

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

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

**Monday, December 19, 2022**

**6:30 PM**

**Council Chambers,  
City Hall**

**Members Present:**

David Orgaz, Vice Chair  
Emily Lavigne-Bernier  
Roberta Mastrogiovanni  
Armando Rangel  
Harold Farrington  
Randyn Markelon, Alternate

**Staff Present:**

Jesse Rounds, Community Development  
Director  
Mari Brunner, Senior Planner

**Members Not Present:**

Pamela Russell Slack, Chair  
Mayor George S. Hansel  
Councilor Michael Remy  
Gail Somers, Alternate  
Tammy Adams, Alternate  
Kenneth Kost, Alternate

**I) Call to Order**

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

**II) Minutes of Previous Meetings – October 28, November 14, & November 28, 2022**

A motion was made by Harold Farrington that the Planning Board approve the October 28, November 14, & November 28, 2022 meeting minutes. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved.

**III) Final Vote on Conditional Approvals**

Vice-Chair Orgaz stated this is a new standing agenda item in response to the recent “City of Dover” decision issued by the NH Supreme Court. As a matter of practice, the Board will now issue a final vote on all conditionally approved plans after all of the “conditions precedent” have been met. This final vote will be the final approval and will start the 30-day appeal clock.

Senior Planner Mari Brunner stated there were no applications ready for a final vote.

**IV) Public Hearings**

**S-11-22 – Subdivision & Boundary Line Adjustment – 22 & 24 Rule St - Applicant Cardinal Surveying & Land Planning, on behalf of owners Richard W. & Carolyn M. Davis, proposes a lot line adjustment between the properties located at 22 Rule St (TMP #532-050-000) and 24 Rule St (TMP #532-051-000) that would result in the transfer of 0.02-ac from the 1.14-ac parcel at 22 Rule St to the 0.22-ac parcel at 24 Rule St, and a 2-lot subdivision of the parcel at 22 Rule St into one 0.48-ac lot and one 0.65-ac lot. The properties are located in the Low Density District.**

A. Board Determination of Completeness

Ms. Brunner stated the Applicant has requested exemptions from submitting a grading plan, a landscaping plan, a lighting plan, and a narrative explaining how the proposal complies with the 13 Site Development Standards. Staff have determined that the requested exemptions would have no bearing on the merits of the application and recommend that the Board accept the application as complete.

A motion was made by Harold Farrington that the Planning Board accept Application S-11-22 as complete. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved.

B. Public Hearing

Ms. Wendy Pelletier of Cardinal Land Surveying addressed the Board. She referred to a Plan and pointed to 22 Rule Street, which is 1.14 acres in size, and 24 Rule Street, which is 0.22 acres; they are bounded by Rule Street and two paper streets (streets that are shown on paper but were not constructed), one is an extension of Barcomb Street and the other is an unnamed street. Ms. Pelletier stated this subdivision proposal is to add a third lot and adjust the lot lines. The 24 Rule Street property's lot lines would be adjusted so it has more of a back yard instead of a side yard. The 22 Rule Street property will then be subdivided to create a new lot. There are steep slopes at the rear, but there is also a significant building area (mostly gravel). The site does have City services. This concluded Ms. Pelletier's presentation.

Mr. Farrington clarified there will be three lots after the subdivision with two houses and asked whether there was going to be a third house constructed. Ms. Pelletier stated there is no proposal for house construction at this time – it will be up to the owners when that will be done.

Staff comments were next. Ms. Brunner addressed the Board and stated the applicant's proposal will create a third single family developable lot. There is no development proposed at this time, but a single family home could be constructed on this lot in the future. Ms. Brunner stated this is a two-step application; the first is a lot line adjustment and then a subdivision.

The proposal is to transfer 0.01 acres of land from 22 Rule Street to 24 Rule Street. This proposal would make the property at 24 Rule Street conforming with reference to minimum lot size requirement. At the present time it is just under 10,000 square feet, where 10,000 square feet is the

required minimum. Once the subdivision is complete, all three properties will meet zoning requirements for minimum lot size (10,000 square feet).

