

City of Keene
New Hampshire

MINOR PROJECT REVIEW COMMITTEE
MEETING MINUTES

Monday, August 30, 2021

1:00 PM

**Council Chambers,
City Hall**

Members Present:

Rhett Lamb, Asst. City Manager/Community
Development Director
John Rogers, Building and Health Official
Don Lussier, City Engineer
Captain John Bates, Fire Department

Staff Present:

Tara Kessler, Senior Planner

Members Not Present:

Medard Kopczynski, Director of Economic
Development, Initiatives and Special Projects

I) Call to Order – Roll Call

Rhett Lamb called the meeting to order at 1:07 pm and a roll call was taken.

II) Election of Chair & Vice Chair

Rhett Lamb noted that the first order of business was to elect a Chair and Vice Chair. He asked for a nomination for Chair of the Committee. A motion was made by John Rogers to nominate Rhett Lamb to serve as Chair. The motion was seconded by John Bates, and failed to carry due to a tie vote of 2-2.

Chair Lamb asked for another motion for a nomination of Chair and/or Vice Chair. John Rogers made a motion to nominate Rhett Lamb as Chair and Med Kopczynski as Vice Chair. The motion was seconded by Chair Lamb, and carried unanimously.

III) Rules of Procedure

Tara Kessler reviewed the draft Rules of Procedure for the Committee. She noted that she made slight amendments to the standard rules of procedure prepared by the City Attorney's office for Boards and Commissions. She also reviewed the Planning Board Rules of Procedure as she was developing this draft to incorporate any language that would be relevant to this Committee. She acknowledged that this Committee, as a land use board, operates in a different manner than other City boards and commission.

Ms. Kessler walked through the draft document, and answered questions from the Committee members throughout her review. A summary of the discussion and questions that were raised on this draft is included below.

- Don Lussier asked about the terms of Committee members. Chair Lamb noted that this Committee is nontraditional, in that the statute that enables its creation specifies that membership should be composed of City staff with technical expertise in the subject of land use / development. As such, it would not be practical to have term limits set for members. However, he noted that this topic should be revisited at a future meeting.
- John Rogers asked whether all business before the Commission would be public hearings. Ms. Kessler responded that it is unlikely there will be other business before the Commission as they have the responsibility to review and decide on minor site plan applications through a public hearing process. However, there may be the need for administrative items, such as amendments to the Rules of Procedure, to come before the Committee.
- Ms. Kessler noted that Item #10 related to Communications should be revisited, as it is more oriented to other boards and commissions. John Rogers offered the Zoning Board of Adjustment Rules of Procedure as an example. Ms. Kessler will make edits to this section for the Committee to review at their next meeting.
- With respect to Item #11 Tie Vote, Chair Lamb noted that the language should be revisited. It currently states that a tie vote would deem the motion defeated. He suggested that the language should state the motion failed to pass, and that more clear language is needed to address what happens if there is a tie vote.
- Ms. Kessler reviewed the rules around Conflict of Interest, which primarily reference the City Code and City Charter standards related to conflict of interest. Chair Lamb stated the Planning Board rules around conflict of interest vary from the City Council. He is concerned that the language in this draft does not reflect the same policy held by the Planning Board, which is the entity from which the Minor Project Review Committee derives its authority, and by which the Committee is modeled with respect to procedure. Ms. Kessler noted that she will consult with the City Attorney on this section and this language. She will have an update for the Committee, and potentially edits, on this section at the next meeting.
- There was a question raised as to whether the section on nonpublic sessions is necessary, as the Committee will rarely find itself in this circumstance. Ms. Kessler will consult with the City Attorney on this question.

John Rogers asked if a vote is needed to adopt this version of the Rules of Procedure, or if the Committee should wait for an amended version. Chair Lamb noted that Committees have functioned in the absence of Rules of Procedure in the past, and feels it is possible to vote on an amended version at the next meeting.

Don Lussier questioned what the implications are related to having a quorum of the Committee present outside of the Committee meeting setting. Frequently, all of the Committee members, and more commonly, a quorum of the Committee members, will work together in a professional capacity discussing site plan and development topics. He asked if this will be a problem with respect to RSA 91-A. Chair Lamb stated that he feels that as long as Committee members are not deliberating or discussing the applications that come before the body, there is not an issue; however, he emphasized the importance of exercising caution. He continued, stating that the Statute grants the City the ability to create this Committee in this way, where the members of the Committee are also City staff that would be likely to review, comment on, and later inspect the work that is either proposed or approved by the Committee.

