

**CITY OF KEENE  
NEW HAMPSHIRE**

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

Monday, June 12, 2017

6:30 PM

Council Chambers

**Planning Board Members Present**

Gary Spykman, Chair  
Douglas Barrett  
Andrew Bohannon  
Mayor Kendall Lane  
Pamela Russell Slack  
Nathaniel Stout  
Councilor George Hansel  
Martha Landry

**Planning Board Members Not Present**

Chris Cusack  
David Webb  
Tammy Adams

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

Councilor Philip Jones  
Councilor Bart Sapeta  
Councilor George Hansel

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

David Richards, Chairman  
Councilor Robert Sutherland

**Staff Present**

Rhett Lamb, Planning Director  
Tara Kessler, Planner

**1. Roll Call**

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

**2. May 2 meeting minutes**

Martha Landry offered the following correction:

Page 9 of 11 – *Ms. Landry stated she could support 3 and 4 as this would enable to City to add in form-based zoning.*

Ms. Landry stated she wanted it clarified the City would have one option with form based zoning and one option without form based zoning.

Page 4 of 11 – adding the word “including” in strategy one.

Nathaniel Stout offered the following correction:

Page 8 of 11 – correct spelling of the word should be *nebulous*

Doug Barrett offered the following correction:

Page 10 of 11– paragraph three down, second sentence *was discussed* instead of *discussion* and *Are areas* instead of *is areas*.

A motion was made by Mayor Kendall Lane that the Joint Committee accept the May 2, 2017 meeting minutes as amended. The motion was seconded by George Hansel and was unanimously approved.

**3. Land Use Code Update Phase 1 – Continued Discussion** Planning Director Rhett Lamb and Planner Tara Kessler addressed the Committee next. Ms. Kessler began by noting this project was one of the top implementation strategies of the master plan and in 2012 the city allocated \$200,000 in funding in its CIP for this effort. Last year about \$66,000 was expended to implement Phase 1.

Ms. Kessler stated there are three different options for pursuing phase 2 of the Landuse Code update project:

1. At minimum an update of the regulations to address any inconsistencies. At the last meeting it was discussed how that option would not address the goals of this project create a more user friendly and business friendly environment and streamline the regulatory process.
2. Creation of a unified development ordinance (UDO)
3. Develop form based zoning for the downtown

Ms. Kessler stated at last month's meeting what was missing were cost estimates. Ms. Kessler stated staff has reached out to planning firms to discuss cost estimates. She indicated what was discovered is that strategy 3 could be pursued with the funding the city has; one of the estimates came back at about \$163,000 and felt a potential scope of work could be negotiated for staff involvement and consultant work. There was another estimate that came in which was about \$300,000. The firm which sent in the lower estimate is nationally known, they have done unified development ordinances and form based codes for number of cities and staff feels confident they can complete this work.

Ms. Kessler stated at last month's meeting there was consensus that a UDO or an approach similar to developing a UDO best meets the goals set out for this project. The question on the table is whether form based zoning should be taken on or not.

Chair Jones asked by choosing option 3 whether there are any services the city might be missing out on. Ms. Kessler agreed option 3 is what staff feels the city could afford. The Chairman asked whether the recommendation from the Committee today would go to the Council. Ms. Kessler agreed but added the Committee is yet to decide which option they would like to move forward to the City Council. Mr. Lamb added with the proposed motion the Committee will be confirming the city will be moving forward with a UDO plus a Form Based Code. This will give staff the opportunity to finalize an RFQ and bring the contracting services at whatever level that is permitted.

Mayor Lane noted the City Council has already approved this project when they approved the CIP and felt the process was beyond the Council at this point. The Mayor felt the next step would be for him to appoint a Committee for phase 2 assuming the Planning Board decides to go forward with Phase 2. The Mayor asked whether or not the funding was approved over a two year period with funding to happen in each year. Mr. Lamb stated \$200,000 was available in 2012 over a two year period. He added the plan is to assign in the RFQ some of the scope of work back to staff so that the estimate could be reduced to go along with the available funds.

Mayor Lane cautioned staff to keep in mind the other tasks staff has to take on as well as there is a limit as to what staff can do. Mr. Lamb agreed and added this has been built into their program for the next 18 months and were anticipating doing much of this work.

Councilor Hansel stated one of the aspects he raised last month was form based code being implemented downtown but there was no determination what that downtown area was going to be. Perhaps expanding it to an area where there was going to be more development pressure in the short term so the effects of implementing form based code in the short term could be seen and asked whether staff had given any thought to this. Ms. Kessler stated there is an effort happening right now to define the downtown with a consultant and at the present time the boundaries extend past the Central Business District. Determination of this work would make sense for phase 2. Councilor Hansel stated what he was looking for was perhaps extending into Marlboro Street and including this area as part of the form base code. Mr. Lamb stated as the RFQ is being drafted, the city can be more precise as to what it is looking for.

Mayor Lane stated the definition of downtown the city is currently looking at extends between Island Street on the west and Carpenter Field on the east and extending north to Mechanic Street and south to the bypass. Mr. Lamb felt this was a definable planning area and is similar to the primary growth area established for the purposes of the comprehensive master plan.

Vice-Chair Barrett asked whether there was a definition of downtown given to the consultant to obtain cost estimates. Ms. Kessler referred to Task 3B 1. where it talks about working in consultation with city staff and advisory committee to determine the geographic extent of the downtown rezoning effort.

Mr. Stout asked whether there was a big difference in price between the two parties that submitted the bids. Ms. Kessler stated the one who provided the \$163,000 estimate has much more experience in UDO and the \$300,000 estimate firm has more experience in form based zoning; both have experience in form based zoning but one has more experience in UDO. Mr. Lamb added the higher bidder does not have experience writing a UDO. Ms. Kessler further stated the higher bidder isolated the amount for public engagement which was considerably higher than what staff anticipated. She also noted UDO's and form based zoning is an integrated strategy and it would be much more expensive to take on form based zoning as a separate piece rather than integrating it into the UDO.

Mr. Lamb stated the key question is whether to pursue form based zoning or not. The language is new around form based code or character based code; it is a shift in the way a regulatory basis would be put in place. This is still zoning but adds an element that traditional zoning does not. He indicated staff is comfortable with the idea and feel applying it to the downtown would be the best location at the moment.

Chair Jones stated this would be the time in the meeting to open the session up for public comment but there was no public present today. Mr. Lamb stated before any ordinances are written or the city code is changed there will be public participation.

A motion was made by Mayor Kendall Lane that the City move forward with phase 2 of Landuse Use Code Update including an RFQ for the creation of a Unified Development Ordinance and the development of a Form Based Zoning District in the downtown. The motion was seconded by Councilor George Hansel.

The Chair noted this is a vote of both bodies.

Councilor Sapeta clarified that Task 1 would be the UDO and Task 2 would be adding on Form Based Zoning. Ms. Kessler stated during Phase 1 of this project one of the tasks was to look at the existing regulations. In Phase 2 the work done in Phase 1 will be revisited but they will go “deeper” (Task 1) – regulatory review and analysis.

Task 2 – update and reorganization of the UDO

Task 3 – integration of form based zoning

The Councilor clarified these three tasks will be completed as one package. Ms. Kessler agreed it would be.

With nothing further, the motion made by the Mayor carried on a unanimous vote.

Next meeting – July 10, 2017

### 3. Adjourn

The meeting adjourned at 7:00 pm.

Respectfully submitted,

Krishni Pahl,  
Minute Taker