

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, January 23, 2023

6:30 PM

**Council Chambers,
City Hall**

Members Present:

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

Staff Present:

Mari Brunner, Senior Planner
Jesse Rounds, Community Development
Director

Members Not Present:

Emily Lavigne-Bernier
Randyn Markelon, Alternate
Kenneth Kost, Alternate
Gail Somers, Alternate
Tammy Adams, Alternate

I) Call to Order – Roll Call

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

II) Election of Chair, Vice Chair and Steering Committee

Vice-Chair Orgaz nominated Pamela Russell-Slack as Chair, himself as Vice-Chair and Harold Farrington as the third member of the Steering Committee. The nomination was seconded by Mayor George Hansel and was unanimously approved.

III) Minutes of Previous Meeting – December 19, 2022

Mr. Farrington noted his name is spelled incorrectly on Line 61 – should say Farrington not Harrington.

A motion was made by Mayor Hansel to approve the December 19, 2022 minutes as amended. The motion was seconded by David Orgaz and was unanimously approved.

IV) Final Vote on Conditional Approvals

There were no applications that were ready for a final vote by the Planning Board.

V) Public Hearings

SPR-790, Modification #1 – Site Plan – Summit Packaging Addition, 7 Krif Ct - Applicant Keach Nordstrom Associates Inc., on behalf of owner Summit Packaging Systems LLC, proposes to construct a ~6,400 sf addition to the existing 6,250 sf Summit Packaging Systems building and modify the parking lot, landscaping, utilities, and stormwater management systems on the property at 7 Krif Ct (TMP #118-002- 000). The parcel is 1.98 acres and is located in the Industrial District.

A. Board Determination of Completeness

Ms. Brunner stated the applicant requests exemptions from submitting a lighting plan, traffic analysis, soils analysis, historic evaluation, screening analysis, and architectural & visual appearance analysis. After reviewing each request, staff has determined that exempting the applicant from submitting this information would have no bearing on the merits of the application and recommends that the Planning Board grant these exemptions and accept the application as complete.

A motion was made by Mayor George Hansel to accept SPR-790, Modification #1 as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved.

B. Public Hearing

Mr. Chris Gallo of Summit Packaging stated this company has been in Keene for the past nine years but on Krif Road for the past four years. He noted that they are the largest aerosol manufacturer in the country. He stated the proposal before the Board today is to double their building footprint. This expansion will allow Summit Packaging to construct customized product lines of its own for a global operation. Mr. Gallo indicated currently they have staff setting up global operation in Europe.

Staff comments were next. Community Development Director, Jesse Rounds, stated this a 1.98-acre property located at the end of Krif Road. This proposal consists of the construction of a new 6,400 square foot single story metal building. This site is surrounded by woods and wetlands to the west and south and industrial uses to the north.

The proposal is for the construction a 6,400 square foot addition to the existing building as well as site improvements. The site improvements include replacing the existing driveway, formalizing the parking area, landscaping, and the expansion of the stormwater management system on the site. An above-ground propane tank is proposed to be relocated along the western side of the parking area and will be protected by concrete bollards.

Mr. Rounds then addressed the Development Standards

Drainage - The existing stormwater management system on the site consists of a swale with culverts that drain into a sediment forebay before flowing into above-ground infiltration basin located on the southeastern portion of the property. In order to accommodate the proposed addition, the existing

infiltration basin and sediment forebay will be modified and increased in size. Two additional above ground infiltration basins will also be installed, one along the westerly portion of the property and the second located in the southwest portion of the property will serve as compensatory flood storage in addition to stormwater management.

Sediment & Erosion Control: An erosion control plan has been submitted with this proposal. The plan depicts a stabilized construction entrance to be installed where the proposed primary entrance to the new parking area will be located. Silt fence and silt socks are proposed for perimeter erosion control around areas of disturbance. Slopes will be stabilized with erosion control blankets and turf as needed. It appears that this standard has been met.

Snow Storage & Removal: The proposed site plan has snow storage areas located in several areas around the proposed driveway and parking areas. These areas are located away from surface waters and the applicant states in their narrative that the areas are intended to allow for parking and site access to remain clear for safe passage. A note has been included on the plan regarding the removal of snow from the site when storage capacity has been exceeded. It appears that this standard has been met.

Landscaping: The property currently contains 13 trees. The proposal includes the removal of one tree to make room for the redesigned parking area. The proposal also includes the installation six shrub varieties and four ornamental grasses along the walkway to the main entrance. The planting schedule indicates that all species were chosen based on the appropriate climate conditions for the region and no invasive species are proposed to be installed. The landscape plan shows that temporary fencing will be installed around the existing trees at the drip line to protect the root system from damage during construction. It appears that this standard has been met.

