



Joint Committee of the Planning Board and Planning, Licenses & Development Committee

AGENDA

Monday, May 13, 2024

6:30 PM

City Hall, 2nd Floor Council Chambers

1. **Roll Call**
2. **Approval of Meeting Minutes** – March 11, 2024
3. **Continued Public Workshop**
 - a. **Ordinance – O-2023-16A** – Relating to permitted uses in the Downtown Core, Downtown Growth, and Commerce Districts. Petitioner, City of Keene Community Development Department, proposes to amend Section 8.3.2 of Article 8 of the Land Development Code (LDC) to add a definition for “Charitable Gaming Facility” and amend Table 8-1, Table 4-1, and Table 5.1.5 to display “Charitable Gaming Facility” as a permitted use in the Downtown Growth District and Commerce District. In addition, the petitioner proposes to amend Section 8.4.2.C.2.a of Article 8 of the LDC to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District.
4. **New Business**
5. **Next Meeting** – Monday, June 10, 2024
6. **Adjourn**

1 City of Keene
2 New Hampshire

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5 JOINT PLANNING BOARD/
6 PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
7 MEETING MINUTES
8

Monday, March 11, 2024

6:30 PM

Council Chambers,
City Hall

Planning Board

Members Present:

Harold Farrington, Chair
Roberta Mastrogiovanni, Vice Chair
Mayor Jay V. Kahn
Councilor Michael Remy
Sarah Vezzani
Armando Rangel
Ryan Clancy
Kenneth Kost
Michael Hoefler, Alternate
Randyn Markelon, Alternate

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair
Philip M. Jones, Vice Chair
Raleigh C. Ormerod
Robert C. Williams
Edward J. Haas

Planning, Licenses &

Development Committee

Members Not Present:

Staff Present:

Jesse Rounds, AICP, Community
Development Director
Evan J. Clements, AICP, Planner

Planning Board

Members Not Present:

Gail Somers, Alternate
Tammy Adams, Alternate

9
10 **I) Roll Call**

11
12 Chair called the meeting to order at 6:30 PM and a roll call was taken.
13

14 **II) Approval of Meeting Minutes – January 8, 2024**

15
16 A motion was made by Councilor Jones that the Joint Committee approve the January 8, 2024
17 meeting minutes. The motion was approved by Councilor Ormerod and was unanimously
18 approved.
19

20 **III) Public Workshops**

- 21
22 a) **Ordinance – O-2023-16A** – Relating to permitted uses in the Downtown Core,
23 Downtown Growth, and Commerce Districts. Petitioner, City of Keene Community
24 Development Department, proposes to amend Section 8.3.2 of Article 8 of the Land
25 Development Code (LDC) to add a definition for “Charitable Gaming Facility” and
26 amend Table 8-1, Table 4-1, and Table 5.1.5 to display “Charitable Gaming

27 **Facility” as a permitted use in the Downtown Growth District and Commerce**
28 **District. In addition, the petitioner proposes to amend Section 8.4.2.C.2.a of Article**
29 **8 of the LDC to remove drive-through uses as a permitted use by Special Exception**
30 **in the Downtown Core District.**

31
32 Community Development Director Jesse Rounds addressed the committee first. Mr. Rounds
33 referred to language staff had proposed for Charitable Gaming Facilities when they came before
34 the committee the last time. The Council felt more needed to be done on this item and hence the
35 reason it is back before Joint Committee tonight. Staff, however, does not feel there is a reason to
36 change the drive thru question but are open to discussion on that item as well. He went on to say
37 at the time this item was proposed staff had suggested that this use only be confined to
38 Downtown Growth and Commerce. The reason for that is Keene already had a casino in
39 Downtown Growth and has had a casino in Commerce in the past.

