



City of Keene Zoning Board of Adjustment

AGENDA

Monday, May 1, 2023

6:30 p.m. City Hall, 2nd Floor Council Chambers

- I. Introduction of Board Members:
- II. Minutes of the Previous Meeting: November 7, 2022 & April 3, 2023
- III. Unfinished Business:
- IV. Hearings:

Continued ZBA 23-03: Petitioner, Samson Associates, LLC, and represented by Jim Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for property located at 32 Optical Ave., Tax Map #113-006-000-000-000 and is in the Industrial Park District. The Petitioner requests to permit self-storage units on a lot in the Industrial Park District where self-storage units are not listed as a permitted use per Chapter 100, Article 6.3.5 of the Zoning Regulations.

Continued ZBA 23-04: Petitioner, Samson Associates, LLC, and represented by Jim Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for property located at 32 Optical Ave., Tax Map #113-006-000-000-000 and is in the Industrial Park District. The Petitioner requests to permit a vehicle fueling station on a lot in the Industrial District where vehicle fueling station is not a permitted use per Chapter 100, Article 6.3.5 of the Zoning Regulations.

Withdrawn ZBA 23-09: Petitioners, Jeffrey William Tighe-Conway and Matthew Conway and represented by Jim Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for property located at 8 Page St., Tax Map #553-018-000-000-000, is in the Medium Density District. The Petitioner requests a building with two dwelling units to have three parking spaces where four parking spaces (2 spaces per dwelling unit) are required per Chapter 100, Article 9.2, Table 9-1, Minimum On-site Parking Requirements of the Zoning Regulations.

Continued ZBA 23-11: Petitioner, Keene Meadow Solar Station, LLC, of Boston MA, represented by A. Eli Leino of Bernstein, Shur, Sawyer & Nelson of Manchester NH, requests a Variance for property located at 0 Gilsum Rd., Tax Map #214-001-000-000-000, is in the Rural District and is owned by D-L-C Spofford, LLC of Stuart, FL. The Petitioner requests to permit a 30 acre large

scale ground mounted solar energy system where 20 acres is allowed per Chapter 100, Article 8.3.7.C.2.b of the Zoning Regulations.

Continued ZBA 23-12: Petitioner, Keene Meadow Solar Station, LLC, of Boston MA, represented by A. Eli Leino of Bernstein, Shur, Sawyer & Nelson of Manchester NH, requests a Variance for property located at 0 Old Gilsum Rd., Tax Map #213-006-000-000-000, is in the Rural District and is owned by Platts Lot, LLC of West Swanzey, NH. The Petitioner requests to permit a 135 acre large scale ground mounted solar energy system where 20 acres is allowed per Chapter 100, Article 8.3.7.C.2.b of the Zoning Regulations.

ZBA 23-14: Petitioner, Monadnock Affordable Housing Corp. of 831 Court St., Keene, represented by Stephen Bragdon of 82 Court St., requests a Variance for property located at 438 Washington St., Tax Map #531-054-000-000-000, is in the Low Density District and is owned by the Community College System of New Hampshire of 28 College Dr., Concord, NH. The Petitioner requests a Variance to allow buildings which cover more than 35% of the lot, impervious surfaces of more than 45% coverage, and less than 55% green/open space per Chapter 100, Article 3.3.3 of the Zoning Regulations.

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

Page intentionally left blank

1 City of Keene
2 New Hampshire

3
4
5 ZONING BOARD OF ADJUSTMENT
6 MEETING MINUTES
7

8 **Monday, April 3, 2023**

6:30 PM

**Council Chambers,
City Hall**

Members Present:

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

Staff Present:

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

Members Not Present:

Joshua Gorman

9
10
11 **I) Introduction of Board Members**
12

13 Chair Hoppock called the meeting to order at 6:30 PM and explained the procedures of the
14 meeting. Roll call was conducted.
15

16 **II) Minutes of the Previous Meeting: November 7, 2022 and March 6, 2023**
17

18 Chair Hoppock stated that the (draft) November 7, 2022, meeting minutes are incomplete to a
19 degree. He asked if anyone had comments. Mr. Welsh stated that he was not present at the
20 November 7 meeting and thus cannot vote.
21

22 Mr. Welsh made a motion to approve the meeting minutes of November 7, 2022. Chair
23 Hoppock seconded the motion.
24

25 Ms. Taylor stated that she was not at the meeting, either, and will have to abstain. Chair
26 Hoppock stated that he and Mr. Clough are (of no help); he does not know what any of the text
27 marked “[inaudible]” should say. He continued that he looked at it a couple times.
28

29 John Rogers, Zoning Administrator, stated that since two Board members here cannot vote
30 because they were not present at the meeting, he recommends tabling this until the next meeting,
31 when a third Board member will be present, and they will have a quorum voting. Chair Hoppock
32 replied it is correct that they need three votes. He asked Corinne Marcou, Zoning Clerk, if the
33 City Clerk’s Office would have a hard time with this. He continued that the consensus is to table

34 the November 7, 2022, minutes, so that is what they will do, and move on to the next set of
35 minutes.

36

37 Ms. Taylor gave three corrections to the draft minutes of March 6, 2023:

38

39 Line 382: The sentence beginning with “Vice Chair Taylor stated...” should say “eminently
40 reasonable” instead of “imminently.”

41 Line 889: “T&T” should be “TnT.”

42 Line 926: In the sentence, “MFS’s mission is to take care of people on a given month,” the word
43 “on” should be “in.”

44

45 Mr. Welsh made a motion to approve the March 6, 2023, meeting minutes as amended. Chair
46 Hoppock seconded the motion, which passed by unanimous vote.

47

48 **III) Unfinished Business**

49

50 Chair Hoppock asked if there is any unfinished business. Mr. Rogers replied no.

51

52 **IV) Hearings**

53

54 **A) Continued ZBA 23-03: Petitioner, Samson Associates, LLC, and represented**
55 **by Jim Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance**
56 **for property located at 32 Optical Ave., Tax Map #113-006-000-000-000 and is in the**
57 **Industrial Park District. The Petitioner requests to permit self-storage units on a lot**
58 **in the Industrial Park District where self-storage units are not listed as a permitted**
59 **use per Chapter 100, Article 6.3.5 of the Zoning Regulations.**

60

61 Jim Phippard stated that he is here on behalf of Samson Associates, LLC, and they are requesting
62 that ZBA 23-03 be continued to the ZBA’s May meeting.

63

64 Ms. Taylor made a motion to continue ZBA 23-03, request for Variance property at 32 Optical
65 Ave., to the May 1, 2023, meeting. Chair Hoppock seconded the motion, which passed by
66 unanimous vote.

67

68 **B) Continued ZBA 23-04: Petitioner, Samson Associates, LLC, and represented**
69 **by Jim Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance**
70 **for property located at 32 Optical Ave., Tax Map #113-006-000-000-000 and is in the**
71 **Industrial Park District. The Petitioner requests to permit a vehicle fueling station**
72 **on a lot in the Industrial District where vehicle fueling station is not a permitted use**
73 **per Chapter 100, Article 6.3.5 of the Zoning Regulations.**

74

75 Mr. Phippard stated that he requests that ZBA 23-04 be continued until the May meeting.

76

77 Ms. Taylor made a motion to continue ZBA 23-04, petition from Samson Associates for a
78 Variance for property located at 32 Optical Ave., to the May 1, 2023, meeting. Chair Hoppock
79 seconded the motion, which passed by unanimous vote.
80

81 **C) ZBA-23-11: Petitioner, Keene Meadow Solar Station, LLC, of Boston MA,**
82 **represented by A. Eli Leino of Bernstein, Shur, Sawyer & Nelson of Manchester**
83 **NH, requests a Variance for property located at 0 Old Gilsum Rd., Tax Map #214-**
84 **001-000-000-000, is in the Rural District and is owned by D-L-C Spofford, LLC of**
85 **Stuart, FL. The Petitioner requests to permit a 30 acre large scale ground mounted**
86 **solar energy system where 20 acres is allowed per Chapter 100, Article 8.3.7.C.2.b of**
87 **the Zoning Regulations.**
88

89 Chair Hoppock asked to hear from a representative for ZBA 23-11.
90

91 Eli Leino, of Bernstein and Shur in Manchester, stated that he is here on behalf of the applicant.
92 He continued that he requests to continue the applicant’s Variance, ZBA 23-11, to the next
93 scheduled meeting.
94

95 Ms. Taylor stated that she needs to recuse herself on ZBA 23-11 and ZBA 23-12.
96

97 Mr. Welsh made a motion to continue ZBA 23-11 to the May 1, 2023, meeting. Chair Hoppock
98 seconded the motion, which passed with a vote of 3-0.
99

100 Mr. Leino stated that he has one comment, which is that he thanks Mr. Rogers and the
101 Community Development Department for bringing to his attention that he had a scrivener’s error
102 in the application, a reference to the property (for ZBA 23-11) as “0 Old Gilsum Rd.” The other
103 parcel in the Assessor’s maps is 0 Old Gilsum Rd., but this is 0 Gilsum Rd. Due to that mistake
104 on his part, they did not notice correctly, but they will re-notice with the correct name, to make
105 sure that no one was served incorrectly.
106

107 **D) ZBA 23-12: Petitioner, Keene Meadow Solar Station, LLC, of Boston MA,**
108 **represented by A. Eli Leino of Bernstein, Shur, Sawyer & Nelson of Manchester**
109 **NH, requests a Variance for property located at 0 Old Gilsum Rd., Tax Map #213-**
110 **006-000-000-000, is in the Rural District and is owned by Platts Lot, LLC of West**
111 **Swanzy, NH. The Petitioner requests to permit a 135 acre large scale ground**
112 **mounted solar energy system where 20 acres is allowed per Chapter 100, Article**
113 **8.3.7.C.2.b of the Zoning Regulations.**
114

115 Chair Hoppock asked Mr. Leino to address ZBA 23-12.
116

117 Mr. Leino stated that he requests this be continued to the May 1 meeting.
118

119 Mr. Welsh made a motion to continue ZBA 23-12 to the May 1, 2023, meeting. Chair Hoppock
120 seconded the motion, which passed with a vote of 3-0.

121 Ms. Taylor rejoined the meeting.

122

123 **E) ZBA 23-09: Petitioners, Jeffrey William Tighe-Conway and Matthew**
124 **Conway and represented by Jim Phippard, of Brickstone Land Use Consultants,**
125 **LLC, requests a Variance for property located at 8 Page St., Tax Map #553-018-**
126 **000-000-000, is in the Medium Density District. The Petitioner requests a building**
127 **with two dwelling units to have three parking spaces where four parking spaces (2**
128 **spaces per dwelling unit) are required per Chapter 100, Article 9.2, Table 9-1,**
129 **Minimum On-site Parking Requirements of the Zoning Regulations.**

130

131 Chair Hoppock asked to hear from staff.

132

133 Michael Hagan, Plans Examiner, stated that 8 Page St. is zoned Medium Density and sits on a
134 0.7-acre lot was built in 1923 with a total livable square footage is 1,926. This is a request for an
135 Accessory Dwelling Unit (ADU), which would add up to 800 square feet of living space. There
136 were no Variances on file for this (property).

137

138 Mr. Rogers stated that for clarification, as an ADU, State RSA dictates that the City cannot use
139 the density calculation they would in most cases. He continued that there are some limitations
140 and Mr. Hagan mentioned the ADU's 800 square feet, that would be the maximum size ADU
141 they want to construct in the basement of this property. If this were a regular true two-bedroom
142 dwelling unit, this lot would not meet the dimensional requirements, but because of the State
143 RSA for ADUs, they are not allowed to use that calculation for an ADU. The City's Zoning
144 Code does not differentiate the difference between an ADU and a regular dwelling unit when it
145 comes to the parking calculation. That is why the applicant is before the Board tonight for the
146 reduction by one space.

147

148 Ms. Taylor stated that Mr. Hagan said the floor space is 1,926 square feet and the ADU can be
149 up to 800 square feet. She asked if the square footage of the ADU gets subtracted from the
150 overall square footage, or if it is included in it, or how it gets calculated. Mr. Hagan replied that
151 the up to 800 square feet would be in addition to the 1,926 square feet that exists. He continued
152 that the basement now is 1,290 square feet on the Assessing records. They can only go up to 800
153 square feet; it could be 400 or 500 square feet, but they will hear from the applicant on the
154 details. Ms. Taylor asked if it is correct that the number, whatever it comes out to be, will be in
155 addition to the existing square footage. Mr. Hagan replied yes.

156

157 Ms. Taylor asked if on street parking is permitted on Page St. She continued that she tried
158 looking that information up but could not find it. Mr. Rogers replied that he can look into the
159 Ordinances while the meeting is going on. He continued that he knows a lot of on street parking
160 occurs on this street. It is a tight street, as you can see in the photo included in the application.

161

162 Chair Hoppock asked if the Board had further questions for staff. Hearing none, he invited the
163 Petitioner to speak.

164 Jim Phippard of Brickstone Land Use Consultants, LLC, stated that he is here on behalf of the
165 owners of the property at 8 Page St., Jeffrey Conway, Benjamin Conway, and Matthew Tighe-
166 Conway. He continued that they are requesting a Variance to allow three parking spaces on this
167 property where four parking spaces would be required in the event that an ADU is added to the
168 basement of the building. Previously, a local podiatrist owned and occupied the building and
169 operated a home business with an office in the basement. They would convert that space to an
170 ADU. It already has a second entrance, is approximately 700 square feet of living area and
171 would be a one-bedroom unit. Benjamin Conway, who is part owner of the property, would
172 occupy the ADU as it is a requirement that an owner occupy the premises when an ADU is
173 added. This would meet those requirements and the space requirements. However, it cannot
174 meet the legal requirement of two additional parking spaces for the ADU. The houses on Page
175 St. are all very old with most of them constructed prior to 1900. The buildings occupy most of
176 the lots; as you go down the street, that pattern repeats. On Page St., almost every residential
177 dwelling has people parking in front of the building, because there is not room to park behind the
178 buildings or have more than one or two cars along the side of the building due to the size of the
179 lots. This is an existing, non-conforming lot in the Medium Density District, which requires a
180 minimum lot size of 8,000 square feet. This lot is just over 3,000 square feet in size, less than
181 half the size of a regular lot in the Medium Density District.

182
183 Mr. Phippard continued that there is an existing paved driveway along this southerly property
184 line exclusively for the use of 8 Page St. He measured the length of that paved driveway, all the
185 way to the rear property line where there is a wire fence, and it is about 73 feet to the sidewalk.
186 They can fit four cars stacking in that paved driveway, but it does not comply with the parking
187 location requirements of the new Land Development Code (LDC). The LDC requires that
188 people not park a car in the front yard of a property. They do not want cars extending beyond
189 the front line of the building into the front yard of the property. He thought about applying for a
190 Variance for that location, discussed it briefly with Mr. Rogers, and decided to just go with the
191 Variance for three parking spaces instead of four. If you look up and down the street, you will
192 see that everyone parks in front of the buildings because they have to since there is not enough
193 room behind or beside the buildings without blocking someone else in the driveway. That is
194 what they would be doing here, stacking in their driveway. They can fit three spaces legally in
195 the space that they have and meet the location requirements. He decided to pursue the Variance
196 to allow just three spaces instead of four because this would be a single bedroom ADU. The
197 occupant will be a single resident, Benjamin Conway, and he has one car. It meets his purposes.
198 It would allow him to enjoy this property that he is part owner of.

199
200 *1. Granting the Variance would not be contrary to the public interest.*

201
202 Mr. Phippard stated that he believes this is true, because ADUs are encouraged to try to help
203 address the severe housing shortage. He continued that in addition, it is a permitted use under
204 the current land development regulations. All residential zones permit it outright, but they still
205 must comply with the parking requirements. This will be a single bedroom unit in the basement,
206 with a single occupant with a single car. It meets his needs on the property. Any visitor he or

207 the other residents have will park in front of the building just as they do today, as is the case up
208 and down the street. He did not see any posted “no parking” signs on this street. If there are no
209 signs, then on street parking is permitted, which is how it works in the City of Keene. It has to
210 be posted as restricted, otherwise it is allowed. This would be no different from any of their
211 neighbors, visitors would probably park in the front area. There is no grass because people have
212 been parking there repeatedly. Given the housing shortage in the city, he feels that an ADU in
213 this location is appropriate, and it is in the public interest to allow it. He does not see any benefit
214 to the public in not allowing an ADU in that existing basement space, especially where so little
215 work has to be done to convert this to an ADU. It is on City water and sewer and those services
216 are adequate to support this use of this building.

217
218 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

219
220 Mr. Phippard stated that the spirit is to allow ADUs where it is feasible, anywhere in the
221 residential zones in the city and he thinks this fits as there is room in the building. It used to be
222 an office space, and they would convert it to the ADU. It has its own separate entrance. No
223 changes will be made to the exterior of the building. It will be an invisible change on the street.
224 The only issue to deal with is this parking issue, which is why he is before the Board tonight. It
225 will be an ADU with one bedroom, one occupant, and one vehicle, and it meets the intent of the
226 lot.

227
228 3. *Granting the Variance would do substantial justice.*

229
230 Mr. Phippard stated that this building has a large living area, over 1,900 square feet. He
231 continued that there are two stories above the basement level, which was previously a home
232 office for a podiatrist and existed there for many years. He does not see any benefit to the public
233 in denying the Variance. They will not change the appearance of the building or of the property.
234 They will use the existing driveway where it is located today. He feels that granting this
235 Variance does substantial justice for this property.

236
237 4. *If the Variance were granted, the values of the surrounding properties would not be*
238 *diminished.*

239
240 Mr. Phippard stated that as he described the character of the neighborhood, it is primarily single-
241 family homes on very small lots. He continued that that is the character of this area – most of the
242 lots are undersized, well under the 8,000 square feet that is required in the Medium Density
243 District. They will not change that, nor will they change the appearance of the building. They
244 do not need to change anything as there is already an existing separate entrance to this space. It
245 will meet all the other requirements for ADUs other than the four parking spaces. He feels this
246 will have no negative effects on surrounding property values. It will be more of the same.

247
248 5. *Unnecessary Hardship*

249 A. *Owing to special conditions of the property that distinguish it from other properties in the*
250 *area, denial of the variance would result in unnecessary hardship because*
251 *i. No fair and substantial relationship exists between the general public purposes of the*
252 *ordinance provision and the specific application of that provision to the property.*
253

254 Mr. Phippard stated that the special condition of this property is obviously the size of the lot. He
255 continued that this exists as a very old lot that existed prior to 1900 when the house was built.
256 Back then, there were no cars, so no one was worried about parking. This situation was created
257 as zoning was created, well after the house was built and occupied in this location. Regarding
258 the requirement for two parking spaces for an ADU, he feels the existing Ordinance does not
259 recognize a situation where an ADU might have a single occupant and only need one parking
260 space. The LDC does not require that but also does not recognize it, and thus, he feels that in
261 this case the LDC is inadequate and contributes to the hardship that would be created if this
262 Variance were not permitted.

263
264 *and*

265 *ii. The proposed use is a reasonable one.*
266

267 Mr. Phippard stated that ADUs are permitted outright in residential zones. He continued that this
268 is a permitted use. They feel that it does fit the property because they do not have to alter the
269 building or add anything on. The alterations will be interior only and they are not expanding the
270 driveway or changing the outside features. It is a reasonable use and fits in this neighborhood
271 and gives the property owner the enjoyment of his property, which he is entitled to.

272
273 *B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*
274 *hardship will be deemed to exist if, and only if, owing to special conditions of the property that*
275 *distinguish it from other properties in the area, the property cannot be reasonably used in strict*
276 *conformance with the ordinance, and a variance is therefore necessary to enable a reasonable*
277 *use of it.*
278

279 Mr. Phippard stated that he will not repeat it all, but it is the same argument. It is a pre-existing,
280 non-conforming property that became non-conforming due to changes in the Zoning regulations.
281 The current Zoning does not recognize that an ADU could have a single occupant with a single
282 vehicle and therefore this should be allowed, and it should not be held against the owner. That
283 helps to create hardship.

284
285 Mr. Welsh stated that he is trying to orient himself, regarding the photo that came with the
286 packet. He continued that the black car looks just about flush with the front of the building. He
287 asked if what Mr. Phippard is describing is a situation in which the driveway goes back far
288 enough that three cars could fit, or four if the end of the car is flush with the building.

289
290 Mr. Phippard replied yes. He continued that in the photo, the black car located to the left of the
291 house is in the existing driveway. In the exhibit he submitted with the application, he measured

292 the length of the paved driveway from the rear of the property to the front of the house as 59 feet,
293 which is adequate to stack three cars. The Zoning Code requires a minimum of 18-foot length
294 for each parking space.

295
296 Mr. Welsh stated that the same photo shows two cars in front of the building. He continued that
297 from the description Mr. Phippard gave, he gathers that those cars are parked illegally and could
298 potentially be issued tickets. Mr. Phippard replied that the cars shown parking in front of the
299 house is something that has gone on for a very long time, and he thinks it predates the changes in
300 the Zoning regulations that prohibit cars parking in the front yard. He parks in front of his house.
301 He has to, as it is where his driveway leads up to his garage. His house was built in 1896 and he
302 is not going to build a parking space to the side or rear of his house. When he looks around
303 Keene, he sees thousands of single-family homes in the same situation. The regulation that
304 requires parking to the side and to the rear came about not too long ago and was primarily for
305 new construction in commercial offices and it was not applied to residential. It was not until the
306 City updated the LDC that this became a regulation that everyone is faced with. Thus, Keene
307 has thousands of properties that were made non-conforming by that change in the regulations.
308 He does not consider that illegal parking; he considers it non-conforming parking.

309
310 Mr. Welsh stated that if they were in compliance with the plan Mr. Phippard promoted, they
311 would probably do away with the non-conforming parking in front of the building, except when
312 they had visitors or if someone did not know to park on the side.

313
314 Ms. Taylor stated that regarding the section of the Code that does not permit parking in your
315 front yard, as opposed to on the street in front of your house, she became familiar with that in the
316 1990s. She continued that it is not a new regulation. There were quite a few enforcement issues
317 regarding Keene State College (KSC). The regulation has been in place for a long time. When
318 she drove to look at the area where the property is, she saw a car parked in the street, and it
319 basically made the street one lane. You could not get two cars passing the car that was parked on
320 the street. If there was enforcement, and you were not allowed to park on what was left of the
321 front lawn, that would seem to create a problem in the neighborhood requiring parking in the
322 street for the fourth car.

323
324 Mr. Phippard replied that he agrees with Ms. Taylor, having driven up and down the street
325 several times to see how it operates. He continued that two pickup trucks were parked on one
326 side of the road and only one lane was open, but he (drove) it, and it works. This is an existing
327 situation, and this (Variance) would not be creating a new situation. In his discussion with the
328 property owners, he told them they should not park in the area that used to be grass and should
329 park on the paved driveway. Even though the fourth car would extend beyond the front of the
330 building, it would be on the paved driveway, not blocking the sidewalk. They have 79 feet from
331 the end of the driveway to the edge of the sidewalk, so there is adequate room to stack four cars.
332 That is why he almost went in this direction and pursued that Variance rather than this one, but
333 from his discussion with staff, he thinks they are considering reducing the parking requirement
334 for ADUs. There may be a future Zoning change, but the Petitioners did not want to wait that

335 long. They are hoping to occupy the unit this summer. He cannot speak to the future and
336 whether that will happen. They can safely park three cars and a fourth if they have to. The
337 fourth car would be non-conforming, but it would be on the existing paved driveway.
338

339 Mr. Rogers stated that he has some clarity regarding Chapter 4 of the City's Ordinances – Page
340 St. is not on the list of “no parking” streets. He continued that there might be other rules that the
341 Police would enforce as far as maintaining travel lanes, though. To clarify, the way the
342 Ordinance is written for parking is that no parking can be created either in the front setback or in
343 front of the house, whichever is less. In this situation, he assumes it does not meet the front
344 setback anymore, which would be 15 feet in this district. If the house were, say, only 10 feet
345 from the street, they could actually park, as long as it is behind the front of the building, since
346 that is a lesser number. Also, the other issue with going after the other Variance for being able to
347 park in front is that the City Ordinance does speak to the need for parking spaces to be 18 feet
348 long. With this property, they are talking about less than a foot and there is not enough distance
349 there to create four legal parking spaces per the Ordinance; is the conversation he had with Mr.
350 Phippard. The diagram he showed is just under 70 feet, and about 71 feet would be needed.
351 That was the reason for going for this Variance as opposed to being able to park in front.
352

353 Mr. Rogers continued that regarding the on-street parking, Keene has the winter parking
354 overnight ban, so someone would not be able to park in the street overnight during the winter.
355 Secondly, the problem they have on this side of the street is that where the car to the right (in the
356 photo) is parked is actually the sidewalk and that is a concern. The street design did not include
357 curbing, which lends itself to people parking like that, which happens in many neighborhoods.
358

359 Ms. Taylor stated that the Variance runs with the land, so ostensibly, if the property were to
360 change hands, there could be more than a single person living in the ADU. She continued that
361 she is thus concerned about Mr. Phippard's emphasis on how there will just be one person living
362 there and the Board has to think about the future, too. Mr. Phippard replied that they are going to
363 construct a one-bedroom ADU, so it is possible that a couple could live there and maybe they
364 would have two cars, and yes, they would have a parking issue. Maybe they could get away with
365 parking on the street, because right now it is not restricted. How can they single this one
366 property out when all the properties on the street are in the same situation?
367

368 Ms. Taylor stated that that goes to her last question, which is hardship. She continued that Mr.
369 Phippard says the property's small size is the special condition, but it has to be something that
370 distinguishes it from all other properties. All the properties here are small-sized, so she does not
371 see how that is a special condition. Mr. Phippard replied that he and Ms. Taylor have always
372 disagreed on this hardship criterion. He continued that she feels that it has to be single and
373 unique, whereas he feels there could be 100 properties that are like this, suffering from this
374 special condition. A condition was created when the City of Keene created Zoning laws and
375 changed the lot sizes and changed all these requirements. As he said, when this property was
376 first built, there were no cars, so none of this was an issue. All of that came about as society
377 progressed and these regulations were developed. He thinks an undersized lot is a special

378 condition and it is not the only undersized lot in the City. If the City would just change the
379 Zoning to High Density instead of Medium Density, that would help. It would still be
380 undersized, but it would not be more than 50% undersized.

381
382 Ms. Taylor replied that that is exactly what the case law says – if the problem is that all of the
383 properties are undersized, they should change the Zoning, and not just give Variances to each
384 property as it comes along. That is where she comes from.

385
386 Chair Hoppock asked what Mr. Phippard’s thoughts would be about having a condition imposed
387 that restricted the occupancy of the ADU to one person. He continued that his second question is
388 what Mr. Phippard thinks about a condition restricting the property to no more than three cars at
389 any one time. Mr. Phippard replied that he thinks it is fair. He continued that he discussed with
390 the owners their need to realize what they are asking, because the Board does not want to set a
391 precedent and may want to impose conditions. He suggested limiting the occupancy of the ADU
392 to one person and limiting the cars in the driveway to three. Chair Hoppock replied that he
393 meant the cars on the property. Mr. Phippard replied that that would be hard to enforce. He
394 continued that if a fourth car comes into the driveway, he does not think Code Enforcement will
395 come along and write them up. Chair Hoppock replied that Mr. Rogers would probably give
396 them a warning. Mr. Phippard replied that he thinks that is fair and continued that he
397 understands the position they are putting the Board in by asking for this Variance; it creates
398 difficulties. Unless the City can change the Zone, as Ms. Taylor suggested, or change the
399 requirements for ADUs, which may happen, he thinks it is fair to restrict it.