Screening: A dumpster enclosure is proposed to be installed on the northern edge of the proposed hammerhead turn around. The dumpster enclosure is proposed to be six-foot-tall vinyl plank fencing with matching vinyl plank gates. The Zoning Administrator has determined that the parking area is existing and does not meet the threshold for new screening, therefore no screening of the parking area is required. It appears that this standard has been met.

Lighting: The existing site does not have any pole lights for the parking area and the proposal does not include the installation of any new pole lights for the site. The only lighting for the exterior of the site consists of wall packs that are located above building entrances. The proposed wall packs are full cut-off fixtures. It appears that this standard has been met.

Sewer & Water: The applicant states in their narrative that the site is currently serviced by municipal water and sewer and there are no proposed changes to the service lines as part of this application. This standard is not applicable.

Traffic & Access Management: A Trip Generation Memo was submitted as part of this application. The memo states that the proposed addition will not increase the total number of employees at the business or deliveries the site will receive. The memo estimates 60 total weekday trips with eight trips during weekday A.M. peak and nine trips during weekday P.M. peak. The memo further states that there are only 10 employees at any given time and that tractor trailers do not visit the site often. The analysis made a conservative estimation of 1 tractor trailer trip per day. Van deliveries are more common and visit the site

approximately 2-5 times per day. The site utilizes two existing site access points off of the Krif Court cul-de-sac. The proposal intends to continue using both access points and plans to resurface the access point that leads to the parking area and proposed addition as part of proposed overall site improvements. It appears that this standard has been met.

Filling & Excavation: The applicant states in their narrative the proposed addition and site work intends to utilize material on site as much as possible. They are anticipating minimal truck activity leaving or entering the site. Krif Court and Krif Road lead directly to Route 10 so any truck activity related to delivery or removal of earth material will have minimal impact on traffic and the area. It appears that this standard has been met.

Surface Waters & Wetlands: The site has wetlands located along the southern and western property lines with 30-foot wetland buffers located within the site. The applicant has stated in their narrative that the proposal does not include any impact to surface waters or their buffers as part of this proposal. Erosion control measures are proposed to be placed between the edge of the buffers and the proposed limit of earth work to provide both siltation protection and a visual guide to prevent accidental grading within the buffer area. The Board may wish to include a condition of approval related to the inspection of the required erosion control measures prior to the start of site work. It appears that this standard has been met.

Hazardous & Toxic Materials: The applicant has stated in their narrative that that Summit Packaging Systems manufactures and distributes aerosol valves and actuators and that the facility is not intended or expected to receive, handle, or process any hazardous or toxic substances. It appears that this standard has been met.

Noise: The applicant states in their narrative that the current use of the property will remain the same. The property is located at the end of a cul-de-sac with no adjacent residential uses. It appears that this standard has been met.

Architecture & Visual Appearance: The applicant states in their narrative that the proposed metal addition was designed to be cohesive with the existing facility. It also states that the addition will be compatible with the industrial character of the site and surrounding area. Color elevations have been submitted with the application. The Board will need to determine if this standard has been met.

This concluded staff comments.

Chair Russell-Slack clarified the rendering of the Architecture & Visual Appearance is what the applicant is intending the addition would look like. Mr. Gallo agreed.

The Chair asked for public comment. With no public comment, the Chair closed public hearing.

The Mayor thanked the applicant for continuing to invest in Keene and noted this site is located in an area that contains much industry and not an area that consists residential dwellings.

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board approve SPR-790, Mod. 1 as shown on the plan identified as “Summit Packaging Systems, LLC. Map 118 Lot 2, 7 Krif Court Keene, New Hampshire” prepared by Keach-Nordstrom Associates, Inc. at a scale of 1 in. = 20 ft. dated December 15, 2022 and last revised January 9, 2023 and the architectural elevations prepared by Lauer Architects, P.A. at a scale of 1/8 in. = 1 ft. dated January 4, 2023 with the following conditions:

A. Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:

- 1. Submittal of security for sedimentation and erosion control and “as built” plans in a form and amount acceptable to the City Engineer.”*
- 2. Submittal of five full sized paper copies and one digital copy of the final plan.*

B. Subsequent to final approval and signature by the Planning Board Chair, the following conditions shall be met:

- 1. Prior to the commencement of site work, the Community Development Department shall be notified when all erosion control measures are installed and the Community Development Director, or their designee, shall inspect the erosion control measures to ensure compliance with this site plan and all City of Keene regulations.”*

The motion was seconded by Vice-Chair Orgaz.

Mr. Farrington stated he echoes what the Mayor said and based on testimony from staff and the applicant he is in favor of approving this application. The motion made by the Mayor carried on a unanimous vote.

