

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, February 27, 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
Armando Rangel
Randyn Markelon, Alternate
Kenneth Kost, Alternate

Staff Present:

Mari Brunner, Senior Planner
Evan Clements, Planner
Jesse Rounds, Community Development
Director

Members Not Present:

Harold Farrington
Gail Somers, Alternate
Tammy Adams, Alternate
Roberta Mastrogiovanni
Emily Lavigne-Bernier

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) Minutes of Previous Meeting – January 23, 2023

A motion was made by Mayor Hansel to approve the January 23, 2023 minutes. The motion was seconded by Councilor Michael Remy and was unanimously approved.

III) Final Vote on Conditional Approvals

Chair Russell-Slack 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. The Chair asked whether there were any applications tonight that are ready for final vote. Ms. Brunner stated staff has one application that is ready for a final vote.

This is a subdivision and boundary line adjustment application for 22 and 24 Rule Street, project S-11-22. Ms. Brunner indicated there were 5 conditions of approval, which included the submittal of the paper copies and mylar copies of the plans; submittal of a check to cover the cost of recording the final plat at the Registry of Deeds; removal of the existing car port, and the relocation or removal of the existing shed on the property at 24 Rule Street; inspection of lot monuments by the Public Works Director or their designee; 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 on the plan set. All of these conditions have been met.

A motion was made by Mayor George Hansel that the Planning Board issue final site plan approval for S-11-22. The motion was seconded by Councilor Michael Remy and carried on a unanimous vote.

IV) Extension Requests

EXP-01-22 & CUHP-01-22 – Earth Excavation Permit – Gravel Pit, 0 Route 9 – Applicant Granite Engineering LLC, on behalf of owner G2 Holdings LLC, requests an extension to the deadline to satisfy the precedent conditions of approval for the Earth Excavation Permit & Hillside Protection Conditional Use Permit, EXP-01-22 & CUHP-01-22, for the proposed operation of a gravel pit on the property at 0 Route 9 (TMP #215-007-000). The parcel is 84.71 ac and is located in the Rural District.

Attorney James Callahan representing G2 Holdings LLC addressed the Committee first and began by introducing Brent Cole and Tanner Baylor from Granite Engineering. Mr. Callahan Stated they were before the Board to request a 180 day extension of the August 20, 2022 conditional approval for the Earth Excavation Permit and Hillside Protection Conditional Use Permit on behalf of G2 Holdings. Attorney Callahan noted that since the conditional approval in August, the applicant has changed engineering consultants.

Mr. Brent Cole was the next speaker. Mr. Cole stated they have met all the conditions that were put forth except for two, including the restoration of the wetland buffer impacts and the submittal of a security deposit for reclamation of the site once the work is completed. He indicated the restoration of the unpermitted wetland impacts – the applicant has completed most of the work, the trees have been planted, the area has been loamed and seeded, but the site has been buried by snow. This has prevented the applicant from obtaining an inspection or getting proper growth in the area. He indicated this is the main item that requires the extension. Mr. Cole turned the presentation back to the attorney to address the security deposit issue.

Attorney Callahan stated he has been working with the applicant and one of his partners to have a letter of credit issued by JP Morgan Chase Bank. He indicated he has been working with the City Engineer to get the language of the letter of credit ironed out. A draft of the letter has been approved by the City Attorney and now needs to be approved by JP Morgan Chase. Attorney Callahan stated that in the meantime, if there is a delay in obtaining the letter of credit, Mr. Gordon's partner is willing to put up the funds on a temporary basis until the letter is issued.

Mr. Cole stated what he would like to discuss with the Board is a potential change to the condition he addressed earlier in reference to the restoration of the impacts to the wetland buffer. He indicated as mentioned that it is quite difficult to get something established in these current conditions and getting to that perfect condition the City Engineer could sign off on won't happen until the June timeframe. Hence, what he is requesting tonight is that condition be amended to allow staff to work with his firm to work that out subsequent to final approval with a letter from his firm's professional engineer and a wetland scientist assuring that everything was done per plan and for the City Engineer to sign off on it and to allow Gordon Services to begin operations. There is a landing area where material has been brought to which would allow them to continue with their operation.

Ms. Brunner addressed the Board and stated under the Planning Board's regulations regarding extension requests, an extension is only allowed on a plan that was conditionally approved by the Board with no changes to the conditions of approval. Unfortunately, what is being proposed tonight is not allowed under the Board's regulations. Ms. Brunner referred to specific language as follows: "...no modifications to the approved or conditionally approved plan shall be considered in conjunction with the request to extend the deadline'

Ms. Brunner stated that after receiving the extension, the applicant could come back at a future meeting to request a modification to the approved plan. Mr. Cole stated it would be advantageous to know how the Board felt about this request from the applicant. He felt this would avoid the need for them to come back before this Board. Ms. Brunner advised the applicant to address just the extension request today and come back regarding the proposed modification to the Earth Excavation Permit.

Councilor Remy clarified for Alternates who were not at the meeting when this item was discussed the last time, whether it was an issue for them to vote on it. The Chair answered in the negative.

Mayor Hansel clarified it has been loamed, seeded but it has not started to grow. Mr. Cole answered in the affirmative and added the 34 trees have been planted, there has not been a growing season yet.

A motion was made by Mayor George Hansel that the Board approve the extension request for EXP-01-22 & CUHP-01-22. The motion was seconded by Councilor Remy and was unanimously approved.

S-08-22 – 2-lot Subdivision – 284-288 Hurricane Rd – Property owner Cory Graves requests an extension to the deadline to satisfy the precedent conditions of approval for the 2-lot subdivision, S-08-22, of the property at 284-288 Hurricane Rd (TMP #106-010-000). The parcel is 13.04 ac and is located in the Rural District.

Ms. Brunner stated this extension request was submitted to allow for more time so an affidavit could be signed. She explained this application was for a two lot subdivision. During the public hearing some of the neighboring property owners came out and brought up a right of way that ran across the property which was not shown on the plan. Hence, there was a condition of approval added requiring that the right-of-way be shown on the plan and that an affidavit be

signed by both property owners to indicate that it was in the right location. The applicant is still working on getting that affidavit signed by both parties, because one of them has been out of state. This request for extension is for that one condition that is still outstanding. She added for a first extension the applicant is encouraged to attend but it is not a requirement.

A motion was made by Mayor George Hansel that the Board approve the extension request for S-08-22. The motion was seconded by Councilor Remy and was unanimously approved.

SPR-870, Modification #2 – Site Plan – Apartments, 310 Marlboro St – Applicant and property owner Randall Walter, requests an extension to the deadline to satisfy the precedent conditions of approval for the Major Site Plan application, SPR-870 Modification #2, for the proposed construct of a 48,460 sf, three-story addition containing 57 apartments on the existing 86,689 sf, two-story building and associated site modifications on the property at 310 Marlboro St (TMP #595-001-000). The parcel is 4.25 ac and is located in the Business Growth and Reuse District.

