

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, March 21, 2018

7:00 PM

Council Chambers A

Members Present:

David C. Richards, Chair Greenwald
Philip M. Jones, Vice-Chair
George S. Hansel
Bart K. Sapeta
Margaret M. Rice

Staff Present:

Elizabeth Dragon, City Manager
Tom Mullins, City Attorney
Police Captain Todd Lawrence
Asst. City Manager/Planning Director Rhett
Lamb

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

**1. Tim Zinn/Let It Shine - Request for 2018 Keene Pumpkin Festival Brought to You
By the Students of the Area's Schools - Event License**

Mr. Tim Zinn of 43 Grove Street, member of Let It Shine addressed the Committee and began by thanking city staff for the amount of work that went into last year's event. He also thanked SAU29, Keene State College and all the volunteers for their time and effort. Mr. Zinn referred to the 2018 heart shaped logo they would be featuring this year which stands for the heart of downtown Keene. He added they are looking to promote the artistry in the festival this year and try to bring this community together.

Chair Richards noted last year Let it Shine indicated this festival was for the children of SAU29. However, last week Let it Shine has reached out to the community to bring in more pumpkins. He noted when a license is issued it is for what is requested but this went well beyond that and asked for Mr. Zinn's input. Mr. Zinn stated in response, their goal was 5,000 pumpkins but when the High School was not going to be involved, it freed up about 1,500 pumpkins and this is why they reached out to other schools. He disagreed with the premise that they went beyond what they had requested.

Chair Richards stated the reason Keene got rid of the Pumpkin Festival is because of what had happened in the past and the one from last year was supposed to have been more localized and a smaller event. However, if Let it Shine is now going to reach out for more, this is not what the Council and Committee had in mind and is of concern to him; if the borders start to get pushed out, it will be back to what it used to be.

Mr. Zinn stated the information before the Committee today was ironed out before the PLD and Council vote.

Chair Richards referred to the flyer from Let it Shine which talks about a few downtown establishments offering outdoor snacks to benefit area non-profits and asked what their expectation was with this. Mr. Zinn stated they are looking at small snack type things which would be turned into a profit for agencies like the community kitchen.

Councilor Sapeta stated he likes the idea this would be a community event as was stated last year as well as this year. He added if there is a change in the intent of the license, this is something that should be brought back before the Committee again. He felt the purpose should be quality not quantity. He suggested if the sponsor felt the event should be larger then perhaps combine this event with what Swanzey is doing. This event should put forward in a safe and sustainable manner and focus on the community.

Councilor Jones asked that Let it Shine reach out the Keene State's new President who has closer ties with the community. The Councilor stated last year his concern was using the Pumpkin Fest which the media automatically compares to the 2014 event. He indicated he would like to suggest a name change. Mr. Zinn stated he appreciates this sentiment but they are proud of Keene and this festival and giving up the name would be giving into one more thing to the entities that took it away in 2014.

Councilor Rice asked what controlled marketing means. Mr. Zinn stated it means this is not an event for TV crews and people from out of town but to focus more on the schools. The Councilor asked whether the long term goal of Let it Shine is to grow to the size it originally was. Mr. Zinn stated the goal is to grow slow and steadily and keep in communication with the city and college. However, they are not interested in forcing anything this community does not want.

Chair Richards asked whether the name Keene Pumpkin Fest is a trademark name or a copyright name. Attorney Mullins stated according to the Secretary of State's Office there are a number of tradenames: Keene Pumpkin Festival, Keene Pumpkin Fest, Pumpkin Festival Keene and the tradenames are held by an entity called Memorials Events LLC out of Westmoreland, NH and the registered agent is Jennifer M. Matthews. The Councilor asked whether there is a risk in keeping the name. The Attorney stated this is a question the applicant would need to answer. Mr. Zinn stated this is new to him and it seems like Let it Shine has some homework to do.

Public Works Director Kurt Blomquist stated the recommendation is to put this item on more time. Staff will be working with Let it Shine to look at last year's event to determine protocol for this year. Because this event has community event status they can receive funding for police, fire and public works services. They will be back before the Committee regarding the final license once all issues are settled. Chair Richards asked

whether Mr. Blomquist recalls any discussion about Let it Shine asking for 5,000 more pumpkins at the protocol meetings. Mr. Blomquist stated when Let it Shine found out the High School was going to drop out they were going to seek out other schools, staff's position was 5,000 pumpkins and this is the crowd size they were working on.

Councilor Hansel stated encouraging activities for the downtown should always be kept in mind. He stated he sees this as one of a myriad of events Keene downtown will be seeing and Keene supporting at a reasonable cost to the city; any aspirations to make this a one-time blow out event for Keene is not in his long term view.

Councilor Sapeta stated if Let it Shine is thinking big they should think outside the box and he will support something bigger but it has to be sustainable and safe. He asked the Public Works Director for clarification on community event status for this event. Mr. Blomquist stated the original Pumpkin Festival/Harvest which was started by Center Stage was granted community event status for 18 years. When the event was restarted, staff's position was this was not the same event and had to re-apply for community event status which they did and they were granted such status at the last Council meeting. The Councilor clarified community event status is granted only after an event has been successful for a few years. Mr. Blomquist stated Council adopted R-2012-19 which has a number of criteria and the FOP Committee looked at those criteria three weeks ago. The status of community event has been granted but the funding has not been determined and this happens through the budget process.

Councilor Rice stated she was in favor of putting this item on more time but 2,000 more pumpkins is a "flash warning" in her mind. Chair Richards stated if he sees this event starts moving outside of Central Square he will not vote in favor of it.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the request from Let It Shine, Inc. to use downtown City rights-of-way for the 2018 Pumpkin Festival brought to you by the students of the area's schools be placed on more time to allow city staff to hold a series of protocol meetings with the petitioner.

2. Clarence DeMar Marathon - Request to Use City Property

Mr. Alan Stroshine of 27 Salisbury Road, Director of the Clarence DeMar Marathon, stated he was before the Committee regarding a permit for the 2018 event noting there are no changes from last year.

Councilor Hansel stated this is a great event which brings in people from all parts of the country and he fully supports the event.

Mr. Blomquist stated the recommendation is to put this item on more time so staff can conduct protocol meetings. It is a well-known event but there are some outstanding items staff needs to work out with the applicant. Mr. Stroshine stated since they were awarded the community event status they have worked closely with police, fire and public works. This would be the 41st running of the marathon and the Rotary took it over in 2012. Mr. Stroshine talked about the many contributions of Clarence DeMar. Councilor Sapeta suggested a Clarence DeMar statute.

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the request from the Elm City Rotary Club be placed on more time to allow City staff to hold a series of protocol meetings with the petitioner.

3. Farmer's Market of Keene - Request to Use City Property

Mr. Bruce Bickford of 188 Upper Walpole Road in Walpole, identified himself as the Coordinator for the Farmer's Market of Keene. Mr. Bickford stated he was before the Committee to request renewal of their license with no changes being made to it.

Police Captain Todd Lawrence stated with no changes to their license, staff has no issue with the request.

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

On a vote of 5-0, the Planning, Licenses and Development Committee moves to recommend that the Farmer's Market of Keene be granted permission to use 22 parking spaces along Gilbo Avenue on Tuesdays, and 22 parking spaces along Gilbo Avenue as well as an additional 18 spaces on the other side of the median strip in the Commercial Street parking lot on Saturdays from May 1, 2018 to November 1, 2018. In addition, the petitioner is granted use of the median area for placement of picnic tables with the understanding that the pedestrian path may not be obstructed. Said permission is granted subject to the following conditions: compliance with the customary licensing requirements of the City Council; the receipt of a total rental fee of \$932.00 (payable on the first day of every month at \$155.00 per month); obtainment of a city food license from the Health Department; and compliance with any recommendations of City staff. Access to City electrical shall also be provided at a fee of \$60.00 for the season. It is further recommended that the Farmer's Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded.

4. Legislative Update - City Manager

City Manager Elizabeth Dragon stated this item is not for discussion tonight but it is for the purpose of preparing for the legislative delegation meeting scheduled for April 3 at 6pm. Bills at the moment are getting ready to reach the cross over point, so the list of Bills city staff tracks will get narrowed down. What is listed are items staff is involved in tracking.

Councilor Hansel asked whether the city is tracking anything beyond what NHMA recommends. Ms. Dragon answered in the affirmative; for instance HB 1381 has been something that has been an ongoing conversation for a number of years. On either scenario of this Bill the increase to the tax rate will be either 45 cents or 39 cents; neither will be good for the city so staff is working with the delegation to have this bill killed.

Councilor Jones asked whether the city tracks PUC issues. Ms. Dragon stated the one that recently came from this Committee was tracked and a letter was drafted and signed by the Mayor and the city was successful. Unless any rise to the top the city does not get involved. She noted the Planning Department gets more involved in this item adding that nothing on net metering has come up recently.

Councilor Sapeta made the following motion which was seconded by Councilor Rice.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends accepting this item as informational.

5. Update on More Time Items - City Manager

Ms. Dragon talked about the two items on the PLD Committee's list; the Sign Ordinance is being sent to the Joint Committee first then to the Planning Board and will be back before the PLD Committee after that. The second item is in reference to Pathways for Keene and they are holding their protocol meeting tomorrow and the PLD Committee will see this item during their next cycle.

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends accepting this item as informational.

1. Relating to the Energy and Climate – Committee Ordinance O-2018-04

Dr. Ann Shedd of 59 Greenwood Avenue, Chairman of the Cities of Climate Protection Committee addressed the Committee. Dr. Shedd stated this is a housekeeping item with reference to the naming of and purpose of the CCP Committee. As background, Dr. Shedd noted that in 2000 the City adopted a resolution to participate in the climate protection campaign. In 2004 and 2007 the city adopted climate action and climate adaptation plans. In 2010, climate change was included in the city's master plan.

The new name being proposed is to keep with the Iclée website which organization is now known as government for sustainability and does not include any programs for climate protection. Hence the city's committee is proposed to be renamed as the Energy and Climate Committee. The purpose statement is also being revised for items 5 and 6 included in the committee's packet. She noted an error in the Purpose statement the word "emission" has been left out and should be included in same.

Councilor Hansel stated the addition of the word “energy” cuts across all sectors and hopes this broadens the scope and attracts more business owners. The Councilor asked whether there was a committee that would address water conservation. Planning Director Rhett Lamb stated the closest committee he can think of would be the Conservation Commission.

Councilor Jones asked whether this Energy and Climate Committee could also be asked to look at sustainability issues. Mr. Lamb felt the energy element under sustainability would be a good topic for this committee to address. He noted internal committees have been working on broader sustainability issues.

Councilor Sapeta felt the word “environment” should have been included in the Committee’s name. Dr. Shedd stated all of these words were thought about and keeping climate was important as it includes many things such as recycling, agriculture etc. and they would like to do more but unfortunately are not able to. She felt the message needs to be taken into the community in addition to building on the city’s efforts.

Councilor Jacobs stated he is very pleased to see this and felt this gives the city the opportunity to grow sustainable energy and felt it was a positive change.

Ms. Stephanie Shaw of Fitzwilliam stated she wanted to point out how important it is to note that what Keene does impacts other communities. She asked that gas not be considered as an option; gas in not a solution it is a problem.

Councilor Sapeta asked that what used to exist on the old website be brought back.

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2018-04 Relating to the Energy and Climate Committee.

The meeting adjourned at 8:05pm.

Respectfully submitted,
Krishni Pahl
Minute Taker