

**CITY OF KEENE  
NEW HAMPSHIRE**

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

Monday, November 14, 2016

6:30 PM

Council Chambers

**Planning Board Members Present**

Gary Spykman, Chair  
Andrew Bohannon  
Mayor Kendall Lane  
Douglas Barrett  
George Hansel  
Pamela Russell Slack  
Chris Cusack

**Planning Board Members Not Present**

Nathaniel Stout  
Christine Weeks  
Tammy Adams, Alternate  
James Duffy, Alternate

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

Councilor Philip Jones  
Councilor Bettina Chadbourne  
Councilor George Hansel  
Councilor Robert Sutherland

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

David Richards, Chairman

**Staff Present**

Rhett Lamb, Planning Director  
Michele Chalice, Planner

**1. Roll Call**

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

**2. Public Workshop**

**Ordinances – O-2016-18 and O-2016-19 – Relating to Zoning Changes. Petitioner, Mr. Jack Franks, President and CEO of Avanru Development Group LTD, proposes to:**

- a) **Amend the City of Keene’s existing HD-1 Zoning District to include two additional, required street frontage locations; one section of Old Walpole Road and one section of West Surry Road.**
- b) **Amend the official Zoning Map of the City of Keene by changing the zoning of one parcel of land from Low Density (LD) to High Density-1 (HD-1). The total land area that would be impacted by this request is 12.9 acres. The location of the parcel is 32 West Surry Road and the tax map parcel (TMP#) number is: 914-07-019.0000.**

Chair Spykman stated because there was an error in the noticing of abutters this matter cannot proceed this evening. If the notices are properly filed in time, the matter will be on next month’s agenda.

**3. Approval of Meeting Minutes – October 11, 2016**

A motion was made by Mayor Kendall Lane that the Joint Committee accept the October 11, 2016 meeting minutes. The motion was seconded by Phil Jones and was unanimously approved.

**4. Continued Public Workshop**

**Ordinances - O-2016-01 and O-2016-02 – 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.**

Planner, Michele Chalice stated she was before the Joint Committee regarding certain zoning terms and definitions. Many are related to the Marlboro Street rezoning and in 2014 this list was deemed the most outdated and needing attention to be able to continue with the rezoning work. Ms. Chalice referred to a handout which had terms outlined in bold. There are the terms which will be discussed tonight and revised. Because this list was created in 2014, staff has been making revisions and there are some proposed changes being recommended which is indicated in the Revised Staff Report. She explained the language in bold is what is being recommended and the text which is italicized is language which would help to show why this language was recommended.

Ms. Chalice asked whether the Committee would like to go over these changes based on each district. Mayor Lane asked whether the definition changes apply to changes across the City. Ms. Chalice agreed. Mayor Lane felt it would be prudent to look at these changes for the entire zoning ordinance not just for the Marlboro Street rezoning area. The Committee agree they would go over the terms in alphabetical order:

**Alteration** (language being proposed):

**Any construction or renovation to an existing structure other than repair or addition. Applied to a building this means a change or rearrangement in the structural parts, and can include flood proofing or other modifications.**

Councilor Hansel noted the old definition referred to exterior changes but the new definition would include interior as well - moving a wall inside a building would be considered “alteration”. Ms. Chalice agreed it could be construed to say that. Mr. Lamb added where this would apply to is when there is a link to a building permit – he added it would be very rare for the Planning Board or Zoning Board to address a site which did not have a building permit process attached to it. This ties into Chapter 18 and the Building Code itself and what planning staff has tried to do throughout this process is to work very closely with the Building Code officials to make sure the definitions are consistent with International Code Council standards.

Councilor Sutherland clarified if there is not already a building permit and there are alterations that don’t require a building permit, whether the term “Alteration” for instance would be different to how it is used here versus how it is used for the Downtown Historic District. Mr. Lamb answered in the negative.