Mr. Randall Walter addressed the Board and stated they have made great progress since the last time they were before the Board. A complete set of permit documents have been created, they have met with staff and the State. He indicated he is aware the application is for six months but felt they could be ready next month.

A motion was made by Mayor George Hansel that the Board approve the extension request for SPR-870, Modification #2. The motion was seconded by Councilor Remy and was unanimously approved.

V. **Public Hearings**

SPR-01-23 – Site Plan – Granite State Car Wash, 364 West St & 12 Pearl St - Applicant Aaron Wiswell, on behalf of owner Sandri Realty Inc., proposes to demolish the existing structures on the properties located at 364 West St (TMP #577-026-000) and 12 Pearl St (TMP #577-027-000), merge the lots, and construct a 2-bay car wash that is ~2,000 sf in size. Waivers are requested from Sec. 20.7.3.F.1.c of the Land Development Code regarding the requirement to reduce lighting levels by 50% overnight and Sec. 20.6.2.B.1 regarding the requirement that drive-through windows and lanes shall not be located along the building frontage. The combined parcels are 0.60 acres and are located in the Commerce District.

A. **Board Determination of Completeness**

Planner, Evan Clements, stated the applicant requests exemptions from submitting a historic evaluation, screening analysis, and soils 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 recommend that the Planning Board grant these exemptions and accept the application as complete.

A motion was made by Mayor George Hansel to accept SPR-01-23, Modification #1 as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved.

B. Public Hearing

Mr. Jim Phippard of Brickstone Land Use Consultants addressed the Board on behalf of applicants Joe Spencer and Aaron Wiswell as well as Sandri Realty, who is the current owner of the property. This property is located at the corner of Pearl Street and West Street. He indicated the proposal before the Board would be a good effort to clean up this site. The plan is to tear down the single family home, tear down the detailing shop and the canopy, remove the underground storage tank (most of them have been removed). There will then be a merger of the two properties, which would create a parcel that would be 0.61 acres in size in the Commerce District. The proposal is to eliminate the existing curb cut along West Street and Pearl Street and replace it with a single curb cut on Pearl Street. This will be a much better for safety because cars will not enter and exit the site via West Street.

The proposal is to construct a new 2,000 square foot building near the West Street side (2 bay car wash). These will be automated wash bays and will introduce stacking lanes as they approach the car wash through the Pearl Street side, enter the tunnels, and exit via the same curb cut on Pearl Street.

Mr. Phippard stated the applicant has worked with traffic engineer Steve Pernaw, who has approved this traffic circulation pattern. The traffic engineer performed a detailed traffic analysis of the intersection of Pearl Street and West Street. It was determined that this existing intersection operates at a Level of Service E and the longest delay was a little over two minutes for a car on Pearl Street.

The site was looked at as having a new use and the number of trips that would be generated during the peak hours. It was determined the numbers will not be too high during the week but the highest number of trips generated will be on a Saturday mid-day (61 vehicle trips).

Mr. Phippard stated that carwash technology has improved tremendously over the years. A car can now be washed in 4.5 minutes with 35 gallons per wash versus 70 gallons a wash. They are also no longer proposing to recycle rinse water, as it was determined this water could not be filtered well enough to take out the suspended solids, which can ruin the high gloss finishes on vehicles. The rinse water however, does not go into the storm water system, it gets collected in an underground 1,500 gallon tank (oil/water separator) to remove suspended solids and then goes into the City sewer system. Mr. Phippard stated they have had a discussion with the Industrial Discharge Coordinator and it has been determined this water can be handled in the sewer system based on the soaps that are being used.

Mr. Phippard went on to say the applicant has applied for two waivers; one is for the drive thru lanes to pass across the front of the building. He explained it would be have been easy to turn the building 90 degrees, let vehicles come in and drive through the building and exit to West Street, but the applicant was anxious not to allow that intersection at West Street. The traffic engineer felt strongly that was the best way to handle traffic on site to improve safety. Hence, the building has been oriented back to Pearl Street but did not want the curb cut close to the intersection.

Hence, the drive-thru lane has to cross the front of the building to get back to that curb cut location.

Mr. Phippard went on to say the second waiver that the Applicant applied for is lighting. He indicated he had submitted an amended lighting plan. The applicant is proposing 4 overhead lights that would be located on 15 foot poles not as high as would be on a commercial property. They would also be using very low wattage fixtures.

Mr. Phippard explained because customers will arrive in their vehicles and stay in their vehicles lower light levels will work for this site. The average light levels that are being proposed here instead of 4 or 5 foot candles the applicant is proposing light levels of 1.12 candles 1.32 candles at the vacuum station (where customers will get in and out of their cars).

He noted the site today has floodlights mounted on poles which are not night sky sensitive and are grandfathered fixtures, which are going to be removed and will be replaced with full cutoff LED fixtures. Mr. Phippard stated the Board's regulations indicate if a site is operated 24 hours a day the light levels need to be reduced by 50% after 10pm. Mr. Phippard stated they don't feel this is reasonable as they are already down to one foot candle and reducing it any further would cause undue risk to the property owner. He indicated lighting is a big issue for commercial properties and hoped the Board could support the waiver request.

Mr. Phippard then addressed screening. He noted that drive through lanes are intended to be screened from public views and from adjacent properties. The applicant will be using 6 foot solid fencing along the southern property line and along the eastern property line. This includes part of the fencing that located on this property and part of that is located on the Aroma Joe's property, which is also owned by the Applicants for this project, Joe Spencer and Aaron Wiswell.

Mr. Phippard added that the applicants own 105 Aroma Joe's locations and quite a number of car washes around the country and noted he has no doubt that the applicants would do a good job with this property. Along the West Street frontage, they are proposing to install a hedge row of arborvitae and rhododendron that would provide year-round screening. There will also be arborvitae along Pearl Street and planting/vegetation against the fence next to the residential building, which the applicant will also be purchasing. Mr. Phippard stated this is a multi-family dwelling.

With respect to drainage, the storm water will be collected on site. There will be catch basins that are connected with perforated pipe laid in stone, infiltrating into the sandy soil that exists on the property. At the front of the property, water will sheet drain to allow storm water to pass through the grassy areas into the soil that will collect and deliver it to an infiltration area at the corner of the property. Mr. Phippard stated what is being proposed is a tremendous improvement compared to what exists; it provides collection areas on site rather than directing it into the City right of way.

Mr. Phippard stated staff expressed concern regarding the vacuums. There will be two vacuum islands located on this site (to be able to vacuum two vehicles at the same time). Mr. Phippard stated the reason the vacuums are being proposed where they are and not the back of the property is due to the residential buildings on Pearl Street and Richardson Court. The planting and fencing will also help buffer that noise. To further mitigate, the applicant has agreed to shut off the vacuums at 8 pm.