40
41 Councilor Bosley stated there was a public hearing held on this item and Council also had the
42 opportunity to talk to the lottery commission. She noted there are many licenses involved with
43 this use and many are co-dependent on each other. Some have moratorium placed on them by the
44 state. The Councilor noted the licenses offer different opportunities for these uses to be profitable
45 or not and the experience dictate that these facilities never get smaller. Council was very focused
46 on new potential licensees but what they became aware of is that the City already has a licensee
47 who is operating in the community. Councilor Bosley stated she did not feel there was too much
48 attention given to where a 20,000 square foot gaming facility would operate in Keene. She noted
49 that if another license is never issued by the state there is already a facility in Keene who have
50 expressed an interest in growing. The Councilor stated the direction she would like the Planning
51 Board and staff to consider is what the best zoning for a larger facility such as this as well as the
52 use standards tied to a use such as this.

53
54 Mr. Clancy asked why the Downtown Growth (eastern portion) was allowed in seek an
55 exemption, even though it abuts neighborhoods to locate this type of use. Mr. Rounds stated the
56 idea is because the existing casino is located in Downtown Growth, he felt it would be bad policy
57 to make it a non-conforming use from day one. Downtown Growth is also for growing uses,
58 larger uses and this is going to be a growing use.

59
60 Mayor Kahn clarified an existing use in Downtown Growth will be grandfathered. Mr. Rounds
61 agreed and the City’s regulations allows it to grow as well. The Mayor felt the area the
62 committee could come to some agreement is the commercial zone which has compatible features
63 that can go along with this use.

64
65 Councilor Ormerod stated he was amenable to that suggestion because the Downtown Growth
66 could incorporate many different uses which are more consistent with the Downtown Growth
67 area. He felt charitable gaming facility that expands to fill its space may not be for many within
68 their vision. He left space should be reserved for things that might be within the master plan.
69 Mr. Kost stated the last time this item was discussed the definition of Downtown Growth was
70 referred to – “...*new construction and infill that complement the walkable urban form of Keene’s*
71 *downtown* - the intent of it is to be the next downtown. The commercial area has a lot of empty

72 storefronts, many parking lots that could be built on, there is plenty of room for this type of use.
73 Mr. Kost felt Downtown Growth has huge potential for much higher uses for the City.

74
75 Councilor Haas noted there is also the overlap of the Historic District into Downtown Growth
76 which could further complicate things.

77
78 Councilor Williams stated he is in agreement with everything that has been said and his concern
79 about locating this use in Downtown Growth is because of the conflict with residential uses; no
80 one wants to live next to a casino nor is it good for neighborhood to be in walk distance to a
81 casino which is a good way to create poverty and would have concerns about locating one of
82 these uses in east Keene. He felt along Route 101 or the Target shopping complex might be a
83 better location but would not like to see it in the Downtown Growth District.

84
85 Councilor Bosley stated she too is not comfortable with locating this use in the Downtown
86 Growth district and hearing Mr. Clancy's testimony and having the maps indicate this area abuts
87 residential neighborhoods. The Councilor referred to the area on Optical Avenue in the industrial
88 zone and asked whether there was anything that would prohibit this use from locating in that
89 area. Mr. Rounds stated industrial park is one of the city's limited areas but noted that is the
90 point of this discussion; because of the uses that already exist here it could be difficult but added
91 what is outlined as uses is just a guide. Mr. Clements noted to the uses that are allowed in the
92 industrial district; office as a commercial use, research and development, daycare as institutional,
93 industrial uses, light industrial and data center, open space for conservation, infrastructure such
94 as small, medium and large scale solar and telecom. This area has a four acre minimum zoning,
95 but relatively favorable build out and impervious surface at 25% building coverage and 70%
96 impervious.

97
98 Mr. Clements went on to say the purpose of the industrial park reads as follows: *The Industrial*
99 *Park District is intended to provide for relatively low intensity manufacturing and research and*
100 *development firms that are employee intensive, clean and nature and promote and attractive*
101 *industrial park environment. Service operations and sales activities are excluded from this*
102 *district except for minor sales that may be accessory to the primary use.*

103
104 Mr. Clancy stated while the city is looking at the master plan and zoning as whole it is important
105 to look for this discussion; industrial versus commerce and whether there is a benefit to actually
106 having industrial zones.

