



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
Council Chambers A, Keene City Hall
March 8, 2023
6:00 PM

A. AGENDA ITEMS

1. Farmer's Market of Keene - Request to Use City Property
2. Memorandum of Understanding with the Civil Air Patrol - Airport Director
3. Use of City Property - New Hampshire Department of Environmental Services Installation of Bedrock Monitoring Well - Public Works Director
4. Ordinance O-2022-19-A: Relating to Amendments to the Land Development Code

B. MORE TIME ITEMS

1. Communication - Request to Use City Property - Gathering of the Gourds - Let It Shine
2. Communication - Request to Use City Property - Taste of Keene Food Festival - Keene Young Professionals
3. Communication - Request to Use City Property - 2023 Keene Pride Festival
4. Relating to Amendments to the City of Keene Land Development Code, Rural District Minimum Lot Size Ordinance O-2023-02

NON PUBLIC SESSION

ADJOURNMENT



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.1.

Meeting Date: March 8, 2023
To: Planning, Licenses and Development Committee
From: Bruce Bickford/Farmer's Market of Keene
Through: Patricia Little, City Clerk
Subject: **Farmer's Market of Keene - Request to Use City Property**

Recommendation:

Attachments:

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

Background:

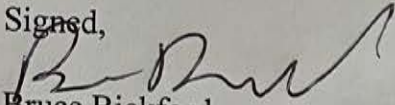
Bruce Bickford is seeking the annual license to operate the Farmer's Market of Keene on Gilbo Avenue on Saturdays commencing April 22st and ending October 28th.

February 24, 2023

To whomever it may concern,

The Farmers' Market of Keene requests the renewal of our license to operate on Gilbo Ave. on Saturday's from 9am - 1pm starting on April 22 until October 28, 2023.

Signed,



Bruce Bickford

The Farmers Market of Keene



ITEM #A.2.

CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 8, 2023
To: Planning, Licenses and Development Committee
From: David Hickling, Airport Director
Through: Elizabeth Dragon, City Manager
Subject: **Memorandum of Understanding with the Civil Air Patrol - Airport Director**

Recommendation:

That this committee recommend that the City manager be authorized to do all things necessary to execute a Memorandum of Understanding with the Civil Air Patrol to install communications equipment in the Airport Terminal Building.

Attachments:

None

Background:

The Civil Air Patrol has approached the City requesting permission to install communication equipment in the airport terminal. This equipment will improve emergency services and disaster relief in Cheshire County and the State of New Hampshire, by providing faster, more direct communication of emergency response and disaster relief information to Keene and others.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 8, 2023
To: Planning, Licenses and Development Committee
From: Kurt Blomquist, ACM/Public Works Director
Through: Elizabeth Dragon, City Manager
Subject: **Use of City Property - New Hampshire Department of Environmental Services Installation of Bedrock Monitoring Well - Public Works Director**

Recommendation:

Move that the Planning, License and Development Committee recommend that the City Manager be authorized to negotiate and execute a license with the New Hampshire Department of Environmental Services (NHDES) for the installation and maintenance of a bedrock monitoring well on City-owned property (102/ 001/000 000/000) located in the Greater Goose Pond Forest for the purpose of groundwater level monitoring, subject to the City's standard licensing conditions and other conditions set by City staff. Further, Per Section 94-238 of the City Code of Ordinances, the New Hampshire Department of Environmental Services is authorized to use motorized vehicles on the Class VI portion of Old Gilsum Road for the installation, maintenance, and monitoring of the bedrock monitoring well. Access shall be coordinated with City Staff.

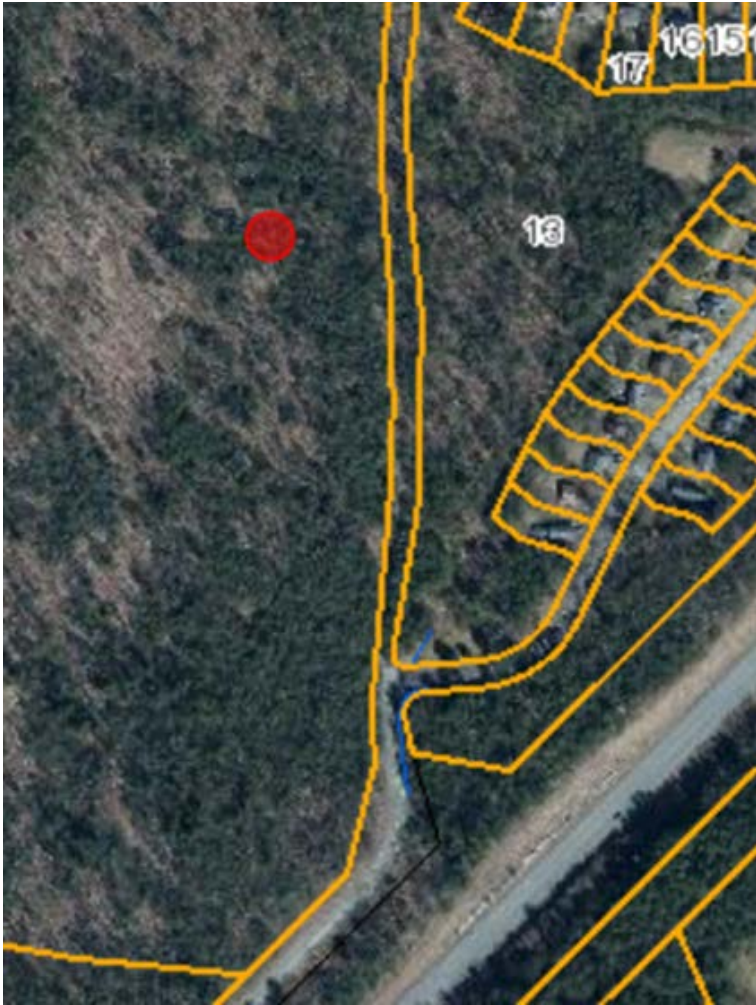
Attachments:

None

Background:

The New Hampshire Department of Environmental Services (NHDES) operates a network of 33 dedicated observation wells throughout the State. The purpose of these wells is to monitor the groundwater levels of the two principal aquifers in the State. Information from these wells provides trends in the groundwater fluctuations, the effect of drought, and evaluates the long-term effects of climate trends on groundwater conditions of the two principle State aquifers. The NHDES Drought Management Team and federal agencies (including the National Weather Service and the United States Geological Survey (USGS)) use the information from this monitoring well network for various products.

Currently, Keene, and western New Hampshire in general, are underrepresented in the New Hampshire Groundwater Level Monitoring Network. NHDES is seeking permission to install a bedrock well on City-owned property in the Greater Goose Pond Forest. The proposed site is approximately 1,000 feet north of the Timberlane Drive and Old Gilsum Road intersection and approximately 50 feet west of the Old Gilsum Road right-of-way.



Location

Once the well has been installed, NHDES will be accessing the site at regular intervals to collect data and perform maintenance.

NHDES would also like to use the Class VI portion of the Old Gilsum Road for vehicle access for the installation and periodic data collection and maintenance.



CITY OF KEENE

Twenty-Two

In the Year of Our Lord Two Thousand and

Relating to Amendments to the Land Development Code

AN ORDINANCE

Be it ordained by the City Council of the City of Keene, as follows:

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. That the City of Keene Land Development Code, Chapter 100, as amended, is further amended by deleting the stricken text and adding the bolded and underlined text, as follows.

A. Delete the stricken text in Section 9.2.7.C.2 “Major Reduction Request” of Article 9 – Parking and Driveways, as follows.

2. In determining whether to grant a special exception, the Zoning Board of Adjustment shall make the following findings ~~in addition to those required for a special exception.~~

- a. The specific use or site has such characteristics that the number of required parking spaces is too restrictive.
- b. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.

B. Amend Section 9.3.2.2 of Article 9 - Parking & Driveways to clarify that the three foot setback from the side property line is not required for common driveways that serve more than one lot, as follows.

The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line. **Common driveways approved by the Planning Board or its designee shall be exempt from the side property line setback required by this Article.**

C. Delete the stricken text in Section 11.6.1.3 of Article 11 - Surface Water Protection, as follows. This proposed change is to eliminate redundancy with Section 11.5.I.1 of Article 11.

Construction of new roads, driveways (~~excluding single and two family driveways~~), and parking lots.

D. Delete the stricken text and add the bolded underlined text to Section 13.1.3.C, “Exemptions” of Article 13 – Telecommunications Overlay District, as follows. The intent of this proposed change is to clarify that collocation and modification applications, as defined in NH RSA 12-K, are exempt from the requirement to obtain a conditional use permit and major site plan review.

~~Telecommunications facilities placed on existing mounts, building or structures, or~~ **Collocations** or modifications to existing telecommunications facilities, provided that the proposed facility or facilities do not meet the definition of substantial modification per NH RSA 12-K.

E. Add the bolded underlined text to Section 13.2.5 “Camouflaged Telecommunications Facilities” of

PASSED

Article 13 – Telecommunications Overlay District as follows, and update Table 13-1 to reflect this change. The intent of this proposed change is to clarify that the installation of a brand new telecommunications facility on a building or structure would require the issuance of a conditional use permit and major site plan review.

The installation of new ground-mounted **or structure mounted** towers and antennas, if camouflaged, or a substantial modification to an existing tower or mount that would maintain its camouflage, may occur within Zone 2 or Zone 3 of the View Preservation Overlay (Figure 13-1). All camouflaged facilities shall require the issuance of a building permit, conditional use permit, and major site plan review.

