

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, February 25, 2019

6:30 PM

Council Chambers

Members Present

Douglas Barrett, Chairman
Chris Cusack, Vice-Chair
Michael Burke
Andrew Weglinski
Mayor Kendall Lane
Gary Spykman

Staff:

Rhett Lamb, ACM/Community Devel. Dir.
Mari Brunner, Acting Planner

Members Not Present:

Pamela Russell Slack
Martha Landry
Councilor George Hansel

I. Call to order – Roll Call

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

II. Minutes of previous meeting – January 28, 2019 Planning Board Meeting Minutes

A motion was made by Mayor Kendall Lane to accept the January 28, 2019 minutes. The motion was seconded by Gary Spykman and was unanimously approved.

III. Boundary Line Adjustment

1. S-01-19 – 515 Elm Street & 0 Elm Street – Boundary Line Adjustment –

Applicant Wendy Pelletier, on behalf of owners Robert and Judith Perry, proposes a boundary line adjustment between the property located at 515 Elm Street (TMP 521-001-000-000-000) and the adjacent lot at 0 Elm Street (TMP 521-002-001-000-000) owned by Joshua and Leanna Hamlin. The proposal will transfer 616 SF from the 0.26 acre parcel at 0 Elm Street to the 4.5 acre parcel at 515 Elm Street. Both properties are located in the Low Density District.

A. Board Determination of Completeness.

Acting Planner Mari Brunner recommended to the Board that Application S-01-19 was complete. A motion was made by Mayor Kendall Lane that the Board accept this application as complete. The motion was seconded by Gary Spykman and was unanimously approved.

B. Public Hearing

Ms. Wendy Pelletier of Cardinal Surveying addressed the Board and stated this is a slight adjustment to a subdivision the Board approved last summer. She indicated what is being requested is to move the line to follow the top of the bank where the applicant's garden is located; this makes it look like a natural boundary.

Mayor Lane asked for the size of the smaller lot after this adjustment. Ms. Pelletier stated it would be 10,710 square feet.

Staff comments were next. Ms. Bruner stated as Ms. Pelletier had stated this is a simple boundary line adjustment for the purpose of creating a natural boundary along the bank. She

noted the parcel at 515 Elm Street (larger parcel with a house) is 4.5 acres prior to adjustment and 4.51 acres after the adjustment. The parcel at 0 Elm Street before adjustment is 11,326 square feet and after adjustment it would be 10,710 square feet.

Because there is no development being proposed for the smaller parcel, none of the Board standards apply to this application.

The Chairman asked for public comment next. With no comment from the public, the Chairman closed the public hearing.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board approve S-01-19, as shown on the plan identified as “Boundary Line Adjustment Plan, Lots 521-002-001 & 521-001-000, 8 Green Acres Road & 515 Elm Street, Keene, NH 03431” prepared by Cardinal Surveying and Land Planning at a scale of 1” = 20’ and dated January 16, 2019 with the following conditions prior to signature by the Planning Board chair:

1. Owners’ signatures appear on plan.
2. Surveyor’s stamp appears on plan.

The motion was seconded by Gary Spykman and was unanimously approved.

IV. Community Development Director Report **Planning Board Discussion – Public Art**

Community Development Director Rhett Lamb and City Councilor Carl Jacobs were the next two speakers. Councilor Jacobs stated the City has begun facilitating public art. He stated art installation should be perhaps included in the development standards when landscaping and aesthetic of a building are referred to and the community seems to be becoming more interested in public art.

He noted to the Resolution language the Council passed which refers to procedures for installing public art. He added that Resolution was a result of much conversation between the art communities and City staff to come up with a Resolution which would facilitate public art. The Councilor referred to the labyrinth at the airport which is a result of this Resolution.

The Mayor asked whether there has been an instance where this has been an issue. Mr. Lamb stated he has not heard of any issue but noted the Board’s standards are silent when it comes to public art, but there are no standards that would prohibit the installation of art.

Mr. Spykman stated he is a proponent of public art but the Board’s standards apply to private property and even though he likes the addition of public art felt it seems like the Board is trying to “shoehorn” something that is not the Board’s purview. The Mayor felt this is more a City Council decision as the Planning Board is more of a regulatory board. He added he wasn’t sure what the issue the Board was trying to resolve here.

Councilor Jacobs referred to language from the Board’s landscape standards which talks about using for instance “native plantings, trees and shrubs” which is a requirement the Board is placing on developers and felt public art in the same manner could be added here as well.

Mr. Lamb stated today there is no prohibition against public art but a statement encouraging public art could be considered if the language is clear about not making it a requirement.

