

**City of Keene  
New Hampshire**

**MINOR PROJECT REVIEW COMMITTEE  
MEETING MINUTES**

**Tuesday, September 9, 2021**

**10:30 AM**

**Council Chambers**

**Members Present:**

Med Kopczynski, Director of Economic Development, Initiatives and Special Projects; Vice Chair  
Rhett Lamb, Community Development Director/Assistant City Manager; Chair  
Don Lussier, City Engineer  
John Rogers, Building and Health Official  
Captain John Bates, Fire Department

**Staff Present:**

Tara Kessler, Senior Planner

**Members Not Present:**

*All Present*

**I. Call to Order – Roll Call**

Chair Lamb stated that the City has amended its Land Use Ordinances into the Land Use Code. He continued that he set up a Minor Project Review Committee (MPRC) to look at projects that are above an administrative review level but below a Planning Board public hearing and review level. This is the first meeting with public hearings.

Chair Lamb called the meeting to order at 10:00 AM. Roll call was conducted. Chair Lamb explained the procedures of the meeting.

**II. Minutes of Previous Meeting – August 30, 2021**

Mr. Lussier made a motion to approve the meeting minutes of August 30, 2021. Mr. Bates seconded the motion, which passed by unanimous vote.

**III. Public Hearings**

- A. SPR-02-20 Mod. 2 – 19 Production Ave, Eversource Storage Enclosure, Site Plan – Applicant and owner PSNH (DBA Eversource Energy) proposes to install a 2,600 sf prefabricated fleet vehicle storage enclosure within the existing, enclosed storage yard at 19 Production Ave (TMP# 242-001-000). The enclosure will be located near the southern boundary of the parcel, to the west of the existing building. This site is 5.34-acres and is located in the Industrial District.**

Chair Lamb asked for a recommendation from Tara Kessler, Senior Planner, on the completeness of the application. Ms. Kessler replied that staff recommends that the Committee accept the application as complete.

Mr. Kopczynski made a motion to accept the application as complete. Mr. Rogers seconded the motion, which passed by unanimous vote.

Nick Golon stated that he is a licensed Principal Engineer with TFMoran, located at 48 Constitution Dr., Bedford, NH. He continued that he is joined by Brent Kilgore from Eversource. Mr. Kilgore stated that he is the Manager of Facilities for the State of NH for Eversource, located at 780 North Commercial St., Manchester, NH.

Mr. Golon stated that the application is a proposed vehicle enclosure, measuring approximately 2,600 square feet. He continued that he believes everyone has a copy of the TFMoran plan. It provides an elevation of this enclosure. It sits on CMU blocks. It is a temporary enclosure for Eversource, as they look to site permanent facilities to expand their uses. The City considers this a “building” and as such, requires them to come before this Committee today.

Mr. Golon continued that this is located within an area of existing pavement, so when you look at evaluating storm water runoffs, sediment loads, and so on and so forth, there is no discernable change. If anything, there is even a bit of a benefit in that this area is currently sanded and salted and will now have an enclosure over it, so there is a little bit of reduction in the sediment load. The location is within the secure, laydown yard for Eversource, well positioned from any abutters, environmental features, or rights-of-way.

Mr. Golon continued that the provided correspondence includes the appropriate project narrative. At most, four line trucks could be located within this structure. The initial intent is to site two line trucks. These are emergency response vehicles. Winters in NH can be tough, so the time saved having to clean off vehicles and otherwise preparing crews for their days’ events is a benefit to Eversource as well as a benefit to the community.

Mr. Kopczynski asked if this is a fabric structure. Mr. Golon replied relative to the materials of construction, yes. Mr. Kopczynski asked about Chapter 31 of the Building Code, and whatever

is appropriate from the Fire Code. Mr. Golon replied that they understand that a building permit will be required and will meet all the appropriate Building Code specifications.

Mr. Lussier asked Mr. Golon to confirm that the elevation they are showing is the south-facing elevation and that the trusses run east-west. Mr. Golon replied it is actually the northerly elevation with the trusses running east-west. He continued that you would pull in through the gate and make a left-hand turn into the structure. The depth is 40 feet and the length is 66 feet.

Chair Lamb replied that in other words, the open end faces the existing building. Mr. Golon replied that is correct.

Chair Lamb asked if it is correct that Mr. Golon said this is out of the floodplain. He continued that he is confused, because the plan has lines showing “floodway” and “floodplain.” Mr. Golon replied that outside of floodway is relative to Zone X, which he believes is the 500-year floodplain. Chair Lamb stated that if it is in Zone X, now he understands. It is labeled inside of the line and outside of the line. He asked if it is correct that there is no additional fill associated. Mr. Golon replied that is correct. He continued that all of the elevations that exist today will continue to exist after the structure is erected.

Mr. Rogers stated that their original letter to Ms. Kessler speaks of four emergency line vehicles, but the project narrative only speaks to two. Mr. Golon replied that is correct; the structure can store up to four, but the initial intent is two. That is what they are proposing, but they have the opportunity to store up to four, so they wanted to make sure that was clear.

Mr. Rogers asked if it is correct that these are trucks that would already be coming to and going from the site. Mr. Golon replied that he thinks they are within the fleet but their location would be new. Mr. Kilmore stated that Eversource is trying to increase the response to Keene. In order for Eversource to better restore power, they are adding more headcount with the linemen, and with more headcount, they have to assign trucks to them. The current building is full of trucks and they cannot expand the building within the year, so they will add a temporary structure to put the new headcount and new trucks in. Whether they will be repositioned from another spot in the state is up to the managers. Right now, his job is to prepare space for additional headcount here. The trucks cannot be stored outside.

Mr. Rogers asked for clarification on the dimensions shown on the plan. He continued that it looks like 25 feet, 4 inches, and that the structure will be put on top of blocks. The overall height would thus be 29.75 feet. Mr. Golon replied that is correct; it is a 4-foot CMU block wall.

Chair Lamb asked, regarding the easements that this is right up against, what those easements are and who owns them. Mr. Lussier replied that those are the tax ditches. Chair Lamb replied that is what he remembers. He continued that there is no alteration to the ditches. Mr. Golon replied no grading changes or impacts.

Chair Lamb asked for further questions or comments from the Committee. Hearing none, he asked for public comment. Hearing none, he closed the public hearing for deliberations.

Mr. Kopczynski stated that he thinks the applicant has been clear in what they are doing at this point, recognizing that there is further work to do with the Building Department and the Fire Department. From the standpoint of site plan, he thinks they have done a good job explaining what they are doing.

