

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, August 30, 2017

7:00 PM

Council Chambers

Members Present:

David C. Richards, Chair
Philip M. Jones, Vice-Chair
George S. Hansel
Bart K. Sapeta

Staff Present:

Medard Kopczynski, City Manager
Thomas Mullins, City Attorney
Patricia Little, City Clerk
Rhett Lamb, ACM/Planning Director
Mark Howard, Keene Fire Chief
John Rogers, Acting Health Director

Members Not Present:

Robert B. Sutherland

Other Councilors Present

Terry Clark
Jan Manwaring

Chair Richards called the meeting to order at 7:00 PM.

1. Albert Grauer - Revised Lodging House License Application - 85 Winchester Street

Trevor Grauer, representing Albert Grauer, addressed the Committee noting the approval for a Special Exception by the Zoning Board of Adjustment. Mr. Grauer also reported on the inspections conducted by the Code and Fire Departments.

Mark Howard, Fire Chief confirmed what Mr. Grauer reported. Chief Howard added there were some housekeeping issues that have been taken care of. After final inspections were completed yesterday the applicant was found to be Fire and Code compliant.

John Rogers, Acting Health Director agreed with the facts as reported by Chief Howard and Mr. Grauer. Mr. Rogers shared the background information on the property affirming the Special Exception approval by the Zoning Board of Adjustment.

Chair Richards asked for Committee questions.

Councilor Jones referred to the condition relating to no more than eight people may reside on the premises and asked if our policy requires four or less unrelated people. Mr. Rogers replied that is the requirement for a single-family dwelling.

Chair Richards referred to the rules/conditions placed on 57 Winchester Street and asked Chief Howard why some of them were left out for this property. Chief Howard noted the history of what is before the Committee this evening. Referring to the handout titled "Potential Conditions of License", Chief Howard discussed number nine (gatherings in basements) noting the buildings were not designed for that. Chief Howard also noted most of the conditions on the handout do not apply to the Fire Code. He continued this was designed as a reminder for Council when issuing the License of potential problem areas. Chief Howard noted discussions regarding having a template; he pointed out not all locations are the same.

Chair Richards began a review of the handout. John Rogers, Acting Health Director addressed number nine and noted the applicant has reported the basement is for storage only. Mr. Rogers added he was unsure if this would be a concern, and noted Council could utilize it as a precaution.

Councilor Hansel commented he feels uncomfortable treating these licenses on a case-by-case basis. He encouraged the development of a template for Council to use and questioned why number 10 was even there. Mr. Rogers responded that number 10 is making it clear that violations could cause a suspension or revocation of the license.

Chair Richards referred to number five of the handout and asked if Council could revoke any license. Medard Kopczynski, City Manager noted this is the City's third Lodging House license. He provided historical information noting the history has been more on the fraternity side than the Hundred Nights side. Mr. Kopczynski added he feels the Council could revoke a license for any continued violations as it is a City Council license.

Chair Richards asked prepared motion were acceptable to the Committee.

Councilor Jones shared why he had been opposed to the suggestion these licenses be handled administratively. He referred to the license application which has the owner and operator names listed. Councilor Jones asked which one was responsible and if either name changes is the applicant required to advise the City. Patty Little, City Clerk reported the license is not transferable so if the property owner changes they have to come back. They should administratively inform the City if the operator changes. Councilor Jones asked if the Committee could make that a condition.

Fire Chief Howard provided additional information regarding Councilor Jones' earlier question. Chief Howard reported there is a specific section in the Fire Code for Lodging Houses. The checklist is for Lodging Houses, not single-family dwellings so there is no variation in the inspections conducted. The occupancy classification determines the Code used. Councilor Jones

clarified the differences are sometimes at Council not in the inspections conducted by the Code and Fire Departments.

Councilor Sapeta suggested adding “Non-compliance with all applicable rules... may result in revocation of license” to number 10. Chair Richards advised non-compliance and revocation are covered in the prepared motion. Councilor Hansel suggested number 10 worked the way it is and indicated the license renewal could be handled administratively. The City Clerk clarified these licenses are only issued by City Council; not administratively. Councilor Hansel would like to consistency in conditions between all applicants.

Councilor Jones noted he had two additions he would like to make: First add a description of the property (such as a two-family structure) to the prepared motion and future licenses for posterity. Mr. Rogers clarified this address will change from a residence to lodging house if the City Council issues a lodging house license. In addition, the Council would like to address changes in the operator in the recommendations. Councilor Jones continued he would like to require that the City be notified of any changes in operator. The City Attorney agreed that language could be added so that if the operator changes the City be notified so that Fire and Code Departments can be notified. The City Clerk asked if they fail to do it was the Councilor suggesting the license be terminated? Councilor Jones said it would be a reason to revoke the license. Committee members agreed to add a fifth condition relative to changes in operators to the prepared motion. Chair Richards clarified for Councilor Sapeta the owner is always the responsible party.

Trevor Grauer asked about the required two inspections annually. Chair Richards clarified that refers to the annual Fire and Code Department inspections.

There being no further comments from the Committee or public Chair Richards asked for a motion.

