notice was left, or that the envelope containing the notice was properly addressed and posted, or that the applicable means of telecommunication was addressed and dispatched and dispatch of the transmission was confirmed and/or acknowledged as the case may be.

***EXECUTION:***

*Page 1 of 6*



Record of Signing

For 310 Marlboro St., LLC  
Name Randall S. Walter  
Title Manager

Randall S. Walter

Signed on 2022-08-17 19:06:41 GMT

Secured by Concord™  
Document ID: 305441184078210  
Signed on: 2022-08-17 19:06:41 GMT  
IP Address: 43.08.114.110  
Email: rswalter@marlboro.com

For Home Health, Hospice and Community S...  
Name Maura McQueeney  
Title President and CEO

Maura McQueeney

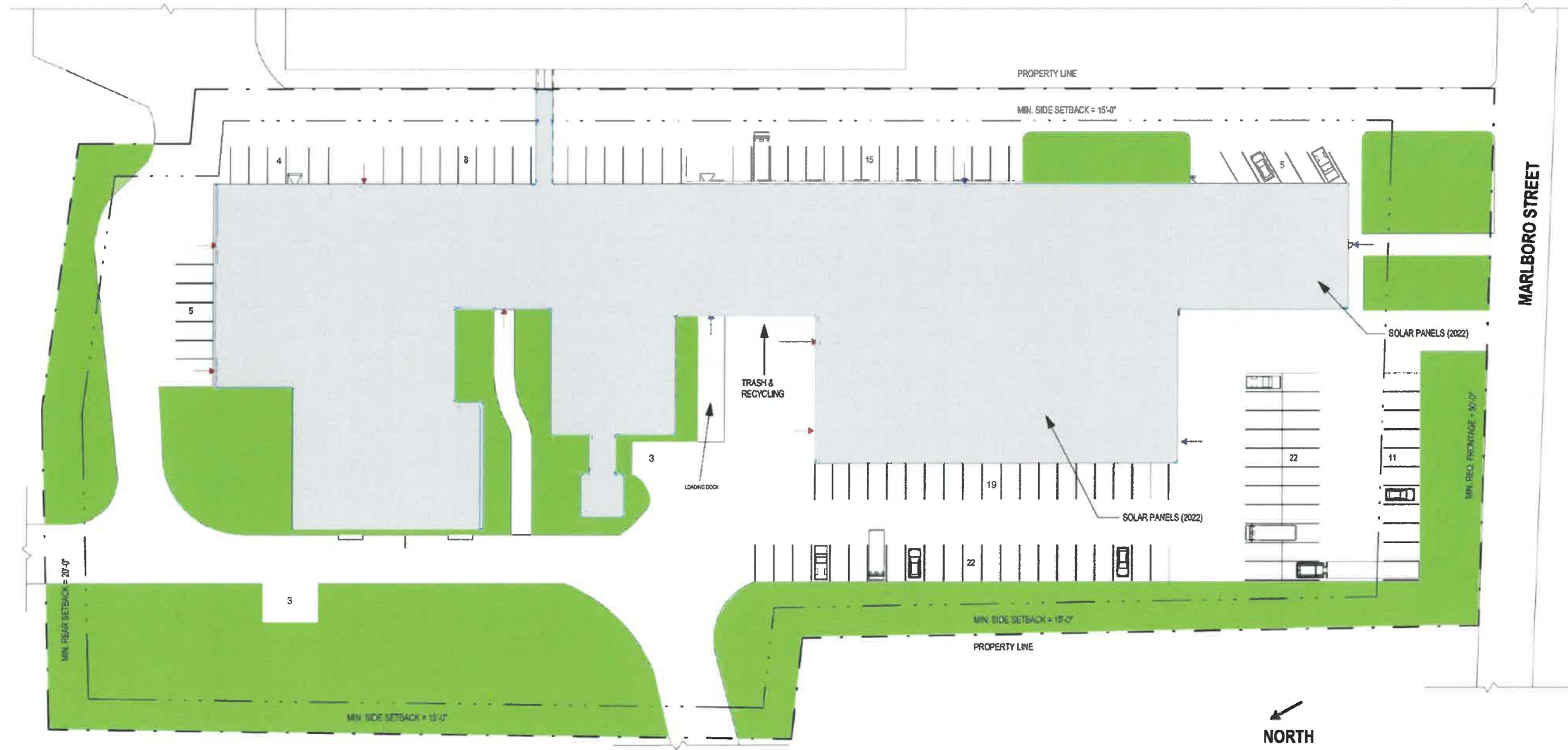
Signed on 2022-08-17 19:31:05 GMT

Secured by Concord™  
Document ID: 305441184078210  
Signed on: 2022-08-17 19:31:05 GMT  
IP Address: 43.08.114.110  
Email: mmcqueeney@hca.com