Sewer and Water – An Oil/water separator is going to be used and will be located underground and discharge into the existing sewer system on West Street. The site will be averaging 100 car washes a day but realistically it is likely going to be about 60. Mr. Phippard stated if it is 100 washes at 35 gallons a wash it will be 3,500 gallons of water a day. He added this is not a large water user by commercial standards and felt there is plenty of capacity in the water system. He noted they will be utilizing a water main on Pearl Street which is a 16 inch main (plenty of capacity). There will be a one inch line that will service the building. He explained the reason they can get away with just a one inch line, is that there is also a water storage tank inside the mechanical.

Filling and excavation - The soils on site are excellent and a good situation to support a building. There is no basement under the building; hence, excavation will only be for the foundation and hauling in gravel to support the paved surface on the property. A little less than 300 cubic yard of fill will be brought in and debris will be hauled off site when the building is torn down

Hazardous and Toxic materials – The prior owner indicates they have removed the underground fuel storage tanks from the property, filled the tank closure reports, and there are no residuals causing contamination on the property.

Architecture and Visual Appearance – Mr. Phippard stated what is being proposed is not your typical car wash building. This will be a pitch roof building with a cupola on top to give it a more New England appearance rather than the applicant's Florida designs which are flat roof buildings. The material the building is constructed of is called New Form and looks like plastic Legos that they put together on site. It is a waterproof system and hence won't rot due to repeated water exposure.

The pitched roof would consist of wood trusses and vinyl clapboard at the end of the building to match the grey on the New Form material. There will also be a small office area which will have a window. This concluded Mr. Phippard's presentation.

Mr. Kost expressed concern about stacking during the peak hours; if cars come in on Pearl Street, how many cars can be stacked in the curve driveway. What happens to cars turning from West Street into Pearl Street in the west lane? Mr. Phippard stated if car wash companies are consulted they would say they need five cars stacking outside the tunnel (105 feet). The applicant has 120 feet of stacking if you go to the end of the property and it is two lanes of stacking. He indicated this site has the capacity to stack 14 cars to get into the tunnel. On average a wash is 4.5 minutes, which would 13 cars in the tunnel during peak hour – which is 26 cars entering and exiting per tunnel – for two tunnels that would be 52 cars. Peak hour is calculated to yield 60 cars and the extra vehicles will be left in the stacking lane, which has ample room.

Mr. Phippard stated Stephen Pernaw, the traffic engineer hired by the applicant, had a video camera monitor queuing on Pearl Street and noticed the most frequent queuing was two cars and the worst was five cars and hence he felt that this plan would work. The traffic engineer did suggest a sign on Pearl Street asking cars not to block the intersection to the driveway.

Mr. Phippard next addressed letter from abutters, which the Board had copies of.

Ann Cramer was concerned about 50 gallons (Mr. Phippard stated it was actually 35 gallons to wash one car) going into City drain and the potential impact on the Ashuelot River. Mr. Phippard stated water from this carwash will not go into the City system, rather it goes through the

applicant's collection system and discharges into the sewer system. She had also raised concerns about the potential impact on the Ashuelot River. Mr. Phippard stated there would be a potential impact if the site was discharging into the stormwater system but it's not, hence, there is no issues with the Ashuelot River and also noted this river is about 400 feet to the east of this location.

Ms. Cramer also raised concern about air pollution caused by soap and wax residue. Mr. Phippard stated he was not sure how to address that as he considers soap to be something that is clean and good – but perhaps someone was allergic to the scent of soap.

Next issue raised was noise pollution which has been adequately addressed by shutting vacuums off at 8 pm and by locating plantings and the solid fencing being used around the site

Light pollution – There are very low light levels being proposed. He felt the existing flood lights are much higher as far as light levels.

Ms. Cramer was also concerned about impact on residents using the Rail Trail with respect to noise and odors. Mr. Phippard explained the Rail Trail is located on Pearl Street, maybe 800 to 1,000 feet south of this site. Mr. Phippard did not feel the low traffic numbers that are being generated will cause an issue for the Rail Trail. Mr. Phippard stated he uses this trail very frequently and added you need to be careful crossing Pearl Street because people travel faster than 30 miles an hour on this street; visibility in both direction depending on the growth of the hedges by Antioch University is not great and could be improved but did not feel this was an issue for this application. As far as increased traffic on Pearl Street, Mr. Phippard stated this has already been addressed in the traffic study he previously discussed.

The second letter is from another abutter whose property is located on the southeast corner: Steven Cady who is concerned about the lighting – Mr. Phippard stated there will be a tremendous improvement with this proposal. With reference to noise, he reiterated what was previously stated regarding turning off vacuums at 8 pm. Mr. Cady also expressed concern about property values. Mr. Phippard noted if someone lives in the Commerce District there is bound to be commercial uses around you but this doesn't necessarily lower the value of your property; some feel it makes their property more valuable. He is also concerned about traffic at the intersection of Pearl Street and West Street; Mr. Phippard had already addressed this item.

Mr. Cady also felt the building is intrusive and unsightly. Mr. Phippard stated as far as a carwash building goes, this is one of the more attractive ones he has seen. It won't be a typical flat roof plastic building.

With reference to the concern about fencing, Mr. Phippard explained the 6 inch solid fence covers the extent of Mr. Cady's property and meets the Aroma Joe fencing.

Chair Russell-Slack asked for the hours of operation of this site. Mr. Phippard stated the site will be open 24/7 but the vacuums would only operate from 7 am to 8 pm.

Staff comments were next. Planner Evan Clements address the Board and stated this proposal would consist of a 2,000 square foot car wash building with two automatic car wash tunnels, a small office and a mechanical room all contained within the building itself. The two waiver requests, as described, are for the lighting reduction overnight and for the drive thru lane passing across the frontage of the building.

Mr. Clements went on to say the applicant has indicated in their narrative that both subject parcels are fully developed and their drainage patterns are well-established. The properties currently allow water to flow across the pavement and lawn into the City stormwater drains on both Pearl Street and West Street. The proposal will reduce lot coverage and incorporate onsite infiltration of stormwater on the property. Stormwater from the northern half of the site will be directed into a grass swale parallel with West Street that drains into a shallow basin in the northeast corner of the property. On the southern half of the site, catch basins will collect stormwater flow and discharge to an infiltration basin located in the southeast corner of the property. Mr. Clements noted the submitted Stormwater Report states that the post development conditions will have no adverse impacts to downstream abutters due to the stormwater runoff from this proposal and there is no significant change in stormwater pattern pre and post development on the site.

Sediment & Erosion Control - The Grading and Drainage Plan shows the installation of silt fencing around the perimeter of the site and includes a stabilized construction entrance at the location of the permanent site access point on Pearl Street. Silt sock is proposed to protect the catch basins on site during construction. Mr. Clements noted there was one silting incident during the construction of the Aroma Joe's project; the stock pile of clean fill that was to be used as part of their stormwater detention system ran onto the abutting property of Mr. Cady. It was a small amount of silting – the contractor was contacted and it was immediately cleaned up. Mr. Clements stated the reason he brings this issue up is because the contractor used by the applicant was very motivated to clean up the issue and expects the same motivation and care with this project. This standard appears to be met.