Ms. Brunner noted as was stated earlier there are steep slopes on the developable lot. There are notes on one of the plan sheets regarding the different approvals that would be required from the City when development does occur. Staff is recommending those notes be shown also on the subdivision plan that gets recorded. In addition, there is a carport on the 24 Rule Street property which currently complies with zoning, but with the moving of the lot line it would become non-conforming because it would be within the side setback. Staff recommends that carport be removed before final approval. There is also a shed where the new lot is proposed to be created, technically this is not allowed under zoning either because it becomes the primary structure. Hence, staff recommends removal of this shed as well be included as a condition of approval.

With respect to the development standards, Ms. Brunner stated all three parcels have access to City sewer and water along Rule Street and this is noted on the plan set. Specifically, Note #6 under Development Standard Sheet #1 - the Applicant specifies that all necessary permits will need to be obtained from the Public Works Department for sewer and water connections and notes that private on-site sewer ejector pumps may be needed to access City sewer lines. This standard appears to be met.

With respect to Traffic & Access Management, Ms. Brunner stated no change is being proposed to the existing site access points to the two single family homes in existence. The applicant is proposing to remove the portion of the existing driveway that is on the new proposed lot and when that lot is developed they would need to obtain a new street access permit from the Public Works Department.

With respect to Surface Waters & Wetland, there were no jurisdictional wetlands observed on either of the parcels and hence this standard does not apply.

Ms. Brunner referred to the conditions of approval as outlined but added there is one other condition of approval staff is recommending. It came to staff's attention in reviewing the Land Development Code (Chapter 22 – Public Improvements) – there is a requirement that says before the Board can sign any subdivision plan, the City Engineer must go out and inspect the lot monuments. This is not something staff has made as a condition of approval for subdivisions in the past, but it should be made a condition of approval for subdivisions in the City moving forward.

The Chair asked for public comment next.

Mr. Richard Davis of 176 George Street asked what the plan was for the land that is located next to his property; the right of way that has no ownership. Vice-Chair Orgaz stated this issue would not be the purview of the Planning Board and referred the comment to staff. Ms. Brunner stated staff will be happy to follow up with Mr. Davis. Mr. Davis stated he has already been in contact with the City regarding this issue and the City had advised that a deed could not be located for this property. Ms. Brunner stated she would be happy to discuss this with Mr. Davis at a later time as it does not have any impact on the proposal before the Board tonight.

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

C. Board Discussion and Action

A motion was made by Harold Farrington that the Planning Board approve S-11-22 for a boundary line adjustment between the properties at 22 Rule St (TMP #532- 050-000) and 24 Rule St (TMP #532-051-000) and a 2-lot subdivision of the parcel at 22 Rule St, as shown in the plan set identified as, “2-lot Subdivision & Boundary Line Adjustment, Lots 532- 050-000 & 532-051-000, 22 & 24 Rule Street, Keene, NH 03431” prepared by Cardinal Surveying & Land Planning at a scale of 1 inch = 30 feet on November 10, 2022 and last revised on December 1, 2022 with the following conditions precedent prior to final approval and signature of the plans by the Planning Board Chair:

1. Submittal of four (4) paper copies, two (2) Mylar copies, and a digital copy of the final plan set.
2. Submittal of a check in the amount of \$51.00 made out to the City of Keene to cover the cost of recording the final plat at the Registry of Deeds.
3. Removal of the existing carport and the relocation/removal of the existing shed on the property at 24 Rule St subject to a final inspection by City Staff.
4. Inspection of lot monuments by the Public Works Director or their designee following their installation or the submittal of a security in an amount deemed satisfactory to the Public Works Director to ensure that the monuments will be set.
5. Submittal of a revised plat to be recorded at the Registry of Deeds that includes the City of Keene Development Standard Notes shown on Sheet 1 of the plan set.

The motion was seconded Roberta Mastrogiovanni and was unanimously approved.