107
108 Mr. Kost stated there is a lot of land in commerce that is not used. However, with respect to
109 industrial, if Keene starts to attract more manufacturing and high tech there is not much land
110 with good access available.

111
112 Chair Farrington asked what comparable cities in New Hampshire are doing in positioning these
113 types of uses. Mr. Rounds stated there is not much consistency – some are locating them
114 downtown, some are moving them to the edge (highway based development). Keene has
115 discussed use standards to be able to limit areas which a lot of communities are doing as
116 commerce is peppered throughout the community. He added his concern with the parking lot
117 discussion when you activate those parking lots in the evening and co-locate in an area like

118 Target with a casino on weekends you have a perfect storm of everyone being there all at once.
119 This does not mean a very large parking lot could not handle that type of traffic but felt this is a
120 conflict the committee should think about as they move forward.

121
122 Councilor Jones stated when Mr. Rounds was referring to the commerce activity it reminded him
123 of nodes, village type commercial activity and agreed we don't want this activity in those places.
124 He added he felt those nodes should have its own zoning.

125
126 Ms. Mastrogiovanni stated she agrees in locating these gaming facilities away from
127 neighborhoods and more into commercial areas but not infringing on other commercial uses. She
128 noted however, if there is a 20,000 square foot gaming facility in the city it will bring in a lot of
129 business throughout the city and could be a benefit to the city.

130
131 Chair Bosley in response stated most casino operators don't want their patrons to leave their site
132 and would often have all the uses their patrons need on their own site. She indicated there are
133 some very small nuances the council is just learning about when it comes to casinos and what
134 some of the unintended consequences are when it comes to casinos. She indicated she would be
135 open to staff bringing back a draft with appropriate use standards to keep these out of those
136 pocket commerce nodes or to accompany it with a potential new ordinance that redefines those
137 nodes into their own district. She stated she would also like to see what staff think would be
138 appropriate for use standards for this type of use.

139
140 The Chair invited public comment next. He reminded the public this is not a formal public
141 hearing but a workshop.

142
143 Mr. Peter Hansel of Bradford Road addressed the committee and stated he liked the discussion
144 taking place on this topic tonight. Mr. Hansel stated he likes the idea of looking at all the
145 downtown zones as something special and is not an area where a gaming facility should be
146 located and encouraged moving forward in that direction.

147
148 With no further comment the Chair closed the public hearing

149
150 A motion was made Councilor Remy to continue this public hearing giving time for staff to
151 come back with a draft that aligns with what has been discussed this evening and avoiding the
152 commerce districts that are located in neighborhood nodes as well as use standards for gaming
153 facilities.

154 The motion was seconded by Councilor Jones.

155
156 Councilor Haas stated he would like to emphasize that use standards need to be applied to any
157 new occupancy that is considered in the city.

158
159 Mr. Clancy stated he wanted to hi-lite Councilor Bosley's comment about parking. He stated
160 when we look at parking and the time frame as to how long they stay in a parking spot
161 downtown isn't the best argument in determining proposals or what businesses are allowed. He
162 felt downtown is the heart of this community and people should be allowed to enjoy the

163 community and the city can't dictate how they use their time in the community. He did not feel
164 this use belonged in any downtown zone.

165
166 The motion made by Councilor Remy was unanimously approved.

