

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, December 18, 2023

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Harold Farrington, Chair
Emily Lavigne-Bernier
Roberta Mastrogiovanni
Armando Rangel
Ryan Clancy
Kenneth Kost, Alternate (Voting)

Staff Present:

Jesse Rounds, Community Development
Director
Mari Brunner, Senior Planner

Members Not Present:

David Orgaz, Vice Chair
Mayor George S. Hansel
Councilor Michael Remy
Randyn Markelon, Alternate
Gail Somers, Alternate
Tammy Adams, Alternate

I) Call to Order

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

II) Minutes of Previous Meeting – November 13, 2023 & November 27, 2023

November 13 Meeting Minutes: Ryan Clancey recused himself from approving the November 13 minutes as he was not present. A motion was made by Roberta Mastrogiovanni that the Planning Board approve the November 13, 2023 meeting minutes. The motion was seconded by Emily Lavigne-Bernier and was unanimously approved.

November 27 Meeting Minutes: Chair Farrington offered the following correction - Line 251 – change the word “driveway” to “crosswalk.”

A motion was made by Roberta Mastrogiovanni that the Planning Board approve the November 27, 2023 meeting minutes as amended. The motion was seconded by Emily Lavigne-Bernier and was unanimously approved.

III) Final Vote on Conditional Approvals

The Chairman stated this is a standing agenda item. As a matter of practice, the Board issues a final vote on all conditionally approved plans after all of the “conditions precedent” have been met. This final vote will be the final approval and will start the 30-day appeal clock.

Ms. Brunner stated there is one application that is ready for final approval tonight. It is a boundary line adjustment application for the properties at 26 Prospect Street and 361 Court Street - S-04-23. There were four conditions of approval: (1) Submittal of four full size paper copies, Mylar copies and a digital copy of the final plan; (2) The owner’s signature appears on the plan; Submittal of a check to cover the cost of recording fees; Inspection of lot monuments by the Public Works Director or their designee to ensure that the monuments have been set. All conditions have been met.

A motion was made by Roberta Mastrogiovanni that the Planning Board issue final site plan approval for S-04-23. The motion was seconded by Emily Lavigne-Bernier and was unanimously approved.

IV) Adoption of 2024 Meeting Schedule

Ms. Brunner noted to the Board that the December meeting in 2024 falls on December 23rd and asked if the Board wanted to move up the meeting by a week to December 16th. Mr. Clancy felt that would be a better change, Mr. Rangel agreed. It was agreed that the December 2024 meeting would be changed to the 16th.

A motion was made by Roberta Mastrogiovanni that the Planning Board approve the 2024 meeting schedule as amended. The motion was seconded by Emily Lavigne-Bernier and was unanimously approved.

V) Master Plan Steering Committee – Continued Discussion

Ms. Brunner reminded the Board that this project has been planned in the City’s Capital Improvement Program for a number of years. It was initially scheduled to start a few years ago but was delayed due to several factors, such as COVID. She stated her presentation tonight has three parts. The first part is explaining the Planning Board’s role, the second would be the timeline and process, and the third would be the process to nominate the individuals for the Steering Committee.

Ms. Brunner stated a Master Plan is a long-range planning document that serves as a guide for citywide growth and development, as well as major capital investments. It is also the foundation or the basis for public policy, including zoning and land use decisions. There are two mandatory sections of the Master Plan. The first is a vision section and the second is a land use section. Those are the only two sections that are required under state law. Having a Master Plan with those two sections is a prerequisite for having things like a zoning ordinance, creating a historic district, or having a Capital Improvement Program. In addition to those two mandatory sections,

there are 15 optional sections outlined in the state RSA, which Ms. Brunner referred to in her PowerPoint presentation.

The state also recommends that a Master Plan be updated every five to ten years. State statute also outlines the process for adoption.

The Master Plan is initially adopted by the Planning Board after a duly-noticed public hearing, which requires a 10-day notice period. It can be adopted section by section. Amendments and updates to the Master Plan are adopted following that same process. In Keene, similar to many other communities in New Hampshire, the Planning Board also refers the plan to the City Council for their endorsement prior to adoption, which Ms. Brunner noted was an important step. The City Council implements the Master Plan through the budgeting process.