Snow Storage & Removal – Mr. Clements stated the Site Plan shows snow storage areas along the eastern property line and to the north of the proposed drive-thru lanes. The applicant has specified that excess snow will be removed from the site after each snowstorm as needed. This standard appears to be met.

Landscaping – The Landscaping Plan shows a selection of perennials, evergreens, and shrubs to be installed on the site. Most of the landscaping will serve as screening from the public right-of-way. An internal landscaping area is proposed along the southern façade of the building and will include Blue Rug Juniper, Happy Rose Daylily, and Heuchera. Rhododendron and Arborvitae will be used for screening. The proposed landscaping also includes the installation of 6 ornamental trees, 4 red leaf maples and two snowdrift crab apple trees. No invasive species are proposed. This standard appears to be met.

Screening – Mr. Clements stated there is a waiver request regarding the drive-thru lane which he noted is in the screening section of the Land Development Code 20.6.2.B.1 – he added the Board will have to decide if granting a waiver from strict compliance with provisions of the Site Development Standards in Article 20 meet the following:

- 1. Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or*
- 2. Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.*

Lighting -The Lighting Plan as indicated by Mr. Phippard will be poll lights with full cutoff LED lights mounted 15 feet from grade. The average light levels will be 1.32 footcandles at the vacuum stations and 1.12 at the parking spaces. The uniformity ratios are appropriate. The applicant has submitted a waiver request to provide relief from 24 hour lighting reduction. Mr. Clements added the Board here again will have to determine if the waiver criteria have been met.

Sewer & Water – The applicant intends to use City water and sewer for the site. The 16 inch water main that runs under Pearl Street will be used. The existing 1 in. water service will be used for the operation of the carwash and a second water service line that extends from West Street will be used for irrigation. A 1,500 gal. oil/water separator will be utilized and wastewater will be discharged into the sewer system. Mr. Clements noted the Public Works Department would like to remind the applicant that a sewer connection permit will be required for this project and had concerns regarding reuse of water which is not feasible during winter and could increase discharge into the sewer system. However, this is not relevant as the applicant does not intend to recycle water.

Traffic & Access Management – This proposal intends to eliminate three curb cuts, create a new site access 125 feet from the West Street/Pearl Street intersection.

Mr. Clements stated he would like to talk about some of the proposed mitigation measures the traffic report recommended. There are three *recommendations* (1) *installation of a stop sign on the site driveway approach to Pearl Street.* (2) *installation of a do not block intersection sign on the southeast corner of Pearl Street and the site access facing northbound vehicles on Pearl Street* (3) *installation of a do not block intersection markings on the Pearl Street side.* The third recommendation is writing on the road itself. Mr. Clements stated Public Works is indifferent to that choice and will not maintain it and if the applicant wishes to do it, they would be responsible for maintaining it themselves. This has not been discussed with the applicant.

With reference to recommendations 1 and 2 (signage) – The Public Works Department is in agreement, providing it is installed at the applicant's expense.

Mr. Clements went on to say that a fire truck maneuvering exhibit has been submitted and while the fire department is most likely not going to pull into the site to perform life safety operations, there is enough space for them to perform a turnaround to access the front of the site where the car wash tunnel is located and then back out.

Mr. Clements noted the traffic memo indicates this intersection is performing at a level of service within D and E; it is one of the busiest intersections in town.

Noise – As was indicated by Mr. Phippard, they are proposing to limit the hours of operation for those vacuums from 7 am to 8 pm and the regular car wash operation will be 24 hours a day. Mr. Clements suggested the Board discuss whether the time of 7 am is appropriate for those vacuums to be utilized or would a later time be better for the neighborhood.

Architecture & Visual Appearance – This is a 2,000 square foot building. Mr. Clements noted Mr. Phippard has described this building well but indicated the only this he would suggest is for the Board to consider the north facing side of that building towards West Street; is very blank and bland – perhaps a fake window or some other kind of architectural feature might improve the I of the building.

Mr. Kost referred to the traffic map and noted with the four cars backed up on West Street trying to make a turn and then cars wanting to exit the car wash could cause stacking inside the site. Mr. Clements agreed there will be some additional stacking on the front of the site where vehicles come out. He felt when the site reaches maximum capacity users will defer to something else until that capacity clears. Mr. Phippard addressed the Board and recalled what the traffic engineer stated; the longest queue at the intersection backing up on Pearl Street trying to get on to West Street was five cars. For the last car in that line it took two minutes and five seconds to get on to the street (less than half of one wash cycle). Mr. Phippard stated he did not see the backup as a major issue. He agreed trying to make a left out of Pearl Street on to West Street during the afternoon peak hour can be difficult so most drivers would go right and turn around. He stated he is not in favor of painting the pavement and trying to maintain it and cannot picture anywhere else in the City it has been done and did not feel it was necessary because of the numbers and disagree with the recommendation from the traffic engineer.

Councilor Remy clarified the traffic engineer is requesting it on the entrance side which would appear to be protecting the interests of the business to allow people into the business. Mr. Phippard agreed.

Chair Russell-Slack asked what the noise ordinance in the City was. She also referred to the comment in Mr. Cady's letter regarding the six-foot solid fence abutting the property. She clarified this was for Aroma Joes and that this fence was going to be continued into the carwash property. Mr. Phippard stated his understanding is that Aroma Joe's fence would remain separate from the carwash fence, but it would overlap at the end.

Chair Russell-Slack stated this is a question that was raised when this item came to the Board previously; what happens in an emergency situation – what would be put in place to assist in an emergency. Mr. Phippard stated there will be two full-time employees who operate separate shifts and will be on site from 7 am to 5 pm. If it is after hours there is a phone number provided at the facility and they contracted with company 24 hours a day 7 days a week to respond in an emergency situation.

With reference to the noise ordinance, the Mayor stated there are different times but mostly it is from 11 pm to 7 am. Councilor Remy noted this site is in zone B which puts the time frame from 10 pm to 7 am.

Mr. Clements then went over the recommended motion.

Councilor Remy stated one foot candle for lighting seems to be very low and asked whether the City has any concerns with the light levels being too low. Mr. Clements stated the land development code only has maximum threshold and added it would be what the property owner is comfortable with and the liability they want to take on. Mr. Phippard stated West Street is one of those areas that has a lot of residual lighting and added what is more important is the level of light and the uniformity ratio; the City has limits on uniformity ratio.

Ms. Brunner stated at the recommendation of the City Attorney, staff would like the Board to vote separately on each waiver request and then on the overall project.

The Chair asked for public comment next.

Mr. Mike Morrell owner of JC Performance Detailing, the entity that used to occupy this site, addressed the Board. He indicated due to the sale of the building he has had to vacate this site.