Mr. Spykman stated he sees landscaping as a functional item; screening, soil management, shade etc. However, standard 19 has to do with aesthetics and this is an item that has always made him uncomfortable as he feels the Board is not an arts council or an architectural review board and going further to regulate aesthetics and encouraging art installation seems to be over reaching.

Mayor Lane stated he would certainly encourage and support art on commercial development and added he has always felt uncomfortable denying an application based on standard 19. The Mayor stated he would not like to see anything included in the standards that would prohibit or restrict public art. He felt thought needs to be put into what kind of standards are going to be put in place if public art is going to be encouraged.

Mr. Lamb stated if the Board wanted to require public art the language would need to be explicit (number of installations, size of installations) defining what the Board wants versus what the artist prefers and this is where it could get difficult.

Chair Barrett stated he likes the proposal to reference the Resolution on public art which has already been developed and approved by the City Council but whether art should be a requirement or encouraged - and noted to standard 6 (landscaping) where it talks about the City's policy to use a diverse palette which seems more advisory in nature and under standard 19 has the term "shall" which seems more directive in nature and asked the Board to pay attention to whether art falls under the advisory category or the directive category.

Councilor Jacobs stated during the Resolution discussion it was discussed as to who would decide what "art" was and it was decided this would be left up to a community of artists which would take this off the responsibility of the City Council or the Planning Board. Chair Barrett asked whether it is the intention to make this a requirement as part of the standards. Councilor Jacobs stated he doesn't see it as a requirement but more that public art is welcome as part of the landscaping standard.

Vice-Chair Cusack stated he shares the same concerns as Mr. Spykman with respect to mandating this item. He asked whether this could be included in the downtown form based code or asked whether it needs to be City-wide. Mr. Lamb stated if it is to be included in form based zoning it will need to be done through the zoning ordinance and because this varies by district, each district will need to be treated differently and added at the present time he would not recommend that. Mr. Lamb went on to say the Historic District Commission dealt with the issue of public art with the Wall Dogs proposal; the District's standards needed to be modified as it relates to installation of art on private property – e.g. painting of unpainted masonry. The standards were not modified however, to make it a requirement.

Mr. Lamb further stated there is a difference between art being part of a building and art placed on a building like the Wall Dogs murals. He felt adding it into standard 19 would be a mistake.

Councilor Jacobs stated there is a strong statement in the master plan as it relates to art but in the zoning ordinance there is only one reference to art use which does not prohibit art but it also does not encourage it and felt something like the Colonial Theater would not be allowed. Mr. Lamb

did not feel that was a correct assumption. The Councilor stated his effort is to encourage art throughout this community; if there is a way to include art they should be able to do so.

Mr. Lamb stated what he is hearing some consensus on the idea of placing a statement in the Landscape Standards section which would encourage someone to include art and stated staff could bring to the Board an informal draft for its consideration if interested, then come back for another discussion. It wouldn't commit the Board to anything. It would be the same process as amending the regulations. This concluded this discussion

Mr. Lamb reminded the Board of the next Joint Committee meeting – March 11 and stated staff is working on a number of aspects of the Unified Development Ordinance rewrite and one that is coming forward is the Subdivision Standards. There are no new applications for the March meeting. We would like to poll the Board to see if you are willing to use the March meeting to discuss the Subdivision Regulations in relation to the UDO. That will take some burden off the Joint Committee which will have a heavy schedule through the next 6 months or so. You could also bring back the draft for the public art statement.

V. Public Hearing

1. SPR-964 Modification #5 – 120 Key Road –Hampton Inn & Suites – Owner and applicant Ashok Patel of Jazzlyn Hospitality, LLC, proposes site-related modifications to the Hampton Inn & Suites located at 120 Key Road, including changes to the exterior building materials and lighting. The site is 2.4 acres in size and located in the Commerce District (TMP# 110-019-000-000-000). A waiver is requested from Development Standard #10: Lighting.

A. Board Determination of Completeness.

Planning Technician Mari Brunner recommended to the Board that Application SPR-864 was complete. A motion was made by Mayor Kendall Lane that the Board accept this application as complete. The motion was seconded by Gary Spykman and was unanimously approved.

B. Public Hearing

Mr. Rob Hitchcock of SVE Associates stated his firm filled out the application but are not the architect of record. Mr. Hitchcock introduced Mr. Hernan the applicant's architect. Mr. Hernan began by saying that Hampton Inn has recently updated its prototype to 6.1 which is a more contemporary design, sleeker more straight line design. The height of the parapet has been reduced; the cornice has been removed; we've introduced wood-look panel to the building itself. There is also accent lighting being added along the wooden panels and a waiver has been applied for the lighting shielding– a waiver request has been submitted for this.

Mr. Hernan stated the colors are varied they have moved from two colors to three (medium tones).

Mr. Spykman asked for sample of the proposed material. Mr. Ashok Patel stated they did not have samples but could make them available to the Board for its next meeting and went on to say that the EIFS is the same as before, the wooden panels are made of fiber board material that looks like wood.

Mr. Weglinski referred to the lower rendering in the Board's packet and asked whether this was the most recent approved elevation and asked when this was approved. Ms. Brunner stated this elevation was approved in August 2018 and is modification #4.

Mr. Lamb stated this project was originally approved in the mid-2000s and was re-approved in fall 2018.

Mr. Spykman stated he would like to hear more about the strip lighting as this is lighting that is outside the Board standard. Mr. Patel stated this lighting provides more of a halo effect, soft lighting to accent the architectural features and is not meant to cause light pollution.

Ms. Brunner clarified the height of the parapet is going to be reduced. Mr. Hernan agreed the height of the parapet would be reduced by half. Mr. Spykman asked whether the roof top installation is still going to be hidden. Mr. Hernan stated the equipment will be more centralized and hence will still be hidden.

Staff comments were next.

Ms. Brunner stated this application was originally approved in 2006; it was partly constructed and abandoned. The current owner acquired it and came before the Board in 2017 and got approval to construct the Hampton Inn on the same layout, foundation and configuration. Between then and now there were two administrative approvals which did not change the appearance of the site; flood storage compensation (modification #3) and a change for brick to EIFS (modification #4) which matched the brick. The current request is to change this brick tone to a grey but what the applicant indicated today sounds like this would look more like wood and added this is different than what the Board has in its packet. The other change is to add accent lighting and this is to hi-lite the bump-outs on the façade of the building. This lighting will be placed on two inch aluminum channels which will help shield the lights. Ms. Brunner stated the other changes are the reduction of height of the parapet and removing the cornice. Page 20 has the waiver criteria.

Chair Barrett referred to page 19 which has the rendering for the lighting and noted there seems to be some up lighting and asked for clarification. Ms. Brunner stated the applicant is not proposing any up lighting – what is shown on the rendering is to show what the accents lights would look like.

Mr. Burke asked whether the roof top elements will be shielded from the highways as well. Ms. Brunner stated she is just finding out about the reduction in height for the parapet and referred the question to the applicant.

Dr. Cusack asked whether the City has recessed lighting anywhere else in Keene. Ms. Brunner stated there is lighting like this for signs which is approved by the Sign Code. Mr. Lamb referred to a restaurant in Marlboro which has something similar – LED lights which follow the architectural feature.

Chair Barrett asked whether this type of lighting the lighting standard did not anticipate when it was originally written. Ms. Brunner agreed when the lighting standard was written LED was a new technology; string LED was not widely used.

Mr. Lamb agreed as well that this type of lighting was not contemplated. He further stated he would encourage the Board to look at the difference in architecture with this application; this is a substantial change.

Mayor Lane with reference to the waiver criteria stated the regulations as they are written are meant to prevent up lighting and full cut off is how the Board has dealt with this issue. The Mayor did not feel what is being proposed is contrary to preventing light pollution.

The Mayor stated, with reference to material being proposed, the material is the same except the color is being changed to a grey. The new design is sleek, contemporary and does away with some of the architectural interest that the currently approved design has – which is a significant difference. The Mayor felt the proposed new lighting is meant to accent this new sleek design and felt the lighting and architectural design seem to go hand in hand.

Mr. Patel with reference to the height of the parapet stated the original parapet was 12 feet tall and the proposed parapet is 6 feet tall and because the equipment has been moved to be more centralized and with the distance of the highway it will be difficult to see the rooftop equipment; there is still six feet of coverage.

With reference to the lighting, he stated the dimensions were .6 inches wide and it is encased. He added he could see if the franchise would be agreeable to a brick finish for the wood paneling which would mean the rest of the façade would have to be changed to match this as well. He added he could provide the Board with the material they are proposing and apologized for not having the material for tonight's meeting.

Mr. Lamb stated if the applicant is agreeing to bring back some other design options it might be prudent to continue this application to next month. Mr. Patel stated the only issue they see with delaying this application is that they would like to enclose the building (roof) as soon as they can.

The Chairman asked for public comment, with no comments from the public the Chairman closed the public hearing.

Mr. Spykman stated the aesthetic changes being proposed are extreme compared to what was originally proposed (more traditional). The new design is more contemporary in nature and has its own architectural interest. He added these are aesthetic choices and it is not the Board's prerogative to dictate aesthetic choices but added he had no problem with the design but would have liked to see sample of materials.

