

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, November 14, 2022

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Pamela Russell Slack, Chair
David Orgaz, Vice Chair
Mayor George S. Hansel
Councilor Michael Remy
Emily Lavigne-Bernier
Roberta Mastrogiovanni
Armando Rangel
Harold Farrington
Randyn Markelon
Kenneth Kost, Alternate

Staff Present:

Jesse Rounds, Community Development
Director
Mari Brunner, Senior Planner

Members Not Present:

Gail Somers, Alternate
Tammy Adams, Alternate

I) Call to Order – Roll Call

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

II) Final Vote on Conditional Approvals

The Chair stated this is a new, standing agenda item in response to the recent “City of Dover” decision issued by the NH Supreme Court. As a matter of practice, the Board will now issue a final vote on all conditionally approved plans after all of the “conditions precedent” have been met. This final vote will be the final approval and will start the 30-day appeal clock.

Senior Planner Mari Brunner stated the first application before the Board for final approval is Boundary Line Adjustment S-06-22, property located at 1 Ralston Street and 0 Emerald Street which application was conditionally approved at the July 25 meeting with two conditions:

1. Owner’s signature appears on the plan.
2. Submittal of a draft easement document, which shall be subject to review by the City Attorney.

The easement document was for a portion of the building that was going to be located on another property. The easement was reviewed and approved by the City Attorney on October 31. Both conditions have been met.

A motion was made by Mayor George Hansel that the Planning Board issue final site plan approval for S-06-22. The motion was seconded by David Orgaz and was unanimous approved.

The second item is for a two lot subdivision, S-07-22 – 2-lot Subdivision – 91 Sullivan Street approved at the August 22, 2022 meeting with two conditions:

1. Submittal of four (4) full size copies of the final plans and two (2) Mylar sheets.
2. Submittal of a check in the amount of \$51.00 made out to the Cheshire County Registry of Deeds.

Both conditions have been met.

A motion was made by Mayor George Hansel that the Planning Board issue final site plan approval for S-07-22. The motion was seconded by Daviud Orgaz and was unanimously approved.

III) Public Hearings

Proposed amendments to the Planning Board Regulations – The City of Keene Community Development Department proposes to amend sections of Article 19, “Subdivision Regulations” and Article 25.10 “Subdivision Review” of the Land Development Code to add density incentive options to the Conservation Residential Development (CRD) subdivision regulations, including an open space density incentive, a solar incentive, and workforce housing incentive; Modify the permitted uses within the CRD regulations for the Rural District and Low Density-1 District to include multifamily dwelling with limitations; Modify the density factor and minimum lot size for the Rural District within the CRD regulations to 2 ac per unit and 32,000 sf, respectively; and, Remove the requirement to submit a “Yield Analysis Plan” and add additional submittal and filing requirements for CRD applications.

Community Development Director Jesse Rounds and Senior Planner Mari Brunner addressed the Board next. Ms. Brunner explained when the Land Development Code was adopted it created a new approval path some items had to go through. Even though this is amending the Planning Board Subdivision Regulations it is now part of City Code and has to follow a parallel path; it has to go before the City Council, then to the Joint Committee for a public workshop then gets referred to Council, PLD and back to Council. In addition, it also needs to go before the Planning Board for a public hearing for the Planning Board to adopt the regulations and this is what is happening tonight.

Ms. Brunner stated the items the Board is going to be voting on are in Article 19 which are the Subdivision Regulations and Article 25.10, Subdivision Application and Procedures. These include the three density incentives; open spaces incentive, solar incentive and work force

housing incentive. This change would also modify the dimensional standards for the rural district within the CRD density factor. Currently it is four acres per unit, the proposal is to change it to two acres per unit. Minimum lot size will be changed from one acre to 32,000 square feet. For uses, triplex is being added as a permitted use, however, triplex would only be permitted for workforce housing incentive applications.

Ms. Brunner further stated there were couple of glitches staff had identified when going through these regulations. Prior to the land development code the process to identify density was through a process called yield analysis. However, this was deleted and changed to a formula method. However the requirement to submit a Yield Analysis Plan was not removed, this was an error and staff is proposing to remove that.

At a public hearing someone from the public raised a question and when staff reviewed this information existing language ambiguous and this has been corrected. This is in reference to the workforce housing density incentive criteria.

The existing language reads as follows and seems ambiguous:

The resale value of the unit shall be restricted to the affordable purchase price for a period of 30 years. The resale value of the unit is not to be more than the original purchase price plus two times the accumulated consumer price index.

The amended proposed language will state as follows

For a period of 30 years, the resale value of the unit shall be restricted to either the affordable purchase price or the original purchase price plus two times the accumulated consumer price index, whichever is greater.

Ms. Brunner stated the intention for this is so that someone will get back what they have put into the property plus a little bit more. She added this language has been clarified by the City Attorney. This concluded staff comments

The Chair asked for public comments next. Mr. Derek Scalia 16 Hillside Drive addressed the Board. Mr. Scalia stated he would like to raise three concerns raised over the course of this process. The first is not to focus development in the rural district; he indicated over the years Keene has looked at all areas to modify zoning. Mr. Scalia felt what is before the Board is an opportunity to look at the rural district because it is distinct and to modify it in a manner that is appropriate for the area.

Mr. Scalia stated it would be safe to assume that housing is likely to happen in denser areas where there is City water and sewer connections. However, the City has a .6% housing vacancy rate and this is across all income spectrums and hence, felt common sense zoning changes need to be looked at in all zoning districts to expand housing options.