Mr. Morrell indicated Pearl Street can be a very busy street and during peak hours this stop sign can hold up to seven cars. He indicated on Saturdays he has seen 10-12 cars backed up at this stop sign. He felt closing off the curb cut off Pearl Street is a good idea. He felt the proposal looks good on paper but it is not the reality. He indicated he did fluid film undercoating for vehicles on Fridays in the fall and could have nearly 10-15 cars in day. He noted he did not have the space where the house was located and added once he had 5-7 cars on site, maneuvering the site was not easy. He felt what is being proposed would cause tremendous backup getting in and out of this site, especially with the construction happening at the Walmart intersection, which will most likely cause more vehicles to be using this route.

With reference to water, Mr. Morrell stated that the City advised him that he was not allowed to wash more than three to five cars per day because of concern due to the close proximity to the Ashuelot River.

With reference to lighting, Mr. Morrell stated the only lighting he had was one light on the side facing Aroma Joe's.

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

Ms. Markelon asked whether the lot will be stripped other than the parking lot. Mr. Phippard stated there will be striping shown on the plan delineating two lanes entering the tunnel and all parking spots will also be striped.

Mr. Kost referred to the issue with noise and stated he did not hear any testimony regarding decibel requirements

Ms. Brunner stated her understanding is that the City does not have specific noise information such as the decibel levels for the specific equipment that is proposed. She indicated this information should be available from the manufacturer and felt Mr. Phippard could address that question directly. Mr. Phippard stated there should be specification sheets for vacuums but wasn't sure any were available for the blowers as cars are exiting the tunnels. He indicated there was concern about noise levels when Mint Car Wash was proposed for Winchester Street, because there are residential neighborhood directly behind this site. As a result, when he used a noise meter to record noise, the background noise levels from Winchester Street drowned out everything. There was no change in the levels, as a result of the car wash when it operated and there was no change next to the residential property line at the rear of the site. He felt the similar situation is likely going to exist on West Street because of the level of traffic on West Street.

Mr. Phippard added the applicant is aware of the City's noise ordinance and we will comply with it by shutting off the vacuums at 8 pm.

Councilor Remy suggested the following change to the motion language: *The hours of operation for vacuums on the site shall be 7:00 AM to 8:00 PM* – make it more generic so other vacuums are not run at night.

With reference to noise, the only thing the Planning Board Standards says it that noise should comply with the City's noise ordinance which really just dictates the hours and then it goes into

construction equipment etc. and questioned if decibel level is contemplated. Ms. Brunner stated the Land Development Code refers to the anti-nuisance standard, which in the Commerce District, would 70 decibels between the hours of 7 am-10 pm and 55 decibels at night time, which is 10 pm to 7 am; this is as measured at the property line. She indicated staff did have some concerns specifically about the vacuum stations as those can be quite loud, especially with a residents being adjacent where there could be bedrooms on the second floor, sound could easily travel over the fence. With the change to the hours of operation, it would address the bulk of the concerns. She indicated she was not aware of whether or not the blowers inside the car wash would be a noise concern or not; staff does not have any information on that. She added if this is a big concern this could be something the applicant could submit as a condition of approval and staff could verify that information. Mr. Clements noted 55 decibels is not that loud. Ambient noise of the surrounding area is much more likely register on a noise meter when someone is standing at a property line to get an accurate reading. He added staff's focus was on the vacuum stations rather than the carwash itself. Chair Russell stated 55 decibels is the sound of normal conversation or music playing in the background.

Councilor Remy stated he would be supportive of something that was a condition precedent on showing that the blowers are not too load, as they are the ones operating at night. He added that when he searched for noise levels for blowers they came up at 89 decibels at 10 feet. He stated he was more concerned about the southern and eastern property lines.

He asked for clarification as to what can be done if the blowers are operating in the middle of the night and are in violation of the noise ordinance. Mr. Clements stated that can be addressed separately, it does not need to be a separate condition from this body; it has to be adhered to. Councilor Remy stated his last comment is that he agrees with staff regarding the north side of the building. Mayor Hansel stated with everything else in this area, the proposed building is going to be an improvement. Mr. Rangel stated he was happy with the project presented as is. Vice-Chair Orgaz felt a faux window nothing too extravagant would be something he would like to see.

Councilor Remy stated if the applicant has to come back before the Board for condition precedent, perhaps come back with an option to show something added to the north side of the building; he asked whether this would be considered an amendment to the motion. Ms. Brunner explained in the case where the Board places a condition that requires discretion, it requires a public hearing. She stated it would be her recommendation in such an instance to continue this public hearing instead, as it won't require that it be re-noticed which is an expense for the applicant. Councilor Remy stated he was not willing to hold it up for that.

Ms. Markelon stated she was happy with what is being presented as the applicant has tried to create a building that is similar to New England style and felt they have put in the effort.

The Chair stated she is inclined to agree with Councilor Remy but did not want to hold up the project for that reason.

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board "Grant a waiver from Section 20.7.3.F.1.c of the Land Development Code regarding the requirement to reduce lighting levels by 50% overnight."

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

A motion was made by Mayor George Hansel that the Planning Board “Grant a waiver from Section 20.6.2.B.1 of the Land Development Code regarding the requirement that drive-through windows and lanes shall not be located along the building frontage.”

Councilor Remy stated the reason he is ok with the first waiver is because the light levels are so low. With the second waiver, the primary frontage is on Pearl Street and hence it would be acceptable

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

A motion was made by Mayor George Hansel that the Planning Board approve SPR-01-23 as shown on the plan identified as “Granite State Car Wash 364 West Street & 12 Pearl Street Keene, New Hampshire” prepared by SVE Associates and Brickstone Land Use Consultants at a scale of 1 in. = 20 ft. dated January 17, 2023 and last revised February 7, 2023 and the architectural elevations prepared by J.W.H. Drafting & Design at a scale of 1/4 in. = 1 ft. dated December 7, 2022 with the following conditions:

1. Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:
 - A. Submittal of security for sedimentation and erosion control and “as built” plans in a form and amount acceptable to the City Engineer.
 - B. Addition of a note on the plan stating “The hours of operation for vacuums on the site shall be 7:00 AM to 8:00 PM.”
 - C. Submittal of five full-size paper copies signed by the owner and one digital copy of the final plan.
2. Subsequent to final approval and signature by the Planning Board Chair, the following conditions shall be met:
 - A. 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 Councilor Remy and was unanimously approved.

Chair Russell-Slack stated she wanted to point out an item indicated in Mr. Cady’s letter as to how he was noticed in that not everyone is able to get to the Post Office.

SPR-02-23 & SWP-CUP-01-23 – Site Plan & Surface Water Conditional Use Permit – Contractor Bays, 0 Black Brook Rd - Applicant Patriot Holdings LLC, on behalf of owner New England Interconnect Systems Inc., proposes to construct two buildings ~36,000 sf and ~25,200 sf in size for use as rental units for contractors and make associated site modifications on the properties at 0 Black Brook Rd (TMP #s

221- 023-000 & 221-024-000). Waivers are requested from Sections 20.14.1.B, 20.14.2.A, and 20.14.2.B of the Land Development Code regarding the massing/scale and visual appearance of the proposed buildings. The combined parcels are 12.57 acres and are located in the Corporate Park District.

