

**CITY OF KEENE
NEW HAMPSHIRE**

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

Monday, July 11, 2016

6:30 PM

Council Chambers

Planning Board Members Present

Nathaniel Stout
Andrew Bohannon
Mayor Kendall Lane
Christine Weeks
Pamela Russell Slack

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

David Richards, Chairman
Councilor Philip Jones
Councilor Bettina Chadbourne

Planning Board Members Not Present

Gary Spykman, Chair
Councilor George Hansel
Douglas Barrett
James Duffy
Tammy Adams
Chris Cusack

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

Councilor Robert Sutherland
Councilor George Hansel

Staff Present

Rhett Lamb, Planning Director
Michele Chalice, Planner

1. Roll Call

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

2. Approval of Meeting Minutes – June 13, 2016

A motion was made by Mayor Kendall Lane that the Joint Committee accept the June 13, 2016 meeting minutes. The motion was seconded by Philip Jones and was unanimously approved.

3. Continued Public Workshop

Ordinance - O-2016-01 – Relating to Zoning Changes. Petitioner, City of Keene Planning Department, requests the creation of three zoning districts; a Business Growth and Reuse District, a Neighborhood Business 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.

Planning Director Rhett Lamb stated Ms. Chalice has some information regarding issues raised at the prior meeting. He noted the staff report also includes a step into the next subject which is the Business Growth and Redevelopment District. He added staff is proposing to continue this public workshop to the September Joint meeting and use the August meeting to address the ordinance related to the Historic District Commission.

Ms. Chalice stated the Committee had asked for an easier way to visualize for these dimensional regulations for the Neighborhood Preservation District. She indicated the Staff Report has a document which outlines random lots throughout the area in the proposed district. Ms. Chalice referred to the rendering included in the Committee's packet which has been updated to show

single units, two units and eight unit properties. Ms. Chalice explain the chart which refers to maximum building height = 2, maximum dwelling units = 1 to 2 (still under discussion), minimum lot size = 8000 square feet, minimum lot size per dwelling unit = 5400 sq. ft., allowable dwelling units = 1 or 2, minimum lot width at building line = 60 feet, minimum setbacks = 15' for the front, 10' for the side, 20' for the rear, maximum % occupied by structure = 35%, maximum % lot impermeable = 45%, minimum % green/open space = 55%.

Ms. Chalice referred to page 15 of 36, lots shown in yellow are existing lots, 1.5 stories tall with one dwelling unit, and it is only 4,300 square feet (less than the 5,400 square foot suggested minimum lot size). Ms. Chalice stated this is one of the smallest lots staff found within the project area. Ms. Chalice stated this lot did not have a hard time meeting maximum % occupied by structure, maximum % lot impermeable.

Ms. Chalice stated the overall project goal is to have fewer units in this neighborhood, more distance between units and more greenspace. There are very few vacant lots in this area and stated she would get this number for the Committee for its next meeting. Mayor Lane stated if Ms. Chalice was going to count up the number of vacant lots it would also be prudent to look at how many lots can be subdivided to create vacant lots.

Mr. Bohannon referred to 19 Willow Street and asked whether the white circle shown on the rendering would be an ideal location. Ms. Chalice agreed and added the hatched area is the setback area which staff is proposing and the solid area is the existing building within the lot. Ms. Chalice went on to say there are two lots in the subject area which do not meet the minimum lot size and that is 19 Willow Street and 77 Water Street. All of the parcels meet the front proposed setback, three parcels meet at least one of the side setbacks, and two lots could construct a deck without the need for a percentage of impermeable coverage variance from the Zoning Board of Adjustment. Ms. Chalice stated this is one of the goals - to make property owners lives simple and not force them to have to receive a variance.

Ms. Chalice referred to 168 Baker Street (page 18 of 36) which is the eight-unit parcel which will not meet proposed dimensional regulations. Ms. Chalice stated this is one of those properties where the owner will not be able to reconstruct the property in any other way. If the building was to burn down the owner will have to reconstruct within one year on that existing footprint but the owner could build a new single or maybe a two-family dwelling depending on the decision of the Joint Committee. This is outlined in the statute.

Ms. Chalice then referred to the property at 41 Elliot Street, this property is a little less of the minimum lot size requirement and comes under the ability to have 5,400 square feet for that additional lot. However, it is meeting the required for maximum occupied by structure and does exceed the impermeable area.

Ms. Chalice in closing stated she hoped the staff could look at the images presented and see that the proposal is not too far off; to have the ability to build on 2,800 square feet on an 8,000 square foot lot is quite a large structure. In addition 1,200 square feet of paving will be permitted as well.