Ms. Brunner went on to say the CIP includes a budget for the Master Plan for two years. The City is in a pre-project preparation phase, which has two major steps. The first one is the formation of a project Steering Committee. Ms. Brunner stated originally staff's proposal was that the Steering Committee members would be nominated by the Planning Board and confirmed by City Council. Based on feedback staff received from the Planning Board, staff consulted with the City Attorney and proposed an alternate process whereby they asked individuals to be nominated by the Mayor with input from the Planning Board Chair and then confirmed by the Planning Board. The City Attorney felt that this should be a committee of the Planning Board as the role in adopting the Master Plan lies with the Board. The intention was to have the Steering Committee to start meeting in January 2024 and their role would be to provide overall direction and guidance on the project.

Ms. Brunner went on to say the second task staff has been working on is hiring a consultant, professional consulting firm, or team of firms to help with all phases of the project. There is a recommendation for a consultant that will be going to City Council on Thursday.

Once the project officially launches, the first phase will be an update to the Keene Community Vision and an update to the community snapshot. Ms. Brunner explained that the community snapshot outlines the community's statistics and trends, such as socioeconomic data, demographic data, public health indicators, housing statistics, etc. The Community Wide Vision is the part of the project that will involve the most robust public engagement. This work would be completed in Phase One and the goal is to get this work done in nine months.

Phase Two would be the drafting of the Comprehensive Master Plan and the future land use map. This phase includes drafting and writing the plan, the development of graphics, developing the future land use map, and creating the final document layout. Ms. Brunner stated during this phase, the consultant would continue to work with staff, the Steering Committee, and the Technical Advisory Committee and continue public engagement and communication.

The final phase would be adoption, which staff hopes will start in July 2025. The process is for the Steering Committee to make a recommendation that the Master Plan be adopted. It would then go to City Council for review and endorsement. The Planning Board would then hold a public hearing, which would include a 10-day notice, and adopt the Master Plan. This concluded the staff presentation.

Mr. Clancy asked when staff presented this project to the Board in July what the budget for the project was. Ms. Bruner stated the City Council, through the Capital Improvement Program, had approved \$50,000 for FY24 and \$40,000 in FY25. At this point in time, through the budgeting process, only \$50,000 has been allocated. Ms. Brunner went on to say that when the City issued an RFQ for the project in October all of the responses were in the range of \$160,000 to \$175,000. As a result, staff is requesting that City Council allocate additional funding to this project to account for that difference in the budget.

Mr. Clancy asked what was said in the July meeting that made staff feel that the Board did not want to be part of the search committee process for the consultant. He pointed out that the search committee did not have any Planning Board members, which is of concern to him. Ms. Brunner in response stated that staff followed their typical bidding procedures to form the selection committee. She stated that typically the process that is followed is to create a selection committee. More often than not, unless it is a large project, it consists just of staff. However, in this instance, because this is a large project, the City wanted to include someone from City Council who was also on the proposed Master Plan Steering Committee.

Phil Jones was a proposed member of the Steering Committee when the committee was formed last September. He was also involved in the Master Plan process in 2010. The selection committee of five people included the City's Marketing and Communications Director, Rebecca Landry; the Parks, Recreation and Facilities Director, Andrew Bohannon; the Community Development Director, Jesse Rounds; Ms. Brunner; and Councilor Jones. Mr. Clancy stated that in July the Board was told the Steering Committee members would be part of the selection committee, and does understand the selection of Phil Jones, but noted there is no Steering Committee in place yet. Hence, questioned what the Board might have said that might have changed staff's nomination process for the selection committee. Ms. Brunner stated there was nothing indicated by the Board, and noted that the Steering Committee has not yet been formed and there is someone who is proposed to be on the Steering Committee who served on this selection committee.

Chair Farrington noted there might be one item missing from the project planning process, which is input from someone regarding expected trends – things we can expect in the future regarding transportation, energy, etc. Ms. Brunner stated the consultant firm being recommended (called Future IQ) will focus on trends and what the future will bring.

Mr. Kost stated his understanding of the Comprehensive Master Plan is that it is a tool for the Planning Board to base its decisions on. He asked that the consultant keeps this in mind – a clear process checklist for the Board to utilize.

Mr. Clancy felt \$160,000 seems like a lot for a Master Plan update. He felt there are items on the current Master Plan that have not yet been accomplished. He felt what is being proposed seems like a complete overhaul of the Master Plan. He asked what the purpose of the committee was - will they guide the City through the process or are they supposed to deliver the final result. Ms. Brunner stated the Steering Committee's role is to guide the process and also what is being proposed is somewhere between a complete overhaul and an update. She added that the vast

majority of the work the consultant will be doing is the public outreach and updating the snapshot. Public outreach is about 50% of the cost. She also added that staff does realize that the cost originally included in the budget is much less than what is being proposed. She noted costs across the board in all aspects have increased dramatically. Staff did reach out to other communities in the area and their cost for updating their Master Plans were very close to what Keene is proposing. Ms. Brunner went on to say that if the public engagement component was deleted, the cost could probably be reduced to around \$120,000, but staff would then not be able to complete the kind of public engagement the community would be looking for.