Mr. Kopczynski made a motion for the Minor Project Review Committee to approve SPR-02-20 Mod. 2 for the installation of a fleet vehicle storage enclosure at 19 Production Ave (TMP# 242-001-000) as shown on the plan "Site Layout Plan, Tax Map 242 Lot 1, 19 Production Ave, Keene, New Hampshire, Eversource Keene AWC" prepared by TFMoran at a scale of 1" = 40' on August 18, 2021 with the following condition prior to signature by the Minor Project Review Committee Chair: Owner's signature appear on plan. Mr. Lussier seconded the motion.

Chair Lamb stated that he thinks the applicant has been clear and covered all the bases for the development standards. He continued that it does not appear that there are any remaining issues for the Committee.

The motion passed by a unanimous vote of 5-0.

**B. SPR 05-21 – 561 Main St, Redevelopment – Site Plan – Applicant Logan Gorgulu, on behalf of owner, James T. Rymes, proposes to renovate the existing building and to make improvements to the site, including expansion and repaving of the parking lot area, at 561 Main St (TMP# 114- 029-000) for use as a physical therapy office. This site is 0.45-acres in size and is located in the Commerce District.**

Chair Lamb asked Ms. Kessler for staff's recommendation about the completeness of this application. Ms. Kessler replied that staff recommends that the Committee accept the application as complete.

Mr. Kopczynski made a motion to find that the application is complete as recommended by staff. Mr. Lussier seconded the motion, which passed by unanimous vote.

John Noonan of Fieldstone Land Consultants, 35 Church St., Fitzwilliam, NH, and Logan Gorgulu of 17 Union St., Keene, introduced themselves.

Mr. Noonan stated that the existing site is in the Commerce District. He continued that on the lot with TMP# 114-029-000-000-000 the applicant is looking to renovate the building. He is not the owner; James T. Rymes is, and he is looking to get approval for the plans for renovating the building. The building would be changed to a physical therapy office. They propose 13 parking spaces. The regulations, based on square footage for a medical office, require 12 spaces. One of

the 13 proposed spaces would be an ADA-accessible van parking space. The former use was a gas station. The entire site was paved at that time, so regarding the precondition for drainage, 59% of the site was impervious. The applicant has a slight reduction in the proposal. They are holding grades in the front of the building where it will be repaved, where there was pavement before, and there will be a slight reduction where they are doing some landscaped islands. It comes out to about 53% impervious in its post condition.

Mr. Noonan continued that in the initial application they showed no grading changes along the rear of the building where the floodplain comes into play. They have since revised that, and sent some revised plans and floodplain calculations on that. The changes were done solely so the applicant, when they move forward with their business, does not need to carry flood insurance. Currently the floodplain goes to the back of the building and there is an overhead door on the rear of the building that goes underneath to the basement of the structure. Therefore, the floodplain would enter into the building if it ever did flood in that area. With some storms this year they saw high water through the Davis Oil site directly next door. In reviewing that, [the applicant decided] that the rear door will be removed. Fill will be placed along the foundation to move the floodplain line away from the building, and then compensated toward the south of the property on that same side. The rear of the property currently is overly vegetated, with many small trees, which will be removed. The area will be graded flat in the rear of the building and maintained as a grass lot. Where the overhead door was located was going to be block infilled with the foundation built out and a double bulkhead-style door with stairs so he could still access the basement from the rear of the building, but there is no longer an overhead door. He continued that the existing pavement in the rear of the building will be removed, which is shown on the plan, and they gain further reduction of impervious surface.

Chair Lamb stated that this is an area of focus. As he is seeing this plan, it looks like the fill to create the higher elevation, to remove the overhead door, is at the northwest corner of the building on the back side. Mr. Noonan replied that is correct. He continued that as you come around the northwest corner, the grade drops off substantially from the corner of the building and drops down to the grade where the overhead door accesses the basement directly. Chair Lamb replied that if it is not changing for the rest of that façade, he asked if the rest of that façade needs to be flood-proofed, or if it is already considered flood-proofed because it is concrete block. Mr. Noonan replied that it is a concrete block foundation, so they would infill where the overhead door is now with concrete block.

Mr. Noonan stated that that rear western side is the largest change in grade to the site. He continued that they will re-grade it and block off that overhead door, and the fence along the rear of the building will remain. In the front, the only other grade changes will be where the main entrance to the building is, to comply with ADA. Most clients are coming in for physical therapy, so there will be two concrete ramps and a landing to get in, which means some re-grading around the door, and concrete sidewalk, and integrated stairs to get in the front entryway. That is shown on the plans. Directly adjacent is the ADA van accessible parking space.

He continued that there will be some changes along the Rt. 12 right-of-way. It is currently wide open. There is a granite curb with tip down right in front of the building and large concrete waste blocks are in front to block off where they had excavated to remove the gasoline tanks. Those will be removed. Asphalt will be saw cut. Asphalt 5'-wide sidewalk remains parallel to the Rt. 12 travel way. They propose a 5'-wide landscaped buffer between that and the parking lot. Along that landscaped buffer, they propose split rail fencing and 36 plantings along that fence line, as shown on the landscaping plan.

Mr. Noonan stated that the majority of traffic enters on the northern entry, which is currently a shared entry for the abutter and this subject property. That will remain. An easement crosses the Davis Oil property and will remain; however, they provided 12' from the property line south, so the access could be completely on this subject parcel. That is a one-way entrance. The majority of the traffic will be coming as they head south into the northern entry into the property.

Chair Lamb asked if the easement is on the Davis Oil property or this property. Mr. Noonan replied that it is on the Davis Oil property and runs in favor of this subject parcel.

Mr. Noonan stated that the southern exit/entryway is two-way traffic, so they could enter or exit on that. This section of Rt. 12 has a turning lane, which will allow for traffic entering or exiting to get into the site. There will be approximately 11 vehicle trips per day [to/from this site]. Based on the previous use as a gas station, this is substantially under that, and under the 50 trips a day at peak hour. Therefore, no traffic study was required.

Mr. Noonan stated that regarding drainage on the site, as he mentioned before, a small portion of the impervious surface has been reduced. The grades in the front of the building will not change. Therefore, they are not proposing any drainage improvements on the site. During construction and paving, they will have to remove a lot of the existing pavement, as much of it is in broken condition. Silt vents will be placed for erosion control along the south border, which is the downhill side toward the river. There is one catch basin that is in Rt. 12. Half of the site drains to that catch basin. That will remain and Mr. Gorgulu will have a siltsack placed around and a filter placed inside that catch basin during construction. Once everything is stabilized and paved that can be removed and the catch basin will be cleaned. Once everything is stabilized on the bank toward the river, the silt vents will be removed.

Mr. Noonan stated that that is the general overview of the plan. He continued that they also submitted architectural renderings of the building, which he will let Mr. Gorgulu speak to. Colors are shown for what he is looking at for a color palette on the building. The inside of the building and the façade will have substantial renovations.