Chair Richards referred to 19 Willow Street and 77 Water Street and clarified that these two properties will not be conforming at the present time because the two buildings are located in the setback. Ms. Chalice agreed.

Mr. Lamb addressed the Committee next and stated what staff tried to do was to take the Committee's questions from the last meeting and propose some changes to the setbacks and to the coverage of buildings and paving and compare them to what exists there right now. When compared the numbers being proposed come very close to what exist there right now with each property having its own idiosyncrasies.

Chair Richards asked for public comment next.

Darryl Masterson of 44 Willow Street asked whether use of crushed gravel on a parking area would be considered permeable and felt this defeats the requirement of greenspace. Ms. Chalice stated crushed gravel itself is not considered permeable; certain types of pavers with a gravel base are considered permeable. Dirt is considered permeable so we could end up with dirt backyards. Ms. Masterson felt this was not green and felt it defeats the purpose. Mr. Masterson stated his portion of the shared backyard has a lot of gravel and is not an attractive neighborhood view. He felt there should be some sort of limit on a permeable parking area to maintain some sort of minimum green space. Chair Richards noted one of the things being attempted is to reduce on the number of persons who can live for instance in a two-family home, to reduce on the need for parking; to require that such units be owner occupied increases the attractiveness of just having a dirt backyard will always be reduced.

Ms. Weeks noted the last column is minimum percentage of green and open space for each lot. Mr. Lamb stated this is the nature of Mr. Masterson's question, if certain types of pavers are permitted and are considered permeable that area with those pavers could count toward the green and open space. Hence, what he is suggesting is an entire yard could be paved with pavers, which could legally happen and is asking the city to pay attention to that. Mr. Lamb stated staff can give some thought to this scenario. Mr. Lamb stated the issue with permeable was not for green space but more to address drainage. Ms. Weeks asked whether staff would provide a definition as to what green open space is. Ms. Chalice stated staff can look at how this issue is being handled elsewhere and added these are two separate categories and maybe there needs to be a definition for each of these.

Chair Richards asked whether concrete lattice work is considered permeable. Ms. Chalice stated if the voids are filled with sand and moisture and water can penetrate then they are considered permeable. Mr. Lamb stated the turf grows in between the lattice and this is the engineered solution the city is aiming for here – some sort of turf growth in between these pavers. There is also vertically installed PVC pipe which provide structural support which you can drive on and park on but has enough soil where grass will still grow. These parking areas are acceptable even in winter months.

Business Growth and Reuse District

Ms. Chalice stated this district is the reason for this project. The City has an outdated area with allowable uses which are not needed anymore. Staff is proposing to remove some of these outdated uses and then open it up for more mixed uses to happen in the area shown in purple on the rendering. This is the area close to Victoria Street, it encompasses the City's municipal complex (southeast corner) and some new industrial uses happening in the Marlboro Street building as well as the old Kingsbury property.

- The revitalization of the area to a unique identity that can meet current market demand for a mix of retail, manufacturing, restaurants, offices, wholesaling, etc.
- Visual compatibility with the adjacent residential neighborhood which can provide a labor base,

- Opportunity for an improved tax base,
- Reduction in auto dependency and air-pollution for the City's citizens by co-locations of employment and businesses for daily resident and employee needs,
- The efficient use of existing infrastructure within walking distance of downtown, and
- The increase of local revenues with a more diverse collection of industry and businesses.

Ms. Chalice referred to page 9 of 16 which has a revised list of uses. There was discussion about limiting this area to less than 20,000 square feet. Ms. Chalice stated she had had a discussion with Jack Dugan of MEDC who had indicated the 104,000 square foot building which was just constructed is typical and what he is getting requests for are the 20,000 – 30,000 square foot uses. Hence, his suggestion is to increase the size to 30,000 square feet by right and then allow the special exception subject to specific criteria for greater than that amount. She indicated as noted by Councilor Hansel the City does not want to run the risk of losing a company who needs more than the 20,000 square foot minimum.

Ms. Chalice stated Councilor Jones had asked about permitting institutional uses in this area. Ms. Chalice listed some of those uses - hospital, clinic, nursing home, sanitarium, convalescent home, home for the aged, private school, child care facility. At the present time these uses are wherever they have been proposed. It is staff's recommendation that institutional use be permitted without a special exception.