Ms. Brunner then addressed the Steering Committee. The purpose of the Steering Committee is to provide guidance to the Planning Board, City staff, and the consultants throughout the course of the Master Plan update project. There will be regular monthly meeting times for the Steering Committee and they will also hold meetings as needed. It is expected that the committee will be asked to weigh in on things like the community engagement plan, ideas for outreach, different groups that should be brought in, different voices in the community that should be heard from, feedback on the overall structure or outline of the plan, and provide input on sections of the Master Plan that need updating.

Ms. Brunner stated that from the inception, the proposal was to include a mix of Planning Board members, City Councilors, and residents as part of the committee. Staff felt it was important to include both the Planning Board and the City Council, as these are the two bodies that are going to be voting on this plan. However, staff also wanted to include leaders from the community that represent different sectors that are important for both current and future City planning. Ms. Brunner referred to a slide that included a list of the sectors that were considered for inclusion on the Steering Committee. Staff developed this list in July, and it was shared with the Planning Board Chair, the Mayor, the City Manager, and the Economic Development Director for their input. As part of this process, parallel to the Steering Committee, there is also going to be a Technical Advisory Committee, which is formed by the City Manager that will include City Staff with other perspectives, such as emergency management, infrastructure, recreation facilities, etc.

Once those categories were identified, staff met with the Mayor, the City Manager, and Planning Board Chair and asked for a list of suggested names and/or institutions. This meeting happened in August. From September through October, staff started reaching out to different individuals and invited them to participate. There was a one-page overview sheet given to each person that explained what the Master Plan was, its importance, the schedule, and what their commitment was going to be. Staff also had to confirm that any person chosen to serve on the committee was a Keene resident.

The draft roster was shared with the Mayor for approval and then sent to the Planning Board for its approval. Based on the input received at the last meeting, the Chairman has been working with the Mayor-Elect to identify individuals to respond to concerns raised last month. Ms. Brunner stated that the Board has an updated list of members, but noted one correction. Slot 6 lists Mark Doyon from the Keene State College Facilities Department as being one of the proposed members, but this individual is now being replaced by Leatrice Oram, the Chief of Staff in the President's Office. There are now 13 voting members and 4 alternates. The tentative

meeting time is the first Tuesday of each month at 6:30 pm. All Steering Committee meetings will be publicly noticed, the agenda will be posted, and the public will be able to attend.

A motion was made by Roberta Mastrogiovanni that the Planning Board establish a Master Plan Steering Committee to help guide the City of Keene Master Plan update and appoint the individuals nominated by the Mayor and Planning Board Chair as listed on the memo to the Planning Board dated December 18, 2023. The motion was seconded by Emily Lavigne-Bernier.

Mr. Clancy stated that during the last City elections, the Mayor and Councilor Remy wrote a letter regarding a conflict of interest and the ethics of the City. Even though there was nothing backing those accusations in the City Code of Conduct, he felt there is an ethics concern here, which he felt could help spark the direction the City goes in terms of the representation of this Board.

He noted there are six members at the meeting tonight voting on the Steering Committee, four of whom are nominated to serve on the Steering Committee. Even though it is not in any Robert's Rules of Order or Bylaws, he felt there is an ethical concern in members voting for themselves. He felt even though this is a good list, it could have been better and creates an echo chamber that has been felt in the City for a long time - 5 Planning Board members, 3 councilors, and the Mayor-Elect being a part of it. He requested that the individuals nominated tonight consider their conflict of interest in this matter.

Ms. Lavigne-Bernier stated she appreciates this viewpoint and agrees it is "odd" to vote for yourself. However, one issue is that she would not be serving on this Board after tonight, the second is that she is a Planning Board member, but is also very much a community member and felt affiliation goes way beyond Planning Board representation. She stated that she does however, understand the concern.

Chair Farrington stated the list before the Board is an improvement, and each month it is revised it is likely to keep getting better; however, then you run this risk of jeopardizing the timeline for getting the update completed. He stated that he is comfortable with this list and would like to move forward with the vote.