Mr. Gorgulu stated that he is happy to answer questions. He continued that he specified some of the colors and some of the rough material that will be used. Since the planning has been so quick, identifying exact manufacturer and so on and so forth is not really possible before the construction phase begins.

Chair Lamb asked if the existing building today is concrete block. Mr. Gorgulu replied that the foundation is concrete block, and the south part of the building where it was a service station is also old concrete. He continued that the north part of the building is concrete block foundation with wood frame building on top. Chair Lamb asked what materials they will be replacing that with, or if they will be going over the top of it with new material. Mr. Gorgulu replied that the materials will remain the same except for the front of the building, which will have larger windows, and stucco finish in the front. Most of the north side of the building is vinyl siding. That will remain on the north end and the second floor levels. They are also finishing the garage part, the south part of the building, where it is old concrete, with stucco as well. Chair Lamb asked if it is correct that there is no change to the footprint or expansion of the building floor area. Mr. Gorgulu replied that is correct.

Mr. Kopczynski stated that the existing floor elevation is a foot above the requirement for floodplain, from what he is reading. He asked if it is correct that they will put in a foundation wall higher than the requirement of one foot above, to cut off water going into the basement. Mr. Noonan replied that is correct. Mr. Kopczynski asked if it is correct that the objective of that is to flood-proof the building, and make it so that floodwaters, under normal circumstances, would not go into the basement. Mr. Noonan replied that is correct. The fill will be 3' extension from that foundation wall to move the floodplain line away from the back of the building. Mr. Kopczynski replied that the main point is they are doing something to abate water going into the building. Mr. Noonan replied that is correct. Mr. Kopczynski asked if there is anything in the basement that would be damageable by floodwaters, or if it is just normal items that would be stored in a basement. Mr. Gorgulu replied that currently there is some funny stuff in there, but nothing that can be damaged. In the future, he does not anticipate anything like electronics being in the basement, either.

Mr. Rogers stated that on the plan, the floodplain line is quite a bit different from what they are seeing either from FEMA's site and/or the City's GIS. He asked if they will be filing a LOMA for this property. Mr. Noonan replied yes, they will be filing a Letter of Map Amendment (LOMA). He continued that they verified based on field survey and went by elevation based off survey to know exactly what that flood elevation was.

Mr. Bates asked if there is currently access to the back of the building, or if it is through the abutter's property, if there was access. Mr. Noonan replied that there is not access to the back of the building. He continued that a chain link fence runs along the western side of the building. The pavement goes under the fence, so it was open at one point. That chain link fence was to remain. That pavement along the back will be removed. Probably 30 feet from the back of the building to the abutter's property is paved, so it could be used for fire access.

Chair Lamb asked if it is Mr. Noonan's opinion that this will require a floodplain permit from the City as well, with respect to the storage requirements. Mr. Noonan replied yes. Chair Lamb

asked if they will be working their way through that process as part of the building permit. Mr. Noonan replied yes.

Mr. Lussier asked Mr. Rogers a question about the floodplain application and the elevations. Mr. Rogers replied yes, they are also shown on the grading plan as well.

Mr. Lussier stated that from the drawings, it looks like they do not plan on doing anything for the bridge rail. He asked if that is correct. Mr. Noonan replied that is correct; there are no changes along the bridge on Rt. 12. Mr. Lussier continued that Mr. Noonan states they are planning to reuse the existing services. He continued that those service lines, other than one, date to 1934. He urges them to think about changing them before use, because they do not have a lot of life in them. They are the owner's property, so it is not something the City is looking to mandate be done, but it is something to seriously think about.

Mr. Lussier asked if they have looked at the sight distances for the driveway. Were there any concerns? He noticed it was kind of on a vertical curve. Mr. Noonan replied that the hump of the bridge is to the south where there is less sight distance. He continued that they did not measure the exact number. However, going in and out of the site, there is ample sight distance to the south, and certainly, to the north, you can see to the intersection.

Mr. Lussier asked what the timing of the project is. Mr. Gorgulu replied that they plan on starting in the next several months and hope to finish within a year or so.

Mr. Lussier stated that obviously, with a gas station, there is a concern about contaminants. He asked if they have investigated whether there is any contamination on the site. Mr. Gorgulu replied that the tanks were removed in 2017. He continued that they have a clarification letter from NH Environmental stating that there are no further concerns.

Mr. Lussier asked why they chose a split rail fence for the front of the property. Mr. Gorgulu replied that he saw it at the dentistry office on Winchester St. and thought it looked nice. Mr. Lussier replied that he usually associates that with more rural settings, not an industrial corridor. He asked if Mr. Gorgulu would consider something different. Mr. Gorgulu asked if there would be a reason not to be able to do split rail fencing. He continued that they would like to keep the costs within a favorable amount, and because the building will look modern, he feels like split rail fencing adds a bit of a traditional look to it at the same time. He thought it would be a nice finish with the landscaping.

Mr. Lussier stated that he knows the site has two entrances today, but it does not seem like the traffic volumes the site will generate warrant that. That corridor is too wide open; there is no access control at all. He asked if there is really a reason to have that second entrance. Mr. Noonan replied that one of the reasons was because 90 degree parking at the front of the building is obviously what is going to be used the most, and his clients could be elderly, and he wanted to keep a large turning radius in the front. That allows them and those spaces to flow in one



direction. It was just to not have crossing traffic from the south side of the building coming across the front where they could be turning.

Mr. Lussier asked if they have any obligation to maintain that open as a shared driveway. Mr. Noonan replied yes, it will remain open, but there is not an easement for Davis Oil to cross there.

Chair Lamb stated that one-way flows can be confusing. He asked how they will manage and direct folks to understand that they can only go in on one entrance but can go in or out at the other. Mr. Noonan replied that there will be painted arrows. He continued that on each end of the landscaped island is a one-way sign for traffic flow. Chair Lamb replied yes, for exiting traffic, but they are talking about potentially elderly folks. If they see that sign, then what? Do they have to back up, turn around, and go out the other way? That sounds like a problem. Folks are not necessarily going to know that until they get to the sign. Mr. Noonan replied that there is width there that if traffic went both directions there is enough space to get by.

Mr. Lussier stated that he assumes the one-way sign on the southern end of the island will be facing south to indicate that people should be driving north through that drive aisle. Mr. Noonan replied that is correct. Mr. Lussier stated that someone coming from the south, turning into the site, is going to see that and think it means one way out of the site, where they are actually allowed to enter the site there. Mr. Noonan replied that it will be facing so that they do not drive from the other parking lot along the south, out across the front of the building. Mr. Lussier asked if it will thus face toward the building. Mr. Noonan replied angled toward the parking lot. Mr. Lussier replied that he can see it being confusing.

Chair Lamb asked if Mr. Lussier is particularly referring to the sign that is at the southern end of the landscaped border. Mr. Lussier replied yes. Chair Lamb asked what that sign says. Mr. Noonan replied that on the south end would be one-way traffic, no exit. Mr. Lussier asked if the arrow would point to the right. Mr. Noonan replied yes. Mr. Lussier replied that someone approaching from the south is going to be able to see that sign face, and it will say that it is a 'one way' into the tire facility across the street.

Mr. Gorgulu asked if they are concerned about the sign's wordage, because if he were to see that, as a regular citizen, especially with the way the parking spaces are angled, it would definitely prevent him from going into that, but if there is some type of signage or wordage the Committee is looking for, they could make that happen. Chair Lamb replied that the problem is the Committee is not entirely sure what the applicant plans to do. He continued that the Committee should not be suggesting sign language. They are raising the question because, in staff's experiences, having done this a long time, one-way flows are a "suggestion." In reality, people go where they want to go. Creating a one-way flow with only one entrance and having the other be two-way adds another element of confusion. Signage here really is important, because as Mr. Lussier says, if you are coming into that property from the southern entrance and you see a sign that says 'one way,' you might think you are coming in the wrong way, because that flow is

supposed to be southerly from that point. That is an exit. He is not sure what the answer is; he is just raising it as a question for the applicant to think about how to organize this.

Mr. Noonan stated that the painted arrows on the asphalt would indicate 'enter' and 'exit' on the south entrance. The north entrance would have one-way signage and a painted arrow. Chair Lamb replied that maybe the southern sign is not necessary. That might be the answer: rely on the pavement markings at the southern end, so people know they can enter there, and then have the 'no exit' sign on the north end of the island. That might be a better configuration. His intent is to raise it as a question so the applicant does not confuse folks getting in and out of the property. Mr. Noonan replied that he had shown the sign angled toward the southwest so that as you are on those southern parking spaces you back out to leave, you see the sign and do not make a left into the parking lot, and go straight to the exit. Entering from the south off Rt. 12, turning in, you would not be looking at that sign. It would be angled away from you.

Mr. Lussier stated that the plans show they will be saw cutting the existing asphalt 5' from the curbing. He asked if they plan to retain that existing asphalt. City standards require concrete sidewalks, and typically, once you touch it, it has to be replaced with concrete. That is the City Council's policy. He asked if they would be amenable to replacing with concrete sidewalks.

Mr. Noonan replied that the reason was to leave that existing asphalt there and create that buffer with the landscaping. They would not be impacting the existing sidewalk. Mr. Lussier replied that they will be saw-cutting it. Mr. Noonan replied yes. Mr. Lussier asked what the existing condition of the sidewalk is. Mr. Noonan replied that it is in decent shape; it is asphalt sidewalk. From the bridge up to the other intersection, there is not concrete sidewalk. Mr. Lussier replied that from the bridge over it is concrete. Mr. Noonan replied yes, from the bridge south it is concrete. North from the bridge is all asphalt. Mr. Lussier asked if they would be willing to replace the asphalt with concrete. Mr. Noonan replied that the short answer is no, not if they do not have to, because of the cost. He continued that nowhere along the north side of the building is there concrete, including any of the other properties.

Chair Lamb asked if the saw cutting is linear along the length of the sidewalk. Mr. Noonan replied yes. Chair Lamb asked if it is correct that they are only repaving the area they are removing to build the landscape island, and if this is partial repaving or a full repaving of the sidewalk. Mr. Noonan replied that they are not repaving the sidewalk, just saw cutting. Chair Lamb asked if he means just saw cutting it to five feet. Mr. Noonan replied yes. Chair Lamb stated that the width there is wider because there is no definition between the sidewalk and the pavement on the property. Mr. Noonan replied that is correct. He continued that it is similar to the Davis Oil site directly to the north – that is wide open as well, because there is no definition between the property owner's asphalt and the City's asphalt. There is minimal amount of curbing. There are pieces of granite curbing. Along the front of this one, there is a tip up, a level section, and a tip down, and Davis Oil has a similar setup with their curbing. Thus, the applicant would just leave the curbing and asphalt for the sidewalk portion of this.

Mr. Lussier replied that that goes back to his concern about access control. He continued that there are no really well defined access points. Chair Lamb replied that he agrees. He continued that as sites develop, this is why they ask folks to make improvements. To a great degree, they are, because they are defining the points of entrance and access. However, it is why they hear the Committee push a little bit on their plan to make sure it is going to work for the public using Rt. 12 plus the folks entering and exiting the site. Mr. Noonan replied that he thinks that adding the landscaped buffer/island in the front defines where the entry and exit points are on the site, versus the current condition, which is wide open.

Mr. Rogers asked if the saw cut is happening in the right-of-way. Mr. Noonan replied yes. Mr. Rogers asked if they are saw cutting and then tearing up the rest of the asphalt and replacing all of the asphalt on the site. Mr. Noonan replied on site, yes. Mr. Rogers asked what the setback is; he does not see any setback number of property line to what will become the new edge of the travel lane. Mr. Noonan replied that from the property line to the edge of travel lane to the landscaped buffer is 3.5 feet. Mr. Rogers stated that his only concern is that since they are actually tearing out the asphalt, there would be an 8' setback for travel lane and pavement. Normally, if it is an existing condition, [that is one thing], but given that they are tearing it up, he would expect it to come into compliance with the Zoning setbacks. Three feet is not in compliance. Mr. Noonan replied that they tried to get a 5' wide strip of landscaped buffer to define those entry and exit points. They have done other plans as well with angled parking, trying to make that a larger area. Where it is all existing pavement today, trying to get 90-degree parking would be easier for elderly people at the front of the building, and trying to keep as much turning radius for people as they pull in and out of those parking spaces is what dictated where they put that.

Chair Lamb asked what the width is between the back of the closest parking space and the landscaped island. Mr. Noonan replied 22 feet. Chair Lamb replied that that becomes a Zoning issue. He continued that a question would appear to be [how to handle the fact that] there is an existing condition, and they are installing this landscaped island to help define and improve access definition to the site, which is a good thing, but in doing so, they potentially trigger the Zoning standard for which once you modify, you need to meet the Zoning standard. This is a dilemma. He is not sure how to proceed.

Mr. Rogers replied that the change under the new Code is an 8' front setback; the previous Code had a 5' setback in that area. He continued that since they received a lot of communication in the initial pre-submission meeting and information from the applicant prior to the new Code, he thinks they look at it with the 5' requirement. However, he would certainly ask that if there is a way to take a look at that, they do so. If they are only saying 3' right now, if there is a way to create that 5' setback that is making the landscaped island a little bigger, he would certainly recommend they meet the Zoning Code, since they are carrying all the asphalt out.

Mr. Lussier stated that it looks like the closest parking space, the ADA one, is 24 feet from the end of the parking space to the landscaped buffer. He asked if that is correct. Mr. Noonan

replied yes, and 22 feet is the narrowest point on the southern parking spaces. Mr. Lussier replied that they could actually get two more feet of buffer and still have the 22-foot drive aisle.

Chair Lamb asked if that works for the applicant. Mr. Noonan replied yes, whatever is necessary. Chair Lamb stated that this Committee does not have the ability to waive that standard, unfortunately, having opened the door for that. The Committee agrees with the idea to create better definition, but it triggers something that they do not have control over: the fixed number of 5'. He agrees with Mr. Rogers that they should apply the standard that was in place when this application came in, which is 5'. That does make it a little bit easier.

Chair Lamb asked if Mr. Kopczynski has a perspective on this. Mr. Kopczynski replied that he thinks it is appropriate to apply the standard that was in place when they applied, and he thinks it would be inappropriate to do otherwise. Chair Lamb asked if the other Committee members agreed, and stated that he does, too. He continued that it sounds like they need a plan revision to meet the 5' setback off the property line for the edge of pavement along the landscaped buffer.

Mr. Noonan asked if the landscaped buffer is necessary at all, since the existing condition today is that it is completely paved. Chair Lamb asked how else they would define the entrances and exits. Mr. Noonan replied by painting only. They would do a painted aisle where the landscaped island is proposed. Chair Lamb replied that he thinks that creates a bigger problem. He thinks they would have trouble getting this Committee to say that is a good idea, given the City Engineer's comments with respect trying to manage the way people come and from all these open curb sections. That is, unless they put a piece of curbing on there and defined that edge more clearly between the roadway travel surface and the sidewalk, which could be another way to do it. True curbing with tip downs and defined curb openings could work. Beyond that, leaving it the way it is does not work, either. He thinks Mr. Noonan and Mr. Gorgulu know that.

Mr. Noonan stated that he thinks that where there is the width, it would be suitable to add the extra two feet to it. Chair Lamb asked if that sounds fair and if they are on the right track.

Mr. Bates asked, for clarification: is it correct that the plans show them meeting the 5' setback? Chair Lamb stated that the pavement edge they will install the landscaped island is only 3 to 3.5' wide. It has to be 5' to the edge of that pavement, minus the curb openings.

Mr. Lussier stated that he continues to have concerns about the second driveway opening. He continued that he does not know if they should discuss that more with the applicant or have this discussion while the Committee deliberates. Chair Lamb replied that the applicant can have a chance to comment on that before they go to deliberation. He asked Mr. Lussier to rephrase his question/concern.

Mr. Lussier stated that it seems to him that the circulation the applicant is proposing with the one-way and the dual exit/entrance will be more confusing. He continued that it creates more points of conflict with the roadway. He would like to see the northern driveway closed and have

it have just one entrance/exit only, on the southern end. He knows that is not the applicant's preferred site circulation but he thinks it would be a better onsite circulation.

Mr. Noonan replied that the north entrance is wide open off the Davis Oil property, so if you go to this subject property corner, and close it off to that point, drivers' perspectives will be that you can cut diagonally into that parking lot. Mr. Lussier replied that there are many problems in the corridor; he is the first to admit it. However, they can only make corrections one site at a time. He thinks it would be better circulation for this site and it would improve overall access management through the corridor. Mr. Noonan asked if he means to force everyone to the southern entrance/exit. Mr. Lussier replied yes, use one entrance/exit, and get rid of the one-way signage.

Chad Branon, Civil Engineer with Fieldstone Land Consultants, stated that he thinks that creating a dead-end parking lot is more of an issue. He continued that from a user's standpoint, people often pull into dead-end parking lots and are unable to turn around. It creates a real access issue and a safety issue. He does not think it is a benefit for emergency response, when they cannot easily access the site or potentially drive through the site. His client's preference would be, if the Committee really feels there is a concern with traffic flow and confusion, that it just be one directional on one side and exit only on the south side. He thinks that is consistent with the way the property has been used throughout the years and consistent with the easements in place, and he thinks it would be problematic at this stage when they are trying to work with the project, work with the existing conditions, and work with the constraints on this site. He appreciates Mr. Lussier's comments. He thinks that in a perfect world, they would always try to minimize curb cuts and access, but they are dealing with a lot of existing conditions and history here. The reality is that even the adjacent property would benefit from this site maintaining the other entrance as well, for potentially future development improvements of their property. If there is a concern, they would prefer to go with the one directional flow entirely and to maintain both accesses. Removing an access potentially compromises this project going forward.

Mr. Rogers asked if it is correct that the existing two buildings that are north and west of this building are on the same property. Mr. Noonan replied no. Mr. Rogers asked if it is correct that it is paved right over the property line. Mr. Noonan replied yes.

Chair Lamb asked if there was any public comment.

Steve Walsh of 80 Silent Way stated that his family has the Davis Oil property to the north. He continued that having listened to the traffic portion and parking portion of this discussion, he would support this plan right now as it is drawn. Where people are traveling to the south is a funnel. They are going from the lights at a rather high speed. At least once an hour, there is a vehicle sitting in front of the Davis Oil parking lot, pulled over for directions or one reason or another. He does not think that is going to change. He thinks that if they open that up and it is not a one-way, there will be people entering Rt. 12 on a horrible angle. He is not an engineer; he

is just looking at this from the perspective of someone who has been living this for decades. Going onto Rt. 12 from that southern entrance makes perfect sense.

Mr. Walsh continued that there is a right-of-way over the Davis Oil property to this property. It was intended for tractor-trailer trucks years ago, so they could fill and leave. He cannot say if it was one-way at that point, but that was the intent. He still thinks that is the best way; it is the natural traffic flow of anyone going south. They will pull into there and then into this new renovated property. He does not know about signage, but as far as the intent of it, he thinks it is good as it is. If it is not one-way, and there is traffic coming out of the Davis Oil property, that is their flow to and from the Davis Oil property, trucks going in and out; it is hard to pay attention to, especially when there is pedestrian traffic coming both ways and traffic going both ways. He is not an engineer and does not have a way to make the signage work, but he likes the plan as is.