Ms. Chalice then talked about the size of a neighborhood grocery store and the size of this use has been enlarged to 3,500 square feet. The definition for a neighborhood grocery store is *Establishments primarily engaged in the provision of frequently or recurrently needed food for household consumption, such as prepared food, beverages, limited household supplies and hardware, less than or equal to ~~1,500~~ 3,500 square feet.*

New Building Incentive Option –

This is an option and used the Mills project as an example which is a 9,000 SF student housing development. This development met one of the four energy standards and traded for that reduced parking requirements (1 ½ parking spaces per unit verses 2) an additional two stories of building height and added residential uses in a commerce district. They also have the ability to put in mixed uses which has not happened yet.

Density, Height, Dimensional Incentives

Ms. Chalice referred to page 11 where these original incentives are listed. She noted after further discussion, analysis and research by staff, it lead to the revision of the previously proposed table of density, height and dimensional incentives. Ms. Chalice stated for instance in the SEED District which is an overlay, if you were not following the options you were following the existing dimensional standards. She stated for this proposed district there are dimensional requirements for the developer who wants to construct a regular building as well as incentives for anyone who wishes to use one of the four energy efficiencies.

Ms. Chalice talked about the building be constructed on Railroad Street where parking is being located on the first floor. She noted recent flood events in Keene have exceeded the 100 year flood plain. She stated by encouraging parking on the first floor there is that much less damage built in for future new buildings.

Minimum Lot Size - The proposed 10,000 SF could be reduced as an additional incentive option. Not having a minimum lot size would allow for the option to buy a much smaller parcel and you get taxed on that much less. The City is encouraging greater density.

Minimum Building Setbacks – The original 20' is standard for industrial uses on all sides. The incentive option would also allow for a greater density of structures immediately adjacent to one another. In combination with the “Minimum Landscape Buffer from Structure” regulation, the City could benefit from the increased likelihood for parcels and open spaces to be adjacent to one another, creating contiguous, open and still privately-owned, green areas within the district. Ms. Chalice stated the increase to green space was the request staff heard during the Marlboro Street conversation. The challenge to that is the City would have to purchase that land, take it off tax rolls and also has to maintain same. Ms. Chalice stated through these dimensional standards she is finding a way for private property owners to create and maintain these green spaces.

Minimum Setback Between Structure & New Parking Lots - This standard would prevent the ability of a project to have a proposed building meet the ground with solid paving from sidewalk and parking lot to the property line such as the Planning Board has recently previewed.

Minimum Landscape Buffer from Structure - This proposed standard acknowledges the area's propensity for flooding events and the need to have permeable areas surrounding each structure both for the area's improved environmental aesthetics and to create space for the Low Impact Development measures the City encourages. Ms. Chalice referred to the area which most frequently floods. She noted focus needs to be placed on reducing flood damage to new buildings.

Chair Richards noted that sidewalk width has been crossed off. Ms. Chalice agreed and added after further consideration it was decided this would not be reasonable.

Mayor Lane referred to Permitted Principal Uses and stated his concern is trying to create a neighborhood commercial use within this area. The Mayor stated he sees some overlap – the purple area is the north side of Marlboro Street towards 350 Marlboro Street and the Ice Arena and asked what happens if someone wanted to locate a bank next to the Ice Arena and put in a drive through. Unless this is referred to as a small scale business, the Mayor did not feel this type of use could be added here. Ms. Chalice stated this might be something to think about. The Mayor stated this type of use would be welcome in this area but wasn't sure how to fit it in this area.

Ms. Chalice stated previous conversations wanted this Neighborhood Business District along both sides of Marlboro Street. Mayor Lane stated that was his understanding as well, but it seems to have disappeared along the north side which is of concern to him.

Mr. Lamb stated one of the goals for this area was to preserve some job development options; example advanced manufacturing. The City was trying to transition the former industrial into this type of activity. South side of Marlboro Street was the neighborhood business idea. Mr. Lamb stated staff could take a look at this again to see if more service oriented uses could be added here. The Mayor stated he understand the transition the City is trying to achieve toward certain type of semi-industrial type of uses. He noted the area along Marlboro Street is a prime area for small scale commercial activity. Mr. Lamb cautioned about opening this up to more commerce type activity. Staff agree to look at this again. Mayor Lane stated he would envision the Millwork Master's type business along this area.

Mr. Bohannon stated there has been much conversation about turning Beaver Brook into a greenway and the concept of the city not owning the greenway and the businesses owning this greenway. He questioned how this can be accomplished if a business refuses to participate and a greenway was blocked. Ms. Chalice stated the City is not proposing to purchase any easements along Beaver Brook and agreed there is a risk a property owner would not agree to an easement and prevent public access. She noted this greenway has been the number one issue raised by the public but it is not part of this project. Chair Richards asked whether the Surface Water Ordinance would not come into play here. Mr. Lamb stated the Surface Water Ordinance has exemptions for constructed water ways and some portions of Beaver Brook are considered man-made. Mr. Lamb went on to say what Ms. Chalice is trying to say is that the edge of the greenway does not acquire any new buildings which will give the City time to either purchase easements or purchase the land to create a trail or access.

Councilor Chadbourne stated on the map if you follow Beaver Brook as you get close to the Kingsbury property there is an area shown in grey and a break in the brook. Ms. Chalice stated in a sense the building goes over the bridge; Mr. Lamb stated there are two bridges here as well.

Parking Regulations and Incentives – There are existing parking regulations in place which specify parking requirements by use, but here again there will be an incentive option should a developer adhere to one of the four development options. There is also the option for shared parking which is another incentive option. This concluded Ms. Chalice's presentation.

Chair Richards asked for public comment.

Ms. Chalice stated staff will be looking at the neighborhood business zone and the overlap issue raised by the Mayor. Mr. Lamb referred to the Economic Development Committee to which George Hansel was appointed as the liaison from the Planning Board and this group might have a document which can be brought to the Joint Committee for September.

Mr. Stout referred to page 32 of 36 of the committee's packet second paragraph from the bottom "*Many cities are working on "economic gardening"-the concept of growing the size and scale of existing local businesses -because these owners are most likely to stay in town.*" Mr. Stout stated economic gardening in this sense refers to existing businesses as opposed to bringing them in.

Ms. Weeks asked about broadband being brought to Marlboro Street and asked whether this would be something staff will be looking at or whether this is something the Economic Development Committee will be looking into. Ms. Chalice stated broadband is not the purview of the zoning project but it definitely has been prioritized by the Economic Development Committee.

Ms. Chalice stated with reference to owner occupancy and appraised value, two items that were also raised (Residential Preservation items) - those items will also have an update in September.

Councilor Masterson asked for an update on Victoria Street. Chair Richards stated he has requested from staff an entire night for discussion of this topic. Councilor Masterson stated the reason he brings this up is because it opens up additional frontage. Mayor Lane explained the frontage here will be mostly wetlands except for the area which runs through the Kingsbury property. Hence, what happens to that portion of the land will depend upon what happens to the Kingsbury property. There are other issues that surround Victoria Street such as it crossing the

Rail Trail, and the impact to Marlboro Street. Mr. Lamb stated this item will come up as part of the east side redevelopment as well.

Mr. Peter Hartz of 12 Brook Street referred to the area which connects Foster Street to Myrtle Street (page 30 of 36), it is an empty parking lot. Mr. Hartz stated he was concerned about this area because Foster Street and Myrtle Street are residential areas and if it is developed into a commercial area, truck traffic would increase along these streets and felt green space would be a good option here. Mr. Lamb stated they would look at into this.

Councilor Jones asked whether controlling drainage could be a requirement within these zones- having open cisterns on properties etc. so that water from roofs don't drain directly into a street and into a storm drain causing flooding. Mr. Lamb stated at the present time this depends on the type of development; zoning standards cover uses, dimensions and how much of a lot you can cover. How you manage stormwater comes under review by the Planning Board. However, for single and two-family dwellings, State law prohibits the site plan review and at the moment the city has no such authority for review of single and two-family dwellings. Short of having something like a stormwater utility standard which would be something that would need to be applied city-wide, there is nothing else currently in place. Ms. Weeks felt stormwater runoff is an important aspect in this community. Mr. Lamb agreed but added it would need to be a city-wide requirement but not just for three zoning districts. Chair Richards noted the Council through the CIP process is working on improving the drainage system.

Mayor Lane stated part of the answer might have to do with understanding the hydrology along that water shed and added the Army Corp. of Engineers is looking at the Beaver Brook Water Shed and out of their recommendation there might be some specific actions the City could take regarding stormwater runoff.

Councilor Masterson stated along his street – Willow Street there was always flooding but those storm drains have been cleaned out and this has improved flooding quite a bit. He felt a little bit of preventative maintenance goes a long way.

A motion was made by Mayor Kendall Lane that the Joint Committee continue this public workshop to the September 12 hearing. The motion was seconded by Phil Jones and was unanimously approved.

3. Next Meeting – Monday, August 8, 2016

4. Adjourn

The meeting adjourned at 7:45 PM.

Respectfully submitted,

Krishni Pahl,
Minute Taker

Reviewed by Rhett Lamb, Planning Director/ACM
Edits, L. Langella