Councilor Jones asked whether a vote is going to be taken on these definitions tonight. Ms. Chalice stated today would be an opportunity for the Committee to have a discussion about the

recommendation being made. The December 12 meeting is to bring before the Committee revised ordinances (01 and 02) reflecting all of the changes that have been made. Councilor Jones noted this would make the ordinances an A version.

**Area, Building –**

**Means the horizontal area measured within the outside of the exterior walls of the ground floor of all principle and accessory buildings on the lot. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.**

Councilor Sutherland asked whether this means the dimension width of a roof would now be the definition of the area of a floor. Chair Spykman felt this definition might be referring to porches; if someone has a big overhang on their roof, under this definition everything under the eaves would be part of it. Councilor Sutherland asked how this would translate for taxes, would a porch now be added to the living area of the building. Mr. Lamb stated it would not have an effect on assessment this is only for building and zoning purposes. This would not include a deck. It was agreed wording for **Area, Building** needs to be refined.

Mr. Bohannon asked whether these ordinance changes were going to be city-wide or just for Marlboro Street. Chair Spykman stated this came to the City's attention because of the new zoning which was being proposed; these definitions need to be fixed first before the zoning can be approved.

Mayor Lane asked whether the notice for this public workshop includes changes to definitions. Mr. Lamb agreed it does – it includes changes to section 102-2, the definition section.

**Attic, Habitable –**

**Means an attic which has a permanent stairway as a means of access and egress.**

Mayor Lane ask whether this means if someone has an attic which is four feet tall but has a stairway it is now considered to be habitable. Ms. Chalice stated she did not have a definition for “habitable” and this is something they would obtain from the Building Department in time for the next meeting. Councilor Sutherland stated he has a basement which has a stairway and an attic which has stairway but this area is not insulated and has very limited lighting.

**Bed and Breakfast –**

**Means a residential structure consisting of nine (9) or fewer bedrooms rented on a temporary, short term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on-site management on a twenty-four (24) hour basis. Breakfast shall be the only meal served and shall be served to registered guests only.**

Ms. Chalice stated there are two different types of Bed and Breakfast terms on the summary of allowable uses and these are the uses that show up on each of the zoning districts. These terms don't necessarily correlate with our uses.

Councilor Sutherland asked why such use would not be permissible as part of the districting of this project. He felt in some of these neighborhoods it would be desired to have this type of business leveraging a very old home instead of housing students. Mr. Lamb stated they were following the pattern the city already had; residential preservation is a low density district and did not come up as a pattern elsewhere in the city but if this is something the Committee wants, it

can be added in. Mr. Sutherland felt as students are moved out of these neighborhoods there might be homeowners who might want to leverage their homes in different ways which might be beneficial for those neighborhoods. Mayor Lane felt if the City wanted to preserve these older homes alternative uses need to be considered for those homes in the zoning ordinance.

**Building** –

**Any structure used or intended for supporting or sheltering any use or occupancy.**

Councilor Hansel stated it is difficult to determine if some of these changes are good changes without having an in depth analysis of where these changes are going to be applied. Mr. Lamb suggested having a representative from Code Enforcement at the next meeting to provide some additional context and the nature of the intent. Chair Spykman stated he wasn't sure the reason for the change to language for this term, which seems rather broad but so was the previous definition. Mr. Barrett felt regardless of which definition is used, a gas canopy would be considered a building. Councilor Sutherland asked whether temporary structures are considered buildings. Mr. Lamb stated they were not because they are not permanently attached to the ground.

**Building Height** –

**Means the vertical distance measured from the grade plane to the average height of the highest roof surface as defined in the latest adopted version of the NH State Building Code, with the exception that grade plane shall refer to mean natural grade and not the finished ground level.**

Ms. Chalice stated the easiest way to explain this would be that some structures relate to a slope; there is an elevation floor at one level and an elevation floor at another level – this is trying to make sure those levels are being balanced out to a natural grade and not just the finished ground level.

Mayor Lane noted the prior definition excluded height of chimneys, steeples, domes etc. He stated the steeple at the church at the Central Square has five different levels of roofs. Mr. Lamb stated staff doesn't have the definition for roof surface as defined in the building code and this is something else Code Enforcement staff would need to address as well.