Signed with [www.concordinc.com](http://www.concordinc.com)

EXISTING PARKING SPACES: 130  
 IMPERVIOUS SURFACE: 127,689 SF, 68.9%  
 PERVIOUS 57,523 SF, 31.1%



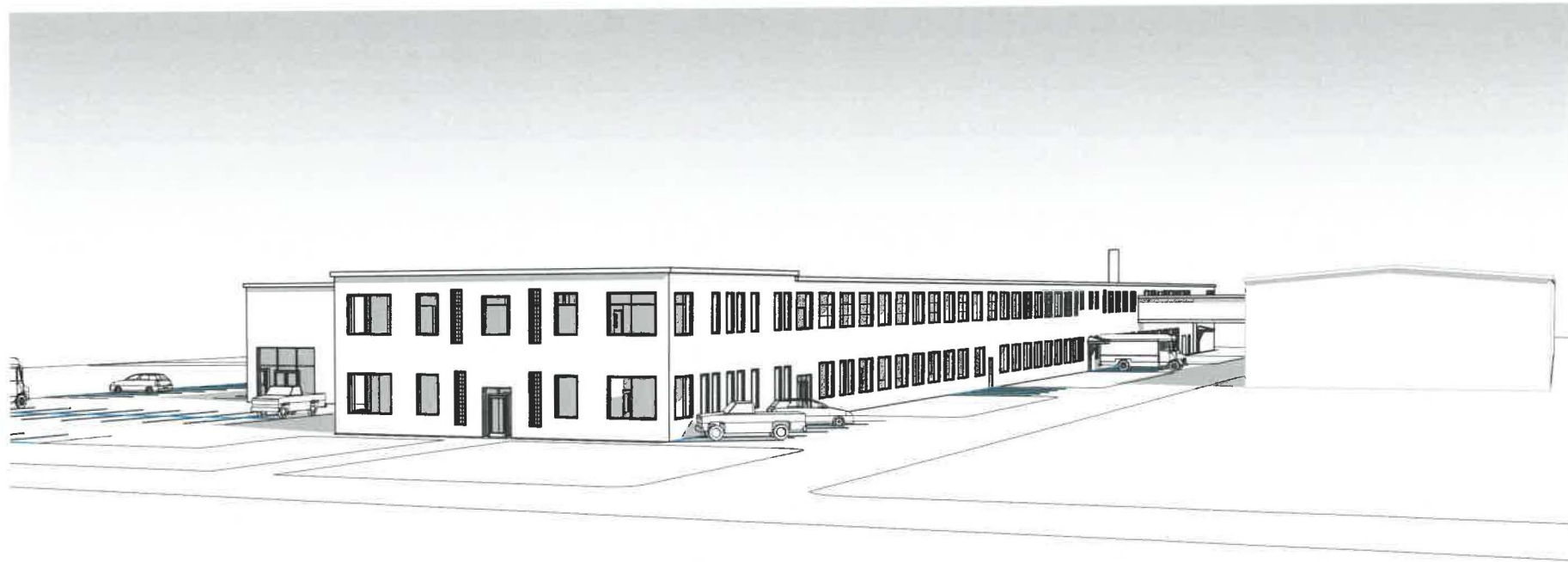
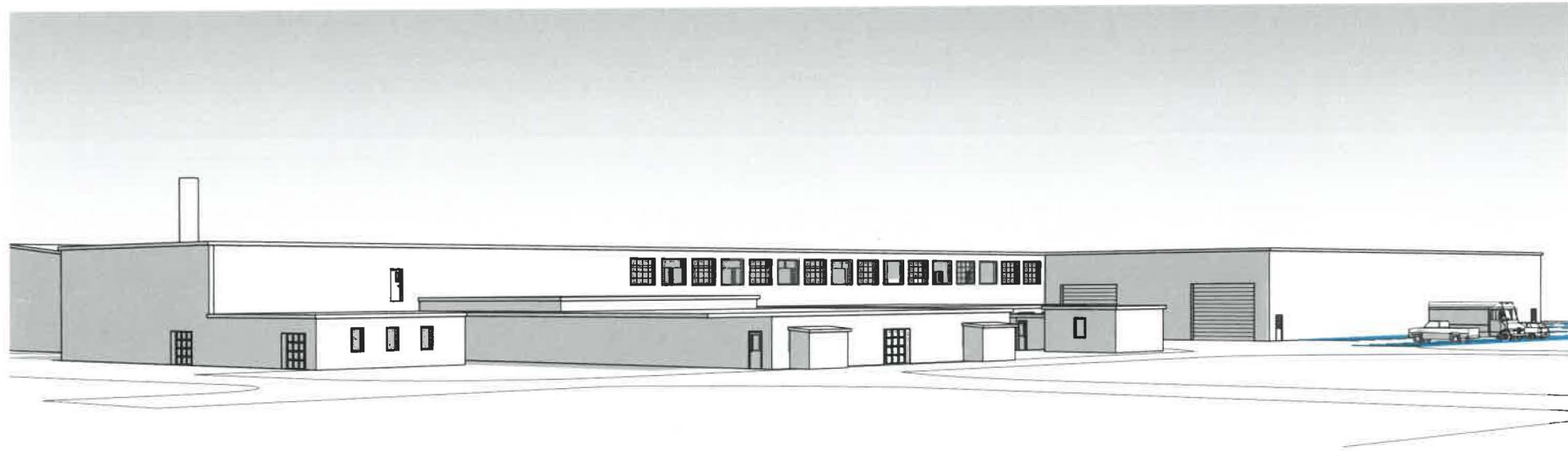
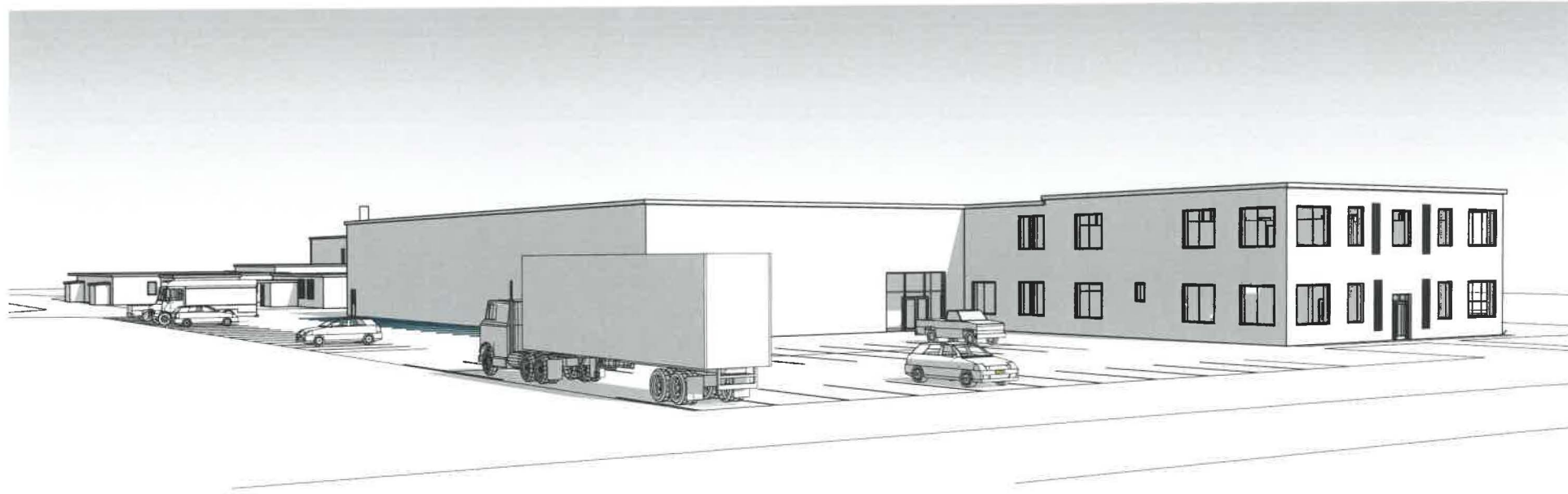
**A1.0**