As far as lighting, it does fit with the spirit and intent of the Board's regulations. Mr. Spykman added the intent of the regulation is not to add light pollution. The rest of the criteria have to do with abutters and there are no abutters who would be affected by this lighting and felt it meets the criteria for waiver

Mayor Lane stated the design is what the owner would like to have. He stated the lighting is in keeping with the intent of the regulation even though it might not be technically compliant. The material is exactly the same and the only difference is the color. He stated he sees no issue with this application and would vote to approve it.

Chair Barrett stated he echoes what has been said - if this building was on Main Street the Historic District Commission would be involved in the design. The Chairman stated he could not see the need to continue this application just for the purpose of looking at sample materials.

Mr. Spykman stated it is not just the appearance of the material that concerns him; EIFS is a very thin material over foam and felt this is a poor material for the first floor and felt something more substantial would be better - durability not just the appearance.

A motion was made by Mayor Kendall that the Planning Board approve SPR-964 Modification #5, with a waiver request from Planning Board Development Standard #10: Lighting, as shown on the building elevations titled "Hampton Inn & Suites, 120 Key Road, Keene, New Hampshire" prepared by Russell and Dawson NH P.C. Architecture and Planning at a scale of $3/32" = 1'$ and submitted to the Community Development Department on January 9, 2019 with the following conditions prior to signature by the Planning Board chair:

1. Owner's signature appears on plan.
2. Architect's stamp appears on building elevations.

The motion was seconded by Gary Spykman and was unanimously approved.

VI. City Council Referral 2020-2025 Capital Improvement Program

Mr. Lamb introduced Finance Director Merri Howe. Mr. Lamb stated the Board's role is advisory to the City Council as it relates to the CIP. The Board is included in the review of the CIP in its draft form when it comes out in December. The Board's role is to review the CIP as it goes to a public hearing and adoption by the Council on March 7. The task of preparing the CIP in the City of Keene has been that of City staff even though the RSA says the Board is responsible for preparing the CIP but the City has done it this way for many years.

Ms. Howe addressed the Board next. She stated she was before the Board to present the 2020-2025 Capital Improvement Plan. She noted this CIP is in alignment with the goals and priorities outlined in the 2010 Comprehensive Master Plan and those of the City Council. The City staff is tasked with meeting these goals and priorities while staying within the budgetary guideline.

The CIP covering FY 2020 to FY2025 represents \$93 million worth of investment in the City and its infrastructure with the majority of money spent on road and by-pass projects, drainage infrastructure, and water and sewer improvements. Ms. Howe noted other items included in the CIP is the Master Plan update, parks, repairs and maintenance to City facilities, City fleet and safety equipment.

Ms. Howe went on to say that many of these projects have a large impact on the citizens of Keene and the community. The Winchester Street reconstruction project is slated to begin in FY20. This project will include the reconstruction of the Winchester Street at the Key Road Intersection and Island Street/Pearl Street intersection and replacement of the red listed Island Street Bridge. The second phase of this project is the reconstruction of lower Winchester Street from the route 101 roundabout to the Swanzey town line.

If the CIP is adopted, the east side of the City is scheduled to see design work begin on the Patricia T. Russell Park located on Carpenter Street along Beaver Brook in FY20.

She noted this multi-generational park will include a playground, multiple seating opportunities, walking trail, parking, pavilion, connection to the rail trail, and an athletic field. Gilbo Avenue is

the site of the proposed skate park. The skate park group has been actively raising funds for the construction of this park and anticipates raising enough money for construction in FY20 if approved.

Ms. Howe then went over the new projects in this year's CIP:

1. Airport fuel tank removal and replacement (20 year old tank);
2. Resolving the issue with the old town brook that runs beneath City Hall causing a crack in the rear wall;
3. Replacement of municipal building aging roofs;
4. Robin Hood Dam Repair;
5. OpenSpace Trail maintenance and rehabilitation;
6. Aerial Imagery Update.

This concluded Ms. Howe's presentation.

Mr. Lamb stated there are two items that came out of the Community Development Department and they are an update to the Comprehensive Master Plan which is set to be funded over a two year period and would be engaging the services of consultants to do this work - evaluating the goals of the City is one of the items that would be looked at. During the 2008-2009 update of the Community Goals included a lot of public outreach which brought in close to 2,000 community members and this is going to be updated.

Aerial Photography is the next project which is on a ten year cycle. Mr. Lamb said there is also a proposed interim fly over in spring 2020 to provide for a better basis for the Assessing Department revaluation project.

