

**CITY OF KEENE
NEW HAMPSHIRE**

**JOINT PUBLIC WORKSHOP
PLANNING BOARD/
PLANNING, LICENSES, AND DEVELOPMENT COMMITTEE
MEETING MINUTES**

Monday, February 13, 2017

6:30 PM

Council Chambers

Planning Board Members Present

Gary Spykman, Chair
Douglas Barrett, Vice-Chair
Nathaniel Stout
Councilor George Hansel
Pamela Russell Slack
Chris Cusack
Andrew Bohannon
Martha Landry

Planning Board Members Not Present

James Duffy, Alternate
Tammy Adams, Alternate
Mayor Kendall Lane

**Planning, Licenses and Development
Committee Members Present**

David Richards, Chairman
Councilor Philip Jones
Councilor Bart Sapeta
Councilor George Hansel
Councilor Robert Sutherland

**Planning, Licenses and Development
Committee Members Not Present**

Staff Present

Michele Chalice, Planner
Tara Kessler, Planner

1. Roll Call

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

2. December 12, 2016 meeting minutes

A motion was made by Gary Spykman that the Joint Committee accept the December 12, 2016 meeting minutes. The motion was seconded by Pamela Russell Slack and was unanimously approved.

3. Continued Public Workshop

Ordinances - O-2016-01 and O-2016-02 – Relating to Zoning Changes. Petitioner, City Of Keene Planning Department, requests the creation of three zoning districts; a Business Growth and Reuse District, a NB District and a Residential Preservation District and the associated zoning map changes. The two hundred and fifty-six parcels of land affected by this request total an area of 266 acres. The project area is generally east of Main Street, south of Water Street, west of Eastern Avenue and north of Baker Street.

Planner, Michele Chalice started by discussing the next steps for this project. She noted that at this meeting, the Committee will be revisiting questions, which were addressed at previous meetings, regarding the zoning designation of certain parcels in the study area. At the March 13th meeting, the Committee will walk through the revised ordinances. At the May 8th meeting, the Committee will review any outstanding issues and vote on an amended version for each of the ordinances and refer these ordinances to City Council. On June 1, the Council will set a public

hearing date. On July 20th, it is anticipated that the Council will hold the public hearing. The Council will refer the ordinance to PLD. On July 26th, PLD will review and discuss the ordinances and make a recommendation back to City Council. On August 3rd, Council will vote on the ordinances.

Ms. Chalice then referred to the proposed districts. She noted that the intent of the Residential Preservation District (RP) is to provide and/or re-create a neighborhood of residential properties that prioritizes family units (shown in the gold area on the map that was distributed).

The Business Growth and Reuse District (BGR) is shown in grey on the map. The intent of this district is to enhance the economic vitality of the area by re-developing the area with new technology companies as well as clean manufacturing, processing, assembling and wholesaling businesses within a walkable, human-scaled location.

The Neighborhood Business (NB) District (shown in pink on the map along Marlboro Street, in two sections) will be mixed use districts with small businesses to support the adjacent neighborhoods and workplaces. The NB district is intended to enhance the visual character of the existing commercial corridors.

Ms. Chalice then referred to a map, which was distributed to the Committee, that highlighted a number of parcels in the study area. These parcels were labeled with a letter. Sections A through G are parcels that Ms. Chalice could not discern from prior discussion which zoning district they should be designated.

Section A on the map highlights the parcel at 305 Marlboro Street, which is ¼-acre in size; 1,600 square feet; currently in High Density (HD); and houses six apartments and a 480 sf office space. Staff had originally recommended that this parcel be zoned as RP due to the size and limited parking, but the Committee brought up the issue regarding the long time use of this space as a beauty salon. Ms. Chalice called the Board's attention to page 25 of the Committee's packet where the existing HD permitted uses are listed. The existing HD has an abundance of uses, while NB would be more restrictive. RP has the least number of permitted uses.

Page 27 of the meeting packet outlines the dimensional requirements for each of the districts. The parcel at 305 Marlboro Street has 75% impermeable surface area, which would make it conforming with the HD district, and has 26% occupied by business, which is also conforming with HD.