A. Board Determination of Completeness

Mr. Clements stated the applicant requests exemptions from submitting a historic evaluation, screening analysis, and architectural and 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-02-23 & SWP-CUP-01-23 as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved.

B. Public Hearing

Mr. John Noonan of Fieldstone Land Consultants addressed the Board on behalf of Patriot Holdings LLC. He indicated their proposal is to merge the two lots. The existing property line would be eliminated by a voluntary merger which would leave a little over 12.5 acres with the two lots combined.

The frontage is along Black Brook Road. The driveway as proposed would come off the end of the cul-de-sac opposite the other driveway. With that location coming off the end of the cul-de-sac, they would be crossing the 30 foot wetlands buffer, which is the reason they are requesting the conditional use permit. He indicated there is no impact to the wetland itself, just for the crossing of the 30 foot buffer.

Mr. Noonan stated for stormwater management, there is a stone spillway which also crosses about six feet into the buffer. Mr. Noonan stated he had met with the Conservation Commission for a site visit and reviewed where the impact to the buffers were which was then followed by a hearing at the at the Recreation Center. It was determined that there were no impacts to the wetlands and the Commission was happy with the pollinator friendly seed mix that was going to be used. There are also weeping willows and dogwoods that would be in the floodplain compensation area. The Commission voted to approve the conditional use permit application to come before the Planning Board.

Mr. Noonan stated the proposal consists of two buildings, the use would be light industrial. The target is for construction type companies that would rent a bay. They could have a small office with a restroom and an office for each of the bays. The bays could be used as a workshop or for storage. The applicant is not opposed to one entity renting multiple units or joining some of these units. The buildings will be fully sprinkled and would have a sidewalk running around the rear and side of the buildings. If multiple units are joined, they would end up putting in a sidewalk but for now it would be a gravel pathway. In front of each unit, there would be two parking spaces. One would be a wider parking space that would allow for trucks or a trailer. The larger

parking spaces will be 24 foot deep with a second parking space measuring 17 feet by 9 feet in size. Rear of the lot would have additional parking for customers. The length of the parking lot was determined using a WB 62 semi-truck (shown on the exhibit plan) as well as a tractor trailer truck, which Mr. Noonan indicated takes up much more room than a ladder truck.

Mr. Noonan went on to say there are parking islands at the rear of the site in order to meet the requirement for landscaping. He noted anything outlined in green is jurisdictional wetland. Along the southern portion of the site, the boundary of the property is determined by the center line of Black Brook. Black Brook has a floodplain that comes onto the property and is outlined in orange. Mr. Noonan referred to where the existing 100 year floodplain crosses the lot and based on the City's floodplain development standards, the applicant has to raise the buildings a minimum of one foot above the base flood elevation. This then is impacted by filling in the floodplain. In order to offset that, the applicant is compensating by excavating on the site. He referred to the entire area that would be planted with pollinator-friendly mix.

The eastern side will be used mostly for stormwater detention which would outfall to a very shallow lowering of the elevation for the floodplain compensation. The total fill that is placed in the 100 year floodplain is offset by total compensation.

Mr. Noonan stated the City's floodplain development standards are that it can be a foot by foot analysis or filled within one foot of the base flood elevation. He indicated that this was reviewed with the City Floodplain Administrator, Mike Hagan, who agrees with the total volume compensation as shown.

Mr. Noonan next referred to their grading plan, which shows where stormwater management and runoff would be handled. The roadway will start with a grass treatment swale, which will pick up the run off from the driveway itself and direct it into a grass treatment swale to keep any of the water running off the pavement from going directly into that wetland. These wetlands are part of the 30 foot buffer, which is the reason the applicant is applying for the conditional use permit application. This will treat the stormwater and then outlet into the floodplain basin which will also used for detention. All the paved areas and the roof areas in the center will drain into catch basins.

On either side of the building where there is just roof runoff, there will be infiltration trenches.

Mr. Noonan stated this project impacts about 250,000 square feet of land disturbance. If you are over 100,000 square feet of impact, there is a requirement to obtain an Alteration of Terrain Permit from the State. DES will review everything from erosion control matters to drainage calculations and floodplain calculations. The City Engineer will also be reviewing all of these documents.

Mr. Noonan next referred to a plan showing the proposed utilities. This site is in the Corporate Park, which has access to municipal water and sewer. There is a stub out currently for a domestic water line onto the property for the development of these lots. The applicant will be utilizing this line for their domestic water connection and then running a new 6 inch fire line.

Sewer will be tied into the existing sewer line at Black Brook Corporate Park.

Lighting Plan - All fixtures will be full cutoff LED fixtures. The majority of the fixtures will be wall-mounted and will be located above each garage bay. The rear parking lot will have pole-

mounted lights at a height of 29.5 feet above finish grade and the wall mounted lights will be at a of 11 feet along the front of the buildings. There will be no light encroachment onto abutting properties.

Chair Russell-Slack asked whether the lights are on all the time. Mr. Noonan stated security lighting will be on a motion sensor. The other fixtures will be dimmed by 50% starting at 10 pm. The Chair asked if the site could be accessed any time. Mr. Noonan answered in the affirmative and added that the plan is for contractors to rent spaces on the site, meaning that it is most likely going to be utilized during daytime hours.

Mr. Noonan then referred to the plan for landscaping. There will be some trees and shrubs being proposed for the site. The flood compensation area will have weeping willow and the interior landscaping islands would have hawthorns and a mixture of perennial flowers. He also noted to where a bicycle rack will be located.

Mr. Noonan stated they have submitted building elevations and architectural renderings.

He indicated that have requested two waivers, but considered them to be three waivers because there is a Section A and B. Mr. Noonan explained this site is removed from downtown Keene, it is located in the Corporate Park District. The portion that is visible from the city street is the 60 foot wide end of the building. The waiver they are looking for is so that the buildings don't have to be stepped, as in the Land Development Code, it requires that every 50 feet have to be stepped once you are over 150 feet in length. One building is 400 feet long and the other is 600 feet in length. These are manufactured metal panel buildings and you are held to what their design is and custom design of such buildings can get expensive. He added the location being corporate park it is far removed from the downtown and not visible from any residential properties. The longer portions of the building are not visible from the public way - the longer portions would be visible from the other commercial uses in the corporate, park. This concluded Mr. Noonan's presentation.

Mayor Hansel asked whether these buildings will be visible from any public way (street such as Butternut Drive). Mr. Noonan stated it is heavily wooded following the brook and Butternut Drive would be on the far side of the brook and won't be visible from there. He added you won't be able to see it from Wyman Road or Route 12.