The second concern that has been raised is that this zoning change is realistic for well, septic and drainage requirements. Mr. Scalia noted DES has to approve all development and felt DES will make sure new development is following the proper protocol. Further, noted our region has

sophisticated environmental protections and the flooding issues that have happened is due to past development patterns which have been addressed and rectified. CRD development looks at a more comprehensive approach that have shared well and septic options.

The third concern is that constructing workforce housing in these areas is not economically feasible. Mr. Scalia agreed building anything affordable is difficult these days. However, felt what is being proposed is a long term approach. He noted Monadnock Interfaith Project (MIP) is working hard toward a local housing development fund to provide additional funding support for developers to construct workforce housing and added this is a multi-layer approach and is grateful this is one part of that complicated process.

Mr. Scalia agreed change is hard and have grown accustomed to certain things, especially when these days everything is spiraling out of control. However, felt something needs to be done to provide security for those who don't have any security.

Mr. Paul Roth representing Cheshire Medical Center was the next speaker. Mr. Roth stated Cheshire Medical Center has well over 200 vacancies in the hospital and they support the zoning change. He stated the challenge for them is when people apply for jobs they can't find a place to live. He thanked the City for this thoughtful change.

Ms. Janet Furcht of 614 Park Avenue addressed the Committee next and stated she is part of the housing team of MIP and referred to a recent meeting they had with Monadnock Economic Development where it was indicated during that meeting that one can find 800 jobs within five miles of Keene and if you look for apartments there approximately 24 that are available with the least expensive at \$1,200 and that too for a studio.

With reference to the changes being proposed for the rural zone, when staff looked at the five acre minimum they found that the density exceeds five acres; 58% are less than five acres and over one third are less than two acres. Hence, felt moving the minimum lot size from five acres to two acres would not be too drastic. Ms. Furcht further stated built into the CRD is also a 100 foot buffer from any external roads and a 50 foot buffer from surrounding properties. CRD is also likely to share septic and other utilities which further reduces impact to any single family home.

Mr. Cole Mills of 68 Langley Road who lives in the rural district began by noting that none of the past speakers are from the rural district. Mr. Mills stated he has been opposed to the reduction from five acres to two acres, as well as the density and new CRD Rules. He did not feel these changes will solve what the City is trying to accomplish and will take neighborhoods and place high density very expensive housing in the rural district. Mr. Mills felt there are going to be many unintended consequences with these changes being proposed.

Mr. Mills questioned whether there are developers ready to construct these affordable home as being proposed. He questioned the market rate rent and whether Keene can ever get to \$1,300 in rent with utilities. He also asked how many \$400,000 homes are going to solve homelessness and felt these are what are being constructed on these smaller lots and noted to Old Walpole Road and Daniels Hill Road. He indicated City staff have not answered these questions he has raised in

the past. Mr. Mills felt Keene has more housing compared to the past; the 310 Marlboro Street proposal, Whitcombs Hill Road proposal, Hillside Village, private dorms on Ralston Street, Colony Mill property. There are also housing investment in Swanzey, Troy and Peterborough.

Mr. Mills went on to say that Keene population has dropped over the past ten years and so Keene State's population has dropped by close to 30% (2,000 students) – this has opened up housing in downtown. He noted the Greenwald Properties and Unicron Properties have available housing in the range of \$800 - \$2,400. Masiello Real Estate has 69 properties for sale, 20 of those are priced at \$250,000 or less.

With respect to addressing the homelessness issue Keene and Keene State College had an opportunity to solve that issue by repurposing the Monadnock Hall Dormitories instead of demolishing same. This would have been better solution than increasing the CRD density in the rural zone or a cheaper resolution than what it is costing 100 Nights to construct its new facility.

Mr. Mills further stated increasing development in the rural zone will divert focus from the goals of the City when it comes to environmental and climate issues and will impact areas that are not served by City water and sewer. He added the Rural District requires two car houses which will eventually impact roads in this district. With density comes increased City cost such as having to bring in water and sewer, leaf pickup, fire safety etc.

Mr. Mills added \$233,000 is the amount that has been stated as the affordable housing limit and added this is not an attainable amount as well \$1,300 in rent is also not attainable. He stated even if the homes can be constructed for this amount, Keene's high tax rate makes them less competitive compared to surrounding towns. He added staff has also stated, CRD won't increase taxes and stated he does not agree with that conclusion. With reference, to Cheshire Medical staffing, he felt even prior to Covid Cheshire Medical Center has had difficult retaining its staff. He added there have been studies across the country which indicate filling in medical vacancies is going to be a difficult task and noted to the Mercer Study of 2021 which reflect the large numbers of shortage in all areas of medicine. He added none of these vacancies are being driven by housing shortages but are due to aging population, recent vaccine mandate.

In closing he asked that this proposal not be approved as it is not going to address the issues but will destroy the rural district.

With no further comment the Chair closed the public hearing.

Mr. Kost stated in his past work in land planning when they looked at a five acre lot and there is a house constructed on each of those five acre lots it was referred to as bad land use. What we are seeing from planning staff is a much more common sense approach to developing those areas in a much denser manner and also by disturbing much less land. He indicated development is going to happen but this approach is a way to protect the area

A motion was made by Mayor George Hansel to adopt the amendments made to amend sections of Article 19, "Subdivision Regulations" and Article 25.10 "Subdivision Review" of the Land Development Code based on the changes discussed tonight.

The motion was seconded by Michael Remy and was unanimously approved.

IV) Staff Updates

None

V) New Business

None

There being no further business, Chair Russell Slack adjourned the meeting at 7:10 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Jesse Rounds, Community Development Director