Mayor Lane clarified this would be the only lot currently zoned as HD that is left and asked if this would not be considered spot zoning. Ms. Chalice stated there has been discussion about reverse spot zoning and added it is uniquely appropriate for HD in its current form and did not feel it will be considered spot zoning.

Chair Spykman stated his understanding was this site was going to change to NB or RP, and that leaving it as HD was not even an option. Ms. Chalice agreed that she had incorrectly spoke and that this was indeed the recommendation. The Chairman felt NB was a more appropriate fit for this site as it has had a long-time history of having a business, it has no setback, and it fits the character.

Mr. Stout asked what the difference would be if this was considered NB or RP. Ms. Chalice stated if someone purchased this property and continued the uses, there would be no issue. However, if they were to change the structure, they would be guided by the regulations of the new district. NB would permit uses such as multi-family dwellings, bed and breakfasts, institutional uses, and neighborhood grocery stores. However, if it was RP multi-family

dwellings would not be allowed. Councilor Jones felt NB would give someone greater amount of flexibility.

Councilor Hansel felt this site should be NB based on the comment made by Councilor Jones and Chair Spykman. Councilor Sapeta felt this was a gateway to Baker Street and NB would anchor this site to the neighborhood.

Chair Richards asked whether anyone on the Committee had any objections to this property being designated to the NB District. There were no objections.

Ms. Chalice then went on to refer to the area south of Water Street (Sections B, F and D on the map). She began by discussing the parcel at 215 Water Street (between Bentley Commons and the empty lot at 0 Water Street). This lot is currently zoned as Industrial, is a 5,600 sf parcel, has a 1,100 sf duplex building, has 440 sf of asphalt, and is located adjacent to the Medium Density District across the street.

Ms. Chalice referred to page 28 of the meeting packet where the permitted uses are listed. Staff had previously suggested this site be zoned as Medium Density, but at one of the Committee meetings BGR was suggested for this site to keep with the rest of the changes proposed for the neighborhood. Medium density is more along the lines of residential uses and the BGR is more along the lines of new businesses, and institutional uses. This site would be non-conforming for either one of these districts as it is 5,600 sf and the minimum lot size in the Medium Density District is 8,000 sf., and in the proposed BGR District is 10,000 sf.

Councilor Sutherland stated this is a great neighborhood close to downtown and felt changing this to BGR or Central Business is not appropriate and felt the city should be going the opposite way. He did not feel G and F should be Central Business as this would not require parking, which is a problem the City has encountered in the past. He noted that Beaver Brook acts as a good delineation between this neighborhood and the Central Business District. Chair Spykman felt Medium Density would be the best solution for this site and hoped there would be more housing someday.

Ms. Russell Slack stated she agreed with Chair Spykman in that changing it to Medium Density would keep the neighborhood intact.

Ms. Landry stated housing is permitted under Medium Density and BGR but felt BGR will open it up for future opportunities and future growth.

Councilor Sapeta stated Medium Density is the most restrictive but is more compatible to what exists.

A motion was made by Councilor Hansel to change 215 and 0 Water Street to the Medium Density Zoning District. The motion was seconded by Pamela Russell Slack. The motion carried on a 10-2 vote with Phil Jones and Martha Landry voting in opposition

Ms. Chalice addressed the parcel at 163 Water Street (Section D on the map), which sits on the south side of Water Street between Bentley Commons and Beaver Brook. This parcel is in the Central Business District, is ½ acre, has a 3,500 sf building footprint with 564 sf of office space, has a 5,600 sf yard, and the Central Business District is located across the street on the north and

the BGR is proposed to the west. Staff's recommendation is to leave this in the Central Business District but there was discussion about changing it to BGR.

Page 31 of the meeting packet refers to uses allowed in the Central Business District (there are three pages of uses), which are more along the lines of office, retail, and institutional. Mayor Lane stated this lot has space for parking and hence BGR would be appropriate and felt at some point the expansion of the Central Business District should stop.

Councilor Hansel asked if this was changed to Central Business would they would be able to build right up to the Rail Trail. Ms. Chalice stated it is already in the Central Business District and stated they could. Mr. Bohannon noted there is an easement along the rail trail that would prevent someone from building adjacent to the existing paved portion of the trail. Chair Spykman felt this site would be a better fit for BGR than Central Business as it would be in keeping with the rest of the properties in the area.