**WITHDRAWN - Change of Governmental Land Use – RSA 674:54 regarding a proposed charter school on the property located at 809 Court St (TMP #219-005-000). The 1.81-ac parcel is owned by Hillsborough Capital LLC and is located in the Commerce District.**

**Change of Governmental Land Use – RSA 674:54 regarding a proposed skate park on the property located at 160 Water St (TMP #586-001-000). The 2.19-ac parcel is owned by the City of Keene and is located in the Business Growth & Reuse District.**

Parks, Recreation and Facilities Director Andy Bohannon addressed the Board and stated before the Board tonight is an overview of the skate park project and the application to the Planning Board to consider change of 160 Water Street to Governmental use.

Mr. Bohannon began by providing a history of the skate park currently located on Gilbo Avenue which was established in 1996. He indicated in the 2010 Comprehensive Master Plan there was a suggestion to construct a permanent park. In 2011, the Skatepark Re-Location Committee provided a detailed report to the City Council which was adopted by the Council. The report called for connectivity to other parks, especially the amenities built within Russell Park. A year later the Active and Passive Recreation Management Plan was completed and nine key issues were presented to the Planning Board at that time; looking at long range Capital Planning and Park Site-Specific Master Plans. There were 14 recommendations outlined for each key issue.

Mr. Bohannon stated in 2015 a group of people out of the Re-Location Committee worked with Spohn Ranch, the current contractor and put together a design for the skate park (at that time to be located at Wheelock Park). However, the skaters could not raise the \$750,000 that was required.

In 2018, Cathy Burke took over the fundraising effort. In 2022 the City purchased the Findings property. Mr. Bohannon stated Cathy Burke set out the fundraising campaign and in total with many big donors within the City raised \$217,616.16 (City provided \$25,000) out of the \$300,000 campaign. The City also applied for the Land and Water Conservation Fund, a federal grant just submitted for \$225,000. A Design-Build Contract has been signed with Spohn Ranch for \$225,000.

Mr. Bohannon stated the benefits of the skate park are endless and what sparks his interest with the skate park is that most of the kids that use the park are not involved in team sports; the skate park users are their family, they encourage and coach one and other and help each other out during difficult times. This is the reason Cathy Burke got involved – her son was a video gamer and would not get off the couch. However, with the help of one of his teachers was introduced to the skate park. He is now a student at University of Vermont.

Mr. Bohannon then went over the elements of a successful skate park which were the result of the Re-Location Committee as well as from the Adapt a Skate Park model. If the Findings property and Russell Park are looked from the standpoint of the adjoining corridor –

- Accessibility – it will be ADA accessible and wheel friendly.
- Visibility into the park is essential for many reasons. Mr. Bohannon referred to a female skater who uses the park who had specifically requested visibility and for multiple entrance points.
- Environmental Impact – this location will help with stormwater runoff as the Russell Park is completed and when the Findings Building is torn down there would be appropriate drainage added to the site.
- Adjacent Amenities – Russell Park has a water fountain, public bathrooms, parking, access to a convenience store less than a mile from the park.
- Size – According to the Skate Park Adoption Model, anything above 8,000 square feet should be appropriate for Keene – this park will be close to 9,000 square feet in size.
- Seating – There will be bleachers and benches available
- Aesthetic Appeal – There will be appropriate landscaping brought in
- Security, Operations, and Maintenance

Mr. Bohannon then went over a conceptual design of the park.

The goals of the project will be to build a new concrete skate park (not the wooden/steel structure that exists right now), demolish the building, provide additional parking, create additional storm water retention areas, improve the aesthetics of the Park, create a more vibrant presence within the neighborhood, and provide easier and safe access from downtown Keene and the Cheshire Rail Trail.

Mr. Bohannon next referred to skate parks and noise. He stated there have been plenty of studies done on this topic. The Portland, Oregon Sheriff's office in 2001 completed a study. The study

looked at noise level 50 feet away on a concrete surface. Performing an “Ollie,” the sound level at 50 feet away would equal a baseball bat which is about 65-71decibels. Performing a “Grind” would be 56-65 decibels. He noted that 60 decibels is conversational speech, 70 decibels is normal street noise, 85 decibels is noisy restaurant, 100 decibels is passing truck, and 130 decibels is the threshold of Physical Pain. Mr. Bohannon felt a skate park would be no different than children playing on a swing set which would also be in the close proximity to the skate park.