167
168 **b) Ordinance - O-2024-01 – Relating to amendments to the City of Keene Land**
169 **Development Code – Zoning Regulations – Cottage Court Overlay District**
170 **Conditional Use Permit. Petitioner, City of Keene Community Development**
171 **Department, proposes to amend sections of Chapter 100, the Land Development**
172 **Code (LDC), of the City Code of Ordinances to add a new Article 17 “Cottage Court**
173 **Overlay District Conditional Use Permit”; Amend Article 3 to allow “Dwelling,**
174 **Two-Family,” “Neighborhood Grocery Store,” “Office,” “Restaurant,” “Retail**
175 **Establishment, Light,” “Day Care Center,” and “Community Garden” as allowed**
176 **uses with a Cottage Court Overlay (CCO) conditional use permit in all residential**
177 **districts in Article 3, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, 3.5.5, 3.6.5, 3.7.5, and**
178 **8-1 be updated to reflect this change; Amend Article 3 to allow “Dwelling, Two-**
179 **Family” and “Dwelling, Above Ground Floor” as allowed uses with a CCO**
180 **conditional use permit in the Rural, Residential Preservation, Low Density 1, and**
181 **Low Density districts, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, and 8-1 be updated to**
182 **reflect this change; Amend Article 3 to allow “Dwelling, Multi-Family” as an**
183 **allowed use with a CCO conditional use permit in the Low Density 1 and Low**
184 **Density districts, and that Tables 3.3.5, 3.4.5, and 8-1 be updated to reflect this**
185 **change; Amend Articles 17 through 28 of the Land Development Code, and all**
186 **subsections and references thereto, to reflect the addition of a new Article 17.**
187

188 Mr. Clements addressed the committee and introduced Bill Eubanks who was joining the session
189 virtually.

190
191 Consultant Bill Eubanks addressed the Committee and stated the purpose of this ordinance is to
192 address specific housing needs in the community with emphasis on senior housing and
193 workforce housing. This is being done through an overlay ordinance which would utilize a
194 conditional use permitting process. Mr. Eubanks stated the city completed a housing assessment
195 which indicated that even though the population was shrinking the number of households was
196 increasing; 40% of the population lives alone, there is also large number of displaced workforce;
197 people having to travel to Keene for work. There is also a lot of households that are cost
198 burdened which means 30% of their income is going to housing related costs. This number
199 increased to 39% for seniors and the number for rentals is higher at 43%. The study indicates
200 Keene is going to need new 1,400 new housing units over the next ten years.

201
202 Mr. Eubanks stated the purpose of the ordinance is to promote infill and redevelopment,
203 encourage efficient use of land and to expand the range of housing choices that are available with
204 the changing demographics and provide for flexibility in such a way that it also helps strengthen
205 existing neighborhoods. To encourage development in areas that are already pedestrian scaled,
206 safe and affordable.

207

208 Where will this be applicable? This would generally be any land located within the overlay and
209 would be subject to this article and would be permitted in R, RP, LD, LD-1, MD, HD and HD-1
210 through a conditional use permit.

211
212 There will also be certain non-residential uses that would be permitted. Certain commercial uses
213 will be permitted as long as they are on a corner, as long as they have a maximum of 1,000
214 square feet and they have a residential use above them. Daycare on the ground floor with a
215 maximum of 2,000 square feet and must have a residential use above it. There are also ancillary
216 uses to the residential uses that are allowed, things like laundry buildings, storage buildings,
217 common use buildings, such as kitchens, meeting areas, exercise areas, picnic pavilions, attached
218 or detached garages are also allowed, and they may have a unit above them.

219
220 Mr. Eubanks went on to say projects may be developed on a single parcel of land, either with
221 property management entity if it is rental, or a homeowner's association or condominium
222 association if the product is for sale. It may also be developed as a subdivision with units on
223 individual lots, in which case there would also need to be some type of property management
224 entity or homeowners association or condominium association.

225 When storm water is looked at it will be looked at for the entire development, not individual lots,
226 because of the manner in which they will be clustered. If there are condominium or HOA
227 involved in this, they have to meet all applicable state statutes.

228
229 Dimensional Standards - There is no minimum tract size. The minimum frontage is 30 feet.
230 Perimeter setbacks of buildings can match what exists on either side of them instead of meeting
231 the setback requirements of the underlying zone. There is no minimum lot area. Minimum
232 frontage on internal roads is 26 feet. No minimum or maximum density requirements as well. In
233 lower density residential districts, the requirement would be a maximum height of 2 1/2 stories
234 or 35 feet. The underlying zoning allows two stories and a 35 foot height. In HD and HD one it
235 would be a maximum of three stories or 50 feet. If the building is not located in a flood zone the
236 bottom floor counts as a story. If you are in a flood zone, first floor is measured from base flood
237 elevation plus one foot.