ISSUED: 08/18/22  
 FOR: RANDALL  
 DRAWN BY: HBHARRIS  
 PROJECT NO: 20210022

310 MARLBORO STREET  
 EXISTING CONDITIONS  
 310 Marlboro Street  
 Keene, New Hampshire, 03431

STAMP:

Randall S. Walter, AIA  
 DESIGN|BUILD  
 603.721.1227  
 www.randallwalter.com  
 randallwalter@gmail.com



T0.3

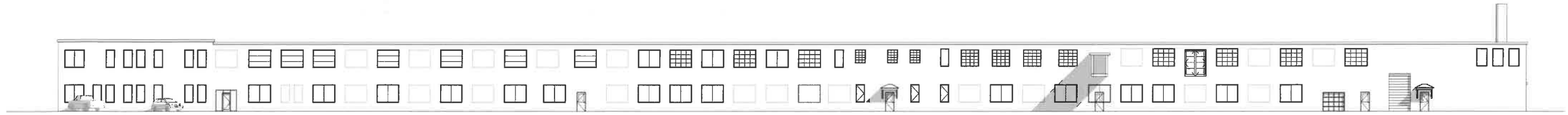
07/27/21  
 RANDALL  
 WALTER  
 E.J.FRENCH  
 20210022

ISSUED:  
 FOR:  
 DRAWN BY:  
 PROJECT NO.:

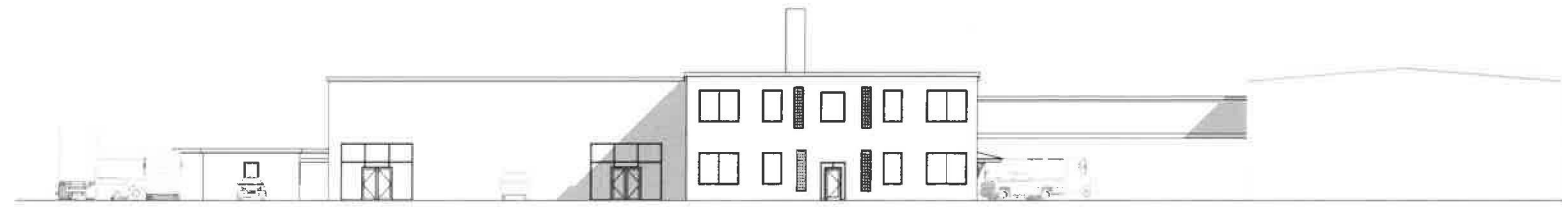
310 MARLBORO STREET  
 KEENE, NEW HAMPSHIRE, 03431

STAMP:

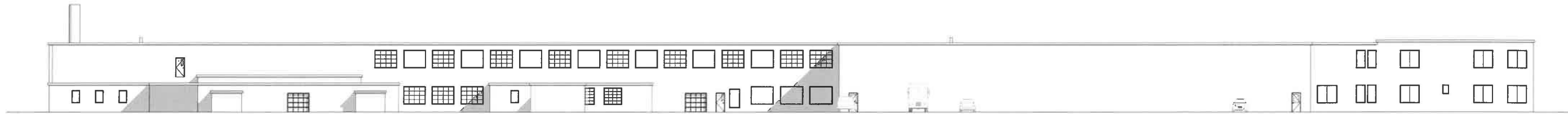
Randall S. Walter, AIA  
 DESIGN|BUILD  
 603.721.1227  
 www.randallwalter.com  
 randallwalter@gmail.com



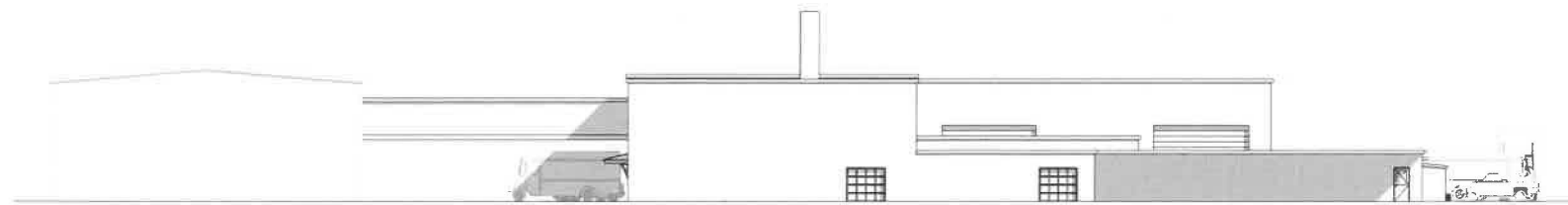
1 NORTH ELEVATION  
1" = 40'-0"



2 EAST ELEVATION  
1" = 40'-0"



3 SOUTH ELEVATION  
1" = 40'-0"



4 WEST ELEVATION  
1" = 40'-0"

A2.0

07/27/21  
RANDALL  
WALTER  
EJFRENCH  
20210022

ISSUED:  
FOR:  
DRAWN BY:  
PROJECT NO.:

310 MARLBORO STREET  
KEENE, NEW HAMPSHIRE, 03431

STAMP:

Randall S. Walter, AIA  
DESIGN|BUILD  
603.721.1227  
[www.randallwalter.com](http://www.randallwalter.com)  
[randallwalter@gmail.com](mailto:randallwalter@gmail.com)