Mr. Bohannon next went over some questions that came up at the Design Workshop, such as: Will there be Direct Lighting? (No, to have direct lighting will be an additional \$150,000). What are the hours of operation? (Dusk to Dawn). Will there be fencing? (There will be fencing on Carpenter and Water Street sides). Will there be shade Trees? (Yes, as many as possible). Will there be Parking? (Yes).

Mr. Bohannon referred to a final design which has been changed slightly. This concluded Mr. Bohannon’s presentation.

Vice-Chair Orgaz asked what the level of security would be. Mr. Bohannon stated there will be no gates and would be similar to Russell Park; other than police drive by as well as very diligent neighborhood. He talked about the small pocket park that was constructed on Church Street which at first was a concern to the neighbors; however, that park has brought about just the opposite type of effect on this neighborhood. People are invited to sit and relax, children play on the park, dogs are walked etc. He added if there is negative activity it will be squashed very fast as the users of the park have waited a long time for this park.

Mr. Farrington felt this skate park would be a great resource for the community and a great example of the City and a group of activists getting something positive accomplished. Mr. Farrington stated the only concern was some sort of screening from Water Street and Carpenter Street which he felt would go a long way. He also asked about how many skaters use the site on Gilbo Avenue and what is expected for this park. Mr. Bohannon stated they don’t have an accurate count of how many frequent the park everyday but if it is any indication as to usage calculation based on the bike park at Wheelock; that park sees about 25 to 50 kids a day. Mr. Bohannon added because this is a new park there will be many who would travel to use the park.

Ms. Markelon asked whether they are fully funded. Mr. Bohannon stated the concrete facility is fully funded and the grant is being used as a match for federal funds which will be used for bleachers, planting of trees and to tear the building down. He added they are not likely to have enough funds to construct the parking lot which would have to be another phase. Mr. Bohannon stated the nice thing about this parcel is that it is connected to another parcel that has already received Land and Water Conservation Funds. It is likely these two properties will be merged and turned into one lot which would enable them to go after additional funding. The City is also applying for a FEMA grant to help with demolition.

Vice-Chair Orgaz asked staff how the Board handles a motion on this item. Ms. Brunner stated the Board does not have to make a motion but if it wishes to, it will be a non-binding motion.

The Vice-Chair thanked staff for their presentation.

**V. Adoption of 2023 Meeting Schedule**

The Chair noted the December meeting will be the 3<sup>rd</sup> week to avoid the Christmas Holiday.

A motion was made by Harold Farrington to adopt the 2023 Meeting Schedule. The motion was seconded Roberta Mastrogiovanni and was unanimously approved.

**VI. Staff Updates**

Ms. Brunner stated the Planning Department has received a grant from Invest NH which would supplement the existing budget to complete a Housing Needs Assessment. Outreach and engagement work will be started soon, housing resilience survey will be sent out to the community, updates on the work will be brought forward to the Joint Committee. The Housing Assessment would look at what the City's housing needs and future projections of housing needs. The Assessment would also look at resilience of housing stock; there is existing housing stock that is vulnerable to flooding. The outcome would be a list of things the City can do.

**VII. New Business**

**a. Master Plan Update**

Vice-Chair Orgaz stated Chair Russell Slack has requested discussion on the master plan update to be added to a future meeting - January agenda.

Mr. Farrington stated he had the opportunity to participate in the Southwest Region Planning Commission meeting. They are looking for public comment on issues that exist on the Route 101 corridor. He encouraged people to contact the Southwest Region Planning Commission.

**VIII. Upcoming Dates of Interest**

- Joint Committee of the Planning Board and PLD – January 9, 6:30 PM
- Planning Board Steering Committee – January 10, 11:00 AM
- Planning Board Site Visit – January 18, 8:00 AM – To Be Confirmed
- Planning Board Meeting – January 23, 6:30 PM

There being no further business, Vice-Chair Orgaz adjourned the meeting at 7:30 PM.

Respectfully submitted by,  
Krishni Pahl, Minute Taker

Reviewed and edited by,  
Mari Brunner, Senior Planner