Vice-Chair Barrett asked for explanation of *Minimum Lot Size for Incentive Eligible Projects*. Ms. Chalice explained that this would be when a developer chooses one of four different efficiency standards, and would then become eligible for additional height of their buildings or more flexibility in dimensional requirements. They would need to have the first floor as parking as well.

Councilor Sutherland noted the minimum green space/open space is 55%, which he felt would mean there would not be the need for much surface parking. Ms. Chalice agreed

Chair Richards asked if anyone was opposed to adding 163 Water Street to BGR. There was no objection from the Committee.

Ms. Chalice address the parcel at 197 Water Street, Bentley Commons (Section F on the map). This parcel sits between Beaver Brook and the Cheshire Rail Trail. It is 4.1 acres, located in the Industrial District, has two large buildings on the site with 564 sf of office space, is 34% impermeable, and is adjacent to the Central Business District across the street. Staff had previously recommended the parcel be zoned as Central Business, but the Committee asked for BGR.

Ms. Chalice referred to pages 31 and 32 of the meeting packet to compare the permitted uses for Central Business and BGR, and to page 34 for the dimensional requirements. Ms. Chalice indicated one of the concerns raised by Councilor Sutherland is that the Central Business District does not require parking.

Chair Spykman felt this is an already developed site and regardless of what zone it is changed to, it is not going to encourage any new usage; it is more to make the zone conform to what is already occurring on the site. Mayor Lane stated he does not like having the Central Business District on the opposite side of Water Street and does not see any reason not to change this zone to BGR.

Chair Richards asked if anyone was opposed to adding this site to BGR. There was no objection from the Committee.

Ms. Chalice addressed the parcels at 122, 124, 160 Water Street and 87 Carpenter Street (Section C and G on the map). The Findings property at 160 Water Street is currently zoned as Industrial,

and is 45% paved. The parcel at 87 Carpenter Street has a warehouse, is in the Medium Density District, is 80% paved, and is adjacent to Medium Density on the east and north, and to Central Business on the west. Page 31 of the meeting packet shows the permitted uses for these properties.

Councilor Hansel felt these two parcels have the potential to be redone when Carpenter Field gets redone, and stated he would be in favor of BGR. Mr. Bohannon agreed. Mr. Stout felt if BGR was added there might be a loss of continuity. Vice-Chair Barrett felt with Sections F and D remaining across Water Street and rezoned as BGR, these could add to the continuous zoning of BGR.

Ms. Chalice stated she had to address a correction. She noted that BGR at the present time is proposing to allow for multi-dwelling structures but not single family structures and duplexes. She asked the Committee to “x” out single and duplex on page 32 as well as on page 29 of the meeting packet.

Councilor Sutherland stated he is in favor of moving these properties to BGR over Central Business, but the only issue he had was the physical proximity to Carpenter Field and if someone was to open an indoor sports facility they won’t be able to do so under BGR. Ms. Chalice stated on the assessment map the grassy area next to Carpenter Field is shown as 200 Water Street, which could be a different zoning district compared to 160 Water Street. Mr. Bohannon stated this lot was a land swap with the city when the basketball court was constructed. He added this is a rather wet area. Councilor Sutherland stated recreational activity is not permitted under BGR but referred to page 31 where health and fitness (outdoor activities) is permitted. Ms. Chalice stated a special exception would permit for this use to happen.

Mr. Stout felt the ramifications of changing the definitions of these zones could be far reaching as the Committee goes deeper into defining specific lots and suggested going very lightly in changing definitions. Ms. Chalice agreed there are consequences the committee might not have looked at because it is a very large district and agreed about “going lightly” and stated, for instance, applying the special exception for this entire district might not be the way the committee wants to proceed.

Ms. Landry asked for the technical difference between a health and fitness center that can have outdoor activities and a recreational activity as a business. Ms. Kessler stated as follows:
Health and fitness center means a business whose primary purpose is to conduct indoor and/or outdoor activities for members related to health, physical fitness, and exercise. Activities include, but are not limited to, weight training, circuit training, aerobic exercise, yoga, swimming, in-line skating, skate boarding, floor hockey, ice hockey, basketball, volleyball, dancing, batting cages, jogging, walking, climbing and biking.