400
401 Chair Hoppock asked if there were any further questions from the Board. Hearing none, he
402 asked for public input, beginning with anyone in opposition. Hearing none, he continued that the
403 Board received an email from Karen and Tom Chabot, which he will read into the record. It was
404 addressed to the Community Development Department, dated April 2, 2023.

405
406 *“I have a concern about the parking in front of the house at 8 Page St. as well as the house at 12*
407 *Page St. I have already seen two cars parked on the front lawn here, often partially blocking the*
408 *sidewalk. This can be dangerous for sidewalk users, especially for Franklin School students. It*
409 *is even more dangerous as this house is near the corner with Beaver St. and cars turning onto*
410 *Page St. often don’t stay in their lane. I don’t know how this can be safely addressed. Thank*
411 *you.”*

412
413 Chair Hoppock asked for public input in favor of the application. Hearing none, he closed the
414 public hearing and asked the Board to deliberate.

415
416 Chair Hoppock stated that he does not disagree with Mr. Phippard’s comments that ADUs are
417 generally in the public interest because of the housing shortage. He continued that generally, he
418 thinks there is support for the application being in the public interest. However, this is a parking
419 Variance, not an ADU Variance request. He also does not see that the parking application would
420 negatively affect the character of the neighborhood or raise any significant safety problems. In

421 addition, it may well do substantial justice to the owner versus the gain to the public. However,
422 he has an issue with the hardship criterion. He thinks Ms. Taylor is correct regarding the debate
423 between Mr. Phippard and Ms. Taylor about what the law requires. “Unnecessary hardship”
424 means that owing to a special condition of the property that distinguishes it from other properties
425 in the area. It is not a one-size-fits-all problem; it has to distinguish it from other properties in
426 the area. If other properties in the area are similar, then there is no distinction, and they are all
427 suffering from the special condition. That does not make it an unnecessary hardship. The
428 correct remedy is a change in Zoning, not a Variance.

429
430 Mr. Welsh stated that he shares that opinion. He continued that he thinks the correct long-term
431 remedy is the change in Zoning as opposed to the Variance. He has not heard any evidence as to
432 how the other properties which are subject to the same constraints are getting along, what their
433 parking situations are, whether they are in compliance, and so on and so forth. He is satisfied
434 that if they address this one with the parking Variance it would be a just solution. He sees the
435 desirability of the ADU and more housing as in the public interest. His linkage of that plus the
436 parking is that minus the parking Variance, the ADU becomes a non-viable option. They would
437 have to supply two extra parking spaces and there is no practical way to do that. At least, that
438 argument has been made, and he finds it compelling. He is satisfied with the first and fifth
439 criteria.

440
441 Ms. Taylor stated that she disagrees. She continued that she does not think this is in the public
442 interest, because of the existing congestion in the area. As Chair Hoppock said, it is a parking
443 question. Yes, it is related to the ADU, but not every property is appropriate for an ADU. She is
444 also concerned because they can say now that only one person will be living in the ADU, but
445 once the Variance is there, there could be (more). There could be three cars belonging to the
446 upstairs tenant, and maybe a couple with two cars in the ADU, and then there would be five cars,
447 possibly parking on the front lawn. She thinks this is a poor area for this and does not think it
448 will do substantial justice, because having additional parking that would be in the street really is
449 a negative. There is already a bad situation with parking on this street, and this would only
450 exacerbate it. As she mentioned earlier, they do not have any testimony regarding the value.
451 And again, she does not see that this property is distinguished from any other property in the
452 immediate area.

453
454 Chair Hoppock asked if there was further discussion. Hearing none, he asked for a motion.

455
456 Mr. Welsh made a motion to approve the application for a Variance to 8 Page St., ZBA 23-09,
457 with the added conditions that the ADU be occupied by one tenant and that the total number of
458 cars on the property cannot exceed three.

459
460 Ms. Taylor stated that she is not comfortable with a condition limiting occupancy stating she
461 does not think they can do that on a Variance. Mr. Welsh replied that he will withdraw that
462 condition from the motion.

463

464 Ms. Taylor stated that Mr. Welsh's motion is to limit the number of cars to three, but the
465 applicants are asking for four. Chair Hoppock replied that four spaces are required, two spaces
466 per dwelling unit. He continued that they want a building with two dwellings to have three
467 parking spaces where four parking spaces are required.
468

469 Chair Hoppock stated that for the record, they have a motion to approve, without a condition on
470 occupancy limits, but conditioned on limiting it to three cars on the property.
471

472 Mr. Clough seconded the motion.
473

474 1. *Granting the Variance would not be contrary to the public interest.*
475

476 Not met with a vote of 2-2. Ms. Taylor and Chair Hoppock were opposed.
477

478 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*
479

480 Not met with a vote of 2-2. Ms. Taylor and Chair Hoppock were opposed.
481

482 3. *Granting the Variance would do substantial justice.*
483

484 Not met with a vote of 2-2. Ms. Taylor and Chair Hoppock were opposed.
485

486 4. *If the Variance were granted, the values of the surrounding properties would not be*
487 *diminished.*
488

489 Met with a vote of 3-1. Ms. Taylor was opposed.
490

491 5. *Unnecessary Hardship*

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

494 i. *No fair and substantial relationship exists between the general public purposes of the*
495 *ordinance provision and the specific application of that provision to the property.*
496

497 Not met with a vote of 2-2. Ms. Taylor and Chair Hoppock were opposed.
498

499 *and*

500 ii. *The proposed use is a reasonable one.*
501

502 Not met with a vote of 2-2. Ms. Taylor and Chair Hoppock were opposed.
503

504 B. *Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*
505 *hardship will be deemed to exist if, and only if, owing to special conditions of the property that*
506 *distinguish it from other properties in the area, the property cannot be reasonably used in strict*

507 *conformance with the ordinance, and a variance is therefore necessary to enable a reasonable*
508 *use of it.*

509
510 Chair Hoppock stated that he does not think B. applies at all. He asked other Board members.
511 Ms. Taylor replied that she agrees that it does not apply, because they still can have reasonable
512 use of the property.

513
514 The motion to approve ZBA 23-09 had a vote of 2-2. Ms. Taylor and Chair Hoppock were
515 opposed. Chair Hoppock stated that the motion fails. Mr. Welsh asked if they need to make a
516 motion to deny ZBA 23-09. Chair Hoppock replied that they do not have three votes in favor.
517 Mr. Rogers stated that the Board could make a motion to deny and vote on it without going
518 through all the criteria again.

519
520 Ms. Taylor made a motion to deny ZBA 23-09 for a Variance at 8 Page St. Chair Hoppock
521 seconded the motion, which had a vote of 2-2. Mr. Clough and Mr. Welsh were opposed.

522
523 Mr. Rogers stated that with a 2-2 vote, the Board has taken no action. Ms. Taylor replied that
524 she believes the motion fails. Mr. Rogers replied that he will review, but he believes that the
525 RSAs changed and that a tie means no action. Staff will let the Board know, and let the
526 applicant know. The applicant could come back before the Board next month if Mr. Gorman is
527 back then, so there is a five-member Board and no tie vote. He will confirm, but he believes the
528 RSA changed a few years ago to require that the majority of a Board vote in order for an action
529 to be taken. Ms. Taylor asked him to ask the City Attorney to rule on that. Mr. Rogers replied
530 that he will, and in fact, the City Attorney is the one who had the RSA changed to reflect that.
531 Chair Hoppock stated that the statute says they need at least three affirmative votes in order to
532 pass anything. Mr. Rogers replied that he thinks it was further changed to say that to take any
533 action it has to be three votes, the majority of the Board. Ms. Taylor stated that one reason she
534 disagrees is that you could not bring the same application back under the Fisher rule. Mr. Rogers
535 replied that he will confirm with the City Attorney. He just wanted the Board to be aware that
536 with that tie vote, an additional step might need to happen. Staff will follow up with the
537 applicant and the Board regarding what the City Attorney says.

538
539 **F) ZBA-23-10: Petitioner, Lehen Industries of Keene, represented by Jim**
540 **Phippard of Brickstone Land Use Consultants, LLC., requests a Special Exception**
541 **for property located at 809 Court St., Tax Map #219-005-000-000-000, is in the**
542 **Commerce District and is owned by Hillsborough Capital, LLC of Keene, NH. The**
543 **Petitioner requests to permit light industrial use in the Commerce District per**
544 **Chapter 100, Article 5.1.5 of the Zoning Regulations.**

545
546 Chair Hoppock asked to hear from staff.

547
548 Mr. Hagan stated that 809 Court St. is zoned Commerce. He continued that it sits on 1.81 acres
549 and was built in 1986. The building's square footage is 19,800 square feet. It received one

550 Variance in 2016 and was approved 5-0 for an 8-foot rear setback where a 20-foot setback is
551 required. They were required to move the shed off the back side.

552
553 Ms. Taylor asked for more detail, because she did not understand the description of what the
554 applicants were asking for and where. Mr. Rogers replied that this is a Special Exception request
555 to allow for an industrial use.

556
557 Chair Hoppock asked to hear from the applicant.

558
559 Jim Phippard of Brickstone Land Use Consultants, LLC, stated that he is here on behalf of the
560 property owner, Hillsborough Capital, LLC, and the applicant, Lehen Industrial Services. He
561 continued that this is a request to allow a light industrial use on a property in the Commerce
562 District since this is something new under the new LDC. He has never done one of these in the
563 46 years he has been doing this work. Lehen Industrial Services is an existing high-tech
564 company currently located at 22 Production Ave. in a building of about 6,000 square feet and
565 they manufacture specialty machines. This is not a mass manufacturing of parts for the auto
566 industry or anything like that. The specialty machines are manufactured for individual uses, and
567 they do many different things. The owner, Peter Lehen, is present tonight and can answer
568 specific questions. He (Mr. Phippard) was given the privilege of a tour on Production Ave. so he
569 could see and better understand what it is they do, and one of the machines Mr. Lehen showed
570 him was for Badger Balm in Gilsum. Lehen Industrial Services created the machine that fills
571 the little tubes of lip balm. It is interesting that we have facilities like this in Keene and this is a
572 clean industry, a high-tech industry. They create the parts, the machine itself, and the software
573 that operates it. They installed the machine in the new facility. This is a wonderful company to
574 have in the area, and this is the type of plan that the Comprehensive Master Plan encourages.
575 They want to encourage companies like this to stay here and grow, and to come here if they are
576 not already located here. He is happy to work on this application.

577
578 *A. The nature of the proposed application is consistent with the spirit and intent of the*
579 *Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies*
580 *with all applicable standards in this LDC for the particular use.*

581
582 Mr. Phippard stated that this is an existing building, built in 1986. He continued that he actually
583 did the site plan for this building back in 1986. There have been several different uses in the
584 building, most currently, as an athletic facility. There may be 50-70 youth participating in
585 athletic activities and training within the facility today. Thus, light industrial is a big change, and
586 he thinks it is a very positive change, as the use is less intense with less traffic. It is clean, high
587 tech, and what we want in the community. Access to the property is from Court St. and there are
588 73 paid parking spaces on the property today, which is far more than what Lehen Industrial
589 Service's needs, but adequate for the proposed use. They would be moving from a 6,000 square
590 foot building to a nearly 20,000 square foot building. It would give Lehen Industrial Services
591 much more room for warehousing their products, the products they need to manufacture their
592 specialized machines, and to conduct their activities, giving them room to grow as well. They
593 currently have 21 full-time employees working at Production Ave., all of whom will come to this

594 facility if the company is approved to relocate here. They operate Monday through Friday from
595 7:00 AM to 6:00 PM. Employees usually arrive between 7:00 and 9:00 AM and leave between
596 4:00 and 6:00 PM. They do not have regular hours on evenings or weekends, although on an as-
597 needed basis they may be there into the evening or on a Saturday if the business needs require
598 that.

599

600 Mr. Phippard continued that the manufacturing activities that they conduct would be wholly
601 inside the building. There are no activities outside of the building, nor any storage of products or
602 machines outside the building. Everything would be inside the building, which is important.

603

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

606

607 Mr. Phippard stated that there are 21 full-time employees and 73 existing parking spaces, so
608 parking is not an issue. He continued that they will not be parking in the streets or driveways as
609 there is no need for that. The company operates regular business hours, Monday to Friday. The
610 building has plenty of size for them to grow into and to store their products and machines inside.
611 He does not believe there would be any excessive noise, fumes, or vibrations, stating he did not
612 feel it when he was on the premises on Production Ave. He could see drilling machines
613 operating, but nothing was loud and there were no fumes. It is a nice, clean operation. He
614 believes staff are familiar with the facility as well and agrees that this meets the criteria as a light
615 industrial use.

616

617 Mr. Phippard continued that most of the deliveries to this facility would be by UPS or Fed-Ex,
618 with very few large trucks. The larger, flatbed trucks come once or twice a week, delivering
619 metal products. There is plenty of room for them to drive in to load and unload at the rear of the
620 building. He thinks this low intensity use will not endanger public health, safety, or welfare. It
621 does not generate excessive traffic or create excessive noise or fumes.

622

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

626

627 Mr. Phippard stated that just to the north is a commercial building with multiple tenants, a pizza
628 restaurant, an outlet, and a healthcare facility. He continued that the American Legion is located
629 to the south and has its own parking lot. These properties all share a common service road that
630 runs parallel to Court St. and can be accessed from the curb cut or the other access shared with
631 Walpole Savings bank and the dental offices. Their parking lot is separate and does not interfere
632 with the service road operation. Everything is contained in the building, so people will not see
633 activities that are disturbing, will not feel vibrations and they will not have fumes or disturb the
634 abutting properties. Again, the company has normal business hours, 7:00 AM to 6:00 PM,
635 Monday through Friday, with very few exceptions. He does not think it will have any effect on
636 the abutters.

637

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

640 Mr. Phippard stated that once the company is in and operating, you will not even know they are
641 there. He continued that they do not generate enough noise doing their machining and operations
642 within the building to be a nuisance to anyone in the surrounding properties.
643

644 *E. The proposed use will not place an excessive burden on public improvements, facilities,*
645 *services, or utilities.*
646

647 Mr. Phippard stated that Court St. is a busy road. He continued that having Lehnen Industrial
648 Services here would reduce the number of people using this property on a regular basis, by
649 eliminating the athletic activities that are ongoing today. They only have 21 full-time
650 employees, although hopefully they will grow into this facility. Even if they doubled in size, the
651 traffic they would be generating between 7:00 to 9:00 AM and 4:00 to 6:00 PM is not such that it
652 would affect the safety or capacity at Court St. He thinks it would be a good, positive change if
653 this were allowed to proceed. This building is serviced by City water and City sewer and the
654 company would not be using it to excess; they do not use a lot of water or generate a lot of
655 wastewater and there is certainly adequate parking on this site.
656

657 *F. The proposed use will not result in the destruction, loss, or damage of any feature*
658 *determined to be of significant natural, scenic, or historic importance.*
659

660 Mr. Phippard stated that this is an existing, developed lot. He continued that there are no natural
661 features that will be disturbed. Lehnen Industrial Services wants to paint the building a different
662 color and may add an overhead door at the rear, but other than that, there will be no changes to
663 the site and no threat to historic features that he is aware of.
664

665 *G. The proposed use will not create a traffic safety hazard or a substantial increase in the*
666 *level of traffic congestion in the vicinity of the use.*
667

668 Mr. Phippard stated that as he said previously, the company has 21 employees. He continued
669 that even if they doubled in size, it would still be less traffic than what is being generated on a
670 regular basis today. The athletic activities occur on evenings and weekends as well (as during
671 weekday business hours), so having Lehnen Industrial Services here would diminish the traffic in
672 this area if this use were permitted. He hopes the Board agrees and will allow this use as a light
673 industrial use in the Commerce District.
674

675 Ms. Taylor stated that she agrees that if there are only 21 employees, mostly there at the same
676 time, it is not a huge amount of traffic, but she is curious about how the delivery trucks would
677 work.
678

679 Mr. Phippard replied that deliveries to the facility today utilize primarily the curb cut from Court
680 St. that is directly opposite the curb cut into the Court St. condominiums. He continued that they
681 drive straight to the back of the facility, back up, and then drive out. If it is a flatbed or tractor-
682 trailer, they drive into the front parking area and back into the other end of the property. They do
683 not use a loading dock, so they would use a forklift if they were loading something off a flatbed
684 truck, which could drive in and out of the building through the overhead door. When he designs

685 a site plan, he looks at things like delivery vehicles and how a tractor-trailer would get in and
686 out. If this were a busy retail operation, or even the athletic facility, tractor-trailers making
687 deliveries would concern him, regarding how they would get in. With the athletic facility that
688 has been there, he has witnessed youth getting in and out of cars and running into the building
689 carrying various athletic gear. That is not an activity you want to see when a truck is backing up.
690 Thus, this will be a vast improvement in what is there today, to allow for safe deliveries into and
691 out of the property.

692
693 Ms. Taylor asked if this will be going to the Planning Board (PB) because of the change of use,
694 or if it will be handled administratively since there is not much external change. Mr. Rogers
695 replied that the Community Development Director would have to look at it. He continued that
696 with the change of use, he doubts it would be just a straight up administrative approval. Most
697 likely, at a minimum, it would have to go before the Minor Project Review Committee (MPRC).
698 This property also has a current, existing site plan that is about to expire. The sports complex
699 originally had anticipated doing additions and other things. At a minimum, this will go the
700 MPRC, and possibly the PB because of the change of use.

701
702 Chair Hoppock replied that the site plan that is about to expire has nothing to do with what
703 Lehen Industrial Services proposes here. Mr. Rogers replied that it was a weird approval
704 process they went through, because the sports facility had to develop their business for a certain
705 amount of time before they could get the financing, they needed for the expansion they were
706 anticipating, so no work had been done toward that site plan, and it would most likely revert
707 back. He is not sure what the date is on this site plan, but it would revert back to whatever the
708 previous approved site plan was. However, the use itself would trigger at least a MPRC or
709 possibly PB approval.

710
711 Chair Hoppock asked Mr. Phippard what the growth capacity of the building is, in terms of the
712 maximum number of employees that could work there. Mr. Phippard replied that going from
713 6,000 to 20,000 square feet obviously gives plenty of additional capacity. He continued that they
714 have 73 parking spaces, so he anticipates that Mr. Lehen could double his workforce. After
715 that, he would probably want to look at adding a second shift or multiple shifts. There is not
716 room on the site to add onto the building; it is maxed out, as far as lot coverage is concerned. It
717 is reasonable to expect that he could as much as double his workforce utilizing the existing
718 parking spaces on site today.

719
720 Chair Hoppock asked if there were any further questions from the Board. Hearing none, he
721 asked for public input, beginning with anyone in opposition. Hearing none, he asked if anyone
722 wanted to speak in favor.

723
724 Peter Lehen, of Lehen Industrial Services, 22 Production Ave., stated that he has a correction
725 – the name on the application was “Lehen Industries,” but the owner of the building will be
726 Lehen Holdings, LLC. He continued that that is his company as well, and it will be just for the
727 purpose of owning the building, which will be used by Lehen Industrial Services. He would be

728 happy to answer the Board's questions about what Lehnen Industrial Services plans to do. He
729 invited Mr. Rogers to the existing facility to show him what they actually do. It is primarily an
730 engineering firm, but they also design what they build, so they employ mechanical engineers,
731 electrical engineers, software engineers, and skilled labor to construct the machines they design.
732

733 Mr. Clough asked what percentage of the existing plant is devoted to manufacturing and what
734 percentage is storage or warehouse. Mr. Lehnen replied that about a third of the employees are
735 overhead sales, marketing, and so on and so forth; about a third are engineering; and about a
736 third are manufacturing. He continued that in terms of space usage, in the current facility, about
737 a third is manufacturing space. Inside the building, they have added some additional vertical
738 space, so they actually have a little more than 6,000 square feet that they utilize. In the new
739 building, manufacturing will be about one fourth of the 20,000 square feet, engineering will be
740 about a third, and ancillary functions will be the rest. They are looking to put in a robotic
741 demonstration center; that might consume a nice chunk of the space, also.
742

743 Ms. Taylor stated that the application says, "There will be no outside noises, fumes, vibrations,
744 or disturbances to the abutting properties." She continued that her concern is, it may not disturb
745 the abutting properties, but what kind exhaust or emissions does the manufacturing have? Mr.
746 Lehnen replied that there is none at all.
747

748 Chair Hoppock asked, if a person was standing outside of Lehnen Industrial Services' building at
749 about 11:30 AM and the manufacturing is fully revved up, what would that person hear outside?
750 Mr. Lehnen replied probably nothing. He continued that most of what they do is engineering and
751 design, and then assembly. All the manufacturing of the components, the actual machining,
752 welding, and fabricating, they farm out to other companies, then those materials come into
753 Lehnen Industrial Services and they assemble them. What they do on site is about 90%
754 assembly. They do have a small model shop, which is a machine shop with lathes and mills, that
755 they use for prototyping and fixing things that need to be changed. Their machining is quiet and
756 they do not create any waste.
757

758 Mr. Welsh asked, suppose it is delivery day for one of the machines to be sent off to a client. He
759 asked if a UPS truck would come. Mr. Lehnen replied no, typically it would be a flatbed truck,
760 and typically they would bring their own heavy equipment, their own forklifts. They take the
761 equipment from Lehnen Industrial Services' floor and put it on their truck. He continued that
762 that is very infrequent as they probably do about 15 to 20 projects a year, and most of those
763 projects are small enough to go in, say, a 6'x6' crate that would go onto a truck. Some
764 equipment they build is larger than that, and the riggers manipulate that and put it on a trailer.
765 Typically, it would be a single trailer taking away the finished product.
766

767 Chair Hoppock thanked Mr. Phippard and Mr. Lehnen, closed the public hearing, and asked the
768 Board to deliberate.
769

770 A. *The nature of the proposed application is consistent with the spirit and intent of the*
771 *Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies*
772 *with all applicable standards in this LDC for the particular use.*
773

774 Mr. Welsh stated that he could speak to the criteria one by one, but generally speaking, he is
775 satisfied as he visualizes this facility in a place that none of the negative scenarios described in
776 the Special Exception criteria are likely to come about. It seems like a fairly good candidate for
777 the Special Exception they are looking for. He tried to imagine the noise, fumes, and so on and
778 so forth, and he does not see those things.

779
780 Chair Hoppock stated that he was doing the same thing, and he agrees completely. He continued
781 that a Special Exception, by definition, is a permitted use if you meet the extra criteria. In his
782 mind, that in and of itself satisfies the first criterion.

783
784 B. *The proposed use will be established, maintained and operated so as not to endanger the*
785 *public health, safety, or welfare.*
786

787 Chair Hoppock stated that he thinks the nature of the proposed application is consistent with the
788 spirit and intent of the Zoning Regulations. He continued that he also thinks the use will be
789 maintained and operated such that it will not endanger public health, safety, or welfare, for all
790 the reasons the Board heard. It will be a quiet operation, a clean operation, and low-density.

791
792 C. *The proposed use will be established, maintained, and operated so as to be harmonious*
793 *with the surrounding area and will not impede the development, use, and enjoyment of*
794 *adjacent property.*
795

796 Chair Hoppock stated that the proposed use will be consistent with what is there. He continued
797 that there is a bank, a bread place, and some apartments across the street, and this (light industrial
798 use) will not be offensive to anyone there. This will fit right in with the other commercial
799 activities.

800
801 D. *The proposed use will be of a character that does not produce noise, odors, glare, and/or*
802 *vibration that adversely affects the surrounding area.*
803

804 Chair Hoppock stated that the Board heard a lot of information about the (lack of) noise, odors,
805 glare, and vibrations. He continued that that satisfies this criterion.

806
807 E. *The proposed use will not place an excessive burden on public improvements, facilities,*
808 *services, or utilities.*
809

810 Chair Hoppock stated that he did not hear any information that the use would place an excessive
811 burden on public improvements, services, or utilities. He continued that water and sewer are the
812 only two, and it is a large building that has been housing an athletic facility used by many
813 adolescents.

814

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

817
818 Chair Hoppock stated that the proposed use will not result in the destruction, loss, or damage of
819 any feature of natural, scenic, or historic importance.

820
821 G. *The proposed use will not create a traffic safety hazard or a substantial increase in the*
822 *level of traffic congestion in the vicinity of the use.*

823
824 Chair Hoppock stated that he has not seen any information that would lead him to believe that a
825 traffic safety hazard would be created on this area of Court St.

826
827 Chair Hoppock stated that he is satisfied the criteria are met.

828
829 Ms. Taylor stated that her two real concerns about this were traffic, particularly trucks, and
830 whether there would be any kind of emissions or external effect. She continued that however,
831 from what the Board heard tonight, it appears that if anything there will be less traffic, and
832 (activity) would be internal to the building. Thus, her concerns were addressed.

833
834 Mr. Welsh made a motion to approve ZBA 23-10, 809 Court St. Mr. Clough seconded the
835 motion.

836
837 A. *The nature of the proposed application is consistent with the spirit and intent of the*
838 *Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies*
839 *with all applicable standards in this LDC for the particular use.*

840
841 Met with a vote of 4-0.

842
843 B. *The proposed use will be established, maintained and operated so as not to endanger the*
844 *public health, safety, or welfare.*

845
846 Met with a vote of 4-0.

847
848 C. *The proposed use will be established, maintained, and operated so as to be harmonious*
849 *with the surrounding area and will not impede the development, use, and enjoyment of*
850 *adjacent property.*

851
852 Met with a vote of 4-0.

853
854 D. *The proposed use will be of a character that does not produce noise, odors, glare, and/or*
855 *vibration that adversely affects the surrounding area.*

856
857 Met with a vote of 4-0.

858
859 E. *The proposed use will not place an excessive burden on public improvements, facilities,*
860 *services, or utilities.*

861 Met with a vote of 4-0.

862

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

865

866 Met with a vote of 4-0.

867

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

870

871 Met with a vote of 4-0.

872

873 The motion to approve ZBA 23-10 passed 4-0.

874

875 **G) ZBA 23-13: Petitioner, Carlisle Park Avenue, LLC, of Keene, represented by**
876 **A. Eli Leino of Bernstein, Shur, Sawyer & Nelson of Manchester NH, requests a**
877 **Variance for property located at 800 Park Ave., Tax Map #227-002-000-000-000, is**
878 **in the Commerce District. The Petitioner requests a parking area within eight feet**
879 **and ten feet of the proposed property line per Chapter 100, Article 9.4, Table 9-2 of**
880 **the Zoning Regulations.**

881

882 Chair Hoppock introduced the application and asked to hear from staff.

883

884 Mr. Hagan stated that 800 Park Ave. is located in the Commerce Zone on 5.76 acres. He
885 continued that there are two buildings on this property. Building #1 was built in 1980. He is
886 only giving (the figures for the) workable square footage, but there are some ancillary areas like
887 basements and mechanical areas. Building #1 has 17,892 square feet. Building #2 was built in
888 1957 and has 19,035 [sic] square feet. There are some additions to that, decks, and ramps, but
889 only the livable square footage is given.

890

891 Mr. Hagan continued that previously, there was a Special Exception and a Variance. The Special
892 Exception was granted on October 6, 1969, to permit Cashway Sales Lumber Storage and Keene
893 Ice Creamy, a light industrial use. The Board granted a Variance on March 28, 1977, to allow
894 for light assembly operation.

895

896 Ms. Taylor asked for clarification on which building is which. Mr. Hagan replied that if you are
897 looking south or southeast of the property, which is the larger L shaped building and has Pizza
898 Down Under in it, and the one to the northwest according to the screen is what was the ice cream
899 shop, and that is building #2. The smaller building is the older one from 1957, and the bigger
900 building is the newer one from 1986. Ms. Taylor stated that she asks because if building #2 was
901 the one that started out as an office – and she first knew it as a chiropractor’s office – she is
902 surprised that it has more square footage than the other.