238
239 With respect to perimeter of setback – Mr. Eubanks stated the underlying zoning would more
240 than likely have a 15 foot required setback. However, if there are existing buildings on that street
241 that had setbacks of less than 15 feet, the proposed development would be allowed to match that
242 existing setback instead of having to go back to the 15 feet.

243
244 There is no minimum unit size required, although there is a maximum average square footage of
245 12,150 square feet of a floor area excluding garages. Maximum footprint is 900 square feet per
246 unit, excluding porches and garages unless it is age restricted, then the number is increased to
247 1,000 square feet.

248
249 Parking is a minimum of one space per unit or .75 if it is designated as workforce housing or age
250 restricted housing then it will be a maximum of 1 space per bedroom. Those parking spaces may
251 be surface spaces, in garages or carports. They can also be located off site - 500 feet from the
252 furthest unit unless the housing is designated for age restricted.

253

254 Building separation is simply determined by applicable fire and building codes.
255 Driveways that provide access to three or more units have to be a minimum width of 20 feet and
256 a maximum of 24 feet. Where feasible driveways should incorporate design features that give
257 them the appearance of a street.
258
259 Internal roads have to meet existing city standards, although there is a statement included which
260 states *variation from those standards, if deemed appropriate may be achieved through a waiver*
261 *process as described in Article 23.*
262
263 Screening – From adjacent uses with of semi or opaque fence and also that the Planning Board
264 can approve a landscape buffer that provides similar or greater screening.
265
266 Mr. Eubanks next referred to architectural guidelines. The Planning Board will be responsible for
267 reviewing these projects for their architectural merit. Mr. Eubanks stated they have developed a
268 list of things that would be easier to approve and things that would be more difficult to approve.
269 For example, if you are putting the narrow frontage of the building to the street, that is going to
270 be easier to approve than putting the wide frontage to the street. If your parking is screened from
271 the frontage, that is going to be easier to approve than parking visible from the frontage.
272 Mr. Eubanks referred to images of buildings to illustrate this example.
273
274 Building based differentiated versus building being monolithic – a lot of discretion will be
275 required here. The building needs to be looked at in totality (height, mass, and scale).
276
277 Taller ceiling heights versus shorter ceiling heights – Mr. Eubanks stated they would prefer taller
278 ceiling heights. He stated his firm does a lot multifamily units and one of the reasons for taller
279 ceiling is it is much more gracious which also allows for 3 x 6 windows as a standard instead of
280 3 x5 windows which provides for more natural light ventilation.
281
282 Natural and Integral Materials versus Composite and Cladding – He noted to a rendering where
283 the buildings on the left consisted of brick and wood which are natural and integral materials
284 versus the buildings on the right which are composites and cladding (synthetic stone etc.) which
285 is not something that would be encouraged.
286
287 Structural Expression versus Surface Expression – The rendering for this example showed the
288 images on the left to have some structural expression with open eaves versus the one on the right
289 consisted of stone.
290
291 Thicker wall depth versus Thinner wall depth – Mr. Eubanks noted to the images on the
292 left the windows have some shadow and the images on the right don't have that depth. He noted
293 they prefer the depth and seeing that shadow.
294
295 Simple Clear Massing versus Complex Massing - Whether it is a traditional structure or a more
296 modern structure; masses that are easily readable, clear, concise, are going to be easier to
297 approve.
298

299 Vertical Fenestration versus Horizontal Fenestration – This plays into ceiling height, orientation
300 of the building to the street. Mr. Eubanks stated they prefer vertical fenestration on a building as
301 opposed to horizontal.

302
303 Repetitive Fenestration versus Mixed Fenestration – This again has to do with the overall
304 massing of the building. Repetitive Fenestration tends to read a little bit clearer.

305
306 Contextual Materials versus Unrelated Materials – What would fit in the community.