Mr. Kopczynski asked Mr. Walsh: granted that he is in favor of the plan as presented, would he also be in favor of it being one way in and one way out, as Mr. Branon suggested? Mr. Walsh asked for clarification. Mr. Kopczynski replied that as he understands it, the northern entry would be the way in, and the southern entry would be the way out. Mr. Walsh replied that from traffic coming both ways, the only exit to the property that he would suggest is the one toward the bridge. He continued that if it is coming out toward Davis Oil and against the traffic, it is not good, because traffic races from the lights down to this location and that is where everything funnels in. It is dangerous. Davis Oil's parking spaces are in the front of the building, and drivers are backing out. Mr. Kopczynski replied that left-hand turns from there are very difficult and he thinks one way in and one way out seems to be a sensible solution, if not the right one. Mr. Walsh stated that from Davis Oil's standpoint, and his experience with watching the flow of the traffic, it does not change. If they have to worry about vehicles going *both* ways, as Davis Oil has vehicles backing out of their parking lot, Davis Oil would be opposed to that.

Mr. Walsh stated that Davis Oil takes on a lot of water from the front of the [subject] building. He continued that he did not look at the grading, but it does run to the Davis Oil building, down the driveway, and around into Davis Oil's dirt parking area in the back. He understands that it has been that way for years, even when it was a gas station. His question is: in the rear of the building where they will do fill and compensatory storage, regarding the fill portion of that where the bulkhead is going to go, is that graded for the water to land on the Davis Oil property? Or will it be graded to land on the subject property's proposed compensatory storage and to the river?

Mr. Noonan replied that it will grade down to the compensatory storage and toward the river. Mr. Walsh stated that what he is trying to get at is that Davis Oil does not want to take on more water than they already do. He asked if the grass area around the bulkhead will be graded so the water goes to the compensatory storage area. Mr. Noonan replied that is correct, the water will ramp down from the bulkhead toward the Davis Oil property but then everything is graded to drain toward the river.

Chair Lamb stated that he suggests Mr. Walsh look at the grading and drainage plan's proposed new contours. He continued that he completely agrees with Mr. Noonan's statement that the grading would be set so that it all runs into the subject property's basin and toward the river.

Mr. Walsh stated that overall, they are happy to see renovation here and have the place put back to use.

Hearing no more public comment, Chair Lamb closed the public hearing and asked for deliberation.

Mr. Rogers stated that he was looking at the overall site plan and thinks that closing the northern entrance would be problematic. He continued that it makes sense to maintain that northern entrance for access to the dumpster, as this site is limited as to where they can put that. He understands Mr. Lussier's concern; this road is like one huge curb cut. However, trying to close that one off, there will be problems with people still going across the Davis Oil property, unless they put a wall or fence up to stop people from doing that. In his opinion, it would be better to make this one-way, with one entrance and one exit, if the property owner was willing to do that. It would give a clearer understanding of how to enter and exit this property.

Chair Lamb replied that when they say "one way flow," if they chose to have the exit at the southern end, drivers could turn left or right. He asked if it is everyone's assumption that it would not be "right turn only." Others replied yes.

Mr. Bates stated that he agrees with Mr. Rogers and thinks simple signage of "enter only" and "exit only" is best. He continued that for Fire Department access, eliminating or attempting to eliminate something is problematic for that site. He does not think this is as complicated as they are making it. If signage is the best they can do, and people go against signage, they cannot control that.

Chair Lamb stated that the one-way flow does keep it simpler. He continued that if that is the choice/recommendation that the Committee makes, they will see how it ends up here at the end.

Mr. Rogers stated that if it was a one-way flow that changes the signage that would be put on the site, certainly at the northern end where it is "entrance only." There could be "exit only" signage. He thinks the signage, if this change were to happen, would have to reflect that change. That might not be quite as confusing as trying to maintain one-way flow only for a portion of the property. The signage becomes easier, to direct people in the right path.

Chair Lamb stated that they want to make sure the applicant is able to move forward pretty quickly, so they can move ahead to the building permit stage. He continued that they also want to make sure that the condition reflects the right process as well. The applicant will need to come back for floodplain permits and those sorts of things; that is already rather built into the process. They have the option of putting this on a "continued hearing" status and bringing it

back in two weeks, if the Committee wants to see any of this. He is raising that as a possibility but not suggesting that is what they should do. If they want to see a plan drawn and approve a final plan, instead of approving a condition which says they have to modify the plan, then that is an option the Committee could choose.

Mr. Lussier stated that if the approval was conditional, it would be reviewed by the Community Development Department before it got signed off. Chair Lamb replied that is correct. He continued that if they have any questions, they would be reaching out to the folks they would need to look at it.

Mr. Kopczynski made a motion to approve SPR-05-21 for the change of use to a physical therapy office, site improvements and renovations to the existing building at 561 Main St (TMP#114-029-000) as shown on the plan set "Site Plans for Physical Therapy Office, Tax Map 114, Lot 29, 561 Main Redevelopment, 561 Main Street, Keene, NH 03431" prepared by Fieldstone Land Consultants, PLLC at a scale of 1" = 20' on August 20, 2021 and last revised on September 1, 2021 With the following conditions prior to signature by the Minor Project Review Committee Chair:

1. Owner's signature to appear on the plan.
2. Submission of an approved Letter of Map Amendment and floodplain development permit and site plan application with calculations to the Community Development Department
3. Submission of a revised site plan demonstrating a 5-ft front placement setback in the area along the landscaped island adjacent to Main St/NH Route 12.
4. Submission of a revised site plan showing the north driveway restricted to a one-way entrance only, and the south driveway restricted to a one-way exit only.

John Rogers seconded the motion.

Chair Lamb stated that he wants to raise the issue of the second condition. Should they limit this condition to the City's action, as opposed to anything related to the LOMA? He thinks it refers to both in that condition. Mr. Kopczynski replied that it does refer to both. Chair Lamb asked if they have to go together. He asked if the Committee would be more concerned about the floodplain development permit issued by the City, as opposed to the FEMA piece, which might take a long time.

Ms. Kessler stated that she defers to Mr. Rogers on this question, as to what should be required prior to a signed site plan. Chair Lamb replied that is his point. He continued that the condition says "before a plan is signed" they need the LOMA or whatever the process is with FEMA, and he does not know whether that is necessary. Maybe it is only necessary for the floodplain development permit. Mr. Kopczynski replied that he will drop that out of the motion entirely. He continued that the map amendment is just to clean up a dichotomy between what they have in the record and what they know in fact. It does not affect the actual proposal. Mr. Rogers replied that he agrees with dropping that entirely from the motion. He continued that that would be a better process, so the project is not held up by something the City has no control over.



Mr. Lussier asked if Mr. Kopczynski was amending his motion. Chair Lamb replied that he heard Mr. Kopczynski agree to drop that language, and Mr. Rogers, who seconded the motion, agreed. He continued that he will take it now as a revised motion. He agrees with this completely. The applicant can be on their own timeline regarding FEMA.