903

904 Mr. Leino stated that Mr. Hagan (mistakenly) added a zero to the square footage. Mr. Hagan
905 replied that is correct; it is 1,935 square feet, not 19,035.

906

907 Ms. Taylor stated that she thinks there was a Variance a couple of years ago for the smaller
908 building. Mr. Hagan replied that is correct; there was a Variance for setback on the front for an
909 awning canopy, about three years ago. Chair Hoppock replied that he believes that was related
910 to rough or uneven terrain on the lot. Mr. Hagan replied that is correct, and some covering for
911 parking.

912

913 Ms. Taylor asked if her understanding is correct that this is basically anticipating a subdivision.
914 Mr. Hagan replied yes. Ms. Taylor asked if he could show where the lines are anticipated to be,
915 or if that is for the applicant. Mr. Hagan replied that they do have that information. Chair
916 Hoppock replied that it is in the packet. Mr. Rogers stated that the dark line in the image shows
917 the non-conforming setback. He continued that the wording in the narrative of what the
918 requirements are is that the applicant is seeking a “zero setback” for the pavements, since this is
919 an existing condition, and the pavement is already there. They are looking to subdivide this
920 property. If this Variance were to be granted, if the subdivision goes through, there would be a
921 Variance granted for both properties, because they both are going to have pavement right up to
922 property lines. It is currently an existing condition, minus the setback question, the applicant can
923 speak further to that and it will apply to two properties. There is no tax map number yet to
924 associate unless they subdivide that.

925

926 Chair Hoppock asked to hear from the Petitioner.

927

928 Eli Leino of Bernstein and Shur in Manchester stated that as noted, the shaded portion of the
929 image highlights the lot line. He continued that if you have parking with less than two acres of
930 blacktop you are required to have a 10-foot side setback, and then 30,000 square feet or less
931 requires an 8-foot setback, which is shown. The parking lot terminates, and the lot line
932 continues. They are left with two compliant lots, except for the existing pavement, if they do it
933 this way. The Piazza is still in the smaller building, along with a bakery. The larger building has
934 a mix of commercial uses. It is a unique property; in that they have dissimilar size buildings
935 with dissimilar uses. They are all allowed uses, but it would make sense if the uses were
936 grouped together. Having two disparate uses on the same lot reduces the flexibility of the owner,
937 especially if a tenant were to want to buy one of these at the end of the lease. It does not
938 necessarily make sense that if you have an office use in one place you are also willing to buy into
939 an ice cream shop location. They are trying to simplify this. The existing parking lot works
940 well, and the goal would be to change nothing about that on the ground, but to use certain legal
941 and engineering mechanisms such that they could divide this and probably do a reciprocal
942 parking easement. That way, if someone parked in the lot for building #1 wanted to get an ice
943 cream, they would not need to drive out and come back around, if they were forced to tear up
944 pavement, or were not parking in the “wrong place” for so the second use.

945

946 Mr. Leino stated that the north side of the property is all green area. He continued that no
947 changes are expected to that, because there is a slope and wet areas down there as mentioned,
948 there was a previous Variance due to the slopes. There are some topographic concerns on the
949 site but he does not know that those are relevant, because this lot is already paved and no new
950 paving is anticipated, requested, or expected.

951
952 1. *Granting the Variance would not be contrary to the public interest.*

953
954 Mr. Leino continued that this would not be contrary to the public interest. It is an existing lot.
955 They do not expect that the average user of this parcel would notice any of these changes. There
956 are changes to be done on paper, between this request and then the subdivision. They are
957 looking to maintain safe vehicle and pedestrian circulation on the site, and again, the parking lot
958 works, and was vetted when it was laid out, and time bears that out. There is no expectation of
959 any negative changes to the public health, safety, or welfare here.

960
961 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

962
963 Mr. Leino stated that both lots are compliant with the spirit of the Ordinance, in every dimension
964 but for this requested 8' and 10' setback on each side of the proposed new lot line. There will
965 not be a visible impact and the character of the neighborhood will not be changed.

966
967 3. *Granting the Variance would do substantial justice.*

968
969 Mr. Leino stated that the third criterion is the balancing test, and again, this (change) will go
970 largely unnoticed by anybody except that it will create a benefit to the owner and the applicant,
971 who will have the opportunity to potentially sell one of these. There is nothing necessarily
972 considered right now, but they would have general flexibility on the fact that "this is a 5-acre-
973 plus lot in a zone where 15-acre lots are required." [Minute-taker note: I believe he misspoke,
974 and meant "where 15,000-square-foot lots are required."] They are trying to set this up so that it
975 can be used as is deemed fit, eventually, if one or both should be sold.

976
977 4. *If the Variance were granted, the values of the surrounding properties would not be*
978 *diminished.*

979
980 Mr. Leino stated that regarding the value of surrounding properties, again, they are not
981 discussing changing uses or adding paving or bringing in more cars, or anything of that sort. He
982 continued that the only impact on other lots would be that if one of these were to sell it would
983 provide favorable comparable in the area, although there are a number of different uses in this
984 area, including apartments, which are not one-to-one comps. There would be no negative effect
985 on neighboring lots.

986
987 5. *Unnecessary Hardship*

988 A. *Owing to special conditions of the property that distinguish it from other properties in the*
989 *area, denial of the variance would result in unnecessary hardship because*
990 *i. No fair and substantial relationship exists between the general public purposes of the*
991 *ordinance provision and the specific application of that provision to the property.*
992

993 Mr. Leino stated that he believes he mentioned some of the distinguishing conditions, but it is a
994 very large parcel in a zone where they are not necessarily required to be. [They are required to
995 be] 1,500 square feet [Minute taker note: I believe he meant 15,000], a third of an acre, and that
996 is small. This is 5.5 acres. There are two principal structures that are not necessarily similar. It
997 is not unusual to have two commercial buildings look at each other, such as one being Target and
998 one being Dick’s Sporting Goods, but this is a little different, where one is 18,000 square feet
999 and the other is less than 2,000 square feet. Thus, they make more sense sited on their own lots
1000 neighboring each other than they do as one parcel.

1001
1002 *and*
1003 *ii. The proposed use is a reasonable one.*
1004

1005 Mr. Leino stated that the proposed uses are all allowed, existing, permitted uses. Therefore,
1006 under the Malachy Glen case, those are inherently viewed as reasonable.

1007
1008 Mr. Leino concluded that he would be happy to answer questions about the property or the
1009 criteria. He continued that the property owner, Don Carlisle, is also present and can answer
1010 questions.

1011
1012 Ms. Taylor asked for a rough estimate on how much of the 5+ acres is actually usable, because of
1013 the wetlands, the brook, and so on and so forth. Jim Phippard replied that he is background
1014 support staff on this application and continued that approximately half of the property is
1015 encumbered by floodplain, with Black Brook passing through the area. He showed it on the
1016 drawing.

1017
1018 Chair Hoppock asked if there were any further questions. Hearing none, he stated that he
1019 thought the application was very thorough. He asked if Mr. Carlisle wanted to add anything.

1020
1021 Don Carlisle stated that he was looking to have the property subdivided in case there comes a
1022 point when they want to sell the ice cream shop or the office space. He continued that he has no
1023 intentions of doing that, but at least they would have that flexibility. He does not have anything
1024 else to add but could answer questions.

1025
1026 Chair Hoppock replied that he does not think the Board has any further questions, which speaks
1027 to the thoroughness of the application. He asked if there was any public comment in opposition
1028 to or in favor of the application. Hearing none, he closed the public hearing and asked the Board
1029 to deliberate.

1030

1031 Mr. Welsh stated that speaking to the criteria in general, this is a fairly straightforward purpose
1032 in the applicant's wish to subdivide, and the necessity of doing this, and he thinks they
1033 adequately explained how it meets all the criteria. He continued that regarding the fifth criteria,
1034 if the Variance is not granted, the potential of hardship is also stated, in that they would have
1035 disparate kinds of uses and kinds of buildings for sale in one package if it were to be for sale.
1036 That makes it a more difficult task than it needs to be, especially if someone is just looking to
1037 have an ice cream shop.

1038
1039 Ms. Taylor stated that she thinks the Board had struggled with this parcel a couple of years ago,
1040 regarding the setback issue. She continued that she does not think any of them, at the time,
1041 realized that it was all one parcel, because they kept looking for another map and lot number, but
1042 it was all one parcel. She thinks that one of the issues here, and the reason she asked about how
1043 much of the property is usable, is that if you subdivided it and had to meet the setback, and put
1044 parking in different places, you would be rather constrained, due to the wetlands and floodplain.
1045 That creates its own unique issues within the parcel itself, let alone compared to other parcels in
1046 the "strange universe" out in that area. She certainly thinks that of all the applications the Board
1047 has recently had, this one meets the substantial justice requirement. She does not see that there
1048 would be any negative impact on the public, and certainly, the benefit to the property owner, in
1049 trying to make some sense out of this mess, is probably a very good idea.

1050
1051 Mr. Clough stated that he agrees. He continued that looking at this and at how the subdivision
1052 would be proposed, he sees that it is an extremely reasonable way to subdivide this property, and
1053 certainly, no one is going to notice where the property line is when they are buying ice cream or
1054 anything like that. Trying to impose a setback in something like that would create a big snarl. It
1055 would be extremely difficult to subdivide this property without doing it in this manner.

1056
1057 Chair Hoppock stated that he agrees with all the comments. He continued that he thinks that
1058 trying to take two principal structures on one property and, as they say in the application, remedy
1059 that through a Variance request and a subdivision makes a lot of sense. It is in the public interest
1060 to allow a property owner to preserve the property in a sensible way that does not make it worse
1061 and does not really change it, either. That is the beauty of the application. He thinks the public
1062 interest criterion is satisfied, he does not think there is any alteration to the character of the
1063 neighborhood and there is no danger to public health, safety, or welfare. He agrees with Ms.
1064 Taylor on the substantial justice test because there would be no gain to the public in denying this;
1065 there is no impact to the public. All the gain is to the individual, so the balance strikes in favor
1066 of the individual. As they learned once again about this property, there are special conditions of
1067 the property that distinguish it from the other properties in the area, and denying the Variance
1068 would result in an unnecessary hardship, because the reasons for the setback on a pre-existing lot
1069 do not apply. Those provisions of the Ordinance really do not apply to this lot. You cannot
1070 make the definition of "undue hardship" any clearer and he thinks it is satisfied. He continued
1071 that nothing in the application would diminish property values as he does not see, from the
1072 information presented, anything that would have any impact on any property values in the area.

1073

1074 Ms. Taylor stated that regarding the spirit of the Ordinance, this is a commercial pocket
1075 surrounded by residential areas, but it is certainly not distinguishable in the nature of the
1076 businesses there from what is on the island that is created between Summit Rd. and Park Ave.
1077 She continued that it is not doing anything untoward in that regard. Regarding the fifth criterion,
1078 this is a reasonable request. Chair Hoppock replied that he agrees that it is a reasonable use.
1079

1080 Chair Hoppock asked if there were any further comments. Hearing none, he asked for a motion.
1081

1082 Mr. Welsh made a motion to approve ZBA 23-13, 800 Park Ave. Mr. Clough seconded the
1083 motion.
1084

1085 *1. Granting the Variance would not be contrary to the public interest.*
1086

1087 Met with a vote of 4-0.
1088

1089 *2. If the Variance were granted, the spirit of the Ordinance would be observed.*
1090

1091 Met with a vote of 4-0.
1092

1093 *3. Granting the Variance would do substantial justice.*
1094

1095 Met with a vote of 4-0.
1096

1097 *4. If the Variance were granted, the values of the surrounding properties would not be*
1098 *diminished.*
1099

1100 Met with a vote of 4-0.
1101

1102 *5. Unnecessary Hardship*

1103 *A. Owing to special conditions of the property that distinguish it from other properties in the*
1104 *area, denial of the variance would result in unnecessary hardship because*

1105 *i. No fair and substantial relationship exists between the general public purposes of the*
1106 *ordinance provision and the specific application of that provision to the property.*

1107 *and*

1108 *ii. The proposed use is a reasonable one.*
1109

1110 Met with a vote of 4-0.
1111

1112 The motion to approve ZBA 23-13 passed with a vote of 4-0.
1113

1114 **V) New Business**
1115

1116 Chair Hoppock asked staff if there was any new business. Mr. Rogers replied no.

1117

1118 **VI) Communications and Miscellaneous**

1119

1120 **VII) Non-Public Session: (if required)**

1121

1122 **VIII) Adjournment**

1123

1124 There being no further business, Chair Hoppock adjourned the meeting at 8:22 PM.

1125

1126 Respectfully submitted by,

1127 Britta Reida, Minute Taker

1128

1129 Reviewed and edited by,

1130 Corinne Marcou, Zoning Clerk

Page intentionally left blank

32 OPTICAL AVE.
ZBA 23-03



Petitioner requests a Variance to permit self-storage units on a lot in the Industrial Park District where not permitted per Chapter 100, Article 6.3.5 of the Zoning Regulations.



NOTICE OF HEARING

ZBA 23-03

A meeting of the Zoning Board of Adjustment will be held on **Monday, March 6, 2023, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA 23-03: Petitioner, Samson Associates, LLC, and represented by Jim Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for property located at 32 Optical Ave., Tax Map #113-006-000-000-000 and is in the Industrial Park District. The Petitioner requests to permit self-storage units on a lot in the Industrial Park District where self-storage units are not listed as a permitted use per Chapter 100, Article 6.3.5 of the Zoning Regulations. You are receiving notice of this hearing as an abutter to or owner of property within 200-ft of the subject parcel.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk
Notice issuance date February 23, 2023

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	<u>ZBA 23-03</u>
Date Filled	<u>2/15/23</u>
Rec'd By	<u>GM</u>
Page	of
Rev'd by	

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

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

NAME/COMPANY: **Samson Associates LLC**

MAILING ADDRESS: **32 Optical Ave Keene NH 03431**

PHONE: **413-221-4806**

EMAIL: **scott@samson-mfg.com**

SIGNATURE: *Scott Samson*

PRINTED NAME: **Scott Samson**

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

NAME/COMPANY: **James Phippard / Brickstone Land Use Consultants LLC**

MAILING ADDRESS: **185 Winchester Street Keene NH 03431**

PHONE: **(603) 357-0116**

EMAIL: **jphippard@ne.rr.com**

SIGNATURE: *James P Phippard*

PRINTED NAME: **James P Phippard**

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s)

of the Zoning Regulations to permit:

See Attached

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

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

--	--

PROPERTY ADDRESS 32 Optical Avenue

APPLICATION FOR A VARIANCE

- A variance is requested from Section (s) 6.3.5 of the Land Development Code of the Keene Zoning Ordinance to permit: Self Storage units on a lot in the Industrial Park district where self storage units are not listed as a permitted use.

Background: Samson Associates LLC is the owner of Tax Map 113-006-000, a 10.84 acre lot in the Industrial Park District located at 32 Optical Avenue. The lot contains an existing 55,200 sf building which houses Samson Manufacturing. 124 parking spaces and several loading dock areas also exist at the site.

To the south of the existing developed portion of the lot is a flat field and wooded area which the owner wants to utilize. He is proposing to subdivide approximately 4.09 acres from the 10.84 acre tract. It will leave the Samson Manufacturing facility on a 6.75 acre lot with the existing parking and loading dock areas. Both lots will comply with the zone dimensional requirements.

At the west end of the proposed 4.09 acre lot the applicant is proposing to add an EV Charging station for up to 10 vehicles. This application proposes to add 36, 240 sf of self storage units on the balance of the new lot. A variance is needed to allow this use in the Industrial Park district.

The self storage units would be open to the public 24/7. The storage facility will be fenced in with 6' high chain link fencing. Access to the storage units will be controlled by a gate operated by a keypad. Lighting will be full cutoff LED fixtures mounted on the buildings at a 9' height. Lighting will be reduced by 50% after 10 PM as required by city regulations.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH CONDITION:

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

Self storage units are in great demand in the Keene area. It is in the public interest to create self storage units which are located in town, and close to a state highway. This is an area of vacant land in the middle of the industrial park. Developing this site with self storage units is a low intensity use which will add value to the property and increase property taxes for the City. It is in the public interest to allow new development in the industrial park area which is low intensity and will increase the tax base.

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

The Industrial Park district is intended to provide clean, low intensity industrial uses in an attractive industrial park environment. Self storage units are a low intensity industrial use. The proposed facility will be fenced and screened with an arborvitae hedge. This location is close to the state highway and close to downtown Keene. This is a low intensity use and as proposed meets the spirit of the ordinance.

3. **Granting the variance would do substantial justice because:** The property owner is trying to find a reasonable use for this vacant portion of his lot. Self storage units are a low intensity use and, in this location, will have no negative effects on surrounding properties. There is no public benefit to denying a variance to allow the proposed use when there are no negative effects to the public. It will do substantial justice for the property owner.
4. **If the variance were granted, the values of the surrounding properties would not be diminished because:** This is a low intensity industrial use. The estimated traffic for this use, based on ITE Trip Generation Manual, will be up to 90 vehicle trips on a weekday with 5 vehicle trips during the AM peak hour (7AM-9AM) and 9 vehicle trips during the PM peak hour (4PM-6PM). This is a very low amount of traffic and will have no effect on the safety or capacity on Optical Avenue. This location is in the middle of the industrial park and not near a residential neighborhood. The full cutoff LED fixtures will be mounted at 9 foot height and light levels will be reduced by 50% after 10 PM. It will improve the value of this property. The proposed use will help fill a need in the community and will not diminish surrounding property values.

5. Unnecessary Hardship

- A. **Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:**
 - i. **No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:**

When the Industrial Park district was created back in the 1950's there was a growing demand for sites for large industrial buildings which could accommodate a large workforce. Today there is little demand for such sites. The owner of the property is trying to find a use for his vacant land which will be low intensity and be compatible with the industrial uses in the area. Self storage units are recognized as a low intensity industrial use and are compatible with the industrial uses in this area.

The existing Industrial Park zoning is very restrictive and greatly limits the businesses who can locate there. This creates a special condition for this site. The proposed use is a low intensity industrial use which is needed in Keene. This location is near the state highway and away from a residential neighborhood. It will comply with all zone dimensional requirements and will not have negative impacts on the existing business in the area.

Denying the variance provides no benefit to the public and will result in an unnecessary hardship to the owner.

And

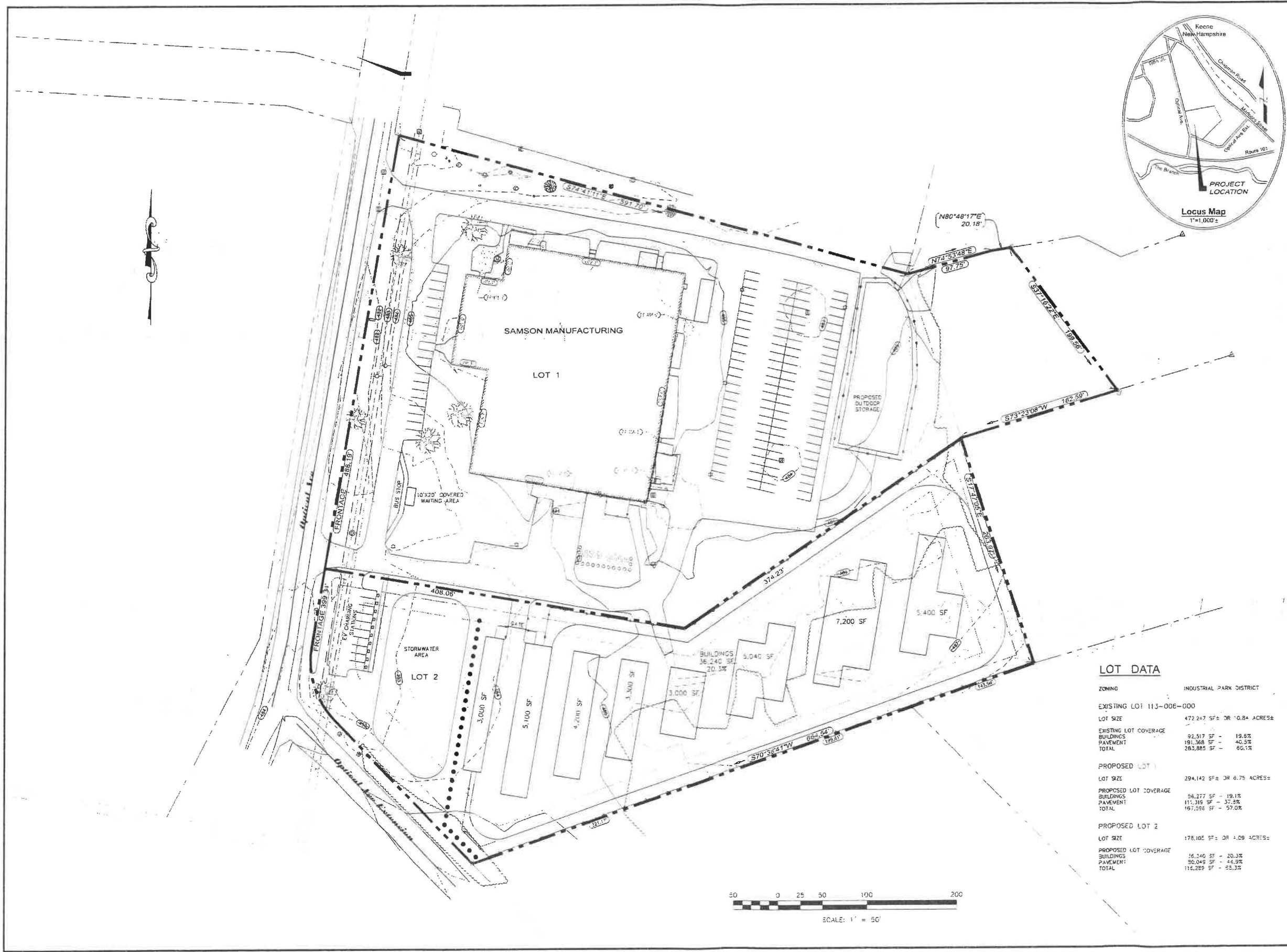
ii. **The proposed use is a reasonable one because:**

This is a low intensity industrial use in the middle of the industrial park area. It is close to the state highway and is not near a residential neighborhood. There is a need for additional storage units in Keene. This is a reasonable use of this property.

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

The existing Industrial Park zoning is very restrictive and greatly limits the businesses who can locate there. This creates a special condition for this site. The proposed use is a low intensity industrial use which is needed in Keene. This location is near the state highway and away from a residential neighborhood. It will comply with all zone dimensional requirements and will not have negative impacts on the existing business in the area.

Denying the variance provides no benefit to the public and will result in an unnecessary hardship to the owner.



REVISIONS:

OWNER/DEVELOPER:
SAMSON ASSOCIATES LLC
 32 OPTICAL AVENUE
 KEENE, NH 03431-4319

PLANNER:
Brickstone Land Use Consultants LLC
Site Planning, Planning and Development Consulting
 185 Worcester Street, Keene, NH 03431
 Phone: (603) 357-0116

32 OPTICAL AVENUE
 KEENE, NH

CONCEPT PLAN

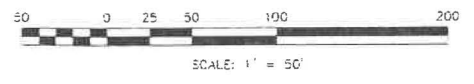
SCALE: 1"=50'

DATE: FEBRUARY 14, 2023

SHEET 1

LOT DATA

ZONING	INDUSTRIAL PARK DISTRICT
EXISTING LOT 113-006-000	
LOT SIZE	472,247 SF ± OR 10.84 ACRES ±
EXISTING LOT COVERAGE	-
BUILDINGS	82,517 SF - 18.8%
PAVEMENT	191,368 SF - 40.5%
TOTAL	283,885 SF - 60.1%
PROPOSED LOT 1	
LOT SIZE	294,142 SF ± OR 6.75 ACRES ±
PROPOSED LOT COVERAGE	54,277 SF - 19.1%
BUILDINGS	111,315 SF - 37.8%
PAVEMENT	167,598 SF - 57.0%
TOTAL	
PROPOSED LOT 2	
LOT SIZE	178,105 SF ± OR 4.09 ACRES ±
PROPOSED LOT COVERAGE	16,240 SF - 20.3%
BUILDINGS	50,045 SF - 44.9%
PAVEMENT	112,289 SF - 65.3%
TOTAL	



MEMORANDUM

To: Thomas R. Hanna, BCM Environmental & Land Law, PLLC
From: Tara Kessler, Planner Paralegal
Re: Petitions for Variances (ZBA 23-03 & ZBA 23-04) for 32 Optical Ave in Keene
Date: March 3, 2023

Subject Parcel Information:

Address: 32 Optical Ave
Owner/Petitioner: Samson Associates LLC
TMP: 113-006-000
Zoning District: Industrial Park Zone
Parcel Size: 10.84 acres
Book/Page: 2953/0242

ZBA 23-03: The Petitioner requests a variance to permit self-storage units on a lot in the Industrial Park District where self-storage units are not listed as a permitted use per Chapter 100, Article 6.3.5 of the Zoning Regulations.

The Petitioner is seeking to build an exterior self-storage facility on a proposed 4.09-acre lot in the Industrial Park District.

The Petitioner claims that the existing Industrial Park (IP) District is very restrictive and greatly limits the businesses that can locate there. A review of the IP District shows that it is not “very restrictive”. The IP District permits outright the following uses: Research and Development, Data Center, Day Care Center, Light Industrial, Conservation Area, Solar Energy System (Small Scale), Telecommunications Facilities. Office uses are permitted by special exception and Solar Energy Systems (Medium and Large) are permitted by Conditional Use Permit. The dimensional controls in the IP District are similar to those in other Keene zoning districts, and allow up to 70% impervious lot coverage.

The Petitioner states that there is currently little demand for sites that accommodate a large workforce. However, since the mid-20th century, Optical Avenue has been and continues to be one of the Region’s major employment centers. In a relatively small land area, the IP District is home to 3 of Cheshire County’s 10 largest employers (Timken Super Precision, Imaje Corporation and C&S Wholesale Grocer), as well as 3 other large employers (Samson Manufacturing, PC Connection, and The Mountain). Samson Manufacturing purchased its property on Optical Avenue in 2016.

Unlike the Industrial District, the IP District is intended for low intensity uses that are employee intensive and promote an attractive environment. This Zoning District was established to provide a park-like environment for manufacturing or wholesale businesses with many employees. The purpose of the IP District as stated in Section 6.3.1 of the Land Development Code is:

“To provide for relatively low-intensity manufacturing and research and development firms that are employee intensive, clean in nature, and promote an attractive industrial park environment. Service operations and sales activities are excluded from this district, except for minor sales that may be accessory to the primary use. All uses in this district shall have city water and sewer service.”

The IP District was revisited with the most recent code adoption and was updated to provide for more modern uses that are aligned with its underlying purpose. Self-Storage and Vehicle Fueling Stations were not identified as uses appropriate for this District.

During this same code update, the City accounted for the recent demand for Self-Storage by expanding the areas where this use is permitted and by distinguishing between interior and exterior self-storage facilities. Prior to the adoption of the 2021 Land Development Code, Self-Storage was only permitted outright in the Commerce Limited District and by special exception in the Industrial District. Today, Exterior Self Storage is permitted outright in the Commerce, Commerce Limited and Industrial Districts. Interior Self-Storage is permitted outright in the Commerce, Commerce Limited, Industrial, and Downtown Edge Districts and by special exception in the Downtown Growth District.

In Keene, there are at least 5 self-storage facilities, 2 of which are located on nearby Marlboro Street. There is ample opportunity for this use to occur outside of the IP District.

The Petitioner asserts that the proposed storage use is a low-intensity industrial use. It is not. Self-Storage is identified as a Commercial Use in the Zoning Regulations (See Section 8.3.2). Section 8.3.5 of the Land Development Code identifies uses that are categorized as Industrial, and Self-Storage is not one of these uses. Low intensity industrial uses fall under “Industrial Light”, which is a permitted use in the IP District. A variance would not be required for this use if it were a low intensity industrial use.