Staff comments were next. Mr. Clements addressed the Board again. He began by stating that this proposal consists of merging the two building lots and constructing two new buildings with a driveway and associated parking. The proposed buildings are intended to be used as modular contractor storage units. Each unit is 30'x60' in size and will include a small office area and restroom facilities. The northern building will be 36,000 sq. ft. with 20 units and the southern building will be 25,200 sq. ft. with 14 units.

The development of this proposal will consist of approximately 250,000 sq. ft. of land disturbance and 128,022 sq. ft. of new impervious surface. As indicated by Mr. Noonan, an Alteration of Terrain permit reviewed and issued by the NH Department of Environmental Services (NHDES) will be required. This application includes a request for a Conditional Use Permit to allow the construction of a driveway within the 30-foot Surface Water Protection buffer. This Application was brought to the Conservation Commission at their February 21 meeting. The Commission had no issues regarding the proposal.

With respect to drainage, there will be a first grass swale that will collect runoff from the parking area and guide it into the stormwater management area. A stone check dam is proposed to reduce the velocity of the flow before entering the area. Along the proposed driveway entrance to the site, a grass swale will collect runoff from the driveway and direct it southerly to the flood compensation area. This swale is located between the driveway and the wetland finger that runs parallel with Black Brook Road. The submitted drainage report states that the post development conditions will result in qualitative treatment of all new impervious areas and that there will be a reduction in peak rates of runoff leaving the site for all storm events.

Sediment & Erosion Control – Mr. Clements stated that the Applicant has addressed this Development Standard very thoroughly considering the alteration of terrain nature of this application and the sensitive surface waters. This includes double silt fencing along Black Brook itself and additional measures including erosion control matting, stone check dams, rip-rap stone aprons, and a stabilized construction entrance.

Snow Storage & Removal – The proposed location of a snow storage area is along the eastern side of the truck turn-around area. The applicant states in their narrative that this area is large enough to provide snow storage for the site. Run off from the snow storage area will be accepted into the stormwater management area. A note on the plan states that any snow that will not be accommodated will be removed as needed from the site.

Landscaping - The parking lot landscape islands will have a mix of perennial daylily's, hostas, and echinacea coneflowers in addition to the required parking lot trees as described by Mr. Noonan. The flood compensation area will be seeded with a native pollinator wildflower mix. Native and non-invasive species are proposed.

Screening - The dumpster enclosure will be a 6 foot solid fence. The proposed location is not visible from adjacent properties or the public right-of-way. HVAC mechanicals are not currently proposed since each tenant will have different fit-up requirements for their different needs. The plan set notes that all mechanicals will meet the Site Development Standards for screening once installed. The proposed parking lot is not visible from the public right-of-way and the subject property is not adjacent to any residential zoning districts. There is not any perimeter parking lot screening proposed for this project as it is not required.

Lighting – As indicated the two pole lights will be 29' feet above grade and there will be wall mounted lights along the building itself. All light fixtures will be full cutoff LEDs. Both proposed fixtures will have a color rendering index (CRI) of 80 and a color temperature of 3,500 kelvin or less.

Sewer & Water – City water and sewer is proposed to serve the site. A City sewer connection permit and an NHDES sewer connection permit will be required. The Utility Plan notes that there is adequate water capacity for fire suppression system and regular water usage.

Traffic & Access Management - The proposed driveway will connect to the cul-de-sac at the end of Black Brook Road to provide access to the site and will be 24 feet in width. The drive aisle in between the two buildings will continue to be 24 ft. in width. The applicant states in their narrative that this width is designed to easily accommodate traffic flow entering and exiting as well as navigating the site internally. A truck turn-around area has been provided at the eastern end of the parking area. The Truck Turning Exhibit Plan shows that a WB-62 size truck,

commonly described as an “Interstate Semitrailer” with a length of 68.5 ft., would be able to navigate and turn around on the site. A Keene Fire ladder truck is smaller than a WB-62 size truck and will be able to navigate and turn around on the site. As part of the traffic study done for this application, the traffic memo says there will be negligible impact of this use on Blackbrook Road and estimates about 10-11 vehicle trips per hour. The ITE Manual refers to this use as a warehouse development. Mr. Noonan stated this is the closest use the traffic engineer could find.

Filling & Excavation – There will be floodplain permit which would be reviewed by the state as well as the AOT permit. There is a direct access from Blackbrook Road to Route 12 and any impact to hauling of material should be very light.

Surface Waters & Wetlands - The application includes a Surface Water Protection Conditional Use Permit as part of the proposal. The proposed driveway will travel through the 30’ wetland buffer to connect the site to Black Brook Road. The wetland buffer is from a wetland finger that travels north-south, roughly parallel with Black Brook Road. The finger connects with a larger wetland area located in the southwest corner of the property. The proposed street access and driveway location minimizes the impact to both the wetland system itself as well as the buffer. A differing location would require an impact to the wetland system. A second wetland buffer impact is proposed in the southeast corner of the property near Black Brook.

Mr. Clements went over the conditional permit use standards as follows:

The Planning Board shall issue a surface water protection conditional use permit for the activities described in Section 11.6.1, if it finds that all of the following criteria have been met:

1. The proposed use and/or activity cannot be located in a manner to avoid encroachment into the Surface Water Protection Overlay District. The applicant states in their narrative that due to the proximity of the wetland to the existing road, the buffer will have to be crossed in order to access the site. Any alternative location would impact the wetland directly.
2. Encroachment into the buffer area has been minimized to the maximum extent possible, including reasonable modification of the scale or design of the proposed use. The applicant states in their narrative that the driveway will only cross the buffer and not impact the actual wetland. It appears that the wetland was created by the drainage from Black brook Road.
3. The nature, design, siting, and scale of the proposed use and the characteristics of the site, including but not limited to topography, soils, vegetation, and habitat, are such that when taken as a whole, will avoid the potential for adverse impacts to the surface water resource. The applicant states in their narrative that the paved driveway will be graded to collect stormwater runoff and direct it away from the wetland finger and into a grass treatment swale. The water will flow into the large flood/detention basin, which will ultimately become jurisdictional wetlands over time.
4. The surface water buffer area shall be left in a natural state to the maximum extent possible. The Planning Board may establish conditions of approval regarding the preservation of the buffer, including the extent to which trees, saplings and ground cover shall be preserved. The applicant states in their narrative that the encroachment area will be permanently altered as the access drive will cross the buffer. The wetland resource will not be impacted and will ultimately become much larger as the flood compensation basin develops into a wetland.

Per Section 11.6.3.A of the LDC, the Surface Water Protection CUP Application has been referred to the Conservation Commission as mentioned earlier and they had no issues with it.

A significant portion of the property is located with the 100-year floodplain associated with Black Brook, which makes up the southern property boundary of the subject parcels. As mentioned, a Floodplain Development Permit will need to be granted as part of this project. The proposed buildings will have a finished floor elevation of at least one foot above the base flood elevation. The minimum elevation the southern building can be constructed at would 519.5 feet. The Board will need to determine if the criteria for the Conditional Use Permit has been met.