Activities which are normal and incidental to health and fitness centers may include, but are not limited to, childcare; juice bars; cafes; retail sales of sporting accessories, clothing and equipment; retail sales of health supplements; massage therapy; chiropractic therapy; tanning; manicures; pedicures; spa treatments and saunas.

Ms. Kessler felt if it is outside of the definition of health and fitness center and it is a commercial entity making money off the recreational activity it would be considered recreational activity as a business.

Vice-Chair Barrett stated it is the Committee's preference to have lots next to each other be located in the same zone, but felt the lot on Carpenter Street seems to be consistent with the uses currently in this area, which are single family homes and duplexes. As far as the Findings lot, this could be considered BGR as it does have wider uses.

Councilor Hansel stated he would like to make both these lots BGR as he wanted to make as many uses as possible available for this area as he felt the dynamics are going to change overtime because of the proximity to Carpenter Field.

A motion was made by George Hansel to locate 160, 200 Water Street and 87 Carpenter Street in BGR District. The motion was seconded by Nathaniel Stout.

Councilor Sapeta asked whether NB has been considered for these two parcels as this would allow for institutional uses with special exception. Ms. Chalice referred to page 25 of the meeting packet, which outlines the permitted uses of NB. The Councilor felt these parcels encroach into a residential and recreational area and if they were to go with BGR there could be uses that are not compatible with residential areas such as bulk storage, warehousing and retailing.

Chair Spykman referred to the two pink sections along Marlboro Street on the map, which are NB, and stated the intention here is to develop along Marlboro Street a streetscape similar to downtown with businesses located adjacent to and along the sidewalk. He feels that to find another parcel and change it to NB because the permitted uses are preferred defeats the real intention of that zone. Ms. Chalice pointed out that the Findings property is adjacent to the Central Business District, hence NB and Central Business being adjacent to each other could be compatible.

Ms. Russell Slack stated she would go with BGR because as long as she can remember this has been a flood prone area. She indicated she could not see locating anything on the 87 Carpenter Street property. Mayor Lane agreed with Ms. Russell Slack that this area is prone to flooding and felt BGR is the only zone that makes sense for these two properties.

Mr. Stout agreed with Vice-Chair Barrett about keeping 87 Carpenter Street separate in Medium Density. Chair Richards stated because BGR gives more opportunities he would support the change to BGR. Vice-Chair Barrett stated because of the testimony he has heard about flooding, he will be supporting BGR. Mr. Stout did not feel BGR is the answer for flood control and felt this property should be handled separately.

The motion to locate 160, 200 Water Street and 87 Carpenter Street in BGR District carried on a 11-1 vote with Nathaniel Stout voting in opposition.

Ms. Chalice referred to Section C on the map, which highlights the two parcels at 122 & 124 Water Street where there is currently an auto repair business. The two parcels are in the Industrial District and are owned by the same owner. They are adjacent to Community Way and the Cheshire Rail Trail and to the Central Business District on the north, east and west. 122 Water Street has a 1,300 sf building with 720 sf of office space, 1,500 sf of paved /gravel area, is 0.33 acres in size and is 98% impermeable. 124 Water Street has a 1,400 sf building, 900 sf of paved /gravel area, is 0.29 acres in size and is 98% impermeable. Staff has not proposed a change to these parcels but a few meetings ago there was a discussion about not leaving these parcels in the Industrial Zone.

Chair Spykman clarified that the auto garage is currently a permitted use in the Industrial Zone, and in the Central Business District but not in BGR. He noted the current owner does not want the zoning change because he does not want to end up in a zone in which this use would not be permitted. Ms. Chalice answered in the affirmative. The Chair noted there was discussion at a prior meeting about auto repair being a permitted use in BGR but was not sure if any consensus was reached on it. Ms. Chalice stated her plan was to bring up this issue at the next meeting for discussion. Chair Spykman stated not having reached that conclusion makes it difficult for him to decide what to do with these two properties.

Mayor Lane stated he would be reluctant to change these properties to the Central Business District and does not think any property should be changed to Central Business unless there was a specific project the city had in mind for a property. Councilor Hansel stated the reason he brought this issue up is because he did not feel a property owner should be able to dictate the zoning of a certain property. He felt the Mayor was making a good point.