The proposed use is not aligned with the purpose of the IP District and does not observe the spirit of the ordinance. Self-Storage is not an employee intensive use, nor is it aesthetically appealing. The proposal is to install 8,640 sq. ft. of storage units with surrounding pavement, and a 6’ chain link fence. In addition, there will be parking lot style lighting that will be on 24/7. This use will detract from the park-like environment that has been established along the Optical Avenue Corridor.

The Petitioner states that the proposed use is not near a residential neighborhood. However, the subject parcel is adjacent to the Low-Density Zoning District and is in close proximity of several residences along Marlboro Street. We question whether the proposed lighting will have an adverse impact on the adjacent residential neighborhood and Low-Density residential zoning district.

ZBA 23-04: The Petitioner requests a variance to permit a vehicle fueling station on a lot in the Industrial District where vehicle fueling station is not a permitted use per Chapter 100, Article 6.3.5 of the Zoning Regulations.

The Petitioner is seeking a use variance to build a Vehicle Fueling Station for 10 vehicles on the same lot as the proposed self-storage facility.

The Petitioner asserts that the proposed use is not recognized in the Zoning Ordinance. However, the proposed use is a Vehicle Fueling Station in accordance with Section 8.3.2.AI of the Land Development Code, which defines Vehicle Fueling Station as:

“A commercial establishment primarily engaged in the retail sales of vehicle fuels, traditional and alternative fuel types (e.g. electric-charging stations, ethanol, natural gas, propane, solar, etc.) lubricants, parts and accessories. This use may include retail establishments (e.g. convenience stores). This use does not include stand-alone, alternative-fuel charging units for vehicles, which are permitted as an accessory use in all districts.”

The use type, Vehicle Fueling Station, was examined in the most recent code update, and the City updated its definition for this use to include electric-charging stations. Although an expansion of electric charging stations is aligned with the City’s sustainability and climate change goals, it is not aligned with the intent of the Industrial Park District. The Zoning Regulations do not differentiate between Vehicle Fueling Stations that electrically charge vehicles and those that fuel vehicles with gasoline. The land use impacts (e.g. traffic, aesthetics) are the same for both types of fueling stations. This use type is permitted in the Commerce, Commerce and Commerce Limited Districts, which provide more intense commercial or industrial uses.

Vehicle Fueling Stations are not compatible with the intent of the Industrial Park District, as they are not employee intensive and will not promote an attractive industrial park environment.

The Land Use Code does provide opportunity for electric charging stations to be an accessory use in all zoning districts. If the businesses along Optical Avenue would like to offer this fueling option for its employees, it would be permitted.

The Petitioner states that a new bus stop will be added to pick up and drop off employees of the businesses in the IP District and to bring customers of the proposed electric vehicle charging station to the downtown area while their vehicles are charging. We contend that a bus stop along this corridor would not be needed if this District were, as the Petitioner argues, no longer serving its purpose of providing employee intensive uses.

For Reference

List of Existing Storage Facilities in Keene:

- Keene Mini Storage – 690 Marlboro Street
- All Purpose Storage – 250 Marlboro Street
- Self-Storage at Uhaul – 199 Marlboro Street
- Store-It Keene – 96 Dunbar Street
- All Purpose Storage – 12 Bradco Street

The IP District Intent Statement and Permitted Uses Prior to 2021 Land Development Code:

“Sec. 102-661. - Intent. The intent of the industrial park (IP) district is to provide for those manufacturing and assembling activities which add value to a product. The character of this district will, by its nature, be one of a relatively low-intensity use of the land, providing for concerns which create the greatest employment opportunities, especially labor intensive rather than land intensive uses, and excluding service operations and sales activities except those minor sales which may be accessory to the primary use. Aesthetically, this is to be the industrial area over which are exerted the greater site controls. (Code 1970, § 2305.14)”

“Sec. 102-662. - Permitted uses. Permitted uses in the industrial park (IP) district are as follows:

Permitted Use	Subject to the Following:
Assembling	

Bulk storage and distribution of goods, including flammable materials, accessory to main manufacturing use	
Child care facilities for employees only	
Home offices of insurance companies, publishing companies, and manufacturing firms, including accessory warehousing, and/or accessory wholesaling	
Institutional use	Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional uses.
Manufacturing	
Offices for corporate	Special exception.
Research and development	Special exception.

(Code 1970, § 2305.14; Ord. No. O-2000-33, § 2305.15, 5-3-2001)

Conclusion

It is clear that the City Council took a fresh look at the Industrial Park District when it adopted the new Land Development Code. The City's intent for the IP District is set forth in Section 6.3.1 of the code. See page 1 of this Memorandum. In addition to studying the IP District, the planners and City Council took a fresh look at self-storage uses and all types of fueling stations and thought carefully about where such uses belong in the City. These uses, as proposed by the Petitioner, were deemed incompatible with the IP District and inconsistent with the intent (and spirit) of the underlying purpose of the IP District. The uses do not satisfy any of the standards for a variance. There is no 'special condition' of the Petitioner's land that qualifies it for relief. Indeed, the Petitioner's land is suitable for the uses listed as permitted in the IP District.

32 OPTICAL AVE. ZBA 23-04



Petitioner requests a Variance to permit vehicle fueling station in the Industrial Park District where not permitted per Chapter 100, Article 6.3.5 of the Zoning Regulations.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 23-03

A meeting of the Zoning Board of Adjustment will be held on **Monday, March 6, 2023, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA 23-03: Petitioner, Samson Associates, LLC, and represented by Jim Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for property located at 32 Optical Ave., Tax Map #113-006-000-000-000 and is in the Industrial Park District. The Petitioner requests to permit self-storage units on a lot in the Industrial Park District where self-storage units are not listed as a permitted use per Chapter 100, Article 6.3.5 of the Zoning Regulations. You are receiving notice of this hearing as an abutter to or owner of property within 200-ft of the subject parcel.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk
Notice issuance date February 23, 2023

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	2BA23-01
Date Filled	2/15/23
Rec'd By	cmh
Page	of
Rev'd by	

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

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

NAME/COMPANY: Samson Associates LLC

MAILING ADDRESS: 32 Optical Ave Keene NH 03431

PHONE: 413-221-4806

EMAIL: scott@samson-mfg.com

SIGNATURE:

PRINTED NAME: Scott Samson

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

NAME/COMPANY: James Phippard / Brickstone Land Use Consultants LLC

MAILING ADDRESS: 185 Winchester Street Keene NH 03431

PHONE: (603) 357-0116

EMAIL: jhippard@ne.rr.com

SIGNATURE:

PRINTED NAME: James P Phippard

SECTION 4: APPLICATION CRITERIA

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

See Attached

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

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

[Empty response area for criterion 1]

PROPERTY ADDRESS 32 Optical Avenue

APPLICATION FOR A VARIANCE

- A variance is requested from Section (s) 6.3.5 of the Land Development Code of the Keene Zoning Ordinance to permit: A vehicle fueling station on a lot in the Industrial Park district where vehicle fueling station is not listed as a permitted use.

Background: Samson Associates LLC is the owner of Tax Map 113-006-000, a 10.84 acre lot in the Industrial Park District located at 32 Optical Avenue. The lot contains an existing 55,200 sf building which houses Samson Manufacturing. 124 parking spaces and several loading dock areas also exist at the site.

To the south of the existing developed portion of the lot is a flat field and wooded area which the owner wants to utilize. He is proposing to subdivide approximately 4.09 acres from the 10.84 acre tract. It will leave the Samson Manufacturing facility on a 6.75 acre lot with the existing parking and loading dock areas. Both lots will comply with the zone dimensional requirements.

At the west end of the proposed 4.09 acre lot the applicant is proposing to add an EV Charging station for up to 10 vehicles. The existing zoning ordinance considers the use a vehicle fueling station where electricity is an alternative fuel type. A variance is needed to allow this use in the Industrial Park district. The EV charging station would be open to the public and available for use 24/7. Level One, Level Two and Level Three chargers will be installed.

The applicant is also proposing a new bus stop to be located at the front of the existing building. City Express would be able to use the bus stop to pick up and drop off employees of the businesses in the Industrial Park, and to bring customers of the EV charging station to the downtown area while their vehicles are charging.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH CONDITION:

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

It is in the public interest to promote the use of electric vehicles to help reduce the use of fossil fuels and to reduce air pollution. EV charging stations can be hard to find in Keene and the addition of ten chargers would help visitors to the area and help local residents who may not be able to afford a rapid Level Three charger on their own. As electric vehicles become more popular, more charging stations will be needed. This proposal will help to fulfill that need and would not be contrary to the public interest.

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

The Industrial Park district is intended to provide clean, low intensity industrial uses in an attractive industrial park environment. This new technology was not contemplated when the IP district was created in Keene back in 1957. It is in the spirit of the ordinance to encourage clean technology and the use of electric vehicles. Granting the variance will allow a small, 10 space charging station

located close to the State highway and close to downtown Keene. This is a low intensity use and as proposed meets the spirit of the ordinance.

3. **Granting the variance would do substantial justice because:** The property owner is trying to find a reasonable use for this vacant portion of the lot. The proposed EV charging station is a low intensity use which is needed in Keene. There is no public benefit to denying a variance to allow the proposed use when there are no negative effects to the public. It will do substantial justice for the property owner.
4. **If the variance were granted, the values of the surrounding properties would not be diminished because:** A 10-space EV charging station is a very low intensity use which will have no effect on surrounding properties. The site is located near the State highway and away from any residential uses. It will improve the value of this property. The proposed use will help fill a need in the community and will not diminish surrounding property values.

5. Unnecessary Hardship

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

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

When the Industrial Park district was created back in the 1950's electric cars did not exist. EV charging stations are not recognized in the zoning ordinance as a separate use but are lumped in as a vehicle fueling station using an alternative fuel. The ordinance fails to recognize that electricity as a fuel does not have the same risks or issues as gasoline and diesel fuels and should be treated differently than a traditional gas station. If the existing manufacturing facility was installing these chargers for their own use it would be allowed as an accessory use. Allowing public access to the chargers results in the use being classified as a vehicle fueling station and requires a variance. This proposal is a public benefit and should be allowed under the zoning ordinance in appropriate locations such as this Optical Avenue site. It is a safe, low intensity use and will comply with all zone dimensional requirements. Denying the variance provides no benefit to the public and will result in an unnecessary hardship to the owner.

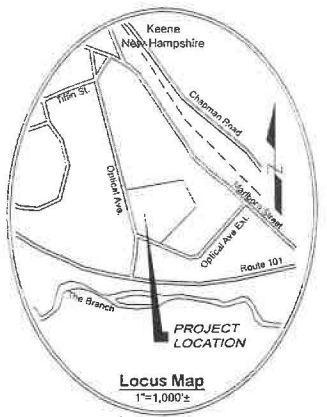
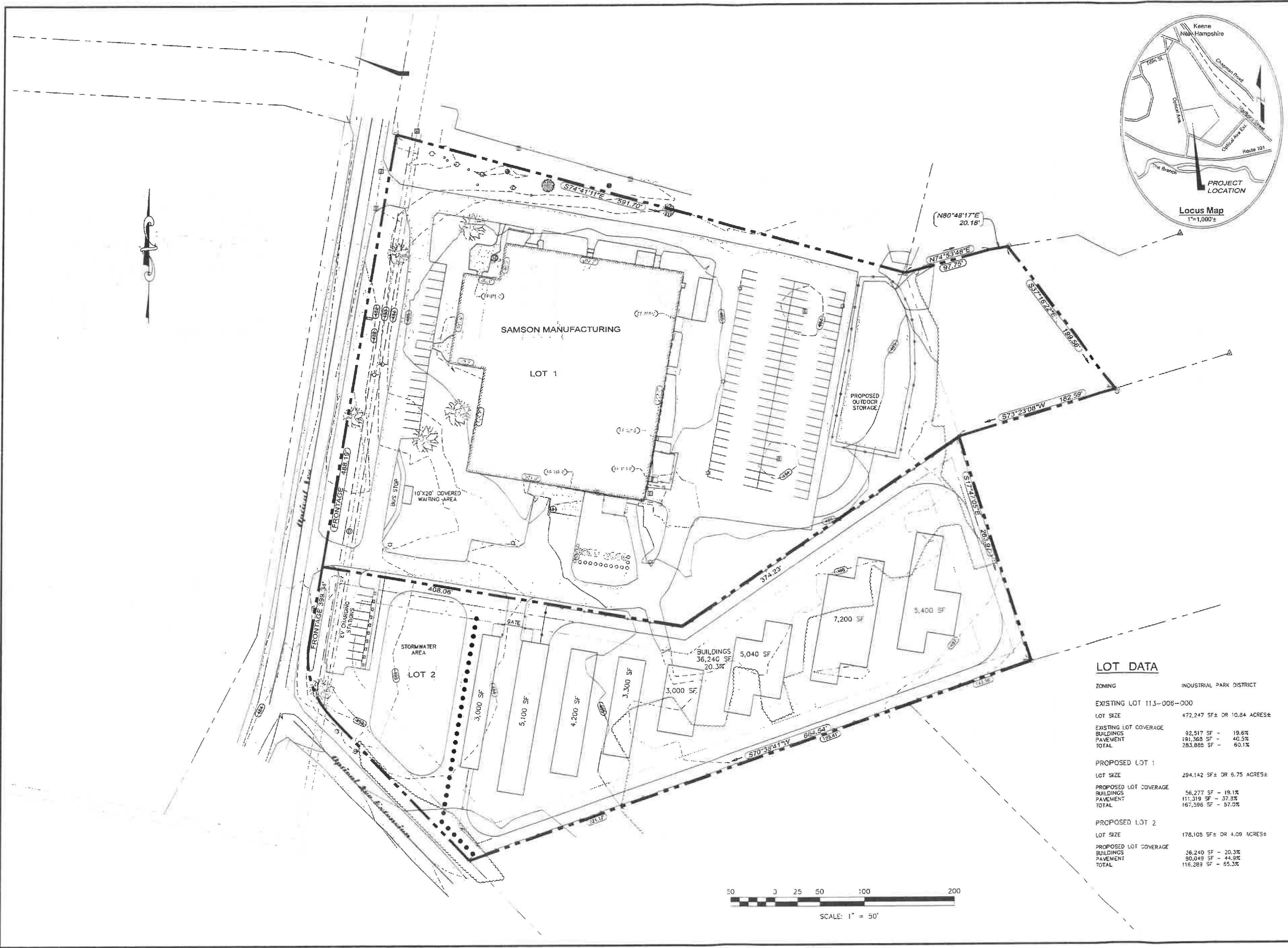
And

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

This is a low intensity use in the middle of the industrial park area. It is close to the state highway and will have access to a new bus stop to accommodate users of the charging stations. There are very few public charging stations in Keene, and this will provide a needed public service. This is a reasonable use of this property.

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

The property is located within an existing industrial park which was created in the 1950's. EV charging stations are a new technology which is not recognized in the zoning ordinance. The ordinance results in a special condition which unnecessarily limits use of the property and prohibits a public EV charging station. The proposed use will comply with all zone dimensional requirements. Denying the variance provides no benefit to the public and will result in an unnecessary hardship to the owner.



REVISIONS:

OWNER/DEVELOPER:
SAMSON ASSOCIATES LLC
 32 OPTICAL AVENUE
 KEENE, NH 03431-4319

PLANNER:
Brickstone Land Use Consultants LLC
Site Planning, Permitting and Development Consulting
 185 Winchester Street, Keene, NH 03431
 Phone: (603) 357-0119

32 OPTICAL AVENUE
 KEENE, NH

CONCEPT PLAN

SCALE: 1"=50'

DATE: FEBRUARY 14, 2023

SHEET 1

LOT DATA

ZONING	INDUSTRIAL PARK DISTRICT
EXISTING LOT 113-006-000	
LOT SIZE	472,247 SF± OR 10.84 ACRES±
EXISTING LOT COVERAGE	
BUILDINGS	92,517 SF - 19.6%
PAVEMENT	191,360 SF - 40.5%
TOTAL	283,885 SF - 60.1%
PROPOSED LOT 1	
LOT SIZE	294,142 SF± OR 6.75 ACRES±
PROPOSED LOT COVERAGE	
BUILDINGS	56,277 SF - 19.1%
PAVEMENT	111,319 SF - 37.5%
TOTAL	167,596 SF - 57.0%
PROPOSED LOT 2	
LOT SIZE	178,105 SF± OR 4.09 ACRES±
PROPOSED LOT COVERAGE	
BUILDINGS	36,240 SF - 20.3%
PAVEMENT	80,049 SF - 44.9%
TOTAL	116,289 SF - 65.3%



0 GILSUM RD. ZBA 23-11



Petitioner requests a Variance to permit a 30 acre large scale ground mounted solar energy system where 20 acres are allowed per Chapter 100, Article 8.3.7.C.2.b of the Zoning Regulations.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 23-11

A meeting of the Zoning Board of Adjustment will be held on **Monday, May 1, 2023, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA 23-11: Petitioner, Keene Meadow Solar Station, LLC, of Boston MA, represented by A. Eli Leino of Bernstein, Shur, Sawyer & Nelson of Manchester NH, requests a Variance for property located at 0 Gilsum Rd., Tax Map #214-001-000-000-000, is in the Rural District and is owned by D-L-C Spofford, LLC of Stuart, FL. The Petitioner requests to permit a 30 acre large scale ground mounted solar energy system where 20 acres is allowed per Chapter 100, Article 8.3.7.C.2.b of the Zoning Regulations.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application, or written comments can be forwarded to communitydevelopment@keenenh.gov. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk
Notice issuance date April 21, 2023

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	<u>ZBA23-11</u>
Date Filled	<u>4/18/23</u>
Rec'd By	<u>CW</u>
Page	_____ of _____
Rev'd by	_____

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

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: **D-L-C Spofford, LLC**

MAILING ADDRESS: **C/O Lynn M. Thomas 146 S Sewall's Point Road, Stuart FI 34996**

PHONE: **(603) 313-5488**

EMAIL: **lthomas@driller.com**

SIGNATURE: *Lynn M. Thomas*

0339BB8CA6B64D6

PRINTED NAME: **Lynn M. Thomas, Manager**

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: **Keene Meadow Solar Station, LLC**

MAILING ADDRESS: **179 Green Street, Suite 100, Boston, MA 02130**

PHONE:

EMAIL: **aidan@glenvale.solar; ari@glenvale.solar**

SIGNATURE: *James Aidan Foley*

63CBDC4822DA40A

PRINTED NAME: **James Aidan Foley, Member**

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: **A. Eli Leino, Esq - Bernstein, Shur, Sawyer & Nelson PA**

MAILING ADDRESS: **670 N Commercial St Suite 108, Manchester, NH 03101**

PHONE: **(603) 665-8859**

EMAIL: **eleino@bernsteinshur.com**

SIGNATURE: *A Eli Leino*

58D94BF2299C426...

PRINTED NAME: **A. Eli Leino**

SECTION 2: PROPERTY INFORMATION

Property Address: **0 Gilsum Road**

Tax Map Parcel Number: **214-001**

Zoning District: **Rural**

Lot Dimensions: Front: **See** Rear: **Attached** Side: **Plan** Side:

Lot Area: Acres: **178** Square Feet:

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **0** Proposed:

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

Present Use: **Forest (Hardwood & White Pine)**

Proposed Use: **Solar Energy System greater than 20 Acres**

SECTION 3: WRITTEN NARRATIVE

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

The subject property, Parcel #214-1 (the "Property"), is comprised of 178 acres abutting the Dartmouth College Highway (State Route 10) and located near the intersection of Route 10 and the Franklin Pierce Highway (State Route 9). The Property is accessed via Old Gilsum Road, a Class VI road. The Applicant, Keene Meadow Solar Station, LLC is a subsidiary of Glenvale Solar. Glenvale is a New England based developer of best-in-class solar and energy storage projects. Its mission is to generate competitively priced, renewable energy, and positively impact the communities it works with. The Applicant has negotiated a lease agreement with the Property owner for the development of a solar project.

Keene Meadow Solar's design includes 50 megawatts of photovoltaic modules and 50 megawatts of electric battery storage. The Applicant identified the location for this project through an extensive review of site characteristics and their compatibility with solar development. These characteristics include the proximity of two transmission corridors, substantial upland acreage with well drained soils, predominately low to moderate sloping terrain, no known presence of endangered or threatened species, minimal visual impact, and many others. On-site review of natural resources began in the spring of 2022 with a vernal pool survey and preliminary wetland assessment. In its first year of operation, Keene Meadow Solar will generate enough energy to power 14,000 New Hampshire homes and avoid CO2 emissions equal to that sequestered by 88,000 acres of forest. Achieving this level of CO2 offset and power generation while meeting the 20-acre limit imposed by the Keene Land Development Code would require permitting on multiple lots. Doing so would require more panels and a larger development footprint, have a greater impact on natural resources, affect more abutters, and necessitate more infrastructure for interconnection. These project inefficiencies would ultimately raise the price on the electricity generated. It is worth noting that these variance requests do not pertain to use – Solar Energy System is an allowed use in the zone – they relate to site access and the size of the system.

At present, the Applicant is seeking a preliminary variance.

The Applicant seeks variance relief from Section 8.3.7.C.2.b. (Infrastructure Uses; Solar Energy System (Large-Scale); Use Standards), which limits large-scale solar energy projects to a 20-acre footprint. Solar Energy System (Large-Scale) is a use permitted by Conditional Use Permit in the Rural (R) zone, but the Applicant needs a variance to seek approval for a solar project larger than 20-acres.

Pending approval of the variance, the Applicant can commence design of the project and the subsequent submittal of a Conditional Use Permit Application and a definitive site plan for review. As such, the Applicant hereby reserves its right to request additional variance relief in conjunction with the submission of the site plan and CUP application.

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) 8.3.7.C.2.b. of the Zoning Regulations to permit:

a 30-acre large-scale ground-mounted solar energy system where 20-acres is allowed in the zone.

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

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

On January 17, 2019, the Keene City Council adopted a sustainable energy resolution establishing a goal of using 100-percent renewable energy for electricity by 2030 and for all sectors including heat and transportation by 2050. Included in that resolution were several recitations about how increasing renewable energy projects further the public interest, including energy efficiency, resilience to weather related service interruptions, and employment opportunities. The City has determined that expansion of green energy projects is part of the "City's vision of becoming a thriving and resilient community powered by affordable, clean, and renewable energy." See Keene, NH Sustainable Energy Plan at §2-1.

To meet the lofty goals approved in the resolution and further detailed in Keene's clean energy plan, projects of a utility-grade scale will need to be permitted. Granting this variance will allow the Applicant to apply for further necessary permits and will positively impact the public health, safety, and welfare. The existence of two transmission lines on the property will also facilitate utility interconnection and reduce the need to construct redundant infrastructure.

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

The New Hampshire Supreme Court has held this and the prior criterion are related because it is in the public interest to uphold the "spirit of the ordinance." Thus, if an applicant sufficiently demonstrates one, it almost certainly meets the other. See *Farrar v. City of Keene* 158 N.H. 684 (2009).

The goal of the ordinance appears to be promoting green energy projects in appropriate locations. This project is in a remote part of the City on a lot already burdened by transmission lines, and the proposal will not negatively affect neighboring lot owners through overcrowding or other unnecessary impacts. The project will protect public health, safety and welfare, and the environment by facilitating the benefits of green energy in the region. Therefore, despite being larger than the prescribed maximum size in the Land Development Code, the project is appropriately sized, and the spirit of the ordinance is being observed.

3. Granting the variance would do substantial justice because:

In balancing the rights of the lot owner and Applicant with the rights of the public, this proposal will provide a public benefit, clean energy, the development of which is a stated goal of the City. The use is allowed by right, the project will provide tax revenue and construction jobs, and neighboring lot owners will not be harmed by the project. Additionally, if it is determined that upgrades to the local electric grid are required to facilitate interconnection, the Applicant will be responsible for payment.

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

The property is large enough that the installation can be effectively screened by the mature trees already located on the boundaries of the Property. All residential uses in the general area are significantly distant from the Property bounds. Additionally, the lot is bisected by two electric transmission lines, thus reducing the need for additional towers and offsite lines, and has been routinely and extensively forested, making it an ideal location for the proposed use. Due to the passive nature of the installation, it will not negatively impact those exploring the Greater Goose Pond Forest through sounds or other emissions.

5. Unnecessary Hardship

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

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

The hardship is the unique nature and location of the Property which make it inaccessible and undesirable for many traditional developments. The Property is affected by wetlands. Access to roads, public water supply and sewer system are all significantly limited. The characteristics that make the Property challenging from a development perspective, however, make the site desirable for a large solar energy system. The proposed project will not require an extensive road network nor municipal sewer or water services. The Project will not put any demands on the school system or municipal services, but it will pay substantial economic dividends to the City.

The application of 20-acre limit would not advance the purpose or intent of the Land Development Code. A responsibly located and adequately sized solar energy system is the best way to advance the purpose and intent of the ordinance. The public purposes of the ordinance can be effectively maintained while also allowing the Applicant to pursue the necessary permits to develop a solar energy system (an allowed use), on a property many times larger than most undeveloped parcels in the surrounding area and the City at large. The unique characteristics of the Property make it practically valueless for many of the other uses permitted in the R zone and using only 20 acres of a 178-acre parcel would be an inefficient use of the land.

and

ii. The proposed use is a reasonable one because:

The proposed use, Solar Energy System (Large-Scale), is a permitted in the Rural zone. The New Hampshire Supreme Court has held that an allowed use is inherently reasonable. See *Malachy Glen Assoc., Inc, v. Town of Chichester*, 155 N.H. 102 (2007).

B. Explain how, if the criterial in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

N/A



200 foot Abutters List Report

Keene, NH
April 18, 2023

Subject Property:

Parcel Number: 214-001-000
CAMA Number: 214-001-000-000-000
Property Address: 0 GILSUM RD.

Mailing Address: D-L-C SPOFFORD LLC
C/O LYNN THOMAS 146 S. SEWALLS
POINT RD.
STUART, FL 34996

Abutters:

Parcel Number: 203-001-000
CAMA Number: 203-001-000-000-000
Property Address: 0 Off GILSUM RD.

Mailing Address: DUSTON DONALD R. & RITA M. IRREV.
TRUST
367 ROUTE 10
GILSUM, NH 03448

Parcel Number: 203-002-000
CAMA Number: 203-002-000-000-000
Property Address: 0 GILSUM RD.

Mailing Address: D-L-C SPOFFORD LLC
C/O LYNN THOMAS 146 S. SEWALLS
POINT RD.
STUART, FL 34996

Parcel Number: 213-006-000
CAMA Number: 213-006-000-000-000
Property Address: 0 OLD GILSUM RD.

Mailing Address: PLATTS LOT LLC
PO BOX 558
WEST SWANZEY, NH 03469

Parcel Number: 213-007-000
CAMA Number: 213-007-000-000-000
Property Address: 0 OLD GILSUM RD.

Mailing Address: D-L-C SPOFFORD LLC
C/O LYNN THOMAS 146 S. SEWALLS
POINT RD.
STUART, FL 34996

Parcel Number: 213-008-000
CAMA Number: 213-008-000-000-000
Property Address: 0 OLD GILSUM RD.

Mailing Address: D-L-C SPOFFORD LLC
C/O LYNN THOMAS 146 S. SEWALLS
POINT RD.
STUART, FL 34996

Parcel Number: 214-002-000
CAMA Number: 214-002-000-000-000
Property Address: 0 GILSUM BROOK RD.

Mailing Address: D-L-C SPOFFORD LLC
C/O LYNN THOMAS 146 S. SEWALLS
POINT RD.
STUART, FL 34996

Parcel Number: 214-003-000
CAMA Number: 214-003-000-000-000
Property Address: 0 GILSUM RD.

