Monday, February 8, 2021
6:30 pm

The agenda & supporting materials are available at: ci.keene.nh.us/joint-planning-board-planning-licenses-and-development-committee

Join by Computer / Smart Device:
• Go to www.zoom.us/join
• Enter Meeting ID: 893 8296 4232

Join by Telephone:
• Call (888) 475-4499 (toll free)
• Enter Meeting ID: 893 8296 4232

Technical Issues:
• For issues with access during the meeting call: (603) 209-4697
Meeting Agenda

• Statement of Authority to Hold Remote Meeting – Chair Russell-Slack
• Call to Order
• Roll Call
• Minutes of January 11 & January 19
• Continued Public Workshop for Ordinances O-2020-10 & O-2020-11
• Next Meeting
Authority to Hold Remote Meeting

In Emergency Order #12, issued by the Governor of the State of NH pursuant to Executive Order #2020-04, certain provisions of RSA 91-A regulating the operation of public body meetings have been waived during the declared COVID-19 State of Emergency. Specifically:

• The requirement that a quorum of a public body be physically present except in an emergency requiring immediate action under RSA 91-A:2, III(b);

• The requirement that each part of a meeting of a public body be audible or otherwise discernible to the public at the location specified in the meeting notice as the location of the meeting under RSA 91-A:2, III(c).

• Provided that the public body must:
  • Provide access to the meeting by telephone, with additional access possibilities by video or other electronic means;
  • Provide public notice of the necessary information for accessing the meeting;
  • Provide a mechanism for the public to alert the public body during the meeting if there are problems with access; and
  • Adjourn the meeting if the public is unable to access the meeting.

• All votes are to be taken by roll call.

• All Committee participants shall identify the location from where they are participating and who is present in the room with them.
Meeting Agenda

• Statement of Authority to Hold Remote Meeting – Chair Russell-Slack

• Call to Order

• Roll Call

• Minutes of January 11 & January 19

• Continued Public Workshop for Ordinances O-2020-10 & O-2020-11

• Next Meeting
Call to Order

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  • Go to www.zoom.us/join & enter Meeting ID: 893 8296 4232
  
  • Call (888) 475-4499 and enter Meeting ID: 893 8296 4232
  
  • View live on Cheshire TV Channel 1302

• If you encounter any issue with accessing the meeting, call (603) 209-4697

• Anyone wishing to view a copy of the agenda and supporting materials may find it on the City’s Joint Committee webpage at: ci.keene.nh.us/joint-planning-board-planning-licenses-and-development-committee

• Members of the public shall not be permitted to speak nor shall comments be taken until the Chair asks for public comment.
Meeting Agenda

• Statement of Authority to Hold Remote Meeting – Chair Russell-Slack
• Call to Order
• Roll Call
• Minutes of January 11 & January 19
• Continued Public Workshop for Ordinances O-2020-10 & O-2020-11
• Next Meeting
Pamela Russell-Slack
Mayor George Hansel
Councilor Michael Remy
Emily Lavigne-Bernier
Roberta Mastrogiovanni
David Orgaz
Gail Somers
Andrew Weglinski
Tammy Adams, Alternate

Councilor Kate Bosley
Councilor Mitch Greenwald
Councilor Phil Jones
Councilor Gladys Johnsen
Councilor Catherine Workman
Meeting Agenda

• Statement of Authority to Hold Remote Meeting – Chair Russell-Slack

• Call to Order

• Roll Call

• Minutes of January 11 & January 19

• Continued Public Workshop for Ordinances O-2020-10 & O-2020-11

• Next Meeting
Recommended Motion: To approve the minutes of the January 11, 2021 & January 19, 2021 meetings

Planning Board:
- Pamela Russell-Slack
- Mayor George Hansel
- Councilor Michael Remy
- Emily Lavigne-Bernier
- Roberta Mastrogiovanni
- David Orgaz
- Gail Somers
- Andrew Weglinski
- Tammy Adams, Alternate

Planning, Licenses & Development Committee:
- Councilor Kate Bosley
- Councilor Mitch Greenwald
- Councilor Phil Jones
- Councilor Gladys Johnsen
- Councilor Catherine Workman
Meeting Agenda

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• Next Meeting
Relating to the establishment of the City of Keene Land Development Code & changes to the City's downtown zoning districts.