Table 13-1: Permitted Telecommunications Facility Types

Facility Type		Zone 1*	Zone 2*	Zone 3*	Historic District
Structure Mounted (Mounted on an existing building or structure other than a tower)	Collocation/Modification	P	P	P	P
	Fully Concealed	P	P	P	P
	Substantial Modification	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
	Camouflaged/Non-Camouflaged (New)	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
Ground Mounted (Mounted to the ground or a tower constructed primarily for the purpose of supporting telecommunications facilities)	Collocation/Modification	P	P	P	P
	Camouflaged (New)	-	CUP + SPR	CUP + SPR	-
	Non-Camouflaged (New)	-	-	CUP + SPR	-

"P" = Permitted, subject to building permit

" - " = Facility Not Permitted

"CUP" = Requires Conditional Use Permit

"SPR" = Requires Site Plan Review

*Zone 1, Zone 2, and Zone 3 of the View Preservation Overlay (see Figure 13-1)

- F. Amend Article 15 - Congregate Living & Social Service Conditional Use Permit to add a new section entitled "Conditional Use Permit Waiver" after Section 15.4, as follows. The intent of this change is to allow the Planning Board to grant a waiver from the review criteria in Section 15.2 on a case-by-case basis.

15.5 Conditional Use Permit Waiver

Where the Planning Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the criteria set forth in this Article, it may approve waivers from the requirements set forth in Section 15.2 of this Article.

A. Waiver Criteria

The Planning Board shall not approve any waiver unless a majority of those present and voting find that all of the following apply.

- 1. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.**
- 2. Strict conformity would pose an unnecessary hardship to the applicant and the waiver**

would not be contrary to the spirit and intent of this Article.

- 3. Specific circumstances relative to the site, or the use, indicate that the waiver will properly carry out the spirit and intent of the regulations.**

In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the review criteria being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.

- G. Amend the following sections of Section 25.4 “Land Development Code Amendments,” Sub-section 25.4.3 “Procedure,” and add a new section “D” for amendments to Articles 22-28.

25.4.3 Procedure

In addition to the common application and review procedures of this Article, the following procedures shall apply with respect to proposed amendments to this LDC.

- A. ~~Articles 1 through 18, and Articles 22 through 28.~~** For amendments proposed to Articles 1 through 18 ~~and Articles 22 through 28~~ of this LDC, the same application and review procedures shall be followed as those described in Section 25.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.
- B. Articles 19, and 20, and Sections 25.10-25.14 of Article 25 - "Subdivision Regulations," and "Site Development Standards," and Planning Board Application Procedures.** For amendments proposed to Articles 19, ~~and 20,~~ and Sections 25.10 through 25.14 of Article 25 of this LDC, the following procedures shall apply.
1. Planning Board Public Hearing. In accordance with NH RSA 675:6, the Planning Board shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Planning Board denies the proposed amendments, the process shall come to an end.
 - a. Notice for this public hearing shall be provided pursuant to NH RSA 675:7.
 2. Introduction to and Review by Council. Following either approval or approval with amendments by the Planning Board, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
 3. Filing. Following approval by City Council, the amended regulations shall be certified by a majority of the Planning Board, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the NH Office of **Planning and Development (OPD)** ~~Strategic Initiatives (OSI)~~ for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with **OSI OPD** shall not affect their validity.
- C. Article 21 and Section 25.15 of Article 25 – “Historic District Regulations” and “Historic District Certificate of Appropriateness.”** For amendments proposed to Article 21 and Section 25.15 of Article 25 of this LDC, the following procedures shall apply.


1. Historic District Commission Public Hearing. In accordance with NH RSA 675:6, the Historic District Commission shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Historic District Commission denies the proposed amendments, the process shall come to an end.
 - a. Notice for this public hearing shall be provided pursuant to NH RSA 675:7.
2. Introduction to and Review by Council. Following either approval or approval with amendments by the Historic District Commission, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
3. Filing. . Following approval by City Council, the amended regulations shall be certified by a majority of the Historic District Commission, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the NH Office of **Planning and Development (OPD)** ~~Strategic Initiatives (OSI)~~ for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with ~~OSI~~ **OPD** shall not affect their validity.

D. Articles 22-28. Unless otherwise specified in this Article, or required by state law or regulation, the following procedures shall apply for amendments proposed to Articles 22-28 of this LDC.

- 1. Introduction to and Review by City Council. The proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.**
- 2. Filing. Following approval by City Council, the amended regulations shall be placed on file with the City Clerk.**

George S. Hansel, Mayor

In City Council January 19, 2023.
Public Hearing set on Ordinance O-2022-19-A
for Thursday, February 4, 2023 at 7:00 PM.


Deputy City Clerk