Mr. Clancy stated he appreciates wanting to move this item forward, but one of his questions is efficiency versus representation of this community. He noted the three downtown businesses involved in the Steering Committee are businesses on the same block and felt there could be some more diversity. With respect to Council representation, he that stated he was surprised Chair Kate Bosley of the PLD Committee was not on the Steering Committee as she was one of the largest recipients of votes in the last two elections (at large). She is also a great advocate for the community and creates great conversation. He stated he was also surprised not to see Pam Russell-Slack, former Chair of the Planning Board, not being considered as well as Donovan Fenton, who was not only elected to the State Senate, but also gives us a voice as to what the state is involved in.

He stated he understands the desire to move forward – this is a good list, but not the best list. He also felt 17 members would not be efficient and would end up being too many voices. Mr.

Clancy went on to say in looking at other communities, he did not see any other community exceeding nine members on the Master Plan Steering Committee. He asked whether the Board could omit individuals from this list and add people to the list. Mr. Rounds stated the Board could add and delete individuals as this is the Board's committee. Mr. Clancy went on to say even though Ms. Lavigne-Bernier is stepping down from the Planning Board that during his Board member orientation, the City Attorney advised him that if he is in a room with other Planning Board members and there was a quorum, it could be considered a Board meeting. He felt that with such a large presence of Board members on the committee, it could deter other Board members from attending group sessions for the Master Plan. He noted that for the 2010 Master Plan update there was only one current Board member on the Steering Committee.

Chair Farrington stated his understanding is the issue with quorum is only when you are talking about specific proposals that come before the Board, and did not feel what is discussed at a Steering Committee has the danger of turning into a Planning Board meeting when discussing Master Plan issues. He added that the Master Plan is the responsibility of the Board and this Steering Committee is intended to work on that. He went on to say that the Steering Committee can invite people in at any time and expects that to happen. The Steering Committee will not be discussing specific applications.

Ms. Mastrogiovanni asked whether the Planning Board has the final say. Someone on the Board or staff answered in the affirmative. Ms. Mastrogiovanni asked the Board to keep in mind that there are several members on this Planning Board who are also community members and business owners who are not on the Steering Committee. She agreed that this is a large roster and could create an issue with Planning Board quorum. However, if the Board does have a final say, the Board does consist of a good mix of people, and hence she was comfortable in the process. Ms. Mastrogiovanni added she was not happy with the election process, but felt it was too late to do anything about it.

Mr. Kost felt the purpose of the Steering Committee is to provide guidance; communicate with the community; obtain information; etc. He stated that he did not feel they would be driving decisions or pushing down agendas, but instead helping to shape the process. He asked for clarification from staff. Ms. Brunner agreed and added that staff's goal initially was to have a nine-member committee. She explained that all individuals staff reached out to agreed to serve on the committee and after last month's discussion about adding diversity, more people were added to the list. She added she was not too concerned about the size of the committee and felt that the challenge would be finding a meeting time. She added that there will be additional outreach and engagement of the community beyond the Steering Committee and explained that the Committee's role is more related to guidance.

Mr. Clancy noted it is a large committee with half of the membership coming from City representatives. In addition, he expressed concern about the project cost of \$160,000.

Ms. Lavigne-Bernier asked whether Mr. Clancy could see the benefit of her being on the committee. She stated that for instance, she will not only be a former Planning Board member, but she is also a business owner and someone who has been advocating for childcare in this

community and has reached out to different sectors to assist with that. She felt that the updated list is much more diverse.

The motion was tabled.

Mr. Jay Kahn addressed the Board next and stated he hoped the Board values the updated list. He and the Chairman have discussed the membership and have added some diversity to address the concerns raised by the Board last month. He did not feel it should be tabled to update it again. He felt the names on the list would bring value to the discussion. Mr. Kahn stated he sees the end result as being very collaborative.

A motion was made by Roberta Mastrogiovanni that the Planning Board establish a Master Plan Steering Committee to help guide the City of Keene Master Plan update and appoint the individuals nominated by the Mayor and Planning Board Chair as listed on the memo to the Planning Board dated December 18, 2023.

The motion was seconded by Emily Lavigne-Bernier and was approved with Mr. Clancy abstaining from the vote.

VI) Staff Updates

None

VII) New Business

None

VIII) Upcoming Dates of Interest

- Joint Committee of the Planning Board and PLD – January 8th, 6:30 PM
- Planning Board Steering Committee – January 9th, 11:00 AM
- Planning Board Site Visit – January 17th, 8:00 AM – To Be Confirmed
- Planning Board Meeting – January 22nd, 6:30 PM

The meeting adjourned at 7:32 pm

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Mari Brunner, Senior Planner
Megan Fortson, Planning Technician