Hazardous & Toxic Materials -The applicant states in their narrative that the management company will oversee the tenants and ensure that no hazardous or toxic materials are stored outside or in an inappropriate manner.

Noise - The units will be fully enclosed and any business that may be louder, such as a machining or workshop use could be monitored by management to ensure that it does not impact adjacent tenants.

Architecture & Visual Appearance – As Mr. Noonan described, three waivers from are requested from the standards for Massing/Scale and Visual Interest related to the uniform nature of the building.

Mr. Clements reviewed the waiver criteria next:

1. Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

2. Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Mr. Clements went over the motion. He added the AOR Permit Number issued for the plan will have to be added as a note on this plan.

This concluded staff comments.

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

Councilor Remy with respect to the Waivers he stated he is leaning more towards 2. *Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.* He felt the spirit and intent are clearly built for pedestrian area and felt this use was a good fit for this area.

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board grant a waiver from Section 20.14.1.B of the Land Development Code regarding the requirement that buildings of 150-ft in length or more be divided into multiple modules.”

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

A motion was made by Mayor George Hansel that the Planning Board grant a waiver from Section 20.14.2.A of the Land Development Code regarding the requirement that front facades and exterior walls shall be articulated to express an architectural identity to avoid a uniform appearance.

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

A motion was made by Mayor George Hansel that the Planning Board grant a waiver from Section 20.14.2.B of the Land Development Code regarding the requirement that structures shall have architectural features that provide interest at the pedestrian scale and reduce massive aesthetic effects.

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

A motion was made by Mayor George Hansel that the Planning Board approve SPR-02-23 & CUP-01-23 as shown on the plan identified as “All Purpose Keene Business Park Light Industrial Facility Tax Map 221, Lots 23&24 – (Black Brook Road) Keene, New Hampshire” prepared by Fieldstone Land Consultants, PLLC at a scale of various dated January 20, 2023 and last revised February 13, 2023 with the following conditions:

1. Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:
 - A. Submittal of security for sedimentation and erosion control, landscaping, and “as built” plans in a form and amount acceptable to the Community Development Director and the City Engineer.
 - B. Owner’s signature and Alteration of Terrain Permit number appear on the plan set.
 - C. Submittal of five full sized paper copies and one digital copy of the final plan set.
2. Subsequent to final approval and signature by the Planning Board Chair, the following conditions shall be met:
 - A. Prior to the commencement of site work, the Community Development Department shall be notified when all erosion control measure 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 Councilor Remy and was unanimously approved.

VI. Continued Public Hearing

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 and stated she would be highlighting the changes that were made since the last meeting. The first change is to the section about the Preservation of Existing Features. Staff had recommended a sub-section listing a series of submittal items. The Board was not in favor of it and it has been removed.

The next change is to Utilities – There was a quite a bit of discussion regarding the applicant being required to submit sufficient information to prove this lot is buildable and could site a septic system. The language has been submitted to require percolation tests and test data. Ms. Brunner stated staff feels this is a pretty standard submittal item.

The next change is to lots that are less than five acres in size and don't have access to City water and sewer would need a review from NHDES and there is a specific rule which has also been referenced.

Councilor Remy asked how the Board would be able to determine whether or not the percolation test results being provided by the applicant are sufficient. Ms. Brunner stated it would be stamped by professional and City engineering staff will be reviewing the document as well.

A motion was made by Mayor George Hansel that the Planning Board adopt the Amendments to the Planning Board Subdivision Regulations as presented. The motion was seconded by Councilor Remy and was unanimously approved.

VII. Nomination of City Representative to SWRPC Board of Directors

Mayor Hansel stated as his role as Mayor he had the pleasure of appointing an individual to represent the City on the Board of Southwest Regional Planning Commission. He indicated the Planning Board does have to affirm his nomination.

A motion was made by Mayor George Hansel that the Planning Board nominate Jay Kahn as a City representative to the Southwest Regional Planning Commission Board of Directors. The motion was seconded by Councilor Remy and was unanimously approved.

VIII. Master Plan Update Discussion

Ms. Brunner addressed the Board again. She indicated this was a request from the Chair to start discussing the Master Plan update. The next update is in the CIP to start allocating money in July of this year. Ms. Brunner explained what a Master Plan is. It is a non-regulatory document that articulates a future vision for the community and includes goals, objectives and recommendations intended to help the community achieve its goals.

Recommendations may be both regulatory and non-regulatory in nature.

In New Hampshire, a Master Plan is necessary in order to have a zoning ordinance, historic district, or capital improvements program.

There are a couple of required sections in the Master Plan – a vision section and a land use section. Ms. Brunner also referred to other sections that could also be included in a Master Plan. The Chair stated her major issue is the housing section, which is outdated and needs to be updated. She felt this is a major issue throughout the country and stated there is going to be an uptick of people being displaced. Ms. Brunner stated the housing section is a very common section in the master plan and agreed what exists right now is pretty outdated. A housing study is something that is being called out for the master plan update and the City is ahead with this requirement as they are in the process of completing a study. The Chair stated she and Councilor Ormerod will be attending the Housing Academy and will be bringing more information from this conference.

Ms. Brunner stated the last time the Master Plan was updated by the City was in 2010. According to the State RSA, a master plan update needs to happen every five years and the City has fallen behind with this requirement. For the City of Keene, the Master Plan needs to be reviewed and adopted by the City Council – Ms. Brunner referred to language regarding this from the Rule of Procedure:

“In order to assure that the City Council fully understands and supports the Master Plan, the Planning Board shall seek Council review and adoption of the Master Plan prior to Board adoption. Prior to adoption of revisions or new sections of the Master Plan, the Board shall hold a public hearing, in accordance with the requirements of State law.”

She added the Planning Board adoption does require a public hearing.

Ms. Brunner stated it is staff’s recommendation that the Joint Committee act as a Steering Committee for this project. The Capital Improvement Program includes funding for the next Master Plan update in fiscal year 24 - \$50,000 has been set aside for the first year and \$40,000 for the second year. She noted to a tentative schedule. The first half of FY24 the work would be as follows: develop scope of work, identify consultant needs v. in-house capability, prepare RFP & conduct bid process, and establish a project steering committee.

The next six month period would be for: general outreach & community engagement, neighborhood engagement (recommendation from the last master plan – Chair Slack asked that there is voice for all age groups), update demographic data / trend (most of this work would be done through the housing needs analysis), review current plan content, deliverable: Keene Community Vision.

The last six months would be working on developing updated plan language, reorganization and graphic layout of a revised document, deliverable: amended Comprehensive Master Plan document (there is already a good foundation to start from).

IX. Staff Updates

None

X. New Business

None

XI. Upcoming Dates of Interest

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

There being no further business, Chair Russell-Slack adjourned the meeting at 9:20 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Megan Fortson, Planning Technician