Amendments to the Planning Board Subdivision Regulations – The Planning Board proposes to amend its Subdivision Regulations in Article 19 of the City of Keene Land Development Code by amending Section 19.2.4 of Article 19, “preservation of existing features” to include additional information about the type of features that should be protected and possible requirements to protect those features; Section 19.2.8, “Utilities” to include additional requirements for lots that would not have access to City sewer; and Section 19.3.2.B, “Perimeter Building Setback” of the Conservation Residential Development Subdivision Regulations to require that existing tree canopy within the perimeter setback along external roads shall be preserved.

Senior Planner, Mari Brunner, addressed the Board. Ms. Brunner stated these amendments are being proposed to address concerns raised by the public initially to change the minimum lot size in the rural district as well as changes to the Conservation Residential Development Subdivision Regulations. The lot size change has been separated out and will be introduced as a separate ordinance.

The first proposed change is to Section 19.2.4 – Preservation of Existing Features – Currently the language reads – “*Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features, such as surface waters, steep slopes, rare and/or unique scenic points, stone walls, rock outcroppings, and historic landmarks.*”

The proposed changes will give the Board more guidance and add to the list of features that should be protected (which include any of the attributes outlined in Section 19.3.4, which list all the primary and secondary conservation areas). Ms. Brunner stated this was a comment from a member of the public who felt it was great that the City has these primary and secondary conservation areas included in the

Conservation Residential Development Subdivision Regulations, but who noted that they are not explicitly mentioned in Subdivision Regulations for all subdivisions.

The language goes on to say the following: *“In order to ensure that the objectives of this section are met, the Planning Board may require additional studies or mitigation, including but not limited to the following:*

1. *The Board may require the submittal of a screening analysis, visual impact study, wildlife habitat study, historical evaluation, or other technical report prepared by a qualified professional.”* Ms. Brunner stated the Board is likely to require this only if it feels there is highest ranked habitat in New Hampshire on this site or if it is known to be a historical site.
2. *“The Board may require the designation of a “no-cut buffer” along public rights-of-way to preserve existing vegetation and provide a visual screen for new development. Any property that has been clear-cut within the preceding ten (10) year period, or any property that will be clear-cut as a result of any proposed or future development, may be required to conduct revegetation or other mitigation to provide a visual buffer along the public rights-of-way.”* Ms. Brunner stated this again is an option in response to concerns raised by members of the public about the visual characteristics of roads in the Rural District.
3. *“The Board may require that the proposed development be designed and located to fit into the landscape in order to minimize significant landscape alterations and mitigate or avoid impacts to significant existing features or views/vistas”.*

Mayor Hansel clarified where these items are listed currently. Ms. Brunner stated item 1 came directly from the application procedure section (Article 25). The reason staff felt it would be helpful to list it here is when a developer hires a firm to go through the application process, they don't often look at the application procedures. Items 2 and 3 are not specifically listed under the general Subdivision Regulations section.

Ms. Brunner went on to say that the next change is to the *Utility Section* – Section 19.2.8. The current language states that when required by City Code, applicants have to connect to City water and sewer, except for in the Rural District and Low Density 1 District. Properties in the Low Density 1 District have to connect City sewer and potentially to City water if they are located next to a water line.

- A. An item C has been added which states, *“In areas not currently served by City sewer, it shall be the responsibility of the applicant or their agent to provide:*
 - a. *Adequate information (from test pits and percolation tests) to prove that the land and area of each lot is adequate to permit the installation and operation of an individual sewage disposal system.*
 - b. *For subdivisions with lots smaller than 5 acres, subdivision approval from the New Hampshire Department of Environmental Services shall be required. (Required by State)”*

Councilor Remy asked whether language should instead say, *“must comply with NH DES Regulations on Subdivisions.”*

The Mayor asked with reference to percolation tests and test pits what standards they are measuring; what do they have to prove to the City. Ms. Brunner stated what the applicant is being asked to demonstrate is

that the soil is suitable to site a septic system. She indicated this information is currently something the City requires for sites that don't have City water and sewer. The Mayor did not feel this language was required as it would be a point of contention for people who want to fight a project. The Mayor went on to say with reference to a wildlife habitat study – what is Board going to measure that against. The Chair referred to Section 19.2.8 and felt the reference to New Hampshire Department of Environmental Services should probably be retained in the language but did not see a reason for the rest. The Mayor felt perhaps the initial test pits and soils analysis that are completed for structural integrity should be sufficient. He added he did not want the City to require an applicant to complete a full septic design. Ms. Brunner stated that is not what is being requested; what is being requested is preliminary data to show that a septic system can be sited. The Mayor felt the Planning Board did not need to get involved in this requirement. He felt that if an applicant did not have a septic system, there is not going to be a building at that location. Installation of a septic system is going to need a permit and a contractor would have to sign off on it and questioned why the Board would have to stamp that as well.

