

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, March 11, 2020

7:00 PM

Council Chambers A

Members Present:

Kate M. Bosley, Chair
Mitchell H. Greenwald, Vice-Chair
Philip M. Jones
Gladys Johnsen
Catherine Workman

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Rhett Lamb, Community Development
Director
David Hickling, Airport Director

Members Not Present:

Chair Bosley called the meeting to order at 7:00 PM and explained the procedures of the meeting.

1) Weston Liu – New England Aerobatic Club – Request to Use City Property – Dillant Hopkins Airport

Chair Bosley asked Mr. Liu to speak to his request. Weston Liu, of Brookline, NH, stated that for the past eight years he and the New England Aerobatic Club (NEAC) have been coming to the Keene airport to practice aerobatics, about once a month in the summer. He continued that they want to do it this year, too, hence the application.

Chair Bosley asked if staff have comments. The City Manager replied that staff have put the same conditions on as in the past. She continued that what they try to improve on each year is giving the neighbors as much notice as possible. They have worked on that. The Airport Director is sensitive to that.

Chair Bosley asked for confirmation that the dates are weather dependent. Mr. Liu replied yes. He continued that they want their first day of flying this year to be May 30.

Councilor Jones thanked Mr. Liu. He stated that they like the idea of professional pilots coming to the Keene airport. He continued that the NEAC has made some concessions for the City over the past three years, to help keep the neighbors happy, and the City thanks the NEAC for that. Last year, they showed that it worked. The decibel level was not bothersome at all, and they did

a great job. They will be keeping that same footprint. He thinks it is great to have Mr. Liu and the other pilots from the NEAC help with promoting the airport.

Councilor Jones asked, for the benefit of the new City Councilors who might not already know, if it is correct that the NEAC is not allowed (by FAA rules) to advertise their practice sessions at the Keene airport. Mr. Liu replied that is correct. He continued that if they advertised it, their activity would fall into the category of “air show,” and the FAA would expect more of the general public to attend and would insist that there be crowd control, emergency services, and so on and so forth. Instead the activity falls under the “sporting event” category. They can announce in the paper that there will be noise at the airport but they cannot say, for instance, “Come and enjoy.”

Chair Bosley asked for comments from the public. Hearing none, she asked for a motion.

Councilor Workman made the following motion, which was seconded by Councilor Greenwald.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the date of issuance through December 31, 2020, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than five for the year, there will be no Sunday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held on practice days.

2) **Jan Manwaring – Pathways for Keene – Request to Use City Property – 4 on the 4th Race**

Chair Bosley stated that Pathways for Keene is requesting to use City property for the 4 on the 4th Race, and her understanding is that there are still protocol meetings that need to happen. The City Manager replied yes, and staff is asking for this item to be placed on more time to allow for those protocol meetings to happen.

Chair Bosley asked for comment from the committee or public. Hearing none, she asked for a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the request from Pathways for Keene to hold the annual 4 on the 4th Road Race be placed on more time to allow City staff to hold protocol meetings with the petitioner.

Councilor Johnsen asked if this will be after the salamander crossing. Chair Bosley replied yes, the race is in July.

3) Albert Grauer – Application for a Lodging House License – 85 Winchester Street

Chair Bosley asked the petitioner to speak. Trevor Grauer, of 25 Winchester Street, introduced himself. Mr. Grauer stated that he is here to request a renewal of the Lodging House License at 85 Winchester Street.

Councilor Jones asked if the committee should address agenda item 4. before item 3. The City Manager replied no, it is okay like this.

John Rogers, Building and Health Official, stated that the Housing Inspector and Fire Prevention Officer inspected the property last week. He continued that the Fire Prevention Officer found minor issues to address, which Mr. Grauer has already taken care of. Staff recommends granting the license.

Chair Bosley asked if anyone from the public or committee wanted to speak. Hearing none, she asked for a motion.

Councilor Jones made the following motion, which was seconded by Councilor Johnson.