The other item Mr. Lamb referred to is the manner in which the City's traffic signals work. The existing signals are at least, thirty years old and they don't talk to each other. The new technology would be able to detect the presence of a vehicle rather than rely on the magnetic strip on the road. Barry Hilton is the staff person assigned to maintain these signals and he faces significant challenges in maintaining these signals.

Mayor Lane began by noting the standard of review of the Planning Board is very different to that of the Council; the Board's role is not connected to finances but to look at the long term goals and where the City should be in six years – it is a planning function for the Board. The Mayor stated he has many issues with the CIP. He stated he is glad to hear about the traffic signals but expressed concern it is being taken in isolation of other functions. The Mayor felt the downtown revitalization might drastically change the traffic signals and replacing these signals is not the direction the City might be going.

He also referred to items included in the Appendix which usually would be current projects but have been placed in the appendix instead, such as Victoria Street and the Recreation Center. The Mayor also noted to the Manager beginning negotiation regarding development of a portion of 560 Main Street, however, the City has the salt shed located at this site and there is no plan how to deal with this.

The Mayor did not feel this CIP properly reflects where the City is going in the future; it shows what is happening today and this is not what the Planning Board review should consist of as this document would determine if the City is moving forward or backwards.

Mr. Lamb in response to 560 Main Street said the City has taken the approach that the sale of land would generate income to make improvements and offset the cost of moving operations. He added the plan to move portions or all of the activity has already been done but agreed this is not included in the CIP.

Vice-Chair Cusack referred to Pat Russell Park and agreed this would be a great addition to east Keene and asked if any thought has been given to locate a pedestrian bridge over Beaver Brook from the bike trail to the field. The Vice-Chairman felt this is something that would be heavily used. Mr. Spykman stated this connection is part of the plan.

Chair Barrett asked whether the skate park would have any effect on the east west corridor. Mr. Lamb stated he was not well versed on this item. He further stated the issue with the bridge had a lot of positive input during the east-side forum in 2015.

The Chairman asked what the Board should provide with reference to the CIP. Mr. Lamb stated a motion recommending the adoption of the CIP is what the Board typically does.

Mr. Spykman noted according to the RSA the CIP process is supposed to start with the Board but this role has been given over to City staff and added the staff is doing the work for the Board.

A motion was made by Gary Spykman that the Planning Board recommend the City Council adopt the 2020-2025 Capital Improvement Program. The motion was seconded by Chris Cusack and was unanimously approved.

Mr. Burke stated if the Board is looking for more involvement perhaps the Board should get involved earlier in the process. Mr. Lamb stated this has been an issue for a while – as to how to get the Board involved in this process sooner. The Board is invited to attend a presentation which happened this year on February 26. However, if the Board is interested it can be done.

Mayor Lane stated the Finance Committee of the Council does a project by project review of the CIP. If the Board wants more involvement the Board would have to do the project by project review as well and this would need to be set up earlier with the Manager. Over the years the Board has given up this role to the City Council.

Mr. Lamb stated as the projects are presented staff is required to look at the Master Plan and find out if their projects fit into the Master Plan and make reference to it and if it does not fit with the plan such projects are not included in the CIP.

Mr. Burke stated he understands how it is being done but seems like he is signing his name to something he has not had an opportunity to provide input. Mr. Lamb agreed this is not the best way but the City has not figured out a better way. He felt as the Comprehensive Master Plan is looked at for each project, he felt it is being done reasonably.

Mr. Burke stated he did make it to the CIP presentation and asked whether there is a plan for the dam next to Starbucks. Mr. Lamb stated since 2011 the City has been working with a third party to repair the dam and to assist the City with the reconstruction as required by DES. However, the City was notified recently that this expense was too substantial for the third party and they have withdrawn their proposal. Public Works has now included a number in the CIP as the cost to

repair the dam (FY25). He added there is progress through with the Conservation Commission with other entities to conduct a public process to determine what can be done with this dam.

Chair Barrett asked how other communities handle the CIP process. Staff did not have an answer.

The motion made by Mr. Spykman was unanimously approved.

VII. New Business

None

VIII. Upcoming Dates of Interest – March 2019

Planning Board Meeting – March 25, 6:30 PM

Planning Board Steering Committee – March 12, 11:00 AM

Joint PB/PLD Committee – March 11, 6:30 PM

Planning Board Site Visits – March 20, 8:00 AM – To Be Confirmed

The meeting adjourned at 8:15 pm.

Respectfully submitted,

Krishni Pahl
Minute Taker

Reviewed by: Rhett Lamb, Planning Director