**Dwelling, Unit** –

**Means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.**

Chair Spykman stated the only correction he would have is to include a parenthesis for the word “person(s)”

**Structure types:**

**A. Accessory Dwelling Unit:**

**A dwelling unit, for use as a complete independent living facility, located on the same zoning lot as a detached single-family or attached single-family dwelling. The second unit is created auxiliary to, and is always smaller than the detached single-family or attached single-family dwelling.**

Mr. Barrett asked whether the new language would exclude the second image on the handout which is a detached ADU whereas the old language would have permitted a free standing

structure. Ms. Chalice stated Mr. Barrett was correct but the City is stuck with the State definition. Chair Spykman asked whether the City could go broader than the State. Mr. Lamb stated not if the Statute permits it.

Ms. Chalice stated Items B. C. D. were felt to be too complex and not something Keene needs. Mayor Lane referred to the buildings on Skyline Drive which are two or three individual dwelling units with a common wall and asked whether these are going to be non-conforming. Mr. Lamb stated this is a zero lot line development where the lot line is the same width as the building; this is a construction design Keene does not experience.

**Detached Single-Family Dwelling**

**A detached dwelling unit, located on its own lot, designed for, or intended to be occupied by one family.**

**Duplex/Two-Family Dwelling:**

**One building designed, occupied or intended for occupancy by two separate families; each a complete, independent living facility with separate, permanent, full provisions for sleeping, eating, cooking and sanitation. Each of the two dwelling units shall have complete internal access to all rooms in the unit. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly incidental and accessory, such as an outdoor grill or a wet bar.**

Mr. Lamb noted if someone constructs a second kitchen in their basement with a walk-out patio, this is not considered a duplex as long as it is used for a one dwelling activity.

Mr. Barrett asked for the rationale for the following language “...*complete internal access to all rooms in the unit...*” Ms. Chalice stated one door would have access to its own facilities and living areas whereas the second door would have access to its own living area and there are no additional points of access between those two. Each has to have two points of access. Mr. Barrett stated he understands the intent but wasn’t sure if the wording actually says that. Mr. Lamb stated staff would talk to Code staff about this.

Councilor Jones noted with Keene’s aging population whether the mother/daughter living units being encouraged in certain zones would be affected with this language change. Ms. Chalice did not feel this language change would necessarily affect that type of living possibilities. This does not have to have an effect on the ability for families to be within one structure.

Councilor Sutherland asked for the difference between an ADU and a duplex. A duplex would need two entrances and two exits but this is not a requirement for an ADU.

Councilor Chadbourne asked whether there was a limit to how many kitchens a building could have. Mr. Lamb stated there wasn’t as long as it is not used to be a trigger for building being illegally modified to be rented for apartments. The second kitchen needs to be incidental or accessory to the primary use which is a single family use. However, if it is being rented out to more than four unrelated persons, then it can become an issue.

**Manufactured Home:**

**A factory-built, single family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, that is transportable in one or more sections, is built on a permanent chassis,**

**is designed to be used as a year-round, permanent, single family dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of initial delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. This definition does not include a recreational vehicle, mobile home, or modular home.**

Mr. Bohannon asked where small houses that are usually advertised on TV would fall under this category; they are not manufactured homes by definition nor is it an ADU. Ms. Chalice stated her understanding is that they do not have a standard to exclude homes based on size. Chair Spykman stated these small houses are built on trailer chassis so as to not conform to building codes. Mr. Lamb stated this is something they would need to check with Code Enforcement.

**Multi-Dwelling Structure:**

**A structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate zoning lots. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly incidental and accessory, such as an outdoor grill or a wet bar. Housing options have changed and expanded over the last several decades.**

Mr. Lamb stated the term “attached” and how it applies to all these dwelling types does not exist in the zoning code currently.

Chair Spykman asked whether a duplex under this definition is a subset of a multi-dwelling structure. Mr. Lamb stated multi-dwelling implies to three or more units. Councilor Sutherland asked for clarification for ADU. Mr. Lamb stated this is a new statutory term and wouldn't be defined as a duplex or a two-family; it is its own category. Both under state law and under city zoning standards, an ADU requires the owner to live in one or the other unit. This is not the case for a duplex or a two-family.

Chair Spykman asked about a two-family that does not have separate entrances, where does that fit in. Mr. Lamb stated they would need to check into this as well.

Councilor Sutherland asked whether multi-dwellings could be changed to two or more, why does it have to be three. Mr. Lamb stated multi-family has always implied two or more; one of the primary reasons is the statute regarding site plan review excludes Planning Board review for single and two-family. If you were to call two-family, multi-family there might be some confusion with the permit review process.

**Hotel/Motel** – (These were previously separate definitions, they are now being combined)  
**Shall mean a building or group of buildings which provides sleeping accommodations on a transient basis, with or without meals, but without separate cooking facilities for individual occupants. Means a building or group of detached or connected buildings, containing six or more guest rooms, designed or used primarily for providing sleeping accommodations for travelers and/or tourists on a daily or weekly rate basis or a period less than six months. Such establishments shall provide customary hotel/motel services such as linen, maid service, communication service, etc. Said use may also contain such ancillary facilities as**

**conference facilities, restaurant, bar, recreational facilities, ballroom, banquet room and meeting rooms.**

Chair Spykman asked what the difference between this definition and what the Committee saw for bed and breakfast earlier in the presentation. Ms. Chalice stated the version with dining facilities means house as opposed to a group of buildings. A smaller version of a bed and breakfast is a single family owner occupied facility. The Chair noted he sees a lot of overlap between these accommodations. Ms. Chalice stated she will need to get more clarification on this.

Councilor Chadbourne felt according to this language there could be separate cooking facilities in the individual rooms. Mr. Lamb stated this was the original distinction between hotel and motel; in a motel there could be cooking facilities in individual rooms, hence staff left it open ended.

**Manufacture/Manufacturing –**

**Means the processing, assembling, and/or converting of raw, unfinished materials or products into articles or substances of different character, or for a different purpose.**

Councilor Hansel felt the new definition seems more logical as there are some manufacturers who would process items that are not necessarily assembled and vice versa.

**Nursery/Child Care Facility –**

**Means an establishment, licensed under the provisions of NH RSA 170-E:34, for the care and supervision of a child away from the person or child's home and apart from the person or child's family.**

Ms. Chalice stated the difference here is the adult daycare facility which has a separate definition under the current definitions.

**Nursery/Child Care, Family:**

**Family day child care home means an occupied residence in which care is regularly provided for people from at least two unrelated families and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for 12 or fewer persons preschool children plus up to five children enrolled in a full-day school program per which shall include those people under 13 years of age who are related to the caregiver.**

**Nursery/Greenhouse –**

**Means a place where plants are raised or grown. Means an enterprise that conducts the retail and/or wholesale business of plants grown on the premises, as well as accessory items directly related to their care and maintenance.**

Councilor Sutherland noted the definition indicates this is enterprise in nature and asked whether there were restrictions for building a greenhouse. Mr. Lamb stated this would be an accessory use if it was part of a single family home – greenhouse is a permitted use in many zones in the city. Mayor Lane stated the language talked about "...plants grown on the premises and stated there are number of commercial sites in the city where plants are not grown on site but are transported to the site. He asked whether this is regulated. Ms. Chalice stated plants are shipped

in different sizes and stages of growth all over the country. This enables some period of growth on site to qualify as a nursery.

**Open Space –**

**Means land intended to remain undeveloped for use as active or passive recreation areas or for resource protection.**

Mr. Lamb stated the City did not have a definition for open space until the Conservation Residential District was developed in 2001. Councilor Hansel asked how this relates to agricultural purposes. Ms. Chalice stated this relates to undeveloped land. Councilor Hansel asked about Managed Forest?? Ms. Chalice stated this would be a separate term with a separate definition and would be considered a management activity. Mr. Lamb explained open space set aside in a Conservation Residential District is meant to offset the reduction in lot size so that a portion of a larger lot can be developed in a dense manner while the remainder of the development is preserved – e.g. Land on Daniels Hill Road and another piece at the end of Darling Road. It can include wood lots and agricultural fields. Councilor Hansel stated he wasn't sure if language needs to be added about agricultural land in this definition.

Mr. Lamb referred to language from the Conservation Residential District section which is specific in allowing managed forests. Chair Spykman asked whether this language could be added in here. Councilor Hansel stated the reason he made this comment is because he feels agriculture needs to be encouraged wherever possible. Staff had no problem adding in agriculture and forestry into this section.

Councilor Jones stated when the Railroad property was first developed, the Main Street side was considered open space. However, it does not exist as open space at this time. Mr. Lamb stated the city always saw this as an active urban park. This term is more for land set aside in an undeveloped form.

**Recreation Area –**

**Means a parcel of land for the refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of a property or its wildlife. Term is currently used in Div. 3 Conservation Residential Development Sec. 102-272 Permitted uses)**

Dr. Cusack asked whether there is a separate definition for parks such as Wheelock Park for instance in comparison to active recreation area and whether the ball fields are considered development. He referred to the term “active” under the definition for open space. Mr. Lamb stated this is something that needs to be looked at.

Councilor Sutherland asked what trails would be considered as. Mr. Bohannon stated he would consider trails to be open space – passive recreation. Ashuelot River Park should be considered as a passive recreation area. He went on to say the area at Ashuelot River Park where there are the brick pavers is considered arboretum but once you get passed the granite pillars to where you access the boat launch, it is considered park.



**Research and Development Laboratory** –

**Means a structure or complex of structures designed or used primarily for research and development functions related to industry and similar fields of endeavor that do not involve the mass manufacture, fabrication, processing, or sale of products.**

Ms. Chalice stated here there is definitely a tightening from place to structure. Councilor Hansel did not feel there aren't too many Research and Development Laboratories that just do research and development, they are usually an accessory to another business. He felt people should be able to perform manufacturing in unconventional areas. He asked what would qualify as mass manufacture – Ms. Chalice felt this has been left pretty open.

Councilor Sutherland stated there are laboratories that are involved perhaps in processing of things like blood, chemicals which might not fit under the manufacturing definition or the research and development definition and asked whether this needs to be looked into further.

Chair Spykman stated every manufacturer he knows does research and design as part of their business. Mr. Lamb stated the activity of research and development as part of manufacturing is not eliminated here; we are only talking about this as a single use on a separate lot. There could be corporations that share research and development space. There is already a definition for research and development laboratory and what is being attempted here is to make it more accessible to people without turning it into manufacturing as separate independent use. Manufacturing is going to have research and development, and this won't change.

Mayor Lane stated when he first read this he thought it was talking about a startup business which very well end up being manufacturing. He felt this definition seems limiting for a small startup company to develop the product they are going to manufacture and sell.

The Committee agreed this definition needs to be reviewed as well.

**Restaurants** –

**Means a structure in which the primary use is the preparation, cooking, consumption and sale of food and beverages.**

This definition is because the public during the Marlboro Street rezoning discussion asked for a separation between a bar and a restaurant. Councilor Sutherland asked whether there is a difference at the state level between a bar and a restaurant? Mr. Lamb stated it does, but he is not quite ready with an answer but the State definition is what they are aiming for because the State does create this distinction with its liquor laws. Councilor Sutherland stated the State might have a definition for the number of seats and this might need to be incorporated into the city's definition. Councilor Hansel asked how this can be enforced. Mr. Lamb stated the intent is to permit restaurants almost anywhere where zoning permits them but a purely dedicated institution of alcohol is what they are trying to limit. Mayor Lane stated his understanding is the liquor commission requires at least 50% of your proceeds need to come from food and this is something they check for.

Ms. Chalice then talked about terms and definitions recommended to be removed:

**Bulk Storage** –

**The storage of uncontained solid matter such as grain, powder, stone, sand etc. in large quantities.**

Ms. Chalice stated this is a term deemed to be outdated. Bulk storage currently happens in corporate park, industrial park limited and industrial. The term being suggested is Exterior Storage which staff feels is much more appropriate for the types of outdoor storage

**Exterior Storage** –

**Includes the outdoor storage of goods that generally have little or no differentiation by type. The goods may be for sale or lease, but if so, they are the types that customers generally do not inspect and compare. Exterior storage includes the storage of raw or finished goods (packed or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; and other similar items. Examples are lumberyards, tool and equipment rental, bark chip and gravel sales, and storage of goods used in manufacturing. Damaged or inoperable motor vehicles or motor vehicles that have missing parts that are kept outside are included as exterior storage. The storage of motor vehicles that do not have any missing parts or damage that is visible from the outside of the vehicle is considered parking rather than exterior storage. The storage of motor vehicles that have minor dents or other minor defects in the body is also considered parking rather than storage if the motor vehicle is in working order.**

This led to the creation of Exterior Display –

**Exterior Display** –

**Is an outdoor showroom for customers to examine and compare products and includes the outdoor display of products, vehicles, equipment and machinery for sale or lease. The display area does not have to be visible to the street. Examples of uses that often have exterior display are motor vehicles and boat sales, and plant nurseries. Outdoor display of vehicles is separate from required parking spaces under the zoning ordinance. This does not include goods that are being stored or parked outside. It does not include damaged motor vehicles, vehicles or equipment being serviced, and other similar products.**

Councilor Sutherland clarified that Bulk Storage is being replaced with Exterior Storage and nothing else would change. Ms. Chalice agreed. Mr. Lamb clarified that Bulk Storage and Distribution would be retained including Flammable Materials – Ms. Chalice stated she believed so as the Exterior Storage does not refer to flammable material; there is a separate category for flammable material.

Chair Spykman stated however, Exterior Storage does refer to gases, oil and chemicals and felt this refers to flammable material. Staff was going to clarify this item.

Councilor Sutherland stated there seems to be a definition for Bulk Storage that includes distribution of flammable materials accessory to manufacturing use and then a separate distinction for bulk storage no flammables. Ms. Chalice stated what needs to be determined is whether exterior storage will replace bulk storage and there are three different classifications for

for these sub-sets. Mr. Lamb noted if the term flammable is removed from the list it would need to be retained elsewhere if people have the right to do that; what is being discussed here is primary uses – industrial activity will have the right to store this material as an accessory use for their operation.

Chair Spykman stated if bulk storage is going to be replaced with exterior storage, it still leaves us with three allowable uses.

Staff will come back with a clear definition on this term.

Exterior Display – Mr. Lamb stated this term is important for Planning Board review – what is a parking area versus display space. Councilor Sutherland noted he thinks about Home Depot which takes up sections of their parking lot for significant display of the structures they sell and for their nurseries. Mr. Lamb stated the Planning Board gave them the opportunity to define the area they would like to use for their outdoor display area and they defined that area where the nursery is located in the summer. This is supposed to be the area they use, but a conversation between staff and Home Depot happens every spring and it seems to be an enforcement issue. They seem to be locating their nursery plants even in the fire lanes at times.

**Commercial lots** (language suggested to be removed)

**Means any parking lot that provides parking for nonresidential uses or for multi family dwelling units, defined here as any structures containing more than two dwelling units**

Language being suggested

**Commercial Parking Lots** –

**Premises designed and used exclusively for the parking of motor vehicles for a fee. Or a parking lot for a building to be approved by the Planning Board.**

Chair Spykman referred to a scenario where a landlord leases parking spaces offsite for his tenants which would be considered parking for a fee. Mayor Lane stated all commercial sites who charge a rental for use of space also charge a parking lot fee which would cover costs related to maintenance of these lots. Councilor Sutherland referred to multi-dwelling units which has parking but the tenants who use these spaces are indirectly paying for it; is this now considered a commercial lot and needs to be approved by the Planning Board. Chair Spykman felt the intent could probably be achieved by altering the language.

**Mixed-use** - (language suggested to be removed)

**Means a combination of different permitted uses within a single building or lot**

Language being suggested

**Mixed-Use Development** –

**A development on one zoning lot that may combine uses with commercial, residential and/or office uses, consisting of one or more buildings.**

Mayor Lane stated he has trouble with the limiting nature of this language. He indicated he knows of industrial buildings that have apartments on the second floor. Chair Spykman asked why it was deemed necessary to change this language. Ms. Chalice stated mixed use was considered an outdated term and requested to be updated but wasn't sure why it doesn't include industrial. She indicated this is something staff could check into. Mr. Lamb stated the term mixed used except for in the central business district doesn't usually imply that. Currently what it

is used for is an area such as the Hannaford Plaza. What we are discussing today is mixing uses we haven't done in the past; bringing in conflicting uses – but whether the language is properly used or not is something staff will need to check.

**Impervious Surfaces** –

**Those surfaces and development features on a lot which are non- porous and which substantially prevent rain or storm water from absorbing or percolating into the ground beneath them. Impervious surfaces include, but are not limited to: roof areas, structures, patios, sidewalks, driveways, parking areas, swimming pools and other development features surfaced with non-porous materials.**

Ms. Chalice stated this language is because of the suggestion for LID measures to be taken for new development and because the city doesn't have a definition for same.

Councilor Hansel asked about porous pavers. Ms. Chalice referred to the following definition:

**Porous Surface** –

**A surface that presents an opportunity for precipitation to infiltrate (soak) into the ground.**

Councilor Jones asked staff to look back at minutes from 15 years ago when the city first started doing the Sidewalk Dining Licenses and the City wanted the restaurants to have them but not bars and it was difficult to distinguish between them. City staff, Eddie Robbins had said at that time that there was some statute the city could use, but Councilor Jones wasn't entirely sure what it was.

**Neighborhood Grocery Store** –

**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 3,500 square feet.**

Ms. Chalice stated neighborhood grocery stores have been referred to in a different category. during the Marlboro Street rezoning and the participants want to make sure small markets could happen within this area. Chair Spykman asked whether the city has a definition for convenience stores as he felt there was a cross over between these small markets and convenience stores. Mr. Lamb stated the city doesn't have a definition for convenience stores. Dr. Cusack noted an error – it is stated as *1,500 3,500 square feet*.

Councilor Sutherland asked how staff came to the size of 3,500 square feet. Ms. Chalice stated she had used Beaver Street Market as her example but when she checked Jake's Five Star they were at 3,500 square feet.

A motion was made by Bettina Chadbourne that the Joint Committee recommend that the public workshop be continued and summary of the revisions to O-2016-01 and O-2016-02 will be presented at the December 12 Joint Workshop for clarification and/or approval. The motion was seconded by Mayor Kendall Lane.

Chair Spykman stated many changes have been presented tonight and asked whether it is appropriate to assume the Committee will be looking at a summary of changes given the complexity of same. Councilor Hansel stated he would like to see a context for those changes that seemed complex – where they are applied, and felt staff could use their judgment on which

ones they are. Mr. Lamb felt staff should come back just with definitions. Ms. Chalice felt staff from Code Enforcement being in attendance at the December meeting would also be appropriate.

The motion made by Councilor Chadbourne carried on a unanimous vote.

**3. Approve 2017 Meeting Schedule**

A motion was made by Mayor Kendall Lane to approve the 2017 meeting schedule. The motion was seconded by George Hansel and was unanimously approved.

Chair Spykman sent the Committee's well wishes to Christine Weeks as she goes through some medical issues.

**4. Next Meeting – Monday, December 12, 2016**

**5. Adjourn**

The meeting adjourned at 9:10 PM.

Respectfully submitted,

Krishni Pahl,  
Minute Taker