Petitioner, City of Keene Community Development Department, proposes to update and unite the City of Keene’s regulations related to land use and development, including the Zoning Regulations, into the City of Keene Land Development Code; to establish 6 new zoning districts in Keene’s downtown area (*Downtown Core, Downtown Growth, Downtown Limited, Downtown Edge, Downtown Transition, Downtown Institutional Campus*); to remove the Gilbo Avenue Design Overlay District and the Downtown Railroad Property Redevelopment Overlay District; and, to modify the SEED Overlay District.
Land Use Ordinance Review & Adoption Process

Ordinance Application is submitted to City Council

City Council refers it to the Joint Committee for a Public Workshop

Public Workshop phase is for Joint Committee to:
- Review proposal
- Collect public input
- Propose changes

Planning Board & Historic District Commission hold public hearings to review & vote on proposed changes to specific regulations

City Council holds public hearing to hear public comments on Ordinance.

City Council votes on Ordinance following PLD recommendation
Public Workshop Schedule*

1. **NOVEMBER 9, 2020**
   - 6:30 pm (remote meeting)
   - Ordinance Overview
   - Review of Articles 1 – 9 of proposed Land Dev. Code

2. **NOVEMBER 16, 2020**
   - 6:30 pm (remote meeting)
   - Review of Articles 10-18 of proposed Land Dev. Code
   - Address comments/questions from previous meeting

3. **DECEMBER 14, 2020**
   - 6:30 pm (remote meeting)
   - Review of Articles 19 – 22 of proposed Code
   - Address comments/questions from previous meeting

4. **JANUARY 11, 2021**
   - 6:30 pm (remote meeting)
   - Review of Articles 23, 24, 26, 27 of proposed Land Dev. Code
   - Continued Discussion on Congregate Living / Social Service Uses and License

5. **JANUARY 19, 2021**
   - (Tuesday)
   - 6:30 pm (remote meeting)
   - Review Articles 25 & 28 of proposed Land Dev. Code
   - Continued Discussion on Congregate Living / Social Service Uses and License
   - Address comments/questions from previous meeting and/or proposed edits

6. **FEBRUARY 8, 2021**
   - 6:30 pm (remote meeting)
   - Address comments/questions from previous meeting and/or proposed edits
   - Committee votes on consistency with Master Plan & for Mayor to set a Public Hearing Date

7. **MARCH 8, 2021**
   - 6:30 pm (remote meeting)
   - May not be needed

*Schedule may change.*
Proposed Amendments to the Land Development Code

• Remove all references to amendments to Chapter 46 of City Code from O-2020-10.
  • Congregate Living / Social Service License language will go into separate ordinance
  • Will be introduced to PLD on March 24 at 7:00 pm
  • City Council will need to vote on the Land Development Code & the Congregate Living / Social Service License ordinance at the same time.

• Include all terms/definitions for rules of measurement (Article 1) and principal permitted uses (Article 8) into the Definitions Chapter for ease of reference.

• Add “Small Group Home” as a permitted use by CUP to all zoning districts that permit single-family dwellings, and those that are proposed to allow for “Large Group Home”. The following districts would permit Small Group Home:
  • Rural
  • Residential Preservation
  • Low Density
  • Low Density 1
  • Medium Density
  • High Density
  • High Density-1
  • Neighborhood Business
  • Downtown Transition
Proposed Amendments to the Land Development Code

• Add “Large Group Home” to the High Density 1 Zoning District as a use permitted by CUP

• Amend Section 8.3.4.A related to the definition and use standards associated with “Domestic Violence Shelter” as follows:
  • Domestic violence shelters located within or directly adjacent to residential zoning districts shall not have more than 12-occupants at any time. **excluding the minor children of shelter clients.**

• In Table 8-1 Permitted Principal Uses by Zoning District, change “P” to “P1” wherever it appears for “Domestic Violence Shelters”

• Amend the definition of “Domestic Violence Shelter” to read: “A facility that provides temporary shelter, protection, and support for those escaping domestic violence and intimate partner violence, including victims of human trafficking. A domestic violence shelter also accommodates the minor children of such individuals. The facility may also offer a variety services to help natural persons shelter clients and their children including counseling and legal guidance. The facility shall be managed by a public or non-profit agency with in-house supervision provided on a 24-hour basis.

*These proposed amendments were not included in the memo dated Feb 1, 2021 in the meeting packet*
Proposed Amendments to the Land Development Code

• Allow for Medium- and Large- Solar Energy Systems to be permitted in the Industrial Zoning District as permitted with limitations (versus by CUP as currently proposed)

• Amend Table 8-1 Permitted Principal Uses by Zoning District to remove “Fraternity and Sorority” as a permitted use in the High Density Zoning District.

• Remove the requirement that applications for a Congregate Living and Social Services Conditional Use Permit include an Operations and Management Plan (this will be a requirement of a license)

• Amend Section 20.6.2.A.1 related to specific screening standards for service areas as follows: “1. Waste collection, waste compaction, recycling collection and other similar service areas shall be located to the side or rear of buildings not be located along the building frontage or along a building facade with a primary entrance and shall be screened from view from adjacent property or public rights-of-way (not including alleys).”

• Amend Section 20.6.2.B.1 related to specific screening standards for drive-through businesses as follows:“1. Drive-through windows and lanes shall be placed to the side and rear of the building not be located along the building frontage or along a building facade with a primary entrance.”
Proposed Amendments to the Land Development Code

- Amend Change 25.4 related to the process for amending the LDC as follows:
  - Amend Section 25.4.2 “Authority” to read: “The City Council, after receiving a recommendation from the Planning Licenses and Development Committee and the Planning Board, the Planning Board with respect to Articles 19, 20, and Sections 25.10 through 25.14 of Article 25, and the Historic District Commission with respect to Article 21 and Section 25.15 of Article 25, shall take action on proposed amendments to this LDC.

- Amend Section 25.4.3.B. to read ““Subdivision Regulations” and “Site Development Standards.” 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.”

- Remove Section 25.4.3.B.3, which requires amendments to the Planning Board Regulations follow the same process that zoning amendments would follow, and amend Section 25.4.3.B.2 to read: “2. Introduction to City Council City Council Review. Following either approval or approval with amendments by the Planning Board, the proposed amendments shall be submitted to City Council as a draft ordinance. The draft ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation. Upon receipt of a recommendation from the Planning, Licenses and Development Committee, the City Council shall vote to approve or disapprove the ordinance.”

These proposed amendments were not included in the memo dated Feb 1, 2021 in the meeting packet.
Proposed Amendments to the Land Development Code

• Amend Section 25.4.3.C. to read “Article 21 – Historic District Regulations. For amendments proposed to Article 21, and Section 25.15 of Article 25 of this LDC, the following procedures shall apply.”

• Remove Section 25.4.3.C.3, which requires amendments to the Planning Board Regulations follow the same process that zoning amendments would follow, and amend Section 25.4.3.C.2 to read:
  “2. Introduction to City Council City Council Review. 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. The draft ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation. Upon receipt of a recommendation from the Planning, Licenses and Development Committee, the City Council shall vote to approve or disapprove the ordinance.”

These proposed amendments were not included in the memo dated Feb 1, 2021 in the meeting packet.
Proposed Amendments to the Land Development Code

• Amend Section 25.5.6.B related to approval standards for variances as follows: “B. The proposed variance is not contrary to the spirit of this chapter the Zoning Regulations.”

• Amend Section 25.9.5 related to the procedure for the zoning administrator to issue a written interpretation by adding: “D. The Zoning Administrator shall publish their written interpretation on the City website within 5 calendar days from the date of issuance.”

Additional edits to be reviewed by Planning Board and Historic District Commission:

• Changes to the Planning Board’s Screening Site Development Standard related to screening of small-scale and roof-mounted solar energy systems will be proposed at the Planning Board public hearing it will hold on Article 21 of the proposed Land Development Code.

• Staff will present proposed edits to the Downtown Historic District Regulations that seek to provide greater clarification on standards related to window replacement at the public hearing the Historic District Commission will hold on Article 21 of the proposed Land Development Code.
Proposed Amendments to the Land Development Code

The proposed zoning maps and list of properties proposed to change zoning districts in O-2020-11 will be amended as noted below:

- **21 Davis Street** (TMP# 5840580000000000) will be located in the proposed Downtown Core Zoning District in O-2020-11 and on the proposed downtown zoning maps.
  - *Currently, this parcel is in the Central Business Limited District, and had been proposed to be located in the Downtown Transition District.*

- **92 Water Street** (TMP#5850250000000000) will be located in the proposed Downtown Transition District in O-2020-11 and on the proposed downtown zoning maps.
  - *Currently, this parcel is in the Central Business District, and had been proposed to be located in the Downtown Growth District.*
21 Davis St is proposed to be placed in the Downtown Core District (currently proposed to be in the Downtown Transition District).

92 Water St is proposed to go from Central Business to Downtown Transition (currently O-2020-11 proposes it be zoned as Downtown Growth).

21 Davis St is proposed to go from Central Business Ltd to Downtown Core (currently O-2020-11 proposes it be zoned as Downtown Transition).
92 Water St is proposed to be placed in the Downtown Transition District (currently proposed to be in the Downtown Growth District)
Other comments / committee questions
Special exceptions may be approved if the board finds that:
1. The proposed use is similar to one or more of the uses already authorized in that district and is in an appropriate location for such a use.
2. Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious or offensive to the neighborhood.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

1. The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City’s Comprehensive Master Plan, and complies with all the applicable standards in this LDC for the particular use.
2. The proposed use will be established, maintained and operated so as not to endanger the public health, safety, or welfare.
3. The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and enjoyment of adjacent property.
4. The proposed use will be of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.
5. The proposed use will not place an excessive burden on public improvements, facilities, services, or utilities.
6. The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic, or historic importance.
7. The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.
Members of the public wishing to speak may do so now by:

- If using a computer: **Click on the “Raise Hand” icon** on the screen.
- If using a phone: **press *9** on your keypad.

**To join the meeting now dial (888) 475-4499, Enter Meeting ID #: 893 8296 4232 and Enter *9**

*Be prepared to state your name & address. You may have to wait to be recognized*
PUBLIC COMMENT for this meeting is CLOSED
Recommended Motion:

To amend O-2020-10 and O-2020-11 in accordance with the amendments proposed in the Memorandum dated February 1, 2021 included in the meeting packet for the February 8, 2021 Joint Committee meeting, including, but not limited to, the removal of Congregate Living and Social Services licensing provisions from O-2020-10, which is to be presented in a separate ordinance for submission to the City Council, and in accordance with the following amendments presented by City staff at the February 8, 2021 meeting:

a. Changes to the definition of Domestic Violence Shelter in Section 8.3.4.A of the proposed Land Development Code.

b. Changes to Section 25.4 related to the amendment process for Articles 19 through 21 and sections of 25.10 through 25.15 of the proposed Land Development Code related to the Planning Board and Historic District Commission regulations and application procedures.
Roll Call Vote

Planning Board:
- Pamela Russell-Slack
- Mayor George Hansel
- Councilor Michael Remy
- Emily Lavigne-Bernier
- Roberta Mastrogiovanni
- David Orgaz
- Gail Somers
- Andrew Weglinski
- Tammy Adams, Alternate

Planning, Licenses & Development Committee:
- Councilor Kate Bosley
- Councilor Mitch Greenwald
- Councilor Phil Jones
- Councilor Gladys Johnsen
- Councilor Catherine Workman
Recommended Motion: The Planning Board finds that ordinances O-2020-10A and O-2020-11A are consistent with the City of Keene Comprehensive Master Plan.

Planning Board:

• Pamela Russell-Slack
• Mayor George Hansel
• Councilor Michael Remy
• Emily Lavigne-Bernier
• Roberta Mastrogiovanni
• David Orgaz
• Gail Somers
• Andrew Weglinski
• Tammy Adams, Alternate
Recommended Motion: That the Mayor set a public hearing date for O-2020-10A and O-2020-11A.

Planning, Licenses & Development Committee:

- Councilor Kate Bosley
- Councilor Mitch Greenwald
- Councilor Phil Jones
- Councilor Gladys Johnsen
- Councilor Catherine Workman
Proposed amendments to Chapter 46 of the City Code related to the Congregate Living & Social Service License will be introduced as a separate Ordinance to City Council

PLD will revisit this topic at their meeting on Wed. March 24 at 7:00 pm
Upcoming Meetings:

Monday, February 22, 2021 at 6:30 pm – Planning Board Public Hearing
Public hearing on Article 19 (Subdivision Regulations), Article 20 (Site Development Standards), and sections of Article 25 related to the Planning Board site plan and subdivision application review process.

Wednesday, March 17, 2021 at 4:30 pm – Historic District Commission Public Hearing
Public hearing on Article 21 (Downtown Historic District Regulations), and sections of Article 25 related to the Historic District Certificate of Appropriateness application review process.

Wednesday, March 24, 2021 at 7:00 pm – Planning, Licenses, and Development Committee
The topic of Congregate Living and Social Services License and proposed changes to Chapter 46 of the City Code of Ordinances will be introduced to the Committee at this meeting.

City Council Public Hearing is anticipated to take place at a regularly scheduled meeting in April. Mailed notice of the public hearing date and time will be sent to all property owners in the City of Keene. Such information will be on the City website, and published in the paper.
How to Follow Along from here?

Project Website:  www.keenebuildingbetter.com/ldc

Email:  communitydevelopment@ci.keene.nh.us

Call:  (603) 352-5440

Mail:  3 Washington St, 4th Floor
       Keene, NH 03431
Next Meeting

March 8, 2021 at 6:30 pm (may be cancelled)
MEETING ADJOURNED