

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, December 21, 2015

6:30 PM

Council Chambers

Members Present

Gary Spykman, Chairman
Nathaniel Stout, Vice-Chair
Douglas Barrett
Councilor James Duffy
Andrew Bohannon
Christine Weeks
Tammy Adams, Alternate

Staff:

Rhett Lamb, Planning Director
Tara Kessler, Planner

Members Not Present:

Mayor Kendall Lane
Pamela Russell Slack
George Hansel

I. Call to order – Roll Call

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

II. Minutes of previous meeting – November 23, 2015

Gary Spykman offered the following corrections:

Page 10 of 12, the motion should say 7-2 not 8-1 and the members voting in opposition should be Andrew Bohannon and Gary Spykman.

A motion was made by Christine Weeks to accept the November 23, 2015 minutes as amended. The motion was seconded by James Duffy and was unanimously approved.

IV. Continued Public Hearing

1. SPR-04-14, Modification 6 – Talons Restaurant – 141 Winchester Street – Site Plan – Applicant Katie Cassidy Sutherland, Architect, on behalf of owners 141 Winchester St, LLC, proposes an 80-seat restaurant. The primary proposed use is a 4,000SF restaurant with a 450SF accessory indoor recreation area with pool table and video games, and a 500SF accessory bar service. The site is 0.29 acres in size and located in the Commerce Zoning District (TMP# 052-02-004). The applicant has requested the Planning Board consider a possible extension of the 65-day time period for the Board to act as required by NH RSA 676:4.

A. Public Hearing

Chair Spykman read the following into the record:

Tonight's hearing concerns a site plan review application which was originally brought before the Board at our October meeting. There were questions concerning one aspect of the application the Planning Board felt needed to be clarified by the Zoning Board of Adjustment.

Because of these uncertainties the Planning Board chose not to make a determination one way or the other concerning the application, but rather to wait for a final determination from the ZBA on this one issue. What we did not do at that meeting was also grant an extension of the normal 65 day window for approval of the site plan. It should have been obvious that this would have been necessitated by the process that was going forward. Tonight's public hearing concerns the granting of an extension of the 65-day window to allow the applicant enough time to pursue this appeal through the Zoning Board of Adjustment before bringing this application back to this board for review. If we do not grant this extension the applicant will have to start the site plan review process afresh after the ZBA makes their determination. With this information in mind I ask that anyone who wishes to address the Board tonight can make his or her comments to regarding the issue of the extension deadline. Since two appeals have already been filed with the ZBA we will not be discussing the merits of the project tonight.

Attorney Kelly Dowd representing the applicant addressed the Board. Mr. Dowd stated he had reviewed the October meeting minutes and stated it was unclear from the Board's deliberation and the motion whether the Board intended to reach a final decision on the application at that point or whether it was a motion to stay the matter for further proceedings. Mr. Dowd stated the applicant has treated this as if it was a denial of the site plan application. He stated the applicant would like clarification as to the Board's intention. Mr. Dowd went on to say if it was the Board's intention to stay this matter, the applicant was in agreement to the 65 day extension of the decision deadline, he stated his understanding is that this matter will be taken up by the Zoning Board during the first week of January.

Chair Spykman explained the intent of the Board at the October meeting was to take no decision and wait for the Zoning Board of Adjustment (ZBA) to weigh in on that one issue. Once that process was concluded, the Planning Board would continue with its review. The Chair asked Mr. Dowd how long he presumes it will take before this item comes back before the Planning Board. Mr. Dowd stated his understanding is that the ZBA portion is independent from the Planning Board. He indicated the matter goes before the Zoning Board in January and there is 30 days for anyone to file an appeal and that might not happen until February or March. If the matter was to go before the Superior Court or the Supreme Court, that could take a substantial amount of time. He felt whatever zoning issues exist; those could be handled independently as conditions of approval.

Mr. Lamb asked the Board to keep this process simple and not to anticipate what the next step is. He asked the Planning Board to give the Zoning Board time to review this item and asked the Planning Board to extend the decision deadline to the February meeting – February 22nd. This will give the Zoning Board two meetings. Mr. Lamb further stated this does not mean the Planning Board could not handle this item in January if the Zoning Board has finished their review. The applicant had no objection to extending the hearing date to the February meeting.

Councilor Duffy noted in the Board packet there is correspondence from the President of Keene State College, Anne Huot and Mr. Kenneth Jue and questioned why these were included in the Board packet and stated he did not feel they belonged in the Board packet. The Councilor felt these opinions from Dr. Huot and Mr. Jue should be in The Keene Sentinel and stated when this matter comes before the Board, regardless of whether he sits on this Board as an Alternate or a member of the public, he looks forward to commenting on it.

Mr. Lamb stated it is the practice of the Planning Department to forward all correspondence to the Board; at times they are addressed to the Chair and at times to the Planning Director. It is not

staff's role to decide whether a letter written by the public should go in the packet or not. Hence, the reason they are included and stated they are appropriate for discussion at the next meeting. Councilor Duffy agreed with Mr. Lamb and went on to say he notices the authors of the letter and felt what they say are inappropriate and pointed out this is a quasi-judicial Board and what is stated is political pressure. He felt this Board is constantly leveraged in ways that don't pertain to Planning Board standards and this is another example of same.

The Chair asked for public comment. With no public comment, the Chair closed the public hearing.

B. Board Discussion and Action

A motion was made by Christine Weeks that the Planning Board extend the decision deadline for reconsidering a request by Talons Restaurant, 141 Winchester Street until the February 22, 2016 Planning Board meeting. The motion was seconded by James Duffy and was unanimously approved.

IV. Planning Director Reports

Mr. Lamb referred to the last page of the Board's packet where the 2016 Board schedule is outlined which was circulated at the last meeting and asked for adoption of same. The adoption does not mean the schedule cannot change as the need arises. All dates are the fourth Monday except for May 24th which falls on a Tuesday.

A motion was made by James Duffy that the Planning Board approves the 2016 Planning Board meeting schedule. The motion was seconded Andrew Bohannon and was unanimously approved.

Mr. Lamb stated this was Councilor Duffy's last meeting and wanted to thank him for his years of service on the Board. Mr. Lamb stated Councilor Duffy was named citizen planner for year 2010 by the NH Chapter of the American Planning Association and has contributed immensely toward planning aspects in the community. Councilor Duffy stated he loves planning and has enjoyed his time on the Board. Chair Spykman agreed with what Mr. Lamb stated and added that he learned a lot from the Councilor as well.

V. Upcoming dates of interest – January 2016

Planning Board Meeting – Monday, January 25, 6:30 PM

Planning Board Steering Committee – Wednesday, January 13, 5:00 PM

Joint PB/PLD – Monday, January 11, 6:30 PM

Planning Board Site Visits – Wednesday, January 20, 8:00 AM

On a unanimous vote, the meeting adjourned at 7:55 pm

Respectfully submitted,
Krishni Pahl
Minute Taker

Reviewed by: Rhett Lamb, Planning Director