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

Parcel Number: 217-001-000
CAMA Number: 217-001-000-000-000
Property Address: 0 GILSUM RD.

Mailing Address: JACQUES ANITA REVOCABLE TRUST
211 NATICOOK RD.
MERRIMACK, NH 03054

Parcel Number: 218-044-000
CAMA Number: 218-044-000-000-000
Property Address: 0 OLD GILSUM RD.

Mailing Address: D-L-C SPOFFORD LLC
C/O LYNN THOMAS 146 S. SEWALLS
POINT RD.
STUART, FL 34996



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Zoning Board of Adjustment: April 3, 2023 meeting

0 Gilsum Road: ZBA 23-11 and ZBA 23-12

Comments regarding the proposed zoning changes to the Rural District

I would like to comment on the proposed zoning changes to the Rural District at 0 Gilsum Road in Keene, to accommodate the development of Keene Meadow Solar Station. Lynn M. Thomas and Cynthia Brown Richards are the landowners requesting the changes.

This is an enormous, industrial scale development in the rural district. According to the packet we received at the Keene Conservation Commission meeting, the development will encompass 240 acres. This includes 75 acres of solar panel modules alone, plus batteries and inverters, a substation, roads, storage areas, cleared areas and buffers between and around the modules. Allowing a development of this scale would set the precedent for other areas of the Rural District to be developed, perhaps with less desirable industries. **Once the precedent is set, the door will be opened to other development.**

Stormwater management will be a challenge with the creation of such large areas of impermeable surface. Excessive run-off of precipitation to the east would impact the Beaver Brook watershed; to the west it will impact the Greater Goose Pond Forest. Flooding can be an issue for the valley floor of Keene. **The best protection from increased flooding in Keene is to keep the steep hillsides and upland areas forested.**

Site preparation: Converting land from forest to “meadow” involves removing tree stumps over many acres. Bulldozing removes and disturbs productive forest soils. **The loss of both forest cover and soils eliminates the existing intact, healthy ecosystem.** For example, salamanders that live most of the year in these upland soils would be eliminated. Much of their population would be unable to return to the existing vernal pools.

Old Gilsum Road would need to be upgraded to accommodate heavy machinery during construction. It would also need to be maintained so truck traffic can access the site for maintenance. This road is used by many pedestrians and bicyclists, creating a conflict in use. The Greater Goose Pond Forest and surrounding area is heavily used for recreational purposes by large numbers of people. An industrial facility is not compatible.

Power generation: Because of the nature of the electrical grid, power generated at the site would flow into the larger electrical stream. It would not necessarily go directly to Keene.

My recommendations: 1. **Keep a healthy forest intact.** Young trees will continue to sequester or absorb carbon from the atmosphere at an accelerated rate for the first sixty years of their growth. Mature trees will store carbon for centuries beyond the 40-year lifespan of this installation.

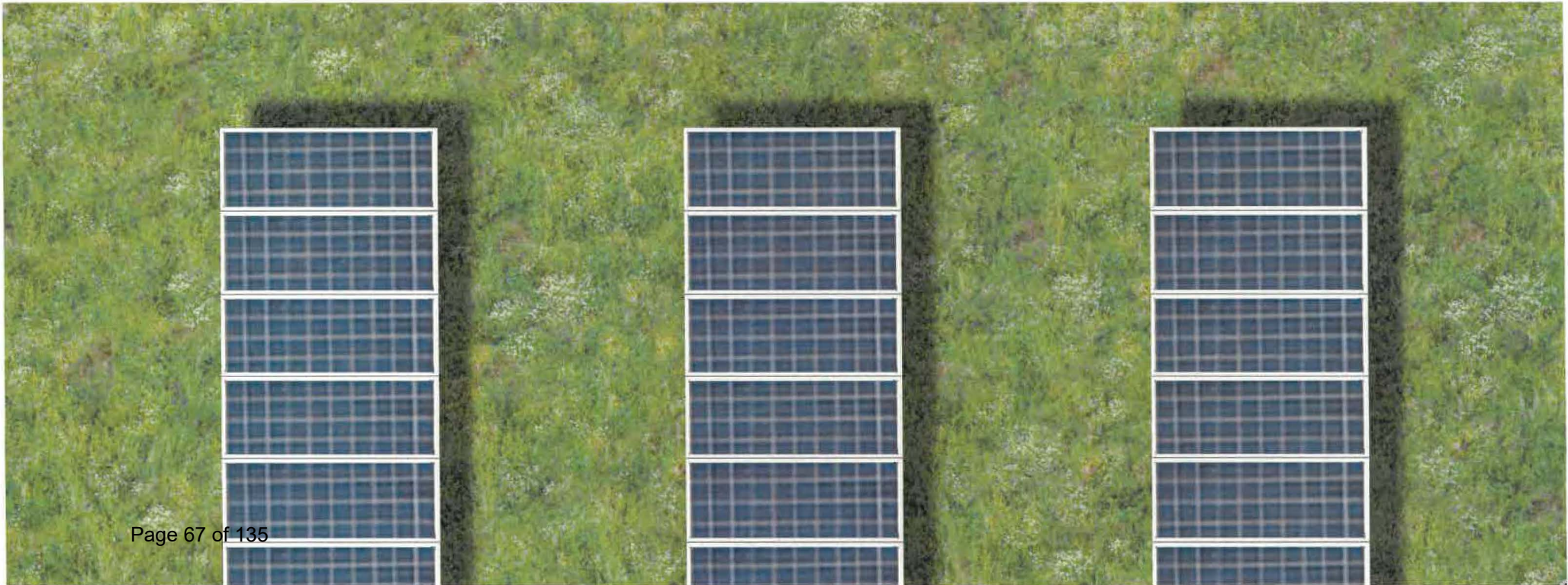
2. Encourage **solar development in waste areas** such as the former Kingsbury site. The Keene Transfer and Recycling Station has sunny areas perfect for an installation. Many commercial parking lots sit half full of vehicles. Light industry is often surrounded by large acreage. For example, the area proposed for storage units on Optical Avenue. Why not solar installations there? Please use these areas first.

3. **Building rooftops:** There are many acres of commercial, manufacturing and residential building rooftops that could house solar panels. With proper battery storage, these sites could spawn a movement toward a decentralized electric grid. This type of energy generation would be less subject to the recent outages that have affected so many in recent months.

Thank you for your attention to this letter. I recognize you have a difficult choice to make.

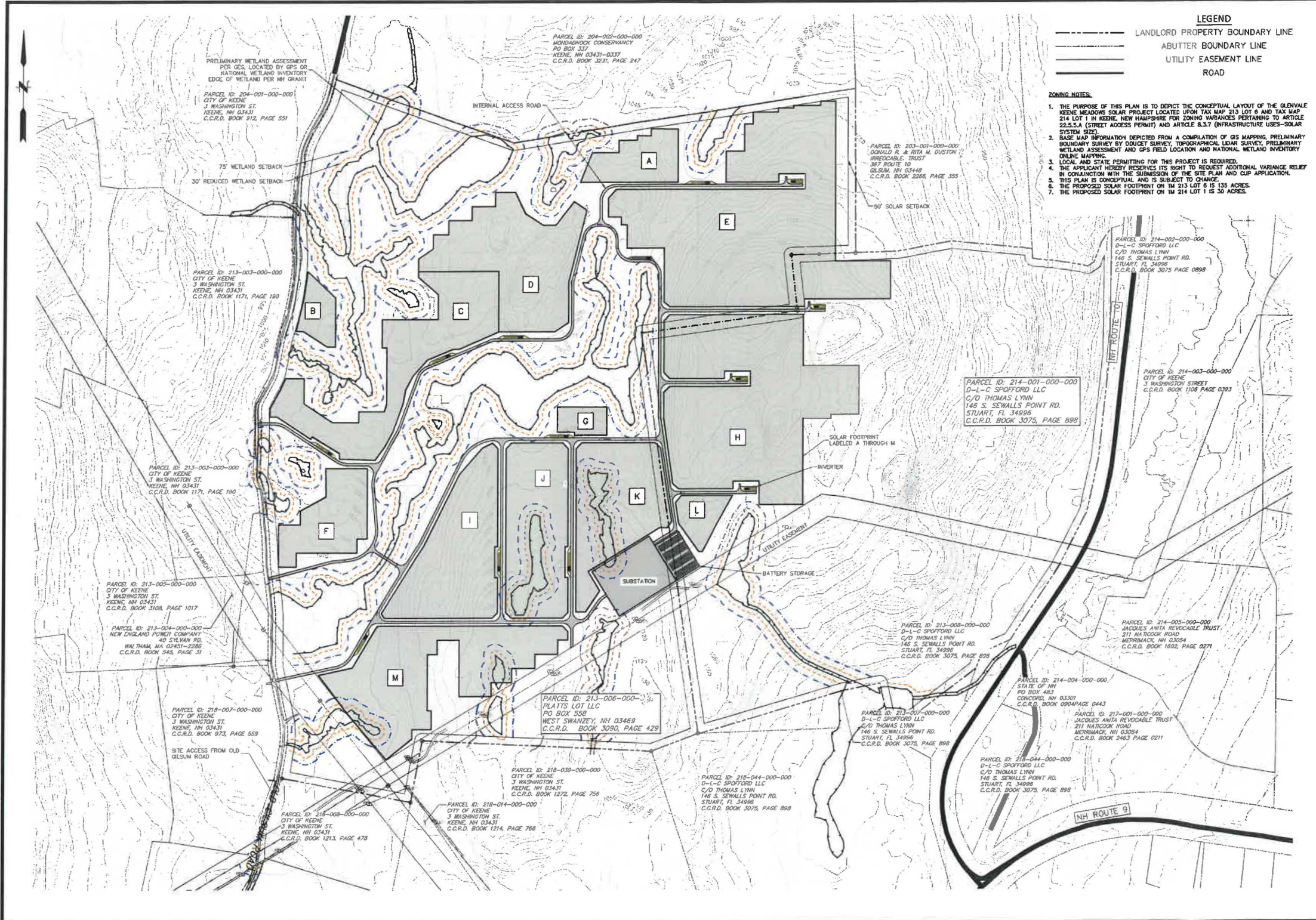
Sincerely,

Eloise Clark
1185 Roxbury Road
Keene, NH 03431





File: J:\DWG\PROJECTS\2023\ZONING\ZONING\101_PlanSet\2023-05-15 1:42 PM User: A.Banders
 PCS: AUTOCAD PDF (GENERAL DOCUMENTATION).PCS STB/C/TB: F0318
 LAYER STATE:



LEGEND
 - - - - - LANDLORD PROPERTY BOUNDARY LINE
 - - - - - ABUTTER BOUNDARY LINE
 - - - - - UTILITY EASEMENT LINE
 - - - - - ROAD

- ZONING NOTES:**
1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE CONCEPTUAL LAYOUT OF THE GLENVALE KEENE MEADOWS SOLAR PROJECT LOCATED UPON TAX MAP 213 LOT 6 AND TAX MAP 214 LOT 1 IN KEENE, NEW HAMPSHIRE FOR ZONING VARIANCES PERTAINING TO ARTICLE 22.5.3.A (STREET ACCESS PERMIT) AND ARTICLE 8.3.7 (INFRASTRUCTURE USES-SOLAR SYSTEM 322).
 2. BASE MAP INFORMATION DEPICTED FROM A COMPILATION OF GIS MAPPING, PRELIMINARY BOUNDARY SURVEY BY DOUGET SURVEY, TOPOGRAPHICAL LOAN SURVEY, PRELIMINARY WETLAND ASSESSMENT AND GPS FIELD LOCATION AND NATIONAL WETLAND INVENTORY ONLINE MAPPING.
 3. LOCAL AND STATE PERMITTING FOR THIS PROJECT IS REQUIRED.
 4. THE APPLICANT HEREBY RESERVES ITS RIGHT TO REQUEST ADDITIONAL VARIANCE RELIEF IN CONJUNCTION WITH THE SUBMISSION OF THE SITE PLAN AND CUP APPLICATION.
 5. THIS PLAN IS CONCEPTUAL AND IS SUBJECT TO CHANGE.
 6. THE PROPOSED SOLAR FOOTPRINT ON TM 213 LOT 6 IS 135 ACRES.
 7. THE PROPOSED SOLAR FOOTPRINT ON TM 214 LOT 1 IS 30 ACRES.

No.	DATE	DESCRIPTION	DESIGNER/REVIEWER

SCALE: HORIZ.: 1" = 300'
 VERT.: 1" = 300'
 DATUM: NAD 83
 HORIZ.: 1" = 300'
 VERT.: 1" = 300'
 GRAPHIC SCALE

FUSS & O'NEILL
 ARCHITECTS
 100 WASHINGTON STREET
 KEENE, NH 03431

GLENVALE SOLAR
 CONCEPT PLAN FOR ZONING BOARD
 OLD GILSUM ROAD
 NEW HAMPSHIRE
 KEENE

PROJ. No.: 20190588.K10
 DATE: 3.16.2023

ZON-101

0 OLD GILSUM RD. ZBA 23-12



Petitioner requests a Variance to permit a 135 acre large scale ground mounted solar energy system where 20 acres are allowed per Chapter 100, Article 8.3.7.C.2.b of the Zoning Regulations.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 23-12

A meeting of the Zoning Board of Adjustment will be held on **Monday, April 3, 2023, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA 23-12: Petitioner, Keene Meadow Solar Station, LLC, of Boston MA, represented by A. Eli Leino of Bernstein, Shur, Sawyer & Nelson of Manchester NH, requests a Variance for property located at 0 Old Gilsum Rd., Tax Map #213-006-000-000-000, is in the Rural District and is owned by Platts Lot, LLC of West Swanzey, NH. The Petitioner requests to permit a 135 acre large scale ground mounted solar energy system where 20 acres is allowed per Chapter 100, Article 8.3.7.C.2.b of the Zoning Regulations.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application, or written comments can be forwarded to communitydevelopment@keenenh.gov. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk

Notice issuance date March 23, 2023

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	<u>ZBA23-12</u>
Date Filled	<u>3/17/23</u>
Rec'd By	<u>CSW</u>
Page	<u>1</u> of <u>14</u>
Rev'd by	_____

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

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: **Platts Lot LLC**

MAILING ADDRESS: **PO Box 558, West Swanzey, NH 03469**

PHONE: **(603) 828-7260**

EMAIL: **sorrelcbr@gmail.com**

SIGNATURE: *Cynthia Richards*

PRINTED NAME: **Cynthia Brown Richards, Manager**

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: **Keene Meadow Solar Station, LLC**

MAILING ADDRESS: **179 Green Street, Suite 100, Boston, MA 02130**

PHONE:

EMAIL: **aidan@glenvale.solar; ari@glenvale.solar**

SIGNATURE: *James Aidan Foley*

PRINTED NAME: **James Aidan Foley, Member**

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: **A. Eli Leino, Esq - Bernstein, Shur, Sawyer & Nelson PA**

MAILING ADDRESS: **670 N Commercial St Suite 108, Manchester, NH 03101**

PHONE: **(603) 665-8859**

EMAIL: **eleino@bernsteinshur.com**

SIGNATURE: *A. Eli Leino*

PRINTED NAME: **A. Eli Leino**

SECTION 2: PROPERTY INFORMATION

Property Address:

Tax Map Parcel Number:

Zoning District:

Lot Dimensions: Front: Rear: Side: Side:

Lot Area: Acres: Square Feet:

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

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

Present Use:

Proposed Use:

SECTION 3: WRITTEN NARRATIVE

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

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s)

of the Zoning Regulations to permit:

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

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

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

3. Granting the variance would do substantial justice because:

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

5. Unnecessary Hardship

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

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

and

ii. The proposed use is a reasonable one because:

B. Explain how, if the criterial in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.



200 foot Abutters List Report

Keene, NH
March 15, 2023

Subject Property:

Parcel Number: 213-006-000
CAMA Number: 213-006-000-000-000
Property Address: 0 OLD GILSUM RD.

Mailing Address: PLATTS LOT LLC
PO BOX 558
WEST SWANZEY, NH 03469

Abutters:

Parcel Number: 203-001-000
CAMA Number: 203-001-000-000-000
Property Address: 0 Off GILSUM RD.

Mailing Address: DUSTON DONALD R. & RITA M. IRREV.
TRUST
367 ROUTE 10
GILSUM, NH 03448

Parcel Number: 204-001-000
CAMA Number: 204-001-000-000-000
Property Address: 0 OLD GILSUM RD.

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

Parcel Number: 204-002-000
CAMA Number: 204-002-000-000-000
Property Address: 0 OLD GILSUM RD.

Mailing Address: MONADNOCK CONSERVANCY
PO BOX 337
KEENE, NH 03431-0337

Parcel Number: 213-003-000
CAMA Number: 213-003-000-000-000
Property Address: 0 OLD GILSUM RD.

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

Parcel Number: 213-004-000
CAMA Number: 213-004-000-000-000
Property Address: 0 OLD GILSUM RD.

Mailing Address: NEW ENGLAND POWER COMPANY
40 SYLVAN RD.
WALTHAM, MA 02451-2286

Parcel Number: 213-005-000
CAMA Number: 213-005-000-000-000
Property Address: 0 OLD GILSUM RD.

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

Parcel Number: 214-001-000
CAMA Number: 214-001-000-000-000
Property Address: 0 GILSUM RD.

Mailing Address: D-L-C SPOFFORD LLC
C/O LYNN THOMAS 146 S. SEWALLS
POINT RD.
STUART, FL 34996

Parcel Number: 218-007-000
CAMA Number: 218-007-000-000-000
Property Address: 0 OLD GILSUM RD.

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

Parcel Number: 218-008-000
CAMA Number: 218-008-000-000-000
Property Address: 0 OLD GILSUM RD.

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

Parcel Number: 218-014-000
CAMA Number: 218-014-000-000-000
Property Address: 0 OLD GILSUM RD.

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



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



200 foot Abutters List Report

Keene, NH
March 15, 2023

Parcel Number: 218-039-000
CAMA Number: 218-039-000-000-000
Property Address: 0 OLD GILSUM RD.

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

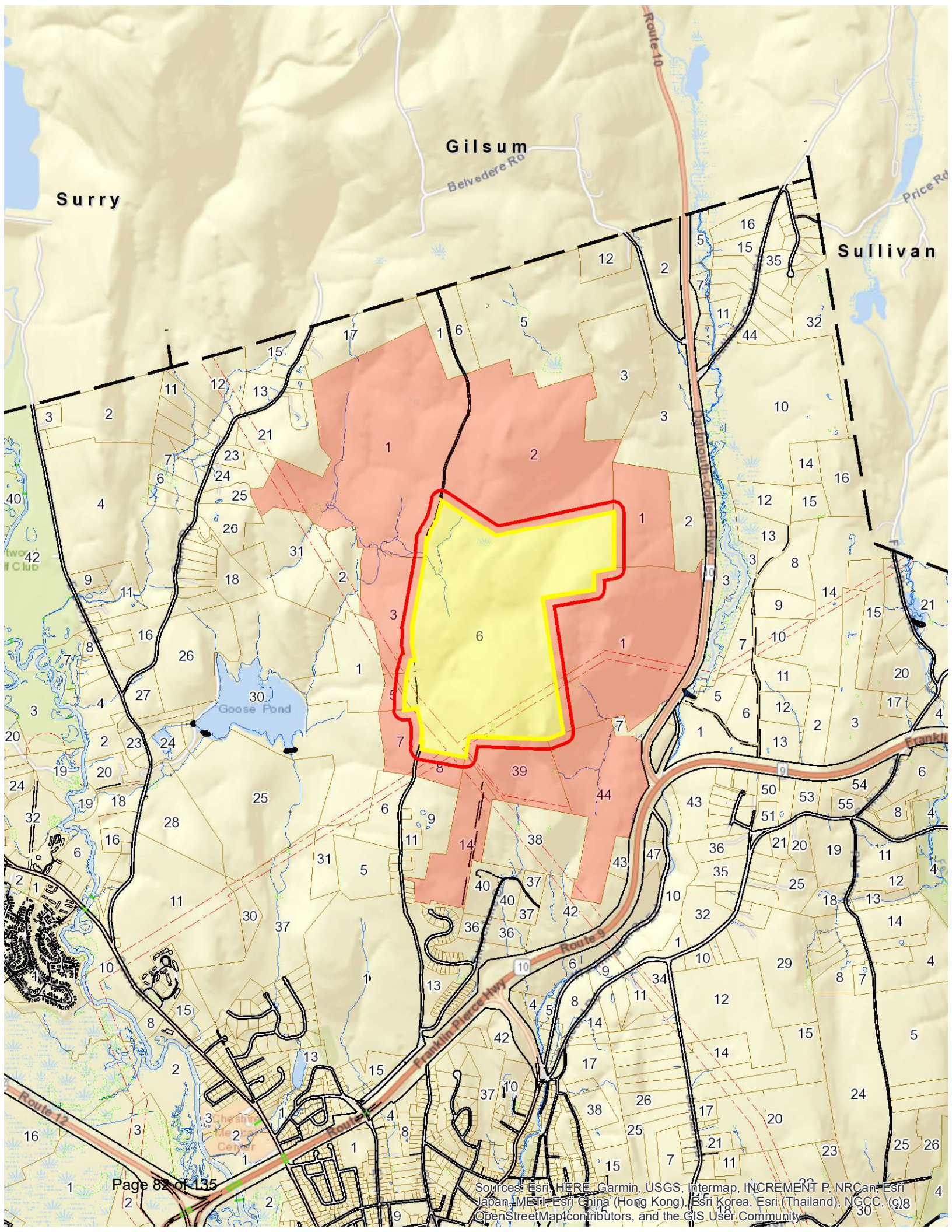
Parcel Number: 218-044-000
CAMA Number: 218-044-000-000-000
Property Address: 0 OLD GILSUM RD.

Mailing Address: D-L-C SPOFFORD LLC
C/O LYNN THOMAS 146 S. SEWALLS
POINT RD.
STUART, FL 34996



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



Surry

Gilsum

Sullivan

Goose Pond





438 WASHINGTON ST. ZBA 23-14



Petitioner requests a Variance to allow buildings which cover more than 35% of the lot, impervious surfaces of more than 45% coverage & less than 55% green/open space per Chapter 100, Article 3.3.3 of the Zoning Regulations.



City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 23-14

A meeting of the Zoning Board of Adjustment will be held on **Monday, May 1, 2023, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA 23-14: Petitioner, Monadnock Affordable Housing Corp. of 831 Court St., Keene, represented by Stephen Bragdon of 82 Court St., requests a Variance for property located at 438 Washington St., Tax Map #531-054-000-000-000, is in the Low Density District and is owned by the Community College System of New Hampshire of 28 College Dr., Concord, NH. The Petitioner requests a Variance to allow buildings which cover more than 35% of the lot, impervious surfaces of more than 45% coverage, and less than 55% green/open space per Chapter 100, Article 3.3.3 of the Zoning Regulations.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk

Notice issuance date April 21, 2023

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No	_____
Date Filled	_____
Rec'd By	_____
Page	_____ of _____
Rev'd by	_____

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

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Owner: Community College System of New Hampshire

MAILING ADDRESS: 28 College Drive, Concord, NH 03301-7407

PHONE: (603) 230-3565

EMAIL: memoore@ccsnh.edu

SIGNATURE:

PRINTED NAME: Matthew Moore, Dir. of Capital Planning and Development

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: Authorized Applicant: Monadnock Affordable Housing Corp.

MAILING ADDRESS: 831 Court Street, Keene, NH 03431

PHONE: (603) 352-6161

EMAIL: jmeehan@keenehousing.org

SIGNATURE:

PRINTED NAME: Joshua Meehan, Executive Director

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: Stephen B. Bragdon, Esq.

MAILING ADDRESS: 82 Court Street, Keene, NH 03431

PHONE: (603) 357-4800

EMAIL: sbragdon@bragdonlaw.com

SIGNATURE:

PRINTED NAME: Stephen B. Bragdon

Adam Kossayda For
Stephen B. Bragdon

SECTION 2: PROPERTY INFORMATION

Property Address: **438 Washington Street**

Tax Map Parcel Number: **Map 531, Lot 054**

Zoning District: **Low Density**

Lot Dimensions: Front: **400.79** Rear: **301.54** Side: **225.57** Side: **377.38**

Lot Area: Acres: **2.37** Square Feet: **103,535**

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **13%** Proposed: **30%**

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **45%** Proposed: **66%**

Present Use: **College campus for NH Community College - exempt from zoning**

Proposed Use: **Affordable Multifamily Housing**

SECTION 3: WRITTEN NARRATIVE

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

See Attached

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) **3.3.3** of the Zoning Regulations to permit:

Variance from build-out coverage requirements and allow the Premises to be used for multifamily housing

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

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

See Attached

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

See Attached

3. Granting the variance would do substantial justice because:

See Attached

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

See Attached

5. Unnecessary Hardship

- A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:**
- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:**

See Attached

and

ii. The proposed use is a reasonable one because:

See Attached

B. Explain how, if the criterial in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

See Attached

438 WASHINGTON STREET – ATTACHMENT TO VARIANCE APPLICATION
REQUESTING VARIANCE FROM SEC. 3.3.3 FOR BUILDOUT COVERAGE

Section 3 – Written Narrative

On or about February 22, 2023, Monadnock Affordable Housing Corporation ("MAHC") requested a variance from Section 3.3.3 of the City of Keene Land Development Code (hereinafter "LDC") to allow building coverage of 28%, impervious surface coverage of 64%, and open space/green areas of 36% for its development of the land and buildings at 438 Washington Street, Keene, NH (the "Premises"). The Keene Zoning Board of Adjustment granted the variance from LDC Section 3.3.3 by Notice of Decision dated March 6, 2023. The Keene Zoning Board of Adjustment also granted a variance from LDC Section 3.3.5 to allow multifamily use of the Premises for 60 residential units and a special exception to allow less than 120 parking spaces.

MAHC now requests a variance from Section 3.3.3 to allow building coverage of 30%, impervious surface coverage of 66%, and open space/green areas of 35% so that it may include a community room within the Premises which will give residents a gathering space. This application is identical to the application MAHC submitted on February 22, 2023, except for the 2% difference in coverage and correction of the lot size from 2.7 acres to 2.37 acres after a recent survey.

MAHC is authorized to pursue approvals, including this application by way of an option to purchase the Premises which consists of approximately 2.37 acres with an old school building commonly known as the Roosevelt School located within the Low-Density district. The Premises forms the boundary between Low-Density and Medium-Density districts on its southerly boundary and High-Density zoning kitty-corner across the street to the south. The Premises is 0.8mi. from Central Square in Keene, just a 16-minute walk to the city center, and just down the street from the City Bus stop at Citizen's Way.

MAHC seeks to convert the Premises into two land condominium units, each with thirty (30) housing units, for a total of sixty (60) units of affordable housing. The condominiums will be developed in two separate phases for funding purposes. This will be accomplished by renovating the old Roosevelt School (phase two) and erecting a second building at the rear of the property (phase two). The completed buildings will be two-stories tall as required by LDC Sec. 3.3.4.

The issue for the Board's consideration is as follows:

1.) Whether to grant a variance from the lot coverage requirements of the building, impervious surface, and open/green space requirements of Sec. 3.3.3? (The Low-Density District requires 35% maximum building coverage, 45% maximum impervious surfaces, and 55% open space/green areas; the proposed project for the Premises will have building coverage of 30%, impervious surface coverage of 66%, and open space/green areas of 34%).

MAHC's application attempts to meet the public's need for affordable housing while balancing lot coverage and parking requirements of the LDC. MAHC believes it can help meet the public's need for affordable housing if its variance is granted.

Section 4 – Application Criteria

Variance is requested from Article 3.3.3 of the Zoning Regulations to allow buildings which cover more than 35% of the lot, impervious surfaces of more than 45% coverage, and less than 55% green/open space.

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

The Premises is virtually unused in its current condition and the Premises is off the tax rolls. Granting this Variance will allow development of the Premises in a reasonable manner, providing adequate parking for 60 housing units; whereas the alternative is that the Premises remains virtually unusable as it is currently zoned (low-density).

Given the significant need for housing in this community, granting the variances will serve the public's interest by allowing a development of the Premises for critically needed affordable housing. Providing sufficient parking and living space for 60 housing units will necessarily require lot coverage in excess of the amounts proscribed by LDC Sec. 3.3.3. Serving the public's need for housing outweighs the minimal intrusions caused by the lot coverage requirements.

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

The Master Plan, which called for adoption of the LDC, places significant emphasis on the need for housing, which outweighs the benefit of the lot coverage formula set forth in Sec. 3.3.3.

The LDC awards a Workforce Housing Density Incentive to Conservation Residential Developments (“CRD”) which meet the requirements of LDC Sec. 19.3.6.C. According to LDC Sec. 19.6.3, such housing in a subdivision may exceed density requirements if: 1) 20% or more of the units will be rented to households with income of 60% or less than the HUD Median Area Income, 2) the units will be subject to a deed restriction and housing agreement regarding low income requirements for 30 years, 3) the units are approximately the size and quality as market rate units, and 4) the rent plus utilities will not exceed 30% of the household's income. While the Premises is just 2.37 acres and cannot therefore qualify as a CRD, the proposed project at the Premises will comply with these other vital requirements for workforce housing. Thus, the spirit of the ordinance is observed by allowing for greater density if necessary to serve the need for affordable housing. The LDC's spirit indicates that meeting the need for affordable housing outweighs the strict application of its guidelines.

3 – Granting the variance would do substantial justice because:

According to the New Hampshire Supreme Court: “Perhaps the only guiding rule on this factor is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. We also look “at whether the proposed development [is] consistent with the area's present use.” Harborside Assocs. v. Parade Residence Hotel, 162 N.H. 508, 590 (2011) (quotations and citations omitted).

In looking at the area proposed for this project, it is clear the proposal is consistent with the residential neighborhood because there are two multifamily residential developments nearby: Citizens Way and 543 Washington Street.

There is no benefit to the public which would outweigh the hardship to the applicant because denying the variance would leave the current building virtually unusable, indeed causing further detriment to the neighborhood. The Premises is encumbered by a large school building in a zoning district which does not permit private schools.

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

Allowing variance from the lot coverage requirements of LDC Sec. 3.3.3 would not diminish the value of neighboring properties. Whereas, denying the variance would leave the Premises in a potentially unusable condition. A vacant school building falling into disrepair would be more likely to diminish property values than lot coverage.

The finished construction will be of high quality, aesthetically pleasing, and sustainable both in its construction methods and its longevity in this location.

5 – Unnecessary hardship

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

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

Strict application of the LDC to the Premises, bears no relationship, and is indeed contrary, to the objective of the LDC to facilitate orderly development and compatible uses for a strong economy, attractive community, and quality of life, because it would essentially prohibit any development of the Premises. Strict adherence to the lot coverage requirements of Sec. 3.3.3 cannot be reconciled on the Premises because there simply is not sufficient space to provide for housing and parking for the residents.

Granting of the variance requested herein would not injure the public or private rights of others, instead, it would allow use of an existing structure which is otherwise virtually useless and help to meet the public need for affordable housing.

ii. And the proposed use is a reasonable one because:

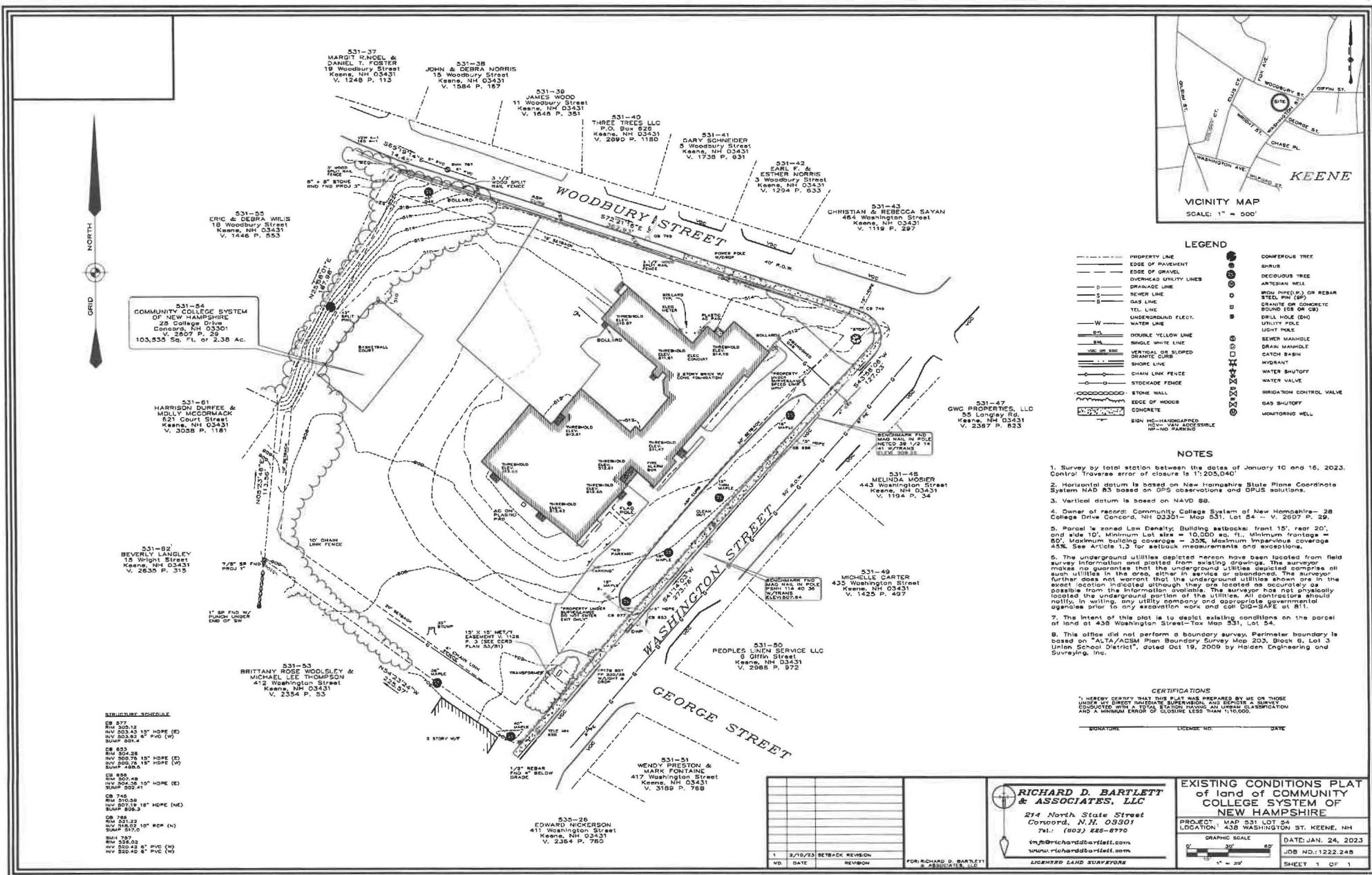
The Premises is located within the Low Density district which is designated for residential use, albeit single-family residential use. However, the Premises cannot reasonably be used for single-family residential use because of the large school building encumbering the Premises and existing lot coverage of 45% impervious surfaces. The most reasonable use of the Premises is to convert its use to multi-family housing. Using the Premises for

housing purposes, however, is not feasible within the lot coverage requirements of Section 3.3.3.

This variance for lot coverage under LDC Sec. 3.3.3 is necessary to modify the existing layout so it may be used for housing and facilitate adequate parking for residents.

- B. Explain how, if the criterial in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if and only if, owing to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

Unless the State of New Hampshire, or another entity which is exempt from zoning regulations seeks to use the Premises as a public school, there is no other feasible way to use of the Premises which does not increase impervious surfaces.



LEGEND

- PROPERTY LINE
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- OVERHEAD UTILITY LINES
- SPRINKLE LINE
- SEWER LINE
- GAS LINE
- TEL. LINE
- UNDERGROUND FLEET.
- WATER LINE
- DOUBLE YELLOW LINE
- SINGLE WHITE LINE
- CONCRETE CURB
- SLOPE LINE
- CHAIN LINK FENCE
- STOCKADE FENCE
- STONE WALL
- EDGE OF WOODS
- CONCRETE
- SIGN
- CONCERNED TREE SHRUB
- DECIDUOUS TREE
- ARTISIAN WELL
- IRON PIPE (I.P.) OR REBAR
- STEEL PIPE (SP)
- GRANITE OR CONCRETE
- BRICK (BR) OR CB
- DRILL HOLE (DH)
- UTILITY POLE
- LIGHT POLE
- SEWER MANHOLE
- DRAIN MANHOLE
- CATCH BASIN
- WASTEWATER
- WATER SHUTOFF
- WATER VALVE
- IRRIGATION CONTROL VALVE
- GAS SHUTOFF
- MONITORING WELL

NOTES

1. Survey by total station between the dates of January 10 and 16, 2023. Control Traverse error of closure is 11"205,040".
2. Horizontal datum is based on New Hampshire State Plane Coordinates System NAD 83 based on GPS observations and DPUS solutions.
3. Vertical datum is based on NAVD 88.
4. Owner of record: Community College System of New Hampshire - 28 College Drive Concord, NH 03301 - Map 531, Lot 54 - V. 2507 P. 29.
5. Parcel is zoned Low Density; Building setbacks: front 15', rear 20', and side 10'. Minimum Lot size = 10,000 sq. ft.; Minimum frontage = 60'. Maximum building coverage = 35%. Maximum impervious coverage 45%. See Article 1.3 for setback measurements and exceptions.
6. The underground utilities depicted hereon have been located from field survey information and plotted from existing drawings. The surveyor makes no guarantee that the underground utilities depicted comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although they are located as accurately as possible from the information available. The surveyor has not physically located the underground portion of the utilities. All contractors should notify, in writing, any utility company and appropriate governmental agencies prior to any excavation work and call 811-CIP-SAFE at 811.
7. The intent of this plot is to depict existing conditions on the parcel of land at 435 Washington Street - Tax Map 531, Lot 54.
8. This office did not perform a boundary survey. Perimeter boundary is based on "ALTA/ACSM Plan Boundary Survey Map 203, Block 6, Lot 3 Union School District", dated Oct 19, 2006 by Helen Engineering and Surveying, Inc.

CERTIFICATIONS

"I, HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION, SUPERVISOR, AND DENOTES A SURVEY CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF ASSURANCE AND A MAXIMUM ERROR OF CLOSURE LESS THAN 1/10,000."

SIGNATURE: _____ LICENSE NO.: _____ DATE: _____

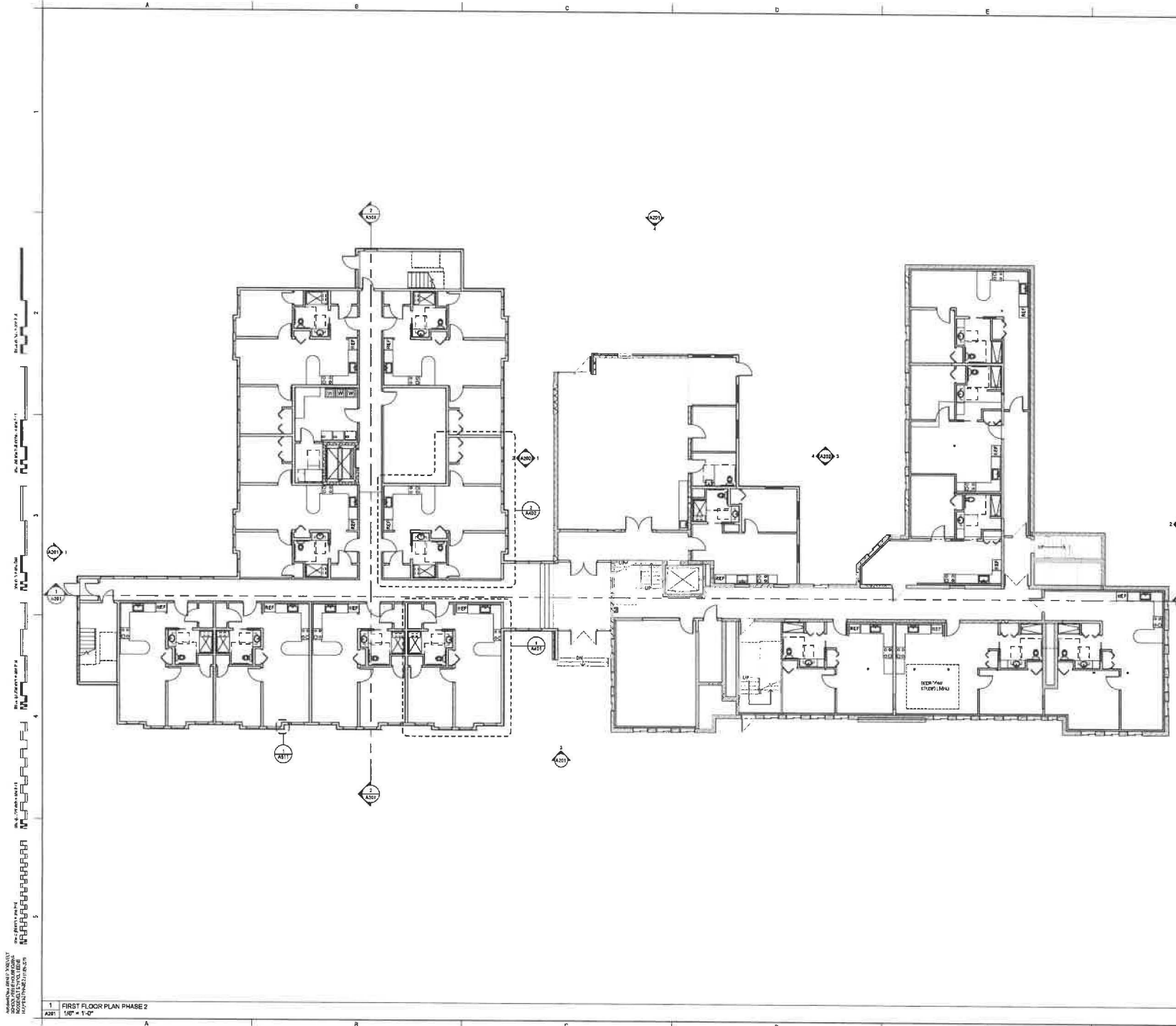
STRUCTURE SCHEDULE

- CB 577
- RM 302.12
- HW 503.43 15" HORE (E)
- HW 503.62 4" PVC (W)
- SUMP 501.4
- CB 623
- RM 504.28
- HW 505.78 15" HORE (E)
- HW 505.74 15" HORE (W)
- SUMP 508.6
- CB 656
- RM 505.48
- HW 505.48 15" HORE (E)
- SUMP 502.1
- CB 748
- RM 310.58
- HW 310.19 15" HORE (NE)
- SUMP 509.3
- CB 765
- RM 331.22
- HW 345.02 10" ROP (N)
- SUMP 517.0
- RM 757
- HW 525.05
- HW 525.42 6" PVC (W)
- HW 525.40 6" PVC (W)

NO.	DATE	REVISION
1	2/10/23	SETBACK REVISION

RICHARD D. BARTLETT & ASSOCIATES, LLC
 214 North State Street
 Concord, N.H. 03301
 Tel.: (603) 225-8770
 rdb@richardbartlett.com
 www.richardbartlett.com
 LICENSED LAND SURVEYOR

EXISTING CONDITIONS PLAN
 of land of COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE
 PROJECT: MAP 531 LOT 54
 LOCATION: 435 WASHINGTON ST. KEENE, NH
 GRAPHIC SCALE: 1" = 30'
 DATE: JAN. 24, 2023
 JOB NO.: 1222.248
 SHEET 1 OF 1



GENERAL PLAN NOTES

1. ALL STRUCTURAL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.

TO BE EDITED

FLOOR PLAN LEGEND

- DIMENSION LINE
- DIMENSION LINE
- DIMENSION LINE
- DIMENSION LINE
- DIMENSION LINE
- DIMENSION LINE
- DIMENSION LINE
- DIMENSION LINE
- DIMENSION LINE
- DIMENSION LINE

FLOOR PLAN KEYNOTES

LEVEL	DESCRIPTION
1	FIRST FLOOR

TO BE EDITED



WARRENSTREET ARCHITECTS

17 Warren Street Concord NH 03301

T 603.225.0660 F 603.225.0661 www.warrenstreet.com

DESIGNER: WA

CONSTRUCTION MANAGER: TBC

DATE: 11/11/2011

PROJECT: ROOSEVELT SCHOOL HOUSING

433 WASHINGTON STREET

CONCORD, NH 03301

PROJECT NUMBER: A111

DATE: 11/11/2011

SCALE: 1/8" = 1'-0"

PROJECT: ROOSEVELT SCHOOL HOUSING

433 WASHINGTON STREET

CONCORD, NH 03301

PROJECT NUMBER: A111

DATE: 11/11/2011

SCALE: 1/8" = 1'-0"

PROJECT: ROOSEVELT SCHOOL HOUSING

433 WASHINGTON STREET

CONCORD, NH 03301

PROJECT NUMBER: A111

DATE: 11/11/2011

SCALE: 1/8" = 1'-0"

PROJECT: ROOSEVELT SCHOOL HOUSING

433 WASHINGTON STREET

CONCORD, NH 03301

PROJECT NUMBER: A111

DATE: 11/11/2011

SCALE: 1/8" = 1'-0"

PROJECT: ROOSEVELT SCHOOL HOUSING

433 WASHINGTON STREET

CONCORD, NH 03301

PROJECT NUMBER: A111

DATE: 11/11/2011

SCALE: 1/8" = 1'-0"

PROJECT: ROOSEVELT SCHOOL HOUSING

433 WASHINGTON STREET

CONCORD, NH 03301

PROJECT NUMBER: A111

DATE: 11/11/2011

SCALE: 1/8" = 1'-0"

PROJECT: ROOSEVELT SCHOOL HOUSING

433 WASHINGTON STREET

CONCORD, NH 03301

PROJECT NUMBER: A111

DATE: 11/11/2011

SCALE: 1/8" = 1'-0"

PROJECT: ROOSEVELT SCHOOL HOUSING

433 WASHINGTON STREET

CONCORD, NH 03301

PROJECT NUMBER: A111

DATE: 11/11/2011

SCALE: 1/8" = 1'-0"

PROJECT: ROOSEVELT SCHOOL HOUSING

433 WASHINGTON STREET

CONCORD, NH 03301

PROJECT NUMBER: A111

1 FIRST FLOOR PLAN PHASE 2
A201 1/8" = 1'-0"

FIRST FLOOR PLAN

A111

PROJECT NUMBER: A111

DATE: 11/11/2011

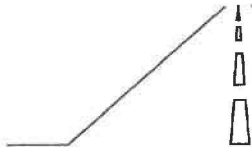
SCALE: 1/8" = 1'-0"

PROJECT: ROOSEVELT SCHOOL HOUSING

433 WASHINGTON STREET

CONCORD, NH 03301

PROJECT NUMBER: A111



MEMORANDUM

Ref: 2252A

To: Jonathan Halle, AIA, ASLA, EDAC, LEED AP
Warren Street Architects

From: Stephen G. Pernaw, P.E., PTOE

Subject: Roosevelt School Housing – Traffic & Parking Study
Keene, New Hampshire

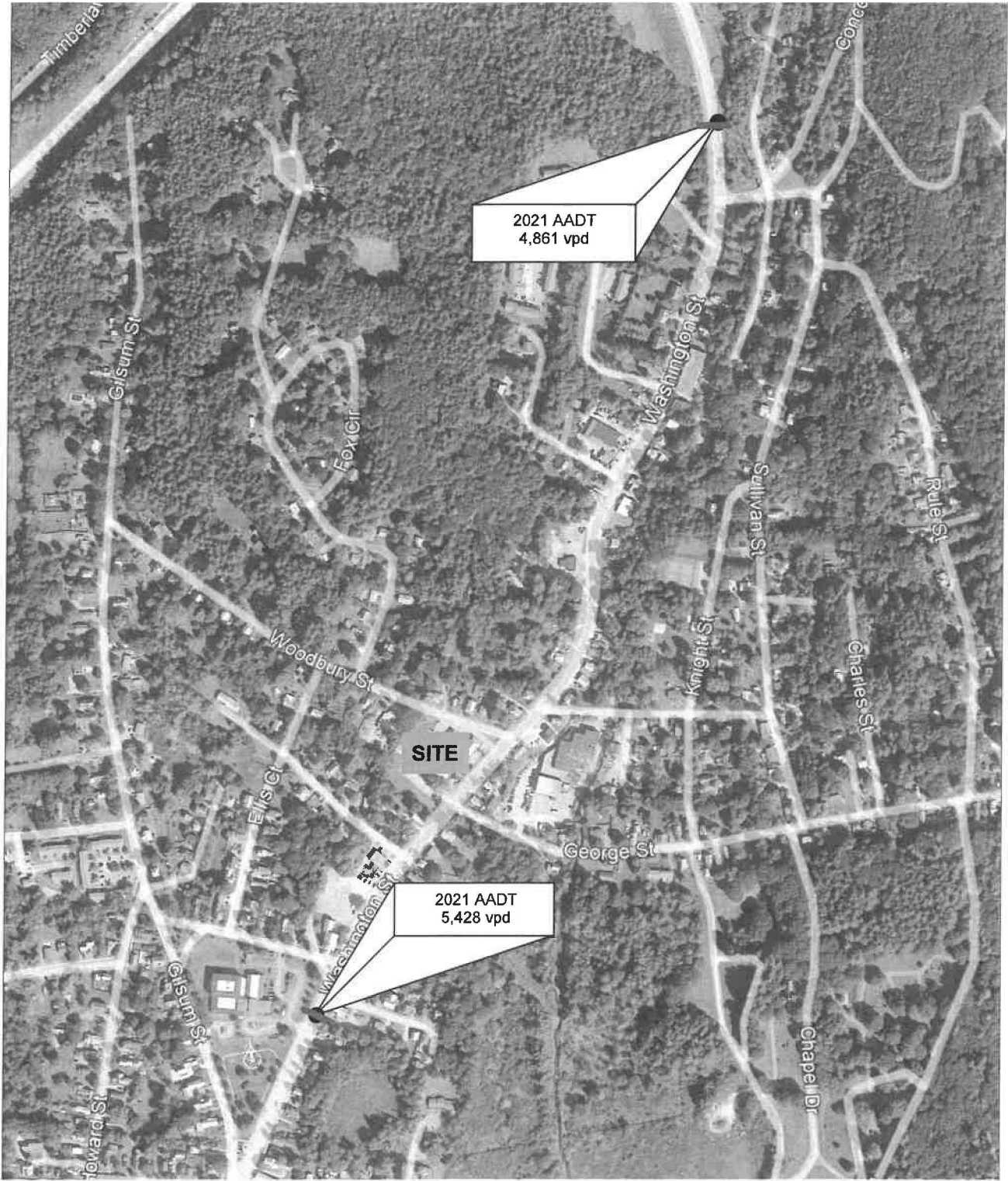
Date: February 16, 2023

As requested, Pernaw & Company, Inc. has conducted this Traffic/Parking study for your office on behalf of Keene Housing regarding the proposed Roosevelt School Housing project at 438 Washington Street, in Keene, New Hampshire. The site is situated at the southwest corner of the Washington Street/Woodbury Street intersection. The purpose of this memorandum is to summarize the results of our research of available traffic count data, the trip generation analyses for the former and proposed uses at the subject site, and a parking demand evaluation. To summarize:

Proposed Development – According to the plan entitled “*Conceptual Site Plan*,” Sheet C-1, dated February 2023 that was prepared by Nobis (see Attachment 1), this project involves the construction of a new two-story 30-unit affordable apartment building behind the existing school (Phase 1), and then renovations to the Roosevelt School to provide 30 additional affordable apartments (Phase 2).

Access to the site will be provided by the two existing site driveways on Washington Street: the northerly site driveway will continue as a one-way enter-only driveway, and the southerly site driveway will function as a full-access driveway (for arrivals and departures). Similar to all residential developments, this 60-unit affordable housing facility will be in operation seven days a week, and 24 hours per day. The location of the subject site is depicted on Figure 1.

Existing Conditions – Washington Street functions as a two-lane minor arterial roadway with a general north-south orientation in the immediate study area. The roadway is delineated with a four-inch double-yellow centerline (passing maneuvers prohibited) and four-inch single-white edge lines. Paved shoulders and sidewalks are present on both sides of the roadway. Marked crosswalks are present on the north and east legs of the Washington Street/George Street intersection. The speed limit is posted at 30 mph in both directions on Washington Street.