307
308 Landscape Unifies versus landscape Unorganized – Home on small lots or homes on a common
309 regime and share common open space, landscape can go a long way to make it feel unified.

310 The concluded Mr. Eubanks presentation.

311
312 Mr. Clements addressed the committee and stated staff made a decision in regards to the
313 submittal requirements specific to site plan review. Staff set a threshold of a cottage court
314 development that includes five or more dwelling units, will have to go through full site plan
315 review. Every one of these projects is going to have to come to the Planning Board, but if it is a
316 smaller development, staff is not necessarily looking for instance a traffic study, storm water
317 analysis, comprehensive lighting plan; staff doesn't want to discourage smaller projects by front
318 loading all this unnecessary engineering, site plan review. Mr. Clements asked if this threshold
319 was appropriate or should it be more units that are essentially exempt from full site plan review
320 or should it be fewer? The city would also then have to make sure this matches up with its
321 existing regulations for current more traditional multifamily projects.

322
323 Chair Farrington asked Mr. Eubanks what type of feedback was received from Keene residents
324 and any changes that were made to the original plan based on that. Mr. Eubanks stated they had a
325 good turnout at both public meetings. Everyone was in favor of this idea and were enthusiastic.
326 He stated he could not think of any specific changes that were made.

327
328 Councilor Williams stated he liked everything about this plan – the only item he could think of
329 was the requirement of housing on top of a daycare center. He did not feel this was necessarily
330 compatible; there could be issues with security concerns. There could also be situations where
331 someone might want to turn their house into a daycare center. He stated however, that he likes
332 housing above storefronts. Mr. Eubanks responded by saying the purpose of this overlay is to
333 provide housing and if daycare is allowed it is an addition but it is not at the expense of housing.
334 He added daycare is operated during the day when most residential users will be at work and
335 didn't see a conflict between the two uses. This is an overlay to provide housing. The Councilor
336 added daycare crisis is just as bad as the housing crisis.

337
338 Mr. Clancy asked whether there are any condo development restriction in the City of Keene. Mr.
339 Clements stated the city regulations view it as an ownership model not as a development style.

340
341 Councilor Remy stated he was getting stuck trying to differentiate between this overlay and a
342 manufactured housing park. Maybe a manufactured housing park is a cottage court, but a cottage
343 court isn't necessarily a manufactured housing park. He asked why the city doesn't expand the
344 zones where manufactured housing parks are allowed and what the differentiation is. Mr.

345 Clements stated manufactured housing is actually defined in state statute as being a housing
346 structure that is permanently affixed to a chassis where the dwelling can be hitched up and
347 moved. Currently within the City of Keene you could use a different term “modular home”. It is
348 fundamentally the same thing. However, there is no chassis, and it is permanently affixed to a
349 foundation that is currently allowed by right in the City of Keene. If someone wanted to place a
350 modular dwelling on their lot they would just need to get a building permit. This is the difference
351 between manufactured housing and cottage court.
352

353 Councilor Ormerod stated one thing he has noticed about many neighborhoods in Keene,
354 especially in low density zone is that some lot sizes are pretty small and you really can't build out
355 but can build up but we are limiting it to 2 1/2 stories where three story Victorians are very much
356 in common with the character of the area. He asked hence, under what circumstances could you
357 construct a three-story Victorian. Mr. Eubanks stated he had a lot of conversation with staff on
358 this. He explained the reason they settled on 2.5 stories instead of three stories is because of
359 pushback from existing neighborhoods and felt 2.5 stories could be more palatable. Councilor
360 Ormerod stated he was specifically looking for the Victorian style which could make it attractive
361 to buyers.
362

363 Mayor Kahn noted to section 17.5.2, where it indicates in the high density a maximum height of
364 50 feet would be limited to three stories with parking underneath, potentially being one of those
365 stories. He felt a parking structure doesn't need to be more than 7 feet; ten feet for each story,
366 plus pitched roof – you could easily get four stories and questioned the restriction on height. Mr.
367 Eubanks asked staff to confirm what the high restriction was for HD and HD1. Mr. Clements
368 stