

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, September 21, 2016

7:00 PM

Council Chambers A

Members Present:

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

Staff Present:

Michele Chalice, Planner
John Rogers, Acting Health Director

Members Not Present:

Other Councilors Present

Carl Jacobs
Jan Manwaring

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

1) Lisa Grauer - Request for Lodging House License - 85 Winchester Street

John Rogers, Acting Health Director advised the Committee that staff is asking for this request to be placed on more time to review the initial zoning for the property and other information in the property file with the property owner.

There being no 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 request for a Lodging House License at 85 Winchester Street be placed on more time.

2) Presentation - Agriculture in Cheshire County

Charles Daloz, of 37 Church Street reported he and Sarah Wilton are here representing the Agricultural Commission. Mr. Daloz noted this is a new Commission and that this is their 1st annual report. Mr.

Daloz continued that in looking at the Master Plan, the Commission felt it was important to highlight agriculture. The Master Plan, which was completed in 2010 has very little specific language on agriculture nor does it contain an agricultural vision. With Keene's regional focus, agriculture should make a lot of sense here. Mr. Daloz noted the Commission would like to see agriculture introduced into various City planning concepts. At this point, Mr. Daloz turned the floor over to Sarah Wilton, of 127 School Street to begin a PowerPoint presentation.

Ms. Wilton presented a PowerPoint presentation and offered comments related to the actual slides.

Ms. Wilson identified prior achievements of the Commission, which included mapping the existing community gardens; and serving as a liaison to the Farmer's Market and the Cheshire Fair Association. They have also worked on making land use management recommendations and they initiated an amendment to the Health licensing ordinance for small scale food licensing classification. They also made recommendations to the proposed surface water ordinance. In terms of ongoing initiatives, they are making recommendations for zoning management and residential chicken regulations.

In terms of next steps, she noted the Agricultural Commission will build upon the existing framework to further agricultural industries; they will be working on food security and environmental stewardship, and will be soliciting input from the community on crafting an agricultural vision. Finally, the Commission will be developing recommendations to incorporate agriculture issues and priorities into the next Master Plan.

Chair Richards asked for Committee questions/comments.

Councilor Hansel thanked Ms. Wilton for her presentation and asked if there was a mechanism to match people who want to farm with land that is currently underutilized. Councilor Hansel continued he thinks there is opportunity for people who can't afford to buy land to be able to take advantage of these resources. Ms. Wilton said the Commission mapped out the Community Gardens as one of their first projects; the Commission has visited some of the surplus land and is wondering what to do with it. She noted getting people access to the gardens is one of the Commission's values which ties nicely into physical health. Ms. Wilton also commented the Commission is looking for more ways to utilize those resources. Councilor Hansel then asked if the Commission has found enough people going into agriculture to make a sustained effort towards this. Mr. Daloz replied in the negative adding though Keene does have an agriculture course at the High School and Antioch University. Both Mr. Daloz and Councilor Hansel agreed we have the land, but not the people with the skills to farm. Ms. Wilton added one of the challenges is the low pay; another challenge is vertical agriculture with distributors owning the actual land resources. Ms. Wilton also noted the effect Trade Agreements have had on farming and the fact that the laws to protect farmers have been diminished. Mr. Daloz commented he is interested in pursuing Councilor Hansel's idea of matching people who want to farm with the available land resources.

Councilor Jones noted that he, Chair Richards, and Councilor Chadbourne introduced the idea of an Agriculture Committee to the City Council in 2012. He also noted the recent amendment to the Health Code submitted by the Agricultural Commission relative to the reselling of meat. Councilor Jones asked Ms. Wilton if the Commission had any particular areas in mind for Community Gardens. Ms. Wilton

replied not for new gardens; just those already in existence. Mr. Daloz reported the Planning Department does have a map developed by the Commission.

Addressing Ms. Chalice, Councilor Jones inquired about a document that dealt with the food supply and sustainability. Ms. Chalice suggested the document is the Climate Adaptation Plan (2004) which has several aspects that relate to the Agricultural Commission's work. Ms. Chalice also suggested this would be a good document for the PLD Committee to be aware of. Ms. Chalice noted there was an assessment done by Antioch students in 2007. Ms. Chalice also noted she understands that Keene is nationally known for this document. She also indicated she/the Commission would be happy to come back and report on the City's progress.

Councilor Chadbourne also expressed her appreciation for the presentation; she continued it is a reminder that agriculture is all encompassing, from the large farms to chickens in the backyard. She continued it is one step at a time, changing the way people think. Councilor Chadbourne said she hopes in the future they will be able to go into greater length and depth in that plan. Councilor Chadbourne mentioned the Marlboro Street Zoning Project and the talk of allowing small animals in that location. Councilor Chadbourne also noted the recent fee reduction mentioned by Councilor Jones adds to our encouraging public participation. Councilor Chadbourne shared her recent experience with gardening and canning and remarked she was aware of the canning class offered by the Co-op. She concluded her comments by noting having this Commission and discussions is a jumping off point, and she sees it mushrooming.

Councilor Sutherland noted he is in the information business and it seems like there are a lot of resources out there for information. He suggested perhaps the City could help by providing a webpage with links to different resources. Referring to the comments regarding the agricultural history of Keene, Councilor Sutherland noted that Alyson's Orchards and Monadnock Berries are among the largest fruit producers in the State. Councilor Sutherland suggested we need to make people aware of the resources that are available.

Noting she serves on the Agricultural Commission, Councilor Chadbourne said Councilor Sutherland's idea is right in line with what the Commission has been talking about. She noted the Commission does have a link on the City website.

Carl Jacobs, Councilor Ward 2 commented the Agricultural Commission is a great thing and is doing great work. Addressing the educational element, Councilor Jacobs said we should mention the Cheshire County Conservation District, and UNH Extension Service both of which bring solid information and resources to farmers. He also said they do have some equipment resources that can be shared to some extent. Councilor Jacobs addressed Keene's mapping capabilities noting the Commission did get involved in identifying agricultural soils. The Commission did go through the exercise of looking at agricultural lands and aerial photographs. Councilor Jacobs also discussed how local farmers are adding value to what they grow.

There being no additional questions or comments from the Committee or members of the 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 the presentation from the Agricultural Commission be accepted as informational.

3) Relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care

John Rogers, Acting Health Director provided the background to the development of the ordinance as part of the continuing effort to shift licensing requirements from the City Council to the administrative staff. He added discussions have taken place between several Departments to determine which department was the most appropriate to administer a lodging house license. Because compliance with fire and life safety codes was identified as the most important consideration, the Fire Department was selected as the most appropriate department to administer the process. He also noted the change from a license to a permit if handled by the Fire Department. Mr. Rogers reported the Ordinance was sent back to Committee due to the concern regarding Council losing the ability to put stipulations on different lodging house licenses. At this time, the Committee discussion should be on whether you want this to move forward, with the Fire Department continuing to look at this to become a permit or if the Committee wants to make a recommendation for this to move forward and stay with the City Council as a license.

Chair Richards noted he was thinking about the Outdoor Seating Licenses downtown; which has the initial requests coming to the Committee and renewals being administratively issued. Noting there are differing opinions on the Committee, Chair Richards asked how the Committee would feel about setting this up like the Outdoor Seating Licenses. Chair Richards noted the debate was do we just have them go to the Fire Department for a license very similar to the Outdoor Seating License. Mr. Rogers advised that would have to be looked at to see how it would be handled. He continued this would have to continue as a license that the City Clerk's office would have to take on, and issue each following year.

Councilor Sutherland noted his recollection was the primary concerns were relative to the fact that we don't know what we don't know. Commenting there are many different circumstances that could come up it would be more beneficial to not have this as rubber stamped paperwork, but have it properly reviewed. Councilor Sutherland noted he was more in favor of it coming through for an initial approval so that the Council could attach any requirements we deem necessary.

Councilor Hansel clarified the issue Mr. Rogers is raising is if it is a permit it wouldn't be subject to that initial review; a license would have to stay a license and be reviewed annually. Mr. Rogers replied it would be difficult if it came through the first time as a license, with the ability to add conditions, and then to switch it over to a permit through the Fire Department. Mr. Rogers continued his recommendation at this point is to send this back to staff to research and review; as neither the Fire Chief or City Clerk is here to answer questions.