Ms. Landry asked if there was a zone change to these parcels would the current owner have to apply to make his property non-conforming. Ms. Chalice stated it would automatically happen and that even if the owner was to sell the property and it was continued to be used as an auto repair facility the non-conformity would continue. Councilor Sutherland asked if this property was zoned BGR then a construction of a garage would not be permitted without a special exception. Ms. Kessler stated that she did not believe an auto repair garage would be permitted in the Central Business District. Ms. Chalice stated she has garage business and agreed there are several categories of garage and this could be an issue of definition. Ms. Kessler referred to the definitions for Garage Business and Repair Garage:

Repair garage means a building or structure or part thereof or any premises used for making major changes and adjustments to motor vehicles including structural changes or repairs, and including work involving the use of machinery.

Garage, business, means a building or structure, or part thereof, in which are kept one or more motor vehicles belonging to the owner or a tenant of the premises, which are kept for the use of such owner or tenant for the carrying of loads other than passengers for profit, for any work in connection with the business of the owner of such motor vehicles, kept for sale, exhibition or for demonstration purposes, but not for hire. A salesroom or showroom for motor vehicles in which any vehicle is kept with gasoline in its tank shall be classed as a "business garage," and also any building in which motor vehicles are kept in dead storage for profit. Also see Garage, public.

Ms. Kessler stated at the present time both of these uses are allowed in Industrial but only Garage Business is allowed in the Central Business District.

Chair Richards asked that this lot be put on hold for further review until the final makeup of the zones are determined.

Ms. Chalice addressed the 26 parcels on Elliot Street and Proctor Court (Section E on the map). This area is located between Main Street and Adams Street, is currently in the High Density Zoning District, contains 12-single family properties, 11 duplexes, 1 six-unit home, 6 owner-occupied homes. She noted that 20 of these properties do not receive their tax bills at the property address. This area is adjacent to the Office District on the north and Commerce on the east. It was discussed at the October meeting that this area might not be appropriate to focus on

transitioning to family units given their proximity to Keene State College and Main Street. Councilor Jones felt that if this district was changed, student housing will then be sent into other areas of the city and felt it should be left in the High Density District. Councilor Hansel stated he did not want to write this housing off as just college housing; this is older housing stock and attention should be paid to them. Mayor Lane stated this housing is particularly difficult, they are large homes and in the past have been under contract to be sold to the College. He stated what the College is likely to do is to tear them down and construct a parking lot. They have been problem housing units because of student behavior and it would be nice to restore them for faculty housing rather than what they are being used for now. He felt the city should spend some time reviewing them.

Ms. Chalice referred to a color-coded map and explained the units shown in pink are single-family homes, those in purple are duplexes (one which is 3-4 units and another which is a 5-6 unit home). The Mayor asked whether any of the single family units were owner occupied. Ms. Chalice stated six are owner-occupied, but was not sure which ones they are. Ms. Russell Slack noted these duplexes have always been duplexes and added this is a great neighborhood and was not ready to change it into a parking lot. There are still six families that live in this neighborhood. Staff recommendation is to convert these parcels to RP. Ms. Russell Slack stated she was in agreement with this.

Dr. Cusack stated these homes used to be owner-occupied but are now predominantly student housing and changing it from High Density to RP would have very little effect on where these students live. Councilor Sutherland stated he would like to retain this neighborhood in the High Density District as there are other areas student housing is being located where these students would eventually move to and there are developers who would then start looking at these properties.

A motion was made by Mayor Kendall Lane that the Joint Committee change Elliot Street and Proctor Court parcels (26) – Section E to the Residential Preservation District. The motion was seconded by Pamela Russell Slack.

Mr. Stout stated most all these lots are built out because RP calls for 8,000 sf. Ms. Chalice stated the size would become non-conforming.

Councilor Sapeta asked whether the number of rooms being rented could be reduced. Chair Richards this could not happen without creating a new ordinance.

The motion carried on a 11-1 vote with Councilor Jones voting in opposition.

Councilor Jones asked for a definition discussion for the next time the Committee meets. The Mayor asked for a discussion of office use not being permitted in BGR.