2252A

Figure 1

● = AUTOMATIC TRAFFIC RECORDER LOCATION (NHDOT)

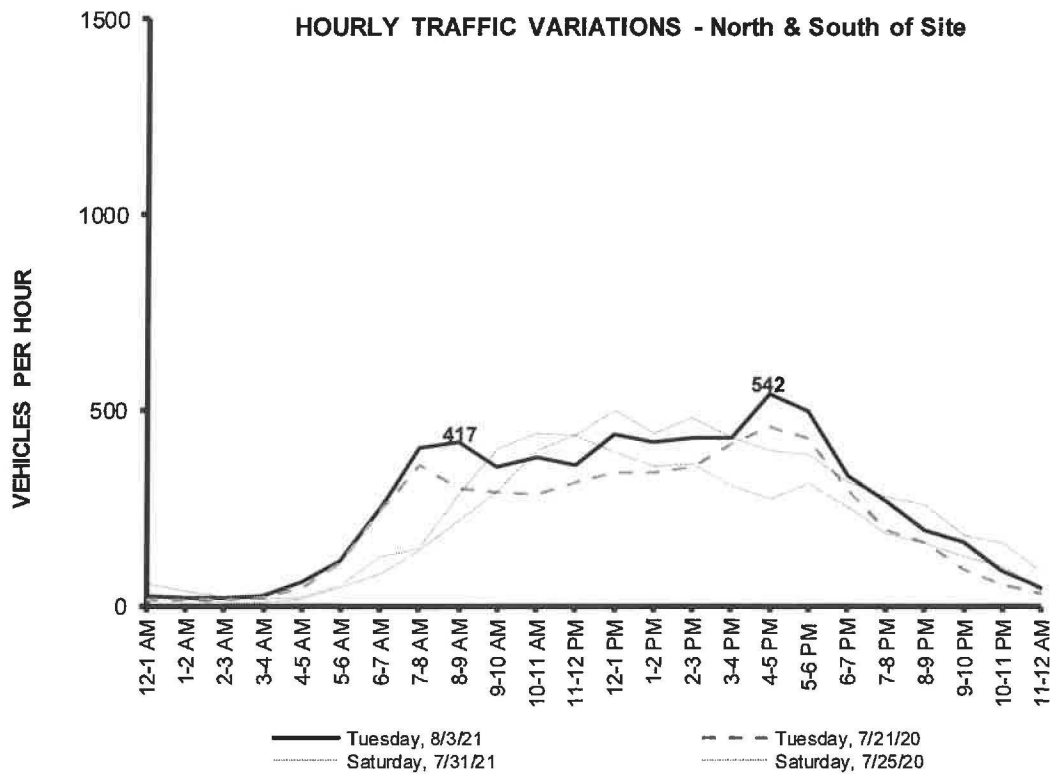
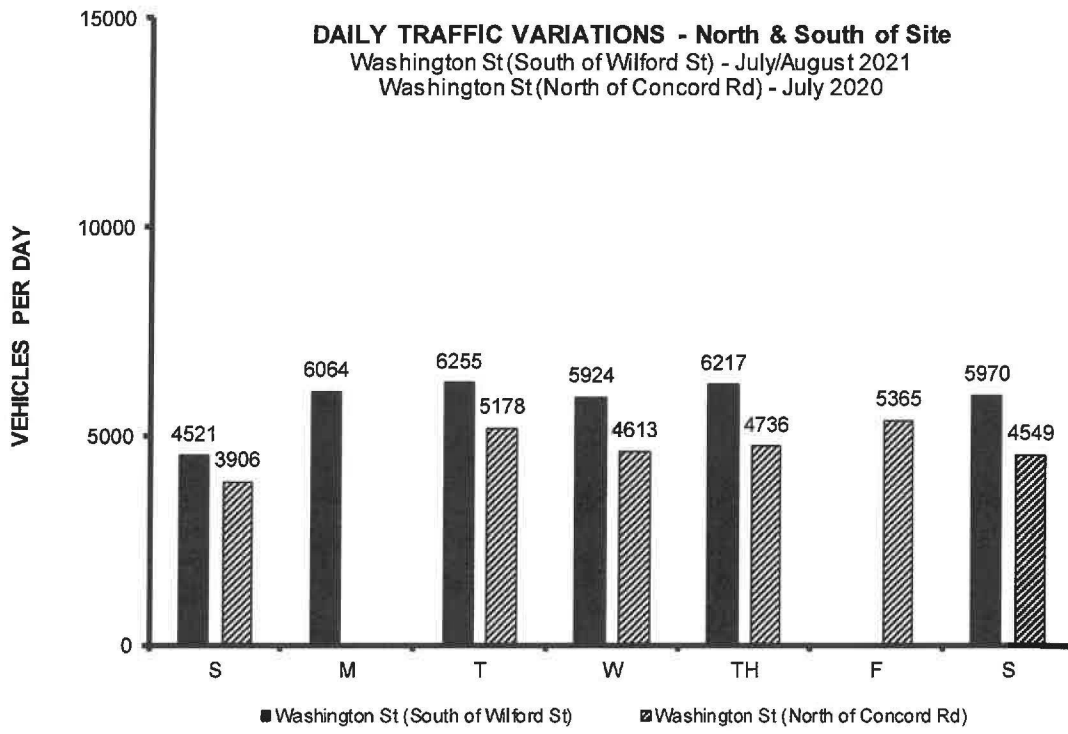


Site Location

Traffic Evaluation, Proposed Roosevelt School Housing, Keene, New Hampshire

Existing Traffic Volumes – Research at the New Hampshire Department of Transportation (NHDOT) revealed that short-term automatic traffic recorder counts were conducted on Washington Street to the north and the south of the subject site by the NHDOT in July 2020 and August 2021. The northerly count station is located approximately 0.5 mile from the site. This section of Washington Street carried an estimated Annual Average Daily Traffic (AADT) volume of approximately 4,861 vehicles per day (vpd) in 2021, down from 5,888 vpd in 2019 (pre-Covid 19). The southerly count station is located approximately 0.2 miles from the subject site. This section of Washington Street carried a slightly higher AADT volume of approximately 5,428 vpd in 2021.

The raw data from the 2020 and 2021 traffic counts is summarized graphically on Page 4 and shows the daily and hourly variations in traffic demand on the corridor. The hourly traffic volumes in the area typically reach peak levels during the morning and late afternoon on weekdays; thus, reflecting typical commuting patterns. The detail sheets pertaining to these counts are attached (see Attachments 2-6).



Trip Generation - To estimate the quantity of vehicle-trips that will be produced by the proposed affordable housing units, Pernaw & Company, Inc. considered the standard trip generation rates and equations published by the Institute of Transportation Engineers¹ (ITE). Land Use Code (LUC) 223 (Affordable Housing) is the most applicable category for the proposed use, and the number of dwelling units was used as the independent variable.

For comparison purposes, ITE LUC 540 (Junior/Community College) was utilized to estimate the daily and peak hour vehicle trips associated with the former use of the Roosevelt School. According to the Community College System, student enrollment at this facility ranged from 150 to 200 students in recent years.

Table 1 shows that the proposed apartments will generate approximately 290 vehicle-trips on an average weekday basis (24 hours), and approximately 34 (AM) and 28 (PM) vehicle-trips during the peak hour periods. As an aside, sites that generate fewer than 50 vehicle-trips/hour are considered to be low-volume traffic generators.

Table 1 also demonstrates that the proposed affordable housing project will likely generate slightly more vehicle-trips on a 24-hour basis than the former community college, but fewer trips during the worst-case AM and PM peak hour periods.

Table 1		Trip Generation Summary Roosevelt School - Affordable Housing				
		Column 1		Column 2	Column 3	
		Former Community College ¹			Proposed Housing	
		150 Students ²	200 Students ³		60 Units ⁴	Net Change ⁵
Weekday (24 Hours)						
	Entering	87 veh	115 veh		145 veh	30 veh
	Exiting	<u>87 veh</u>	<u>115 veh</u>		<u>145 veh</u>	<u>30 veh</u>
	Total	174 trips	230 trips		290 trips	60 trips
AM Peak Hour						
	Entering	70 veh	84 veh		10 veh	-74 veh
	Exiting	<u>16 veh</u>	<u>19 veh</u>		<u>24 veh</u>	<u>5 veh</u>
	Total	86 trips	103 trips		34 trips	-69 trips
PM Peak Hour						
	Entering	38 veh	46 veh		16 veh	-30 veh
	Exiting	<u>30 veh</u>	<u>37 veh</u>		<u>12 veh</u>	<u>-25 veh</u>
	Total	68 trips	83 trips		28 trips	-55 trips

¹ ITE Land Use Code 540 - Junior/Community College

² 2018 estimated student enrollment; Source: Email dated 2/8/23 from the Community College System of NH

³ Early 2010's estimated student enrollment of 175-200 students; Source: Email dated 2/8/23 from the Community College System of NH

⁴ ITE Land Use Code 223 - Affordable Housing (Income limits subcategory)

⁵ Column 3 minus Column 2

The trip generation computations are attached (see Attachments 7-15).

¹ Institute of Transportation Engineers, *Trip Generation*, 11th Edition (Washington, D.C., 2021)

Parking Evaluation - Keene Housing conducted a parking census at several multifamily properties that correlate well with the proposed Roosevelt School Housing project (see Attachment 16). Keene Housing requires all residents with a vehicle to obtain a parking permit to park on-site. Except for visitor parking, the number of permits issued at each site can be used as a surrogate for the number of “occupied parking stalls,” during a worst-case situation when all residents are home at the same time (typically nighttime) and none are away traveling.

Table 2		Parking Generation Rates Keene Housing Authority Sites		
Property	Dwelling	Parking Permits ¹	Permits per Unit	Notes
Ash Brook	24	16	0.67	Highest ratio
Central Sq. Terrace	90	29	0.32	Low est ratio
Harper Acres	112	55	0.49	
Stone Arch Village (Senior)	33	18	0.55	
Average Parking Demand: ²			0.51	Average ratio

¹ Source: Keene Housing Authority

² Reflects a worst-case scenario: 100% occupancy with all permitted vehicles

Based on the local Keene parking rates from Table 2, the 60 proposed affordable housing units at the Roosevelt School site would result in a parking demand that averaged 31 vehicles (and ranged from 19-40). From this, it is reasonable to conclude that the proposed parking supply of 70 stalls is more than sufficient for the size and type of use that is proposed.

The Institute of Transportation Engineers (ITE) also publishes parking generation rates for various land use types. According to this source, the highest parking demand occurs on weekdays.

Table 3		Parking Generation Rates Institute of Transportation Engineers (ITE)	
Affordable Housing Units ¹	Average Peak Parking Demand per Unit		Notes
Weekday	0.99 occupied spaces / unit		Highest ratio
Saturday	0.79 occupied spaces / unit		Low est ratio
Sunday	0.96 occupied spaces / unit		

¹ ITE "Parking Generation Manual," 5th Edition, January 2019

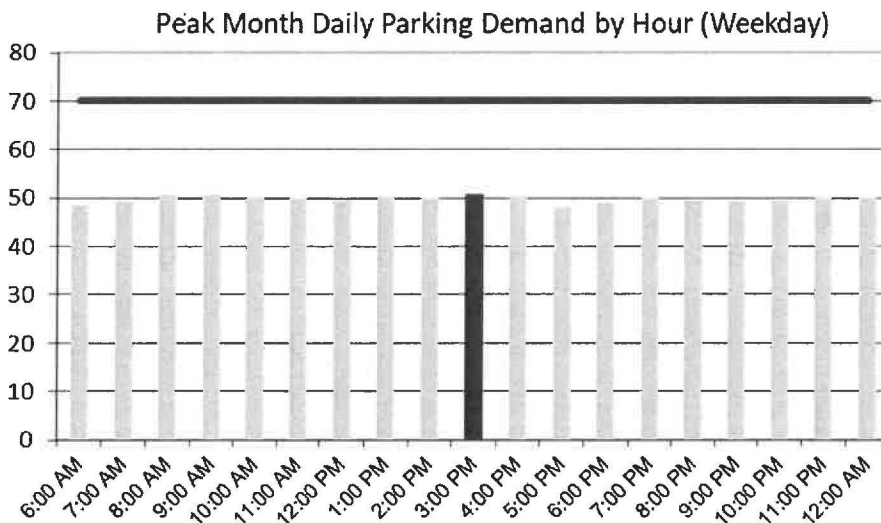
Based on the ITE parking rates from Table 3, the 60 proposed affordable housing units at the Roosevelt School site would result in a peak parking demand of 59 occupied spaces. According to the ITE rates, the proposed parking supply of 70 stalls is more than sufficient for the size and type of use that is proposed.

The Urban Land Institute (ULI) also provides parking ratios at should be provided for various land use types. According to this source, the base ratio is 0.85 occupied spaces/unit (visitors, residents and employees, combined) for “senior housing.”

Table 4			Parking Generation Rates The Urban Land Institute (ULI)		
Active Senior Housing ¹	Base Parking Ratios	Notes			
Weekday	0.85 occupied spaces / unit	Highest ratio			
Saturday	0.72 occupied spaces / unit	Low er ratio			
Sunday	0.72 occupied spaces / unit	Low er ratio			

¹ULI "Shared Parking," 3rd Edition, 2020

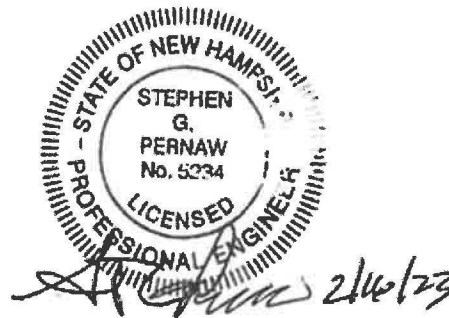
Based on the ULI parking ratios from Table 4, the 60 proposed affordable housing units at the Roosevelt School site would result in a peak parking demand of 51 occupied spaces (see Attachment 17). According to the ULI ratios, the proposed parking supply of 70 stalls is more than sufficient for the size and type of use that is proposed. The ULI also provides time-of-day data relative to parking demand. The chart below shows that there is little fluctuation in parking demand throughout the day for senior housing units.



The ULI analysis demonstrates that parking turnover is minimal. Attachments 18-20 contain parking lot photographs from several Keene Housing sites that are expected to mirror the proposed Roosevelt School Housing project. All snapshots depict a significant number of vacant parking stalls.

Findings & Conclusions

1. Traffic counts conducted by the NHDOT at two nearby locations on Washington Street in July 2020 and August 2021 revealed that the highest traffic hours occurred from 7-8 or 8-9 AM, and again from 3-4 or 4-5 PM on weekdays. On weekends, peak traffic flow tends to occur during the midday.
2. During the worst-case weekday PM peak hour period, the 60 affordable dwelling units are expected to generate approximately 28 vehicle-trips (16 arrivals, 12 departures). By way of comparison, the former Community College likely generated approximately 83 vehicle-trips during the same hour. From this, it is reasonable to conclude that the proposed affordable housing project is less intensive than the previous community college from a traffic operations, capacity and safety standpoint.
3. The parking demand study demonstrates that proposed parking supply (70 stalls) exceeds the anticipated parking demand by a comfortable margin based on three separate and independent sources:
 - The Keene Housing parking data indicates a peak demand of 40 occupied stalls.
 - The ITE parking generation rates indicates a peak parking demand of 59 occupied stalls.
 - The ULI parking ratios indicate a peak parking demand of 51 occupied stalls.





Transportation Data Management System

List View All DIRs

<input type="button" value="Previous"/> <input type="button" value="Next"/> <input type="button" value="Home"/> <input type="button" value="End"/> <input type="button" value="GO"/>			
Location ID	82237071	MPO ID	
Type	SPOT	HPMS ID	
On NHS	No	On HPMS	No
LRS ID	N2370029__	LRS Loc Pt.	
SF Group	04	Route Type	
AF Group	04	Route	
GF Group	D	Active	Yes
Class Dist Grp	Default	Category	3
Seas Class Grp	Default		
WIM Group	Default		
QC Group	Default		
Funct'l Class	Minor Arterial	MRepost	
Located On	Washington St		
Loc On Alias	WASHINGTON ST NORTH OF CONCORD RD		
More Detail <input type="button" value="▶"/>			

Directions:



Year	AADT	DHV-30	K %	D %	PA	BC	Src
2021	4,861 ³		11		4,418 (91%)	443 (9%)	Grown from 2020
2020	4,375	473	11		3,980 (91%)	395 (9%)	
2019	5,888 ³		11		5,394 (92%)	494 (8%)	Grown from 2018
2018	5,830 ³		11		5,375 (92%)	455 (8%)	Grown from 2017
2017	5,772	636	11		5,357 (93%)	415 (7%)	

1-5 of 15

Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV
------------	------------	--------	--------	--------	--------	--------	--------	--------	--------

Date	Int	Total
Sun 7/26/2020	15	3,906
Sat 7/25/2020	15	4,549
Fri 7/24/2020	15	5,365
Thu 7/23/2020	15	4,736
Wed 7/22/2020	15	4,613
Tue 7/21/2020	15	5,178
Thu 9/28/2017	60	6,257

Year	Annual Growth
2021	11%
2020	-26%
2019	1%
2018	1%
2017	18%
2016	1%



Transportation Data Management System

[Excel Version](#)

Location ID:	82237071	Type:	SPOT
Located On:	Washington St		
Direction:	2-WAY		
Community:	KEENE	Period:	Mon 7/20/2020 - Sun 7/26/2020
AADT:	4375		

Start Time	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Avg	Graph
12:00 AM		17	19	12	18	25	26	20	0.4%
1:00 AM		14	9	15	18	18	10	14	0.3%
2:00 AM		15	15	9	6	6	14	11	0.2%
3:00 AM		19	8	4	4	7	15	10	0.2%
4:00 AM		45	33	33	28	16	10	28	0.6%
5:00 AM		107	85	98	93	47	31	77	1.6%
6:00 AM		245	177	250	168	81	61	164	3.5%
7:00 AM		358	313	314	301	143	102	255	5.4%
8:00 AM		300	288	290	275	221	150	254	5.4%
9:00 AM		292	213	272	292	292	228	265	5.6%
10:00 AM		285	236	258	320	394	278	295	6.2%
11:00 AM		317	253	312	326	433	302	324	6.9%
12:00 PM		342	311	332	363	393	339	347	7.3%
1:00 PM		341	350	292	382	359	296	337	7.1%
2:00 PM		355	372	316	426	361	307	356	7.5%
3:00 PM		412	407	435	454	307	341	393	8.3%
4:00 PM		458	402	432	463	274	323	392	8.3%
5:00 PM		430	387	403	473	311	294	383	8.1%
6:00 PM		295	257	187	284	253	226	250	5.3%
7:00 PM		190	189	163	242	186	207	196	4.2%
8:00 PM		164	135	121	157	159	162	150	3.2%
9:00 PM		92	66	89	157	128	107	107	2.3%
10:00 PM		54	53	69	63	99	48	64	1.4%
11:00 PM		31	35	34	52	36	29	36	0.8%
Total	0	5,178	4,613	4,736	5,365	4,549	3,906		
24hr Total		6178	4613	4736	5365	4549	3906	4,725	
AM Pk Hr		7:00	7:00	7:00	11:00	11:00	11:00		
AM Peak		358	313	314	326	433	302	341	
PM Pk Hr		4:00	3:00	3:00	5:00	12:00	3:00		
PM Peak		458	407	435	473	393	341	418	
% Pk Hr		8.85%	8.82%	9.18%	8.82%	9.52%	8.73%	8.99%	



Transportation Data Management System

List View All DIRs

<input type="button" value="←"/> <input type="button" value="▶"/> <input type="button" value="⏪"/> <input type="button" value="⏩"/>		<input type="text" value="go"/>	
Location ID	82237033	MPO ID	
Type	SPOT	HPMS ID	
On NHS	No	On HPMS	No
LRS ID	N2370029	LRS Loc Pt.	
SF Group	04	Route Type	
AF Group	04	Route	
GF Group	D	Active	Yes
Class Dist Grp	Default	Category	3
Seas Class Grp	Default		
WIN Group	Default		
QC Group	Default		
Funct'l Class	Minor Arterial	Milepost	
Located On	Washington St		
Loc On Alias	WASHINGTON ST SOUTH OF WILFORD ST		
More Detail ▶			

Directions: 2-WAY

Year	AADT	DHV-30	K %	D %	PA	BC	Src
2021	5,428	531	10		4,933 (91%)	495 (9%)	
2020	5,202 ³		10		4,735 (91%)	467 (9%)	Grown from 2019
2019	5,993 ³		10		5,489 (92%)	504 (8%)	Grown from 2018
2018	5,934	610	10		5,470 (92%)	464 (8%)	
2017	4,109 ³				3,813 (93%)	296 (7%)	Grown from 2016

> >> 1-5 of 15

Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV
------------	------------	--------	--------	--------	--------	--------	--------	--------	--------

Date	Int	Total
Thu 8/5/2021	15	6,217
Wed 8/4/2021	15	5,924
Tue 8/3/2021	15	6,255
Mon 8/2/2021	15	6,064
Sun 8/1/2021	15	4,521
Sat 7/31/2021	15	5,970
Sun 8/5/2018	60	4,885

Year	Annual Growth
2021	4%
2020	-13%
2019	1%
2018	44%
2017	1%
2016	1%



Transportation Data Management System



Excel Version

Location ID:	82237033	Type:	SPOT
Located On:	Washington St		
Direction:	2-WAY		
Community:	KEENE	Period:	Mon 7/26/2021 - Sun 8/1/2021
AADT:	5428		

Start Time	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Avg	Graph
12:00 AM						55	38	47	0.9%
1:00 AM						39	48	44	0.8%
2:00 AM						25	19	22	0.4%
3:00 AM						17	16	17	0.3%
4:00 AM						21	18	19	0.4%
5:00 AM						50	25	38	0.7%
6:00 AM						127	57	92	1.6%
7:00 AM						147	101	124	2.4%
8:00 AM						287	174	231	4.4%
9:00 AM						402	293	348	6.6%
10:00 AM						439	349	394	7.5%
11:00 AM						437	376	407	7.7%
12:00 PM						499	408	454	8.6%
1:00 PM						441	369	405	7.7%
2:00 PM						482	355	419	8.0%
3:00 PM						431	309	370	7.1%
4:00 PM						396	322	359	6.8%
5:00 PM						388	349	369	7.0%
6:00 PM						318	272	295	5.6%
7:00 PM						276	230	253	4.8%
8:00 PM						261	201	231	4.4%
9:00 PM						182	98	140	2.7%
10:00 PM						161	59	110	2.1%
11:00 PM						89	37	63	1.2%
Total	0	0	0	0	0	5,970	4,521		
24hr Total						5970	4521	5,246	
AM Pk Hr						10:00	11:00		
AM Peak						439	376	408	
PM Pk Hr						12:00	12:00		
PM Peak						499	408	454	
% Pk Hr						8.36%	9.02%	8.69%	



Transportation Data Management System

Excel Version

Location ID:	82237033	Type:	SPOT
Located On:	Washington St	:	
Direction:	2-WAY		
Community:	KEENE	Period:	Mon 8/2/2021 - Sun 8/8/2021
AADT:	5428		

Start Time	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Avg	Graph
12:00 AM	29	23	24	28				26	0.4%
1:00 AM	11	19	20	15				16	0.3%
2:00 AM	8	21	16	18				16	0.3%
3:00 AM	9	25	17	14				16	0.3%
4:00 AM	40	59	55	48				51	0.8%
5:00 AM	99	113	114	101				107	1.7%
6:00 AM	244	251	263	235				248	4.1%
7:00 AM	363	402	382	357				376	6.1%
8:00 AM	406	417	402	426				413	6.7%
9:00 AM	332	356	352	351				348	5.7%
10:00 AM	394	380	351	328				363	5.9%
11:00 AM	366	359	358	393				369	6.0%
12:00 PM	417	438	445	418				430	7.0%
1:00 PM	407	417	348	386				392	6.4%
2:00 PM	439	430	409	436				429	7.0%
3:00 PM	485	426	417	445				443	7.2%
4:00 PM	533	542	485	528				522	8.5%
5:00 PM	491	495	391	526				476	7.8%
6:00 PM	333	330	334	378				343	5.6%
7:00 PM	229	264	264	270				257	4.2%
8:00 PM	201	191	186	203				195	3.2%
9:00 PM	136	164	170	175				161	2.6%
10:00 PM	54	89	78	90				78	1.3%
11:00 PM	38	44	47	40				42	0.7%
Total	6,064	6,255	5,924	6,217	0	0	0		
24hr Total	6064	6255	5924	6217				6,115	
AM Pk Hr	8:00	8:00	8:00	8:00					
AM Peak	406	417	402	426				413	
PM Pk Hr	4:00	4:00	4:00	4:00					
PM Peak	533	542	485	528				522	
% Pk Hr	8.79%	8.67%	8.18%	8.49%				8.54%	

Graph Look Up

Query

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:

LAND USE GROUP:
(500-599) Institutional

LAND USE:
540 - Junior/Community College

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

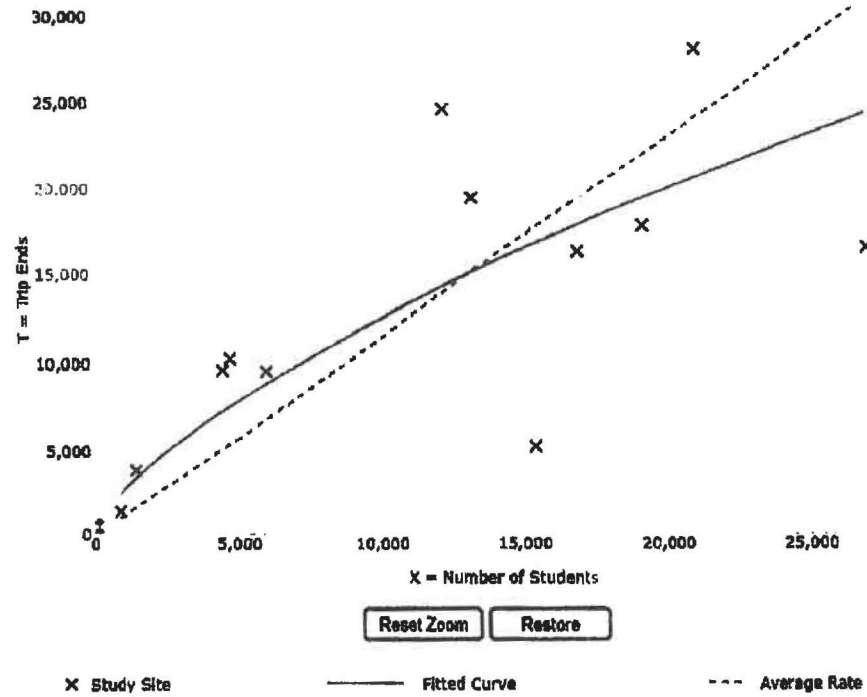
INDEPENDENT VARIABLE (IV):
Students

TIME PERIOD:
Weekday

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:

Data Plot and Equation



DATA STATISTICS

Land Use:
Junior/Community College (540) [Click for Description and Data Plots](#)

Independent Variable:
Students

Time Period:
Weekday

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
12

Avg. Num. of Students:
11874

Average Rate:
1.15

Range of Rates:
0.34 - 2.70

Standard Deviation:
0.59

Fitted Curve Equation:
 $\ln(T) = 0.07 \ln(X) + 3.27$

R²:
0.70

Directional Distribution:
50% entering 50% exiting

Calculated Trip Ends:
Average Rate: 173 (Total), 86 (Entry), 87 (Exit)
Fitted Curve: 755 (Total), 378 (Entry), 377 (Exit)

Use the mouse wheel to Zoom Out or Zoom In.

Graph Look Up

Query

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
540

LAND USE GROUP:
(500-599) Institutional

LAND USE:
540 - Junior/Community College

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

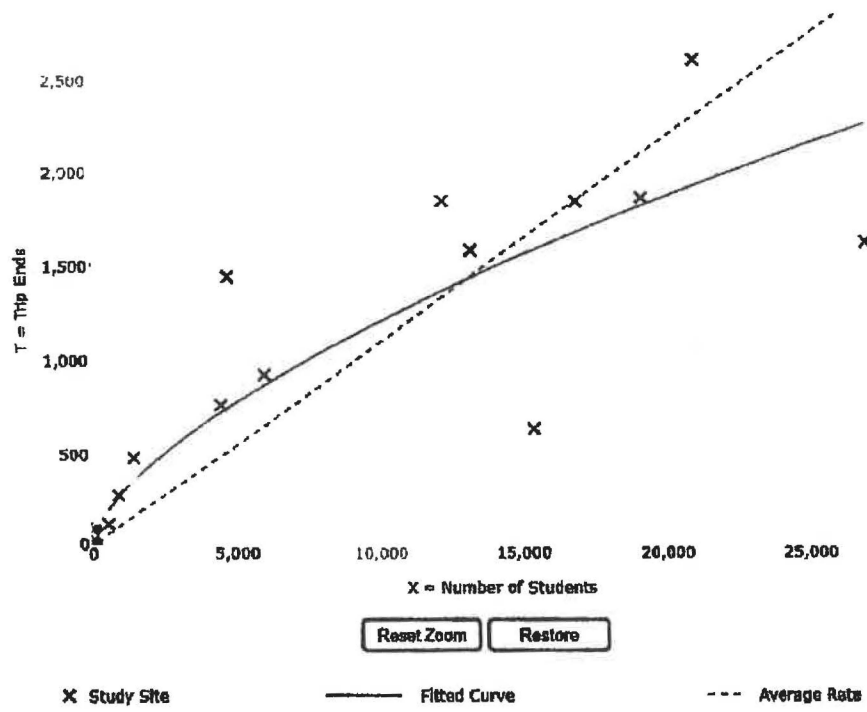
INDEPENDENT VARIABLE (IV):
Students

TIME PERIOD:
Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
150

Data Plot and Equation



DATA STATISTICS

Land Use:
Junior/Community College (540) [Click for Description](#)

Independent Variable:
Students

Time Period:
Weekday
Peak Hour of Adjacent Street Traffic
One Hour Between 7 and 9 a.m.

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
13

Avg. Num. of Students:
11002

Average Rate:
0.11

Range of Rates:
0.04 - 0.33

Standard Deviation:
0.06

Fitted Curve Equation:
 $\ln(T) = 0.63 \ln(X) + 1.30$

R²:
0.80

Directional Distribution:
81% entering, 19% exiting

Calculated Trip Ends:
Average Rate: 17, Total: 13, Entry: 4, Exit: 9

Fitted Curve: 66 (Total), 70 (Entry) 18 (Exit)

Use the mouse wheel to Zoom Out or Zoom In.

