

**City of Keene**  
**New Hampshire**

**PLANNING, LICENSES AND DEVELOPMENT COMMITTEE**  
**MEETING MINUTES**

**Wednesday, January 27, 2016**

**7:00 PM**

**Council Chambers**

**Members Present:**

David C. Richards, Chair  
Philip M. Jones, Vice-Chair  
Bettina A. Chadbourne  
George S. Hansel  
Robert B. Sutherland

**Staff Present:**

Medard Kopczynski, City Manager  
Patty Little, City Clerk  
Todd Lawrence, KPD  
Chief Mark Howard, KFD  
Rhett Lamb, Asst. City Manager/Planning Dir.  
Tara Kessler, Planner

**Members Not Present:**

**Other Councilors Present**

Carl Jacobs

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

**1) Periodic Report: Agricultural Commission**

The City Clerk noted this is the end of a year-long effort by staff to bring all of the public bodies before the appropriate standing committee. She explained the committee Chair typically does the presentation speaking to the Committee's charge, and current or future initiatives. The City Clerk referenced the other public bodies that have come before this Committee beginning with the Conservation Commission. Continuing, she noted a change in the format for the coming year with the development of a conversation; working with the committee Chairs to determine the role of the public bodies in terms of implementing the appropriate section of the Comprehensive Master Plan. The City Clerk pointed out this idea was put forth by former Councilor Duffy whose idea was to increase communication between the committee and City Council, transparency, and providing awareness to the community. There are currently 20 committees with 200 members serving on them; the Mayor is always looking for community members willing to serve on these committees. She concluded her introduction by noting the intended hope to see more collaboration between the public bodies.

Carl Jacobs, Chair of the Agricultural Commission explained this Commission was actually called for in the Comprehensive Master Plan. He outlined the Commission's actions after being starting with the definition of agriculture; the Commission took a very

broad approach to include things such as forestry, animal farming, and vegetable farming. He continued that they have found in their research how much the landscape of Keene has changed through the years from primarily an agricultural community to what it is today, and that perhaps the time to grow food locally has gone by. This has prompted the Commission to look at what activities are going on and how they can be promoted so this aspect of Keene is not lost.

Chair Jacobs addressed the Commission's work to promote agriculture including working with a class at Antioch University with regards to community gardens. A report was compiled which is available on the City website under the Agricultural Commission. Chair Jacobs noted the work with the Planning Department (GIS) and the Conservation District to identify potential agricultural areas in Keene. The maps created are also included in the report mentioned earlier. Chair Jacobs also noted the Agricultural Commission's work with the local Farmer's Market during the parking lot refurbishment, and in trying to find a long-term location. He noted the Commission is still available to them to facilitate long-term location discussions. Chair Jacobs also pointed out some of the Farmer's Market vendors wanted to sell prepared foods; the Commission helped facilitate discussions regarding the food safety hurdles. He indicated the loss of the kitchen in the old Wright Building has hurt some of these vendors; adding they don't have a commercial kitchen available to them in Keene.

Chair Jacobs concluded noting the Commission tries to maintain a good relationship with the Cheshire County Conservation District; members do attend the regional meetings and share ideas.

Chair Richards asked for questions/comments from the Committee.

Councilor Jones thanked Chair Jacobs noting the history of the Agricultural Commission, and the fact that this Committee brought it to the City Council.

Councilor Sutherland asked if there is any City owned land that could be forested. Chair Jacobs noted the Commission did look at this, and the potential does exist. He pointed out what would be needed in the management plans including what you were trying to accomplish. Chair Jacobs continued the first piece would be to understand what the piece of land is, what is there, and what the best use of the land is.

Chair Richards asked if any the Commission found any City land that could be used for community gardens. Chair Jacobs indicated there were some identified in the report mentioned earlier, and there are some in places such as the Monadnock View Cemetery, the Recreation Center, and the Housing Authority (not City property). Chair Jacobs also noted no neighborhood groups have come forward requesting community gardens.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the periodic report from the Agricultural Commission be accepted as informational.

**2) COMMUNICATION: Pathways for Keene – Request to use City Property – 4 on the 4<sup>th</sup> Road Race (Community event)**

The City Clerk referred to the Ordinance brought through this Committee in December 2015 which took away 80% of the workload with regards to licenses. The two types of licenses still under the Committee's purview are Community Events and Lodging Houses. The City Clerk noted she felt it would be helpful to give the new members an understanding of these licenses. She provided the definition of a Community Event pointing out that the definition is in a Council Policy relating to the funding of Community Events. She listed the Community Events that will come to this Committee. She noted the applicant's obligation to file a budget request and an application for funding; along with this Committee's authority under RSA 31:100. The City Clerk also outlined the process from filing the application through the protocol meeting process. She noted the thoroughness of this application compared to that of the Ice and Snow Festival addressed at the last meeting; the petitioner can share a lot of information or a little knowing the protocol meeting will take place. The City Clerk reported her staff has been working on a general Use of City Property license application that will ask the petitioner to identify what they are looking for.

Chuck Redfern, of 9 Colby Street addressed the request by reading the letter dated December 31, 2015. Pathways for Keene, Inc. ("PFK") plan to present the 15th Annual 1<sup>st</sup> 4 on the 4<sup>th</sup> road race on July 4th, 2016, and requests a permit that will allow them to proceed with race preparations. They hope to again utilize a combination of the Railroad Square Park, Cheshire Rail Trail, City Streets, and private property for the two-miles out and two-miles back course. The planned route is identical to the route used in 2013, 2014 and 2015. As with previous races, they request the City mark Railroad Street as a No Parking area from 6:00 AM to 11:00 AM. This action was taken to solve a problem they had in 2011 with a flatbed truck parked in this area for the duration of the event. The 7:00 AM registration and 8:00 AM start should keep them out of peak holiday traffic as they will be completely done by 11:00 AM.

Mr. Redfern noted there were over 90 small/large business sponsors last year. Entry fees are only charged to race participants, and the general public is welcome to come and enjoy the food and the event. Noting last year's numbers Mr. Redfern indicated the expected total for this year is approximately 1,000. Other than a couple of heat strokes this has been a very safe event for the past 15 years.

Chair Richards thanked Pathways for Keene for always being first in line when it comes to starting the new year. Mr. Redfern noted it takes that long to prepare for the race; adding they start in January for everything.

Chair Richards asked for questions/comments from the Committee.

In addition to other comments Councilor Jones noted the organization has given \$367,000 over the years; he commended Mr. Redfern for his work and efforts to this end.

Councilor Chadbourne thanked Mr. Redfern for such a thorough application. Referring to the \$367,000 given to the City, she then asked over how many years. Mr. Redfern replied since July 1994. In response to Councilor Chadbourne's second question Mr. Redfern noted an increase of 35 to 50 runners annually. He attributes this to reaching out through different avenues such as the Chamber of Commerce and the Keene Sentinel. Councilor Chadbourne suggested this would be a good model to share with other local groups trying to raise money.

Councilor Hansel asked if Mr. Redfern knew what percentage of runners came from outside the area. Mr. Redfern noted people have come from as far as Germany; he also indicated Mr. McGreer could start collecting that data to present next year if the Committee is interested.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the City Council grant permission to Pathways for Keene to sponsor a running race on July 4, 2016, subject to the customary licensing requirements of the City Council. In addition, the Police Department shall identify Railroad Street immediately adjacent to Railroad Square as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing ten volunteer race marshals, and subject to any recommendations of City staff.

Mr. Redfern added he would like to thank City staff particularly the City Clerk's office for the great job they do getting applicants through this process.

Chair Richards advised this would go to full Council next week.

### **3) COMMUNICATION: Hundred Nights, Inc. – Lodging House License**

Chair Richards addressed the City Clerk noting this is one of the things they were hoping to move to the City Clerk's office for administrative review. He pointed out this is more of a life safety issue, and that the Clerk's office is working with the Fire Department to turn this into a permit. The City Clerk reported working with the Keene Fire Department which has agreed to be the host for this new permit; work continues to fine tune the Ordinance and build in an application fee. The petitioner was present, but made no comments.

Chair Richards asked for questions/comments from the Committee.

Councilor Jones commented all they need to know is did they meet the conditions. Mark Howard, Chief of the Keene Fire Department reported that an inspection of the site occurred and there were minor violations that will be followed up on and resolved. Chief Howard also addressed the reasoning behind going from a license to a permit relative to

timeframes for correcting non-conformities.

Councilor Chadbourne asked if it was the responsibility of the landlord/owner or Hundred Nights if problems arise. Chief Howard indicated they work collaboratively with the landlord/building owner. If it refers to the license Hundred Nights would be responsible. Continuing, he noted the owner is responsible for the life safety of the building unless the lease specifies Hundred Nights is responsible.

The City Clerk noted there was no prepared motion for this item, and asked that “subject to any recommendations of Staff” be added to any motion made. She added she would have the list of conditions ready for Council meeting next week. Chief Howard reported from a Fire Code standpoint they were in compliance last week.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that City Council grants the license for Hundred Nights subject to any recommendations from staff.

#### **4) MEMORANDUM: Planner – Land Use Code Update Project Update**

Rhett Lamb, Planning Director/Asst. City Manager commented he is here tonight with Tara Kessler to provide an update on an important project that the City has been contemplating since 2010. This project was written as a top priority in the Comprehensive Master Plan (CMP). Mr. Lamb provided the background noting Ms. Kessler would outline the state of the project and the schedule the Planning Department is ready to pursue. Mr. Lamb noted they are ready to issue a Request for Qualifications to bring a consultant on board to help staff take on at least the first part of this project. After additional comments Mr. Lamb noted a key element of what was in mind in the CMP was to find a way to streamline the review process. Things have changed since 2010; although not in a growth period right now they should be shifting towards a promotion of growth. Ms. Kessler will describe a shift in the idea, since 2010 where they looked at this project in two phases. Continuing, Mr. Lamb noted they are looking for a new set of tools to address the issues and concerns they are now seeing. Mr. Lamb reported funds (\$200,000) for this project were appropriated in FY14 and FY15. Mr. Lamb concluded his introduction advising this update is being provided on an informational basis with no action being requested of the Committee.

Tara Kessler, of the Planning Department provided an overview of the proposed next steps. The first phase would be an assessment of the City's current land use regulations and a review of options for revising the existing regulatory framework. A professional consulting team with state-of-the-art experience would be contracted to perform this review and help educate the City about available options for performing a regulatory update. The timeframe for this phase is estimated to be April through November of 2016.

Preferably, the consultant selected for the first phase will have the expertise and interest in either overseeing or completing the work required for the second phase.

The second phase will involve the preparation of draft regulatory changes for consideration by City Council. It is anticipated that the work performed by the consultant in the first phase would be used to guide the revisions proposed in the second. This two-part process will allow the City to confirm the purpose and intent of the project, seek public input and support, and consider changes in the community since the project was first identified in 2010, before embarking on the task of writing comprehensive code changes. The second phase will probably take about two years.

For the first phase, they are proposing the Mayor form a Steering Committee to provide guidance to the consultant team and City staff. This committee would be composed of representatives from the private sector, community members, elected officials, and staff from various City Departments. It is anticipated that this committee will meet on a monthly basis to review and discuss project milestones with City staff and the selected consultant team.

Chair Richards asked for questions/comments from the Committee.

Councilor Sutherland asked how the City would operate to provide a variance from an existing standard or code. Mr. Lamb explained it depends on which standard they're talking about. For a land use variance (developing in a district where the use isn't allowed) one would go through the Zoning Board of Adjustment (ZBA). The Planning Board has jurisdiction over the site development rules (site plan review). Other Ordinances may or may not have a variance/waiver process; such as the Flood Plain Ordinance, which is very strict for a good reason. Mr. Lamb continued they would like to move from a multiple-stop shop to a one-stop shop to streamline the development process.

Councilor Jones commented what can go into institutional use can be problematic one day. He asked if it could be better defined or split-up into categories. Mr. Lamb agreed this is one of the sections of the Zoning Code that deserves quite a bit of work. He suggested the idea of having it based on where it's located across the City needs to be corrected; instead of being on a piece meal basis.

Councilor Hansel asked if it will be left to the consultant to identify which Land Use Code format is best for our long-term use. Ms. Kessler noted there are other types of codes out there and they have identified them (Keene uses traditional zoning). She continued they would like to bring on a consultant that can really explore all the options and present alternatives that are most compatible with the City's needs. Councilor Hansel also asked where they are with the Keene codes as compared to other municipalities; will this give Keene a competitive advantage. Mr. Lamb commented most cities in New Hampshire have a fairly traditional approach to land use. Keene has made some interesting changes, mostly through the overlay process. Dover has adopted

for part of its city what is called a form-based code which is a more modern zoning approach.

Medard Kopczynski, City Manager commented he is glad to see the Committee has cleared its decks of some of its responsibilities because this project is going to be a major determinant for the future of the City. He continued what you're really looking at is probably creating something that is cutting-edge. Mr. Kopczynski suggested the Committee not concentrate just on zoning; the Committee will be looking at rewriting half the Code of Ordinances for the City. He added this is the most important project Council will ever do.

Chair Richards asked for any further questions/comments.

Ms. Kessler noted she forgot to add (Phase 1) is not just a review of our regulations, but also a review of regulatory processes.

Councilor Chadbourne related her experience where she had a discussion with the owner of Nano Technology, who pointed out how difficult it was to deal with Keene and how easy Swanzey was to deal with. Councilor Chadbourne commented this is an instrumental game changer and she is excited to be a part of it.

Councilor Jones commented on the Steering Committee asking if they will go through an ascertainment process; such as hearing from other groups such as the Agricultural Committee. He added there are many organizations that could participate and help provide guidance. Ms. Kessler noted there are outlines of where the public input will have input during Phase 1.

Councilor Chadbourne noted the Planning Department's staffing and asked if once they have the consultant/direction does the department have the staff to implement the changes decided upon. Mr. Lamb indicated they have the staff for Phase 1, but he is unsure about Phase 2.

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

Councilor Sutherland made the following motion which was seconded by Councilor Chadbourne.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends this update on the land use code update be accepted as informational.

There being no further business Chair Richards adjourned the meeting at 8:06 PM.

PLD Meeting Minutes

| January 27, 2016~~January 27, 2016~~~~January 27, 2016~~~~January 27, 2016~~

Respectfully submitted by,  
Mary Lou Sheats Hall  
January 30, 2016