4. Land Use Code Update Phase 1 – Discussion

Ms. Kessler stated the city is overdue for a revision of its land use codes, which need to be addressed to improve organization, make them more aligned with the Comprehensive Master Plan, and to help streamline the regulatory process, where possible. The first phase of this project was to bring in a consultant to look at all of the City's land use regulations. The consultants have evaluated these regulations, interviewed diverse stakeholders in the community as well as staff and citizens, held a public meeting, and produced a report with recommendations for the Council and Planning Board. Ms. Kessler noted that this Report and its Executive Summary were

distributed in advance of the meeting. In addition, a handout on Form Based Codes and Unified Development Ordinances was included in the meeting packet.

Mr. Stout asked about the timeline for this project. Ms. Kessler stated Phase 1 started in June of 2016. What is remaining for Phase 1 is the need to identify the City's preferred strategy for conducting a revision/update to the land use regulations (Phase 2) that will achieve the City's goals for this project. Ms. Kessler noted that the current regulations as they currently exist have some technical inconsistencies that need to be addressed no matter what. After identifying a preferred strategy for Phase 2 the next step would be to develop a scope of work and get some cost estimates and develop a strategy for how the City will take on the work of Phase 2. The consultants gave a timeframe of about two years to conduct a regulatory update; however, the timeframe varied by the different strategies proposed.

Ms. Kessler referred to the Executive Summary. The key findings from the consultant are that the City's current ordinances are fragmented and complex to navigate. The other concern raised by the consultant is that the City's regulations are not advancing the goals of the Comprehensive Master Plan, and that these regulations are not yielding a predictable result as some of the City's standards are viewed as being too subjective, especially the development standards. Ms. Kessler added that the development review application process can be difficult for some and that the many steps someone has to go through to get before the Planning Board can be difficult to navigate

Ms. Kessler then went over the proposed solutions the consultant produced (six strategies). She referred to page 65 of the meeting packet. The consultant presented four zoning approaches. The City currently has Euclidean Zoning, which is focused on the separation of land uses. Form Based Code is also known as Context Sensitive Zoning or Character Based Zoning is focused mostly on the form and massing of development and ensuring that what is developed matches the character of development for that particular area. The consultant also looked at Performance Based Zoning and Incentive Based Zoning. Example of Incentive Based Zoning is the City's SEED District where energy efficiency is encouraged. Performance Based Zoning is focused on meeting a certain standard, such as noise limits, and provides more flexibility as long as that standard is being met.

Some of the goals for the Land Use Code Update project are to address the inconsistencies that currently exist within the regulations, and to make the regulations more readable and understandable. Strategies 4 through 6 proposed by the consultants would require more effort and change, but would achieve more of the City's goal. With Strategy 4, administrative processes would be streamlined. Ms. Kessler explained that in addition to addressing inconsistencies and technical errors in the existing regulations, the development review processes would be examined and improved so that not all projects would need to go before the Planning Board. More projects could be reviewed administratively as long as they are meeting the standards of the regulations. Ms. Kessler noted that Strategy 5 involves all of the recommendations included in Strategies 1 through 4 as well as introducing Form Based Code for the downtown area and the neighborhood activity centers that are outlined in the Comprehensive Master Plan. It would be a hybrid approach. Strategy 6 proposes the development of a Unified Development Ordinance. This is a tool to consolidate the many different chapters and sections of the City Code related to land use into one ordinance.

These recommendations were presented to the City Council in December, where it was recommended that this report be presented to the Joint Committee for a recommendation on which strategy the City should move forward with for conducting Phase 2 of the project.

Mr. Stout stated what he often hears is that once the site plan is approved, it is out of the hands of the Board and asked whether any of these strategies would assume that enforcement would occur at a better level than is happening now. Ms. Kessler stated that she cannot assure the Committee the update to land use regulations would ensure better enforcement.

Mayor Lane stated something many people have heard is moving through a development process in Keene can be difficult; he asked whether moving to a Form Based Code makes it better for usability of the code and the ability for someone to move through the process, still keeping in mind the goals. Ms. Kessler stated it is clear from the report Keene could do better to improve its regulations and to make the process easier to navigate and understand. She indicated there is a perception that Keene is difficult to do business with, but for the size of community and the level of development within the City, Keene's regulations are not too onerous and most development is reviewed and approved in a timely manner. However, she stated that the City can do better to make it easier for someone who wants to do business here regardless of which kind of code Keene pursues. The Mayor asked whether there are other communities in the area, which have adopted Form Based Code. Ms. Kessler stated Dover and Portsmouth have but there are smaller communities that have as well in NH.