Councilor Hansel made the following motion which was seconded by Councilor Jones.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that a lodging house license be granted to Albert Grauer for property located at 85 Winchester Street for a period of one year from the date of issuance. Said license is conditional upon the following:

1. No more than 8 persons may reside on the premises.
2. No less than 4 vehicular parking spaces must be provided on the premises.
3. Compliance with all applicable laws, ordinances, codes and rules and regulations.
4. The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City.
5. Owner shall notify City staff of any change in building operator; failure to do so may be grounds for suspension or revocation of this license.

This license expires on the 7th day of September, 2018 and may be revoked by the City Council in accordance with Sec. 46-590 “Suspension or Revocation.”

2. Alan Stroshine/Elm City Rotary Club - Request to Use City Property - 40th Annual Clarence DeMar Marathon and 4th Annual DeMar Half Marathon

Alan Stroshine, of 27 Salisbury Road addressed the Committee. He noted the Keene Elm City Rotary Club is respectfully requesting an event permit for their official Community Event; the annual Clarence DeMar Marathon and DeMar Half Marathon to be held on Sunday, September 24th 2017. A part of our event includes the Kids DeMar Marathon and Super Senior DeMar Marathon programs. Mr. Stroshine also invited all members of city government and staff to join them on the quad at Keene State College to experience the energy and personal accomplishment of so many people on race day.

Fire Chief, Mark Howard reported protocol meetings were held with many departments. He advised that all conditions are in-line to be met. Chief Howard also noted the changeable message boards are part of the protocol meetings.

Chair Richards asked for Committee questions or comments.

Councilor Hansel thanked Mr. Stroshine and commented this is a fundamentally good event to market Keene and the region. Councilor Jones also thanked Mr. Stroshine and warned of naysayers. Councilor Jones noted previous complaints regarding the arrows on the pavement used. Mr. Stroshine reported biodegradable sticker arrows are used now to address those previous complaints. Councilor Jones also thanked Mr. Stroshine for keeping the Clarence DeMar name alive.

There being no further comments from the Committee or public Chair Richards asked for a motion.

Councilor Jones made the following motion which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that The Elm City Rotary Club be granted permission to sponsor the Clarence DeMar Marathon on September 24, 2017, subject to the customary licensing requirements of the City Council, and compliance with any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 18 Community Events Budget, and agrees to remit said payment within 30-days of the date of invoicing.

3. Request to Use City Property - Fall Festival

Fire Chief Mark Howard reported protocol meetings have been held and will continue to work out some logistical issues. Chief Howard referred to the conditions in the prepared motion and advised the expectation is those conditions will be met. Chief Howard sees no problem moving forward with approval.

Councilor Jones commented the prepared motion refers to the Keene Music Festival as the licensee and suggested that was incorrect. He also noted that he believes the event is called the Keene Fall Festival and not the Monadnock Fall Festival. Councilor Manwaring noted the correct reference to the event is the Monadnock Fall Festival. The Chair requested that a reference be made to 2nd annual.

The City Clerk asked for clarification on who the petitioner was for this event. Councilor Manwaring indicated it is the Mayor and noted Kevin Dremel filled out the application paperwork. The City Clerk advised she would use the name of the entity that provided the insurance for the event as the licensee.

Jan Manwaring, said this is going to be a wonderful event; adding they learned a lot from last year. Councilor Manwaring said the flyers should be out soon. She shared the kick-off events and the addition of hay bale sculpturing. Councilor Manwaring reported the separation from the Keene Music Festival this year. Councilor Manwaring also noted Keene State College would not having their Parents Weekend in conjunction with this event. She reported the Committee has been working on this since January. The Festival will be held on September 30th, from 10:00 AM until 6:00 PM. Councilor Manwaring suggested the Keene Chamber of Commerce may be listed on the insurance certificate.

There being no further comments from the public or the Committee Chair Richards asked for a motion.

Councilor Sapeta made the following motion which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Keene Music Festival be granted a street fair license to use downtown City rights-of-way on Saturday, September 30, 2017 from 7:00 AM to 8:00 PM for purposes of conducting merchant sidewalk sales and music venues, as well as use of City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the 2nd Annual Monadnock Fall Festival. In addition, the applicant is permitted to coordinate a one-mile Road Race with Ted's Shoe and Sport to be held from 7:00 AM to 9:30 AM. A comprehensive barrier plan has been drafted by City staff to include the following street closures: Lamson Street from Main Street to Federal Street; Railroad Street from Main Street to Wells Street; and Railroad Street from Main Street to 93rd Street (during the Road Race portion of the Festival only). The applicant is further granted permission to place up to five hay bale sculptures on City property with the duration, location and safety considerations subject to approval by City staff. This permission is granted subject to the customary licensing requirements of the City Council, submittal of signed letters of permission from any private property owners for the use of their property, and compliance with any recommendations of City staff. Be it further recommended that free parking be granted under the provisions of the free parking policy in the downtown area and adjacent parking lots on the day of the event. The cost of any City services provided shall be paid using the City funding allocated in the Mayor's budget in support of the 2nd Annual Monadnock Fall Festival.

5) Adjournment - There being no further business before the Committee Chair Richards adjourned the meeting at 7:44 PM.

Respectfully submitted by,
Mary Lou Sheats Hall
August 31, 2017