By a unanimous vote of 5-0, the Minor Project Review Committee approves SPR-05-21 for the change of use to a physical therapy office, site improvements and renovations to the existing building at 561 Main St (TMP#114-029-000) as shown on the plan set "Site Plans for Physical Therapy Office, Tax Map 114, Lot 29, 561 Main Redevelopment, 561 Main Street, Keene, NH 03431" prepared by Fieldstone Land Consultants, PLLC at a scale of 1" = 20' on August 20, 2021 and last revised on September 1, 2021 With the following conditions prior to signature by the Minor Project Review Committee Chair:

1. Owner's signature to appear on the plan.
2. Submission of a revised site plan demonstrating a 5-ft front placement setback in the area along the landscaped island adjacent to Main St/NH Route 12.
3. Submission of a revised site plan showing the north driveway restricted to a one-way entrance only, and the south driveway restricted to a one-way exit only.

#### **IV. Committee Rules of Procedure**

Chair Lamb stated that Ms. Kessler has some revisions for the Rules of Procedure. He continued that it was a lively discussion at the August meeting.

Ms. Kessler stated that the Committee has before them two versions of Rules of Procedure, a clean version that is edited, and a redlined version that shows the changes from the original that was submitted at the August 30 meeting. She will go through the changes now, but if the Committee needs more time, she understands, because this revised version was not given to them much in advance.

Ms. Kessler continued that on page 2, Order of Business, she changed it to reflect more accurately the type of business the Committee would be seeing. The main addition is "public hearing" instead of "Committee business." She eliminated a standing item for taking items out of order on the agenda. She added language from that section to a different section to make it cleaner.

She continued that item 9, related to voting, had a section in the original draft called "tie vote." It had noted that if a tie vote occurred the motion would be deemed defeated. There was concern about the language/terminology. She asked the City Attorney to review these changes, and he was satisfied with what was included in item 9, but she changed "tie vote" to "voting," just to include more general language about how the committee would act on a motion. It notes that all actions should require a majority vote of the members acting on any matter and that abstentions are not allowed for this committee unless a member is recusing himself, which would be different from abstention. It notes that if there is a tie vote, the motion shall fail, and the committee should attempt to create a motion that a majority of members can approve. If not, the public hearing should be continued.

Chair Lamb asked for the Committee's thoughts on that, because that was an area of question last time. Mr. Rogers stated that until they have a motion that receives a majority vote, they take no action, is what that says. He continued that if they cannot do that, continuing the public hearing would be an attempt to hopefully have a five-member committee at the next meeting so a majority vote could occur. Ms. Kessler replied that is correct. If they were unable to craft a motion that arrives at a majority vote, they would continue it until there were an odd number of members present.

Chair Lamb stated that if they have a four-person Committee that votes, and there is a tie, it has to continue until the next meeting. That fifth person who was not at the hearing has an obligation to listen to the tapes, watch the videos, read the meeting minutes, and inform themselves. Otherwise, they could do what a Committee member tried to do this morning regarding the meeting minutes, and say "I was not there – how do I know how to vote?" Committee members are obligated to come prepared if they miss a meeting, so they can rely on the fifth vote to break a tie.

Ms. Kessler stated that the Committee questioned whether a rather lengthy paragraph in "Communications" was relevant to this Committee, since the language was more oriented to other types of boards and committees. She proposed eliminating that paragraph the City Attorney was in favor of that.

Chair Lamb stated that he thinks this came up with Mr. Rogers's experience with the Zoning Board of Adjustment (ZBA) and what they do with late-arriving information. He continued that it was their take that because this Committee is in more of a give-and-take position with an applicant than the ZBA is, they can look at something an applicant shows up with on the day of the hearing. If they used the more strict language about when people can submit materials, they would not be able to do that.

Mr. Rogers stated that his only concern is if, on the day of the meeting, something were to change. He continued that for example, what if all of a sudden an applicant determined that they might hit the traffic impact issue and they bring the Committee a 20-page traffic study report on the day of the meeting. Does the Committee still have the ability to continue that to the next meeting to allow the Committee the time to absorb that information? He would be concerned if the Committee did not have that ability and were forced to accept that 20-page report the day of the meeting and study it and make a decision that day.

Mr. Lussier replied that he thinks they always have the option of continuing. Chair Lamb stated that he agrees. He continued that they have 60 or 65 days to make a decision. Ms. Kessler replied that this Committee has 60 or 61 days. She continued that the Land Development Code explicitly states the terms for continuation – they have the ability to ask for more information and to continue the public hearing. They just have the decision deadline, which can be extended upon mutual agreement between the committee and the applicant.

Ms. Kessler stated that the most significant change is what was "conflict of interest" and is now "disqualification of members." The language in the old draft references the City Charter and the City Code's Chapter 2, Conflict of Interest, and provided language about what a member should

do if they find themselves in a position to recuse themselves. When the City Attorney and she were reviewing this language, they thought it was more appropriate to save “conflict of interest” to refer to the State statute, RSA 673:14, which lays out the terms for land use boards for how they would disqualify themselves from acting on an item. She and the City Attorney decided to propose this language instead. The first paragraph is almost verbatim from the statute, and the second and third paragraphs relate to how a member could disqualify themselves from acting. The third paragraph notes that if, for instance, a committee member does not disclose or choose to disqualify themselves but another member of the committee feels as if they do have a reason to be disqualified, that committee member could raise the issue and the committee could vote on it. These standards say, “If a reason for disqualification is determined to exist, the member should recuse themselves.” By this statute, there is not an obligation of that member to recuse themselves. This is guidance for how a Committee member should act, when they come upon a situation where they might need to recuse themselves.

Mr. Lussier stated that he has read it a couple of times and he thinks it allows a member to recuse themselves on their own without any permission. Ms. Kessler replied that would be the ideal situation, that if a member finds they have a reason to disqualify themselves, they would disclose that to the Committee or to staff in advance of the meeting. Mr. Lussier asked if it is correct that the Committee does not need to vote on that. Ms. Kessler replied that is correct. She continued that the Committee could vote on a recommendation. Chair Lamb replied that the motion would say something like, “we believe a conflict exists.” Then that recommendation turns into, according to the rules, you have to recuse yourself. It is not a mandate, but effectively, that is what the recommendation would be from other members.

Mr. Rogers asked if the Committee would vote on whether they feel something is a conflict of interest. Chair Lamb replied only if, as stated in this third paragraph, the member does not do it on their own. [Mr. Rogers spoke more with his mic not on – unintelligible]. Ms. Kessler replied that if a member is unsure as to whether they have a legitimate reason to disqualify themselves but they might have a potential reason, then they can choose to disclose that to the Committee, and then the Committee can vote as to whether they determine that a conflict exists. Then that member would recuse themselves, or not, if the Committee felt that it was not a conflict. If the Committee voted that they did not have a reason, but the member still felt like they did, it would be that member’s choice.