Councilor Sutherland stated the talented architects in Keene also make this community unique but those plans also have to go through an approval process. He questioned whether Form Based Code is the direction Keene wants to go and how much do we want Keene to be unique.

Councilor Hansel felt Strategy 5 is when you start having substantial improvements to the regulatory approach. He also felt improving the predictability for the developers is an important item in the process but so is implementing the master plan. He felt Strategy 5 is what the consultants seem to be recommending.

Chair Spykman stated Keene is seen as unfriendly towards developers; making it difficult to get through the process. Strategy 6 is the most expensive but is the one that gives you a guidebook, where everything is in one place. Councilor Jones felt Form Based Code would eliminate the need for Overlay Districts and used Gilbo Avenue as an example.

Dr. Cusack asked whether there would be a time when the public would get involved with reference to these six strategies. Ms. Kessler stated any one of the strategies would require public input but should the City look at Form Based Code, which would be a new way of zoning, it would require significant public involvement, more significant than the Marlboro Street rezoning.

Mr. Stout felt this type of change would have some impact on the Zoning Board of Adjustment and asked for clarification. Ms. Kessler stated one of the ways the City can determine the current regulations are not working the way they are intended is by the number of variances and special exceptions that are being granted. Hence, the goal of this effort is to make the process for the Zoning Board easier in terms of the number of applications that are coming before the Board for variances.

Ms. Kessler stated she would like to see what kind of questions the Committee might have for communities that are using Form Based Code. She also suggested a visit to a community, which

is using Form Based Code, or to bring in someone who can address the Committee on this issue. Chair Richards stated he would like to learn about cost benefits and a comparison as to one versus the other; what would the differences between Keene's code and form based codes look like.

Chair Spykman felt zoning can be slow moving and until new construction happens this is not something that can be seen. He stated he had an experience during one of his travels to Austin, Texas visiting a community that was recently built from ground up.

Ms. Russell Slack clarified Keene uses Euclidean Zoning and asked whether Ms. Kessler knows of a community that has moved from the Euclidean Zoning approach to Form Based Code. Ms. Kessler stated Dover and Portsmouth are the two major cities that have made this change and that these changes were made only in their downtowns. Dover started this process in 2009 and Portsmouth began in 2014. Chair Richards stated he would like to see what Dover has done, since their Zoning Code has been in place the longest. Ms. Russell Slack stated she would like to look at both communities. Ms. Landry stated she would like to know what promoted this change for these communities and what the reaction has been from the citizens and the development community. Councilor Sutherland stated he would like to know the cost implications for Dover and Portsmouth and why they chose only one District to make this zoning change.

Councilor Sapeta asked whether the change to the code would mean a change to the zoning as well. Ms. Kessler stated if the City was to go with Form Based Code it would mean a total rewrite of the underlying zoning in the areas where the new code were to be proposed. The recommendation produced by the consultant is not to have Form Based Code city-wide but just in the downtown and other specific areas. The Councilor asked how this project would fit into the master plan. Ms. Kessler stated in the 2010 Comprehensive Master Plan this was the top priority and the goal is to align the City Regulations to the Master Plan Regulations. The Mayor clarified that the Master Plan is nearing 10 years and it is time to revisit it. Ms. Kessler agreed that the City will need to revisit the Master Plan. Councilor Sutherland felt the city should be looking at areas where this code would be the most beneficial.

Ms. Kessler stated it would be important for the Committee to pick a strategy that would meet all of the goals.

Mayor Lane noted the zoning ordinance that exists in the city was written in 1927; the question is whether the city wants to continue with an ordinance written in 1927 or have one that was drafted for the 21st century.

Ms. Russell-Slack thanked staff for the visual presentation.

5. Next Meeting – Monday, March 13, 2017

6. Adjourn

The meeting adjourned at 930 pm.

Respectfully submitted,

Krishni Pahl, Minute Taker

Reviewed and edited by Tara Kessler, Planner.