Ms. Brunner stated the role of the Planning Board is to make sure that each new lot is buildable; this is where the requirement is coming from. She added if the Board were to permit the creation of a new lot and it turns out a septic system could not be sited on that lot, the Board would have created a situation where there is hardship for the owner. Ms. Brunner added that New Hampshire is notorious for having bad soils and felt it was important to evaluate the site; it is the hope that anyone who is making the proposal would verify that a septic can be sited, but she noted that she felt it was also the Board's responsibility to make sure the property is an appropriate site for a septic system. She added that it is common for Planning Board's to require this information. Mr. Rounds added that there could be a letter added to the application that says a septic system could be located on a site and stamped by an engineer that would be sufficient for the Board. Ms. Brunner stated that would be acceptable.

Mayor Hansel referred to Section 19.2.4 and stated he is struggling with the requirement for the submittal of a wildlife study; as a Board member what would he measure that against. Ms. Brunner stated this is already in the Board requirements under Article 25. She added this is to determine if there are any endangered species in the area and how they can be preserved. She added there are instances in the Rural District where there are endangered species of the highest tier and if a project impacts that highest tier, then the Board could require a wildlife study and noted that it might need to be a case-by-case determination. The Mayor stated in that case the requirement should not be included here because it could then become a standard for every controversial project.

Ms. Brunner next referred to Sec. 19.3.2.B of the LDC, which states that the existing Perimeter Building Setback has no requirement that it be vegetated or that they maintain existing vegetation. For a CRD there is the existing external road, then there is the tract of land, (50 % of the land needs to be placed in open space) and the remaining area could be divided into lots. There is also the perimeter area which has an increased setback, so the development has a buffer around the surrounding area and external road. Mayor Hansel asked even with the setback buffer, it does not change the calculation for impervious surface etc. Ms. Brunner clarified, today the language refers to building setback - what is proposed is if there is already a mature tree line along the road, that would have to be maintained and if it is cut down, then it would need to be revegetated. This area could count towards the open space calculation.

This concluded staff comments.

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

The Chair asked whether there was a motion required for this item. Ms. Brunner explained because there were some suggested amendments, the Board should continue this item so that staff could bring back language for the Board to review at its next meeting.

A motion was made by Mayor George Hansel that the Planning Board continue this item to the Board's next meeting on February 27 at 6:30 pm. The motion was seconded by Councilor Remy and was unanimously approved.

- VI) Extension Request SPR-04-20 – Group Home – 169 Church St - Applicant and owner Christopher Farris, proposes to construct a 5,690-sf two-story, duplex-style group home with a habitable attic and a maximum occupancy of 24 people on the vacant lot located at 169 Church Street (TMP# 574-027-000). The site is 0.58 acres in size and is located in the High Density District.**

Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board table SPR-04-20, request for extension to the February 27TH Planning Board meeting. The motion was seconded by Councilor Michael Remy. The Councilor asked if the public hearing needs to be opened before it is continued and will it need to be re-noticed if it is tabled.

Ms. Brunner stated this is an extension request as their approval will expire this month. For a first extension applicants are encouraged to attend the meeting, but it is not required. She went on to say this project was initially approved two years ago and received conditional approval from the Planning Board to construct a two-story duplex style group home (one half for men and the other half for women). There was a structure on the site that burned down. The applicant was able to get their plan signed within the time frame. What is being requested is an extension to achieve active and substantial development. Since the application was approved, the property has changed ownership and the new owner is trying to figure out whether they want to move forward with the group home idea or a different development proposal. This will give them time to figure out what they want to do and prevent them from losing the prior approval.

The Mayor made a second motion that the Planning Board grant a one year extension for SPR-04-20. The motion was seconded by Councilor Michael Remy and was unanimously approved.

VI. Master Plan Update Discussion

The item was tabled to the February meeting.

VII. Staff Updates

- a. Overview of Administrative & Minor Project approvals issued in 2022**

The Chair referred to #7 – roof top array for 310- Marlboro Street and asked which building this for was for. Ms. Brunner stated the array has already been installed on the lower portion of the roof closest to the road.

The Chair referred to #14 and asked whether staff was keeping a close eye on this project. Ms. Brunner answered in the affirmative.

The Chair referred to the items that still need to be addressed for the 100 Nights building. Ms. Brunner agreed the list does appear to be long but stated they are minor changes. When they applied for administrative approval, the only change was to the windows. The applicant also realized the walkway needed modification to meet ADA requirements.

VIII. New Business

There was no new business to be introduced.

IX. Upcoming Dates of Interest

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

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

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Megan Fortson, Planning Technician