Chair Lamb stated that taken to its extreme, the public could probably participate in this. He continued that this has happened, in the past, with the Planning Board. They asked the applicant if they thought there was a conflict with an individual, and if the applicant said “no,” there is no going back from that. You could still recuse yourself, but that is how they certified a quorum in a couple situations. He does not think they will get to that, but this is clearer language than what they were dealing with last month, and he is happy with it.

Mr. Kopczynski stated that the only time this creates a problem is if there is the potential for a two-two vote. The fact that someone would declare a conflict and the Committee would agree or not agree, the fact that someone did not declare it and another Committee member or the public did, it is probably going to be a rare situation, luckily. It is there in case it is needed.

Ms. Kessler stated that just to clarify, the City Attorney would note that even if it did not pose an issue related to voting, a member should always disclose that information if they do have a reason for disqualification, because it could potentially pose a threat. Mr. Kopczynski replied that he agrees. If there is a question about it, he thinks it should be raised by the member or the Committee, just to clarify it. The only time it is going to be a quorum issue is when a vote is taken. If they end up with a four member Committee and it ends up with a two-two vote, they will have to figure out what to do. Ms. Kessler replied that she thinks the member should disclose before the public hearing is opened so they are not participating in the discussion. Mr. Kopczynski replied that he agrees. Chair Lamb replied that they could assign an alternate under that scenario.

Ms. Kessler stated that there are three more edits. She continued that for #11, to amend the rules, she changed it from a supermajority of two thirds to a majority vote. She looked at other rules of procedure, including those of the Planning Board, and they all say “majority.” The City Attorney did not think there needed to be anything specific about a supermajority.

She continued that the second to last item is that she removed the “non-public session” item. She made an edit so it reflected the ZBA’s rules, which reference RSA 91-A, stating that the non-public session should be conducted in accordance with 91-A. But since the Committee will rarely, if ever, have a non-public session, they are more likely to adjourn for legal advice. RSA 91-A exists whether it is in the Rules of Procedure or not, so she proposes removing that section.

Ms. Kessler continued that the last change is about the “quorum.” Right now, a quorum is proposed as a majority of the total number of members appointed to this Committee, which would be three. They had a lengthy conversation at the last meeting about what happens when three Committee members are together - because at that point, it is a quorum of the Committee – and talking about business that might come before this Committee. There is somewhat of a concern there. The Chair, at the last meeting, offered that the statute has given the City the authority to create this Committee, and a Committee formed of City staff members from departments that typically work together, so there is a lack of acknowledgment on the statute’s part that they might actually be having a quorum outside of this Committee session, rather frequently. The City Attorney suggested that this Committee change its quorum to four. They would need to have four people at a meeting every time in order to hold a meeting, instead of three. That is something for them to consider. It would reduce the chance that there would be a quorum present talking about items related to the Committee’s business. Still, there are times when four or five of them would be together.

Chair Lamb asked if that would solve the problem of the pre-submission meetings that Mr. Lussier, Mr. Rogers, and Mr. Bates all attend. He and Mr. Kopczynski do not go. Ms. Kessler replied that she is an alternate, and asked if that counts. Chair Lamb replied no. Mr. Rogers stated that at the pre-submission meetings they have not received any applications for this Committee. Mr. Lussier replied that it is still business that might come before the Committee. Mr. Rogers replied that there are many things that *may* come before this Committee, but until they actually receive an application, he personally would not see a problem with the three of them sitting in a pre-submission meeting talking about something.

Mr. Kopczynski stated that he also thinks it is a little different when they are talking about the technical requirements of a planned submittal as part of their normal duties, versus something like “How do you think you’re going to vote on this?” He thinks there is a clear distinction on that. Chair Lamb replied that he agrees, and he thinks everyone in this room can make that distinction without crossing a line. However, they are dealing with perception. They are dealing with the world outside that wonders how the Committee is doing its business, and if they think the Committee members are getting together to talk about something behind closed doors, they will not like it. Therefore, any level of protection that they can give to this, to suggest that they are not violating an open meeting law that could then come back and be used against them, he thinks is a good idea. Mr. Kopczynski replied that he is not saying it is not a good idea; he is just talking about the practicality, which is why changing the quorum to four members probably makes sense. Just as part of their regular duties, Mr. Rogers, Mr. Bates, and Mr. Lussier are in regular communication with each other on numerous issues.

Chair Lamb replied that that is why he said last month, and still believes today, that statutes set this up so that the same people who have this role who are also working the process before it gets to this point or goes to the Planning Board. The statute knows that they do these jobs, and it says that they are the ones who are supposed to be assigned to this Committee. He thinks that is unavoidable to some degree. It is really about how they carry out their own business to maintain the trust of the people who come in front of them.

Mr. Rogers stated that the four-person quorum would have no effect on the majority vote. He asked if the majority of the vote would still require three to actually take action. Ms. Kessler replied yes, the amended Rules of Procedure say that for voting, “All actions before the Committee shall require only a majority vote of those members acting on any matter.” Chair Lamb replied that that means that they would always need three votes. Ms. Kessler replied yes, because they would always have a quorum of four. Chair Lamb replied right, those things go together – a quorum of four, and three votes. Ms. Kessler replied yes, that is an important point. Chair Lamb replied that is right - at any meeting, a majority is a majority of those people present. Mr. Lussier replied that that is all the reason more to have a four-person quorum, so there cannot be a two-two tie. Chair Lamb replied yes.

Ms. Kessler stated that it sounds like they are in favor of this amendment. It will say “A quorum shall consist of four members.” Chair Lamb and others agreed.

Chair Lamb asked if there was anything else. Ms. Kessler replied that the City Attorney made some minor edits to the “minutes” section, but they are just scrivener’s edits. Those are on pages 1 and 2 of the redline version.

Mr. Lussier made a motion to adopt the Rules of Procedure as printed, with the addition of “A quorum shall consist of four members.” Mr. Rogers seconded the motion, which passed by unanimous vote.

Chair Lamb thanked Ms. Kessler for her work. He continued that she clarified many things that last month he was left wondering how they would ever resolve, and he appreciates it. Ms. Kessler replied that she sends thanks to the City Attorney, too.

V. **Upcoming Meeting Dates**

- September 23, 2021 at 10:00 AM (*if needed due to continued public hearing*)
- October 14, 2021 at 10:00 AM

There being no further business, Chair Lamb adjourned the meeting at 11:32 AM.

Respectfully submitted by,  
Britta Reida, Minute Taker

Reviewed by,  
Megan Fortson, Planner Technician