John Rogers asked if the Presubmission Meeting would present a conflict for Committee members, as it is common for an applicant to come to the Presubmission Meeting to discuss a potential application to City staff and receive nonbinding feedback on the proposal. Ms. Kessler noted that the work that is discussed in this setting has not yet been applied. The purpose of the meeting is to help guide an applicant before they submit the application.

Don Lussier noted that sharing of emails might be an issue. Chair Lamb noted that all communication for the Committee will go through Tara Kessler as the staff liaison, and the group should not reply all to emails that relate to Committee business. He suggested that they invite the City Attorney to speak to the Committee about this topic at a future meeting.

Don Lussier made a motion to place this agenda item related to Rules of Procedure on more time. John Rogers seconded the motion, which carried unanimously.

IV) Adoption of 2021 Meeting Schedule

Ms. Kessler reviewed the proposed meeting schedule for the Committee that was included in the Agenda Packet. The schedule proposed a standing meeting on the 2nd Thursday of each month at 10:00 am in Council Chambers of City Hall, and reserving the 4th Thursday of the month at 10:00 am if needed for continued public hearings.

Don Lussier asked why the order of the columns on the schedule has the meeting date first and it is not chronological. Tara Kessler noted that it follows the same format used for the Planning Board and Historic District Commission for application submission deadlines and meeting schedule. It is easier to identify the meeting date in the first column, and have subsequent columns provide information about the interim deadlines required for applicants to be ready for the targeted meeting date.

The Committee discussed whether the date of the Presubmission Meeting should be on this schedule, and if so, should it be clear that it is an optional meeting for Minor Site Plan applications. Ms. Kessler noted that she would make it clear that the Presubmission Meeting is optional on this schedule.

Ms. Kessler also addressed the topic of the Presubmission Meeting date/time. She asked if the Commission would favor switching the regular time for this meeting from the 2nd Wednesday of

the month at 11 am to the 2nd Thursday of the month at 8:30 am. The Committee members noted they were in favor of this change.

John Rogers asked if there is enough time for public notice of applications with this schedule. Ms. Kessler responded in the affirmative.

Don Lussier made a motion to adopt the 2021 meeting schedule with the edits and amendments discussed by the Committee. John Rogers seconded this motion, which carried unanimously.

Review of Development Standards, Application Procedure & Public Hearing Process

Tara Kessler reviewed the roles and responsibilities of the Committee, which is primarily to review and decide on applications for Minor Site Plans through a public hearing process.

She reviewed the thresholds for which projects become Minor or Major Site Plans. A handout was included in the meeting packet that outlined these thresholds. They are also available in Section 25.12 of the City of Keene Land Development Code.

John Rogers asked whether there would still be administrative review of work. Tara Kessler replied that projects that fall beneath the thresholds for Minor Site Plan would be reviewed administratively by the Community Development Director to determine compliance with the City's Site Development Standards. Chair Lamb provided an overview of how he applies the discretion with review of Minor Site Plan applications today.

Don Lussier asked whether an incomplete application would be placed on the next meeting agenda. Ms. Kessler responded that planning staff would review applications when they come in for completeness. If staff determines that an application is missing information or required components, enough so as to impact the ability of the Committee to determine whether the proposal is in compliance with the Site Development Standards, it will not place the application on the agenda. The Committee will need to vote on application completeness at the meeting before it opens a public hearing on an application. It is also possible for the Committee to open the public hearing on an application and discover later that more information is required for the Committee to complete its review and decide on the application. In this circumstance, the Committee would likely request this additional information from the applicant and continue the public hearing to a future date and time.

Ms. Kessler noted that the Site Development Standards, which are Article 20 of the City's Land Development Code, are the primary standards the Committee will use to evaluate and decide on Minor Site Plan Applications. These standards are included in the Agenda Packet for Committee members to review. She noted that she would be happy to review these standards in more detail at a future meeting.

Chair Lamb encouraged members to review the Development Standards in advance of the next meeting.

John Rogers noted that the applications submitted for the September 9th meeting align with an older version of development standards. Ms. Kessler acknowledged this, and explained new forms will be provided for applicants for future months.

Don Lussier asked if the Planning Board can send applications to the Planning Board. Ms. Kessler noted that the regulations do not explicitly state that the Committee can do this. The regulations provide the Community Development Director with the authority to determine if a project is a Major or Minor Site Plan, and they provide the Applicant the ability to choose to go before the Planning Board instead of the Minor Project Review Committee; however, it does not state the Committee can choose to send a project to the Planning Board.

V) Next Meeting

The next meeting will be held on Thursday, September 9, 2021 at 10:00 AM.

There being no further business, Chair Lamb adjourned the meeting at 2:38 PM.

Respectfully submitted by,
Tara Kessler, Senior Planner