Graph Look Up

Query

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
540

LAND USE GROUP:
(500-599) Institutional

LAND USE :
540 - Junior/Community College

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

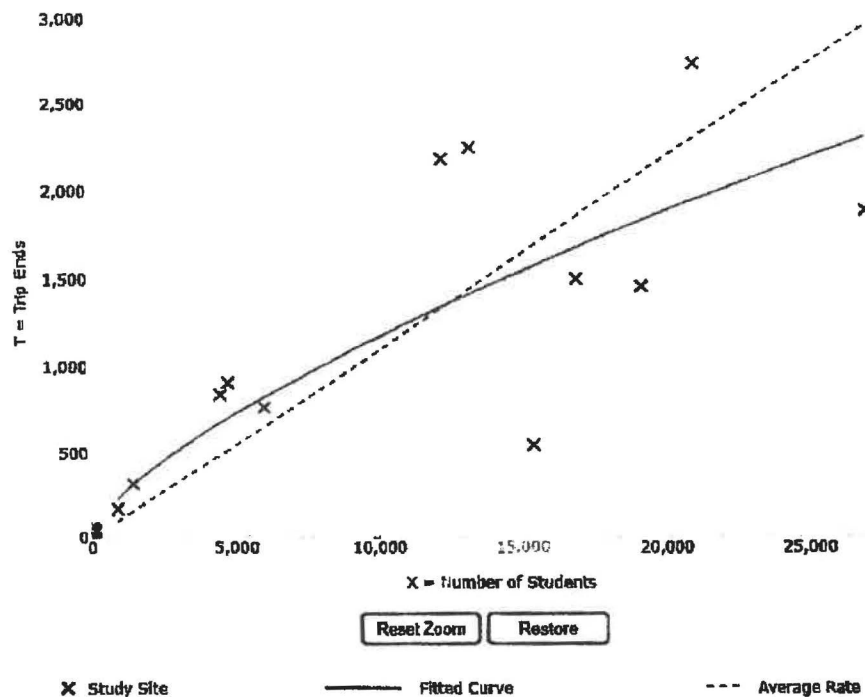
INDEPENDENT VARIABLE (IV):
Students

TIME PERIOD:
Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
150

Data Plot and Equation



DATA STATISTICS

Land Use:
Junior Community College (540) [Click for Description and Data Plot](#)

Independent Variable:
Students

Time Period:
Weekday
Peak Hour of Adjacent Street Traffic
One Hour Between 4 and 6 p.m.

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
12

Avg. Num. of Students:
11874

Average Rate:
0.11

Range of Rates:
0.04 - 0.22

Standard Deviation:
0.05

Fitted Curve Equation:
 $\ln(T) = 0.68 \ln(X) + 0.81$

R²:
0.75

Directional Distribution:
56% entering, 44% exiting

Calculated Trip Ends:
Average Rate: 17 (Total), 9 (Entry), 8 (Exit)
Fitted Curve: 68 (Total), 38 (Entry), 30 (Exit)

Use the mouse wheel to Zoom Out or Zoom In.

Graph Look Up

Query

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
540

LAND USE GROUP:
(500-599) Institutional

LAND USE:
540 - Junior/Community College

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

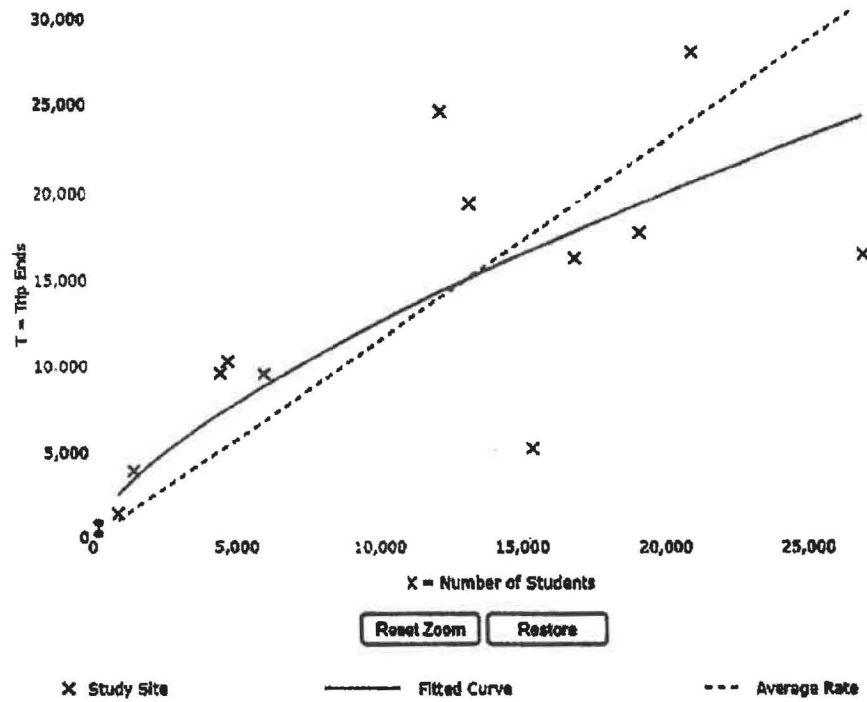
INDEPENDENT VARIABLE (IV):
Students

TIME PERIOD:
Weekday

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
200

Data Plot and Equation



DATA STATISTICS

Land Use:
Junior/Community College (540) [Click for details](#)

Independent Variable:
Students

Time Period:
Weekday

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
12

Avg. Num. of Students:
11874

Average Rate:
1.15

Range of Rates:
0.34 - 2.70

Standard Deviation:
0.59

Fitted Curve Equation:
 $\ln(T) = 0.67 \ln(X) + 3.27$

R²:
0.70

Directional Distribution:
50% entering 50% exiting

Calculated Trip Ends:
Average Rate: 230 (Total: 115 (Entry), 115 (Exit))
Fitted Curve: 916 (Total), 458 (Entry), 458 (Exit)

Use the mouse wheel to Zoom Out or Zoom In.

Graph Look Up

Query

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:

LAND USE GROUP:
(500-599) Institutional

LAND USE:
540 - Junior/Community College

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

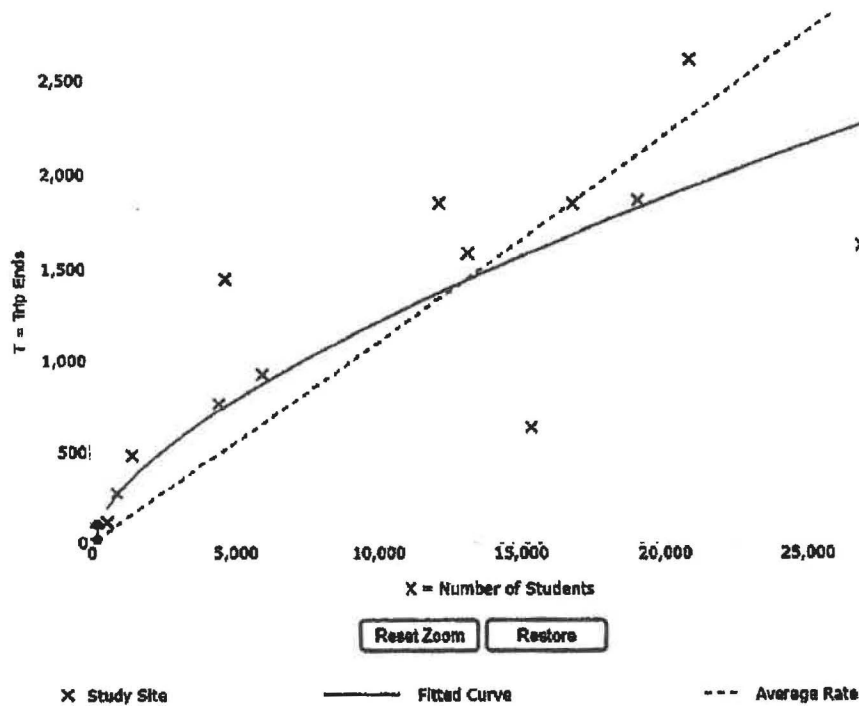
INDEPENDENT VARIABLE (N):
Students

TIME PERIOD: Students
Weekday Peak Hour of Adjacent Street Traffic

TRIP TYPE:
Vehicles

ENTER N VALUE TO CALCULATE TRIPS:

Data Plot and Equation



DATA STATISTICS

Land Use:
Junior/Community College (540) [Click for details](#)

Independent Variable:
Students

Time Period:
Weekday
Peak Hour of Adjacent Street Traffic
One Hour Between 7 and 9 a.m.

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
13

Avg. Num. of Students:
11002

Average Rate:
0.11

Range of Rates:
0.04 - 0.33

Standard Deviation:
0.06

Fitted Curve Equation:
 $\ln(T) = 0.63 \ln(X) + 1.30$

R²:
0.80

Directional Distribution:
81% entering, 19% exiting

Calculated Trip Ends:
Average Rate: 22 (Total: 20, Entry: 16, Exit: 4)
Fitted Curve: 103 (Total: 84 (Entry), 19 (Exit))

Use the mouse wheel to Zoom Out or Zoom In.

Graph Look Up

Query

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
540

LAND USE GROUP:
(500-599) Institutional

LAND USE:
540 - Junior/Community College

LAND USE SUBCATEGORY:
All Sites

SETTING/LOCATION:
General Urban/Suburban

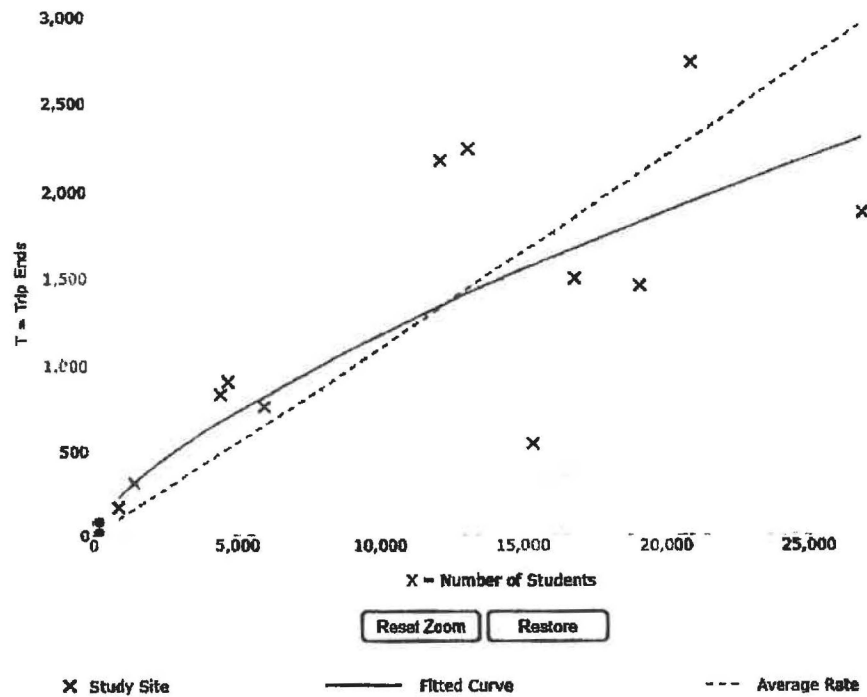
INDEPENDENT VARIABLE (IV):
Students

TIME PERIOD:
Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
200 Calculate

Data Plot and Equation



DATA STATISTICS

Land Use:
Junior/Community College (540) [Click for Land Use and Data Plots](#)

Independent Variable:
Students

Time Period:
Weekday
Peak Hour of Adjacent Street Traffic One Hour Between 4 and 6 p.m.

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
12

Avg. Num. of Students:
11874

Average Rate:
0.11

Range of Rates:
0.04 - 0.22

Standard Deviation:
0.05

Fitted Curve Equation:
 $Ln(T) = 0.68 Ln(X) + 0.81$

R²:
0.75

Directional Distribution:
56% entering, 44% exiting

Calculated Trip Ends:
Average Rate: 20 • Total: 12 (Entry: 10 • Exit: 2)
Fitted Curve: 83 • Total: 45 (Entry: 37 • Exit: 8)

Use the mouse wheel to Zoom Out or Zoom In.

Graph Look Up

Query

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
223

LAND USE GROUP:
(200-299) Residential

LAND USE:
223 - Affordable Housing

LAND USE SUBCATEGORY:
Income Limits

SETTING/LOCATION:
General Urban/Suburban

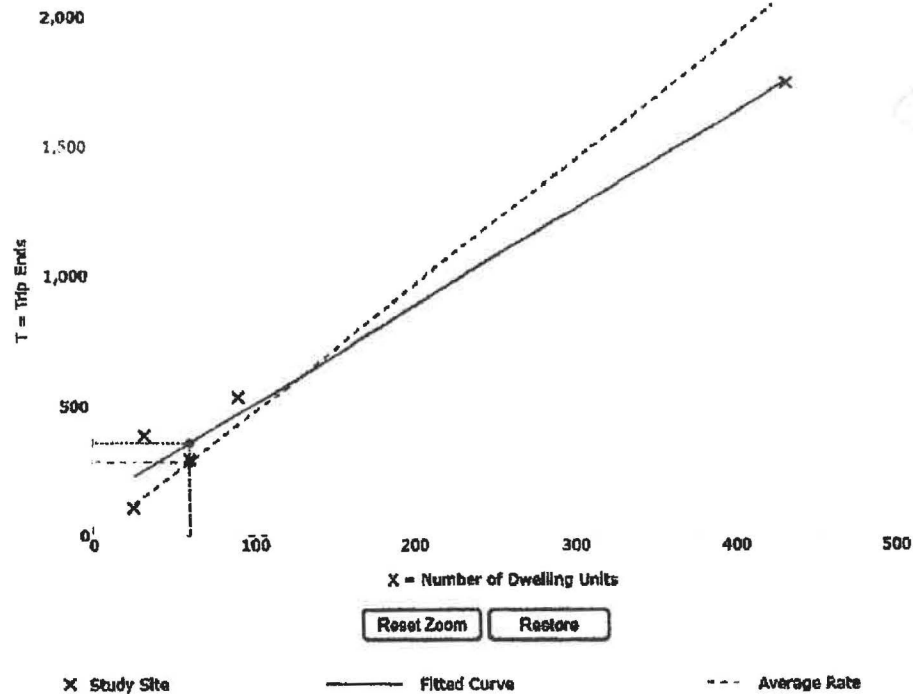
INDEPENDENT VARIABLE (IV):
Dwelling Units

TIME PERIOD:
Weekday

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
60

Data Plot and Equation



DATA STATISTICS

Land Use:
Affordable Housing - Income Limits (223) [Click for Definition](#) [Data](#)

Independent Variable:
Dwelling Units

Time Period:
Weekday

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
5

Avg. Num. of Dwelling Units:
128

Average Rate:
4.81

Range of Rates:
4.03 - 12.16

Standard Deviation:
2.03

Fitted Curve Equation:
 $T = 3.73(X) + 139.35$

R²:
0.98

Directional Distribution:
50% entering, 50% exiting

Calculated Trip Ends:
Average Rate: 289 (Total: 144 Entering, 145 Exiting)
Fitted Curve: 363 (Total: 182 Entering, 181 Exiting)

Use the mouse wheel to Zoom Out or Zoom In.

Graph Look Up

Query

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
223

LAND USE GROUP:
(200-299) Residential

LAND USE:
223 - Affordable Housing

LAND USE SUBCATEGORY:
Income Limits

SETTING/LOCATION:
General Urban/Suburban

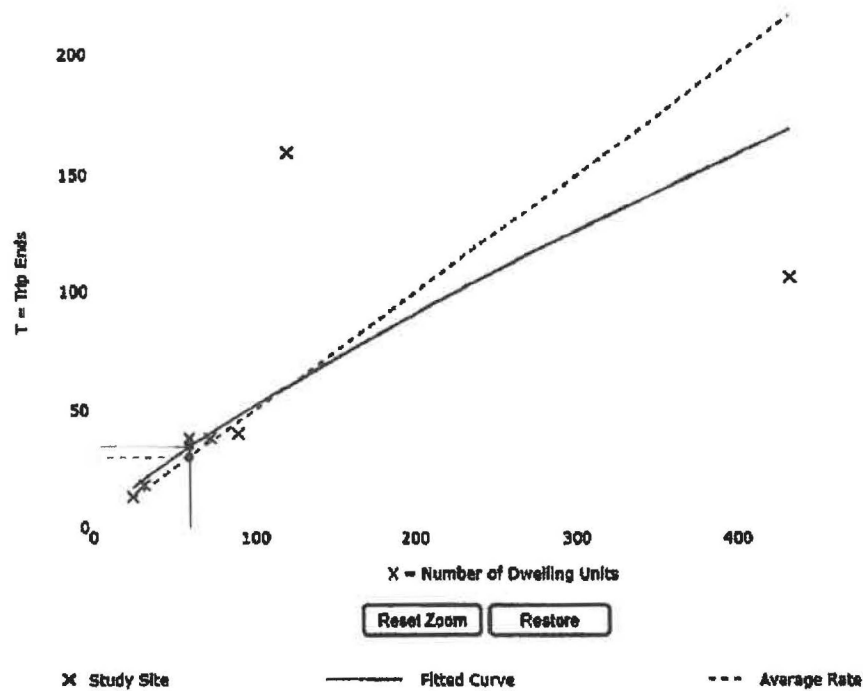
INDEPENDENT VARIABLE (IV):
Dwelling Units

TIME PERIOD:
Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:
Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
50

Data Plot and Equation



Use the mouse wheel to Zoom Out or Zoom In.

DATA STATISTICS

Land Use:
Affordable Housing - Income Limits (223) [Click for Description and Data Plot](#)

Independent Variable:
Dwelling Units

Time Period:
Weekday
Peak Hour of Adjacent Street Traffic
One Hour Between 7 and 9 a.m.

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
7

Avg. Num. of Dwelling Units:
119

Average Rate:
0.50

Range of Rates:
0.25 - 1.32

Standard Deviation:
0.39

Fitted Curve Equation:
 $\ln(T) = 0.81 \ln(X) + 0.22$

R²:
0.73

Directional Distribution:
29% entering, 71% exiting

Calculated Trip Ends:
Average Rate: 10 | Total: 10 (Entry), 24 (Exit)
Fitted Curve: 11 (Total), 10 (Entry), 24 (Exit)

Graph Look Up

Query

DATA SOURCE:
 Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:

LAND USE GROUP:
 (200-299) Residential

LAND USE:
 223 - Affordable Housing

LAND USE SUBCATEGORY:
 Income Limits

SETTING/LOCATION:
 General Urban/Suburban

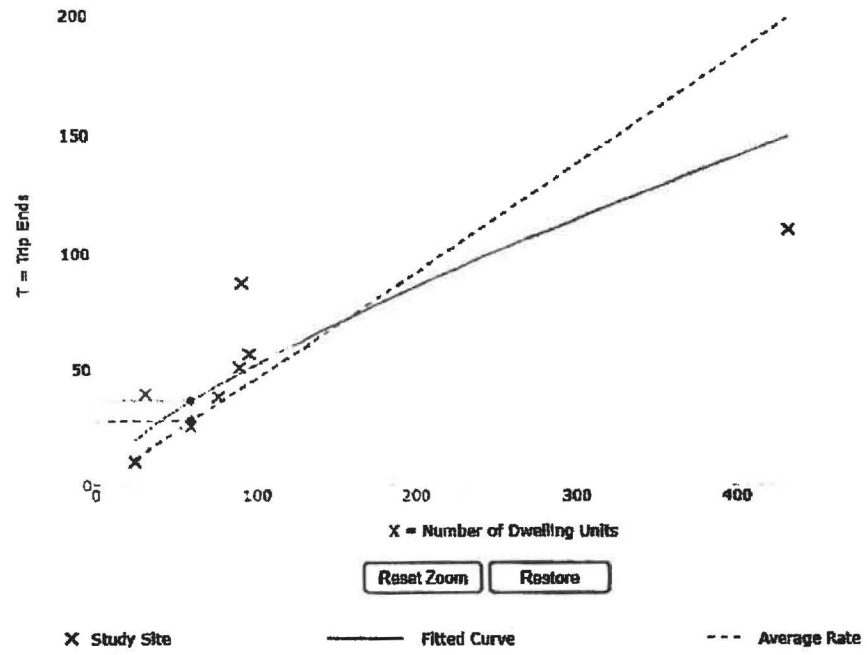
INDEPENDENT VARIABLE (IV):
 Dwelling Units

TIME PERIOD:
 Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:
 Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:

Data Plot and Equation



DATA STATISTICS

Land Use:
 Affordable Housing - Income Limits (223) [Click for Description and Data Plot](#)

Independent Variable:
 Dwelling Units

Time Period:
 Weekday

Peak Hour of Adjacent Street Traffic
 One Hour Between 4 and 6 p.m.

Setting/Location:
 General Urban/Suburban

Trip Type:
 Vehicle

Number of Studies:
 8

Avg. Num. of Dwelling Units:
 113

Average Rate:
 0.46

Range of Rates:
 0.26 - 1.22

Standard Deviation:
 0.28

Fitted Curve Equation:
 $Ln(T) = 0.72 Ln(X) + 0.64$

r²:
 0.67

Directional Distribution:
 59% entering, 41% exiting

Calculated Trip Ends:
 Average Rate: 26 (Total), 16 (Entry), 12 (Exit)

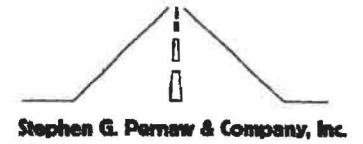
Use the mouse wheel to Zoom Out or Zoom In.

Parking Survey Census

Property	<u>Units</u>	<u>0/1 BR</u>	<u>2 BR</u>	<u>% 2BR</u>	<u>Total BRs</u>	<u>Total Spaces</u>	<u>Spots/Unit</u>	<u>Spots/BR</u>	<u>Parking Permits</u>	<u>% Spots Used</u>
Ash Brook	24	24	0	0%	24	48		2.00	16	33%
Central Sq. Terrace	90	90	0	0%	90	33 ←		0.37	29	88%
Harper Acres	112	104	8	8%	120	102		0.85	55	54%
Stone Arch Village (Senior)	33	27	6	22%	39	45		1.15	18	40%

Source: Keene Housing Authority email dated 2/8/23





Copyright © 2020 All rights reserved. The Urban Land Institute, International Council of Shopping Centers, and National Parking Association.

Project: Keene Housing Authority
Description: Roosevelt School

Shared Parking Demand Summary																		
Peak Month: JANUARY - Peak Period: 9 AM, WEEKDAY																		
Land Use	Project Data		Weekday					Weekend					Weekday			Weekend		
			Base Ratio	Driving Adj	Non-Captive Ratio	Project Ratio	Unit For Ratio	Base Ratio	Driving Adj	Non-Captive Ratio	Project Ratio	Unit For Ratio	Peak Hr Adj	Peak Mo Adj	Estimated Parking Demand	Peak Hr Adj	Peak Mo Adj	Estimated Parking Demand
	Quantity	Unit										9 AM	January		9 AM	January		
Retail																		
Food and Beverage																		
Entertainment and Institutions																		
Hotel and Residential																		
Active Senior Housing	60	units	0.55	100%	100%	0.55	unit	0.42	100%	100%	0.42	unit	100%	100%	33	100%	100%	26
Residents			0.30	100%	100%	0.30		0.30	100%	100%	0.30		100%	100%	18	100%	100%	18
Office																		
Additional Land Uses																		
															Customer/Visitor	33	Customer	26
															Employee/Resident	18	Employee/Resident	18
															Reserved	-	Reserved	-
															Total	51	Total	44







NOTICE LIST
438 Washington Street, Keene NH Map 531 Lot 54

Sturtevant Chapel, Inc.
20 Wright Street
Keene, NH 03431
Map 531 Lot 01

John and Debra Norris
15 Woodbury Street
Keene NH 03431
Map 531 Lot 38

Allen C. Demond
Deborah Demond
37 Wright Street
Keene NH 03431
28 Wright Street
Map 531 Lot 02

James S. Wood
11 Woodbury Street
Keene NH 03431
Map 531 Lot 39

Louise M. Dinuovo Revocable Trust
15 Fox Ave
Keene NH 03431
Map 531 Lot 33

Three Trees LLC
P.O. Box 626
Keene NH 03431
9 Woodbury Street Keene, NH
Map 531 Lot 40

Barbara MacKenzie
5 Fox Ave
Keene NH 03431
Map 531 Lot 34

Gary Schneider
5 Woodbury Street
Keene NH 03431
Map 531 Lot 41

Susan L. Bunton-Merritt Trust of 2020
3 Fox Ave
Keene NH 03431
Map 531 Lot 35

Earl and Ester Norris
3 Woodbury Street
Keene NH 03431
Map 531 Lot 42

Thomas Bergeron
Daniella Bergeron
21 Woodbury Street
Keene NH 03431
Map 531 Lot 36

Christian and Rebecca Sayan
464 Washington Sts
Keene NH 03431
Map 531 Lot 43

Margit Noel
Daniel Foster
19 Woodbury Street
Keene NH 03431
Map 531 Lot 37

Delilah M. Kelly
472 Washington St
Keene NH 03431
Map 531 Lot 44

GWG Properties, LLC
55 Langly Road
Keene NH 03431
451 Washington St.
Map 531 Lot 47

Eric and Debra Willis
18 Woodbury Street
Keene NH 03431
Map 531 Lot 55

Melinda Mosier
443 Washington St.
Keene, NH 03431
Map 531 Lot 48

John Bordenet
Rose Kundanis
22 Woodbury Street
Keene NH 03431
Map 531 Lot 56

Michelle Carter
435 Washington St.
Keene NH 03431
Map 531 Lot 49

Fanny Del Socorro Monsalve Puerta
37 Gleneagle Drive
Nashua, NH 03063
Map 531 Lot 57

People's Linen Service, LLC
9 Giffin Street
Keene NH 03431
427 Washington St
Map 531 Lot 50
9 Giffin Street
Map 532 Lot 74

Claudette E. Fish
89 Ellis Court
Keene NH 03431
Map 531 Lot 58

Wendy Preston
Mark Fontaine
417 Washington St.
Keene NH 03431
Map 531 Lot 51

Wesruth Family Trust
39 Ellis Court
Keene NH 03431
Map 531 Lot 59

MLF NH Properties, LLC
160 Randolph Ave
Jersey City, NJ 0305
404 Washington Street
Map 531 Lot 52

Deborah Demond
37 Wright Street
Keene NH 03431
Map 531 Lot 60

Brittany Rose Woolsey
Michael Lee Thompson
412 Washington St.
Keene NH 03431
Map 531 Lot 53

Harrison Durfee
Molly McCormack
621 Court Street
Keene NH 03431
25 Wright Street
Map 531 Lot 61

Beverly Langley
15 Wright Street
Keene NH 03431
Map 531 Lot 62

Todd Tousley
P.O. Box 626
Keene NH 03431
490 Washington St.
Map 532 Lot 01

S & S Wilder, LLC
384 Washington St.
Keene, NH 03431
Map 535 Lot 24

Edward Nickerson
411 Washington St.
Keene NH 03431
Map 535 Lot 26

Steven Prince
Kerry Prince
71 East Main Street
Rindge NH 03461
403 Washington St.
Map 535 Lot 27

Najad G. Ghanbari
1082 Davol St , #402
Fall River, MA
397 Washington St.
Map 535 Lot 28

Taccini-Huff Family Trust
4245 Palos Verdes Drive South
Rancho Palos Verdes, CA 90275
391 Washington St.
Map 535 Lot 29