By a vote of 5-0, the Planning, Licenses, and Development Committee recommends that a lodging license be issued to Mr. Albert Grauer for property located at 85 Winchester Street for a period of one year from the date of issuance. Said license is conditional upon the following:

1. No more than 8 persons may reside on the premises.
2. No less than 4 vehicular parking spaces must be provided on the premises.
3. Compliance with all applicable laws, ordinances, codes, and rules and regulations.
4. The continuation of license is subject to and conditioned upon the successful passage of two inspections to be conducted by the City.
5. Owner shall notify City staff of any change in building operator; failure to do so may be grounds for suspension or revocation of this license.

This license expires on the 19th day of March, 2021, and may be revoked by the City Council in accordance with Sec. 46-590 "Suspension or Revocation."

4) Relating to Lodginghouse Licences – Ordinance O-2020-03

Chair Bosley recognized the City Clerk to speak on the proposed ordinance. City Clerk Patty Little stated that she is here regarding Ordinance O-2020-03, which establishes a standard term of expiration for lodging house licenses. She continued that currently they expire exactly one year from the date granted. As the license requests come through the City Council, they establish the expiration date by looking ahead to the next Council meeting and going one year from that. So the dates fluctuate year to year and fluctuate for each lodging house. For example, Mr. Grauer's lodging house license will expire during the Council's second cycle in March, which would not be the same exact date in 2022. Lodging house owners do not have a definitive date that they can remember, which leads to the problem of untimely applications coming in. People just forget. The fluctuating date is problematic for lots of reasons, including the fact that people do not remember the date to return to request a renewal. Code and Fire have to rearrange their schedules to perform the necessary inspection, when an expiration/renewal date is looming. This leads to the potential for the City Council to have to suspend rules of order to deal with these so there is not as much lapse in the term of the license. This ordinance establishes a standard expiration date. City staff picked July 1 for that date. The ordinance also provides allowance for the expiration to be postponed for some reason as long as the applicant had actually filed the renewal application. Recently they had a situation with a lodging house that led to Councilor Jones asking for the expiration to be postponed, but the current Code does not allow for that. The language in this ordinance would.

The City Clerk continued that she spoke with most of the lodging house license holders, and there is unanimous support of this ordinance from all of them. One Hundred Nights asked that the date avoid the holiday season, and the United Church of Christ said the same thing. They said that annually the church decides whether there would be an overflow shelter. So they will not be ready to apply July 1 but City staff said that is okay. The United Church of Christ can apply another time. But the license would still expire July 1 and not be prorated. The church is okay with that. They only operate the shelter a few months of the year anyway. She spoke briefly to Mr. Grauer about this and he was fine with it, too. It works well for the 85 Winchester Street lodging house because June is when they do building improvements.

She continued that in order to transition everyone over to the July 1 expiration date, she is recommending the ordinance not be effective until July 2. If they went with the normal process of having it go into effect upon adoption, that would mean Mr. Grauer and everyone else with a lodging house license would immediately have to reapply and that does not sound fair. They would be extending everyone's licenses to July 1, 2021.

Chair Bosley asked if that means Mr. Grauer's lodging house license would expire July 1, 2021, instead of March 19, 2021. The City Clerk replied yes. She continued that the City Clerk's Office will be in a position to facilitate this process for the Council. For the longest time the City only had two lodging houses. The Code says it is the responsibility of the license-holder to timely file the reapplications. With the expiration dates varying and never being the same, the City has never sent out reminders to license-holders that the time to reapply is coming. But with

a consistent expiration date, the City Clerk's Office would be happy to do that, to expedite this process.

Councilor Jones thanked the City Clerk. He continued that this is good for the City Clerk's Office, and for petitioners. He does not like having to suspend the rules at the City Council meetings, and this should put an end to that. This ordinance is proactive and he is thankful.

Chair Bosley asked if there are any other comments from the committee or the public. Hearing none, she asked for a motion.

Councilor Johnsen made the following motion, which was seconded by Councilor Workman.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2020-03 with an effective date of July 2, 2020.

Chair Bosley thanked everyone for coming. There being no further business, she adjourned the meeting at 7:16 PM.

Respectfully submitted by,
Britta Reida, Minute Taker