Councilor Hansel commented he is all for making the process as easy as possible, especially for the applicant. He continued the other part of this was it was going to be more expeditious with the Fire Department doing the Life Safety checks anyway. Mr. Rogers clarified under a permit

the Fire Department would be doing an annual inspection. Mr. Rogers noted the other reason for asking for more time is the need to review some zoning issues. Councilor Hansel commented he is in favor of streamlining the process and investigating the concept.

Councilor Jones commented it looks like Mr. Rogers is asking us to put this on more time so he can get input from the Department Heads. Mr. Rogers indicated this would have to go back to staff because what the Committee is asking for hasn't been brought forth so far. The Fire Department brought forth an Ordinance to pull the regulations from Chapter 46 into Chapter 42, which would change the process from a license to a permitting process. Mr. Rogers verified what we currently have on the books is a license through the City Council; what Chair Richards is asking for is more of a hybrid- along the lines of a Sidewalk Café license. He continued what he is hearing from the Committee is their preference that it would still be a license and stay with the City Clerk's office.

Continuing, Councilor Jones noted if the Committee was going to act on this tonight he would have offered an amendment; instead he would like to offer a suggestion. Councilor Jones referred to the appeals process which goes to the Housing Standards Board of Appeals. He commented they only deal with Housing Standards, and they can't deal with nuisances and such. Councilor Jones suggested the appeals process go through City Council. Mr. Rogers said this could be taken into consideration; he reiterated what the Committee is asking for is different than what is currently before them.

Looking for general direction, Chair Richards reiterated the idea we take a look at it the first time out and then it's a renewal. He then asked if that works for everybody. Chair Richards indicated we need to be able to give Mr. Rogers some direction, and he noted he liked Councilor Jones' idea as well.

Councilor Sutherland said he would like to get a better understanding on paper as to what the benefits are to changing this. He would also like to know how many of these licenses we have annually. Chair Richards reported we have three of these licenses annually. Councilor Sutherland continued he is trying to understand why we are trying to push this in this direction. Chair Richards explained we were looking at everything to see what we could take away from Council, and make it easier for the public to get a permit. The reason this one became so complicated is because it goes from a license to a permit. In response to Councilor Sutherland's hypothetical scenario, Chair Richards and Mr. Rogers explained the process clarifying the license/permit applies to only one property, each subsequent property would require a new application, and would require zoning and safety reviews. Councilor Sutherland explained he is looking for context so that he and everybody can understand, at the Council level, the context of what this change to the Ordinance would mean. He would like to see staff mark out the areas where these lodging houses would be permitted. Councilor Sutherland said it is important for us to know where this would apply and what kind of criteria would change or not change. Mr. Rogers indicated staff could do this; he also noted right now they are only allowed in the High Density and Medium Density zones. Mr. Rogers added a ZBA approval would be required for a Special Exception.

Carl Jacobs, Councilor Ward 2 noted he was on this Committee when changes were made to the

Sidewalk License. He continued his understanding of the motivation behind this is does the City Council really need to weigh-in? If we don't, than let's not make people run through a whole bunch of extra hoops (public safety and other things still have to be considered). The exception as he recalls specifically had to do with alcohol. If they're going to be serving alcohol on the public sidewalk then Council ought to be aware of it; other than that it's like if I go to build a house, I don't have to come to Council for permission, it becomes part of the permitting process. Councilor Jacobs concluded the motivation was just to make things simpler and more business friendly. Chair Richards reiterated his earlier idea and the reasoning behind it. Councilor Jones agreed with Chair Richards citing the United Church of Christ license that conditions were attached to; had this not come to Council no conditions would be in-place. Councilor Jones also suggests it not be changed to a permit; he indicated it should be called a license all the way due to the revocation process. Mr. Rogers agreed with Councilor Jones noting he thinks it would have to stay as a license.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the lodging house ordinance be placed on more time.

There being no further business before the Committee Chair Richards adjourned the meeting at 7: 48 PM.

Respectfully submitted by,
Mary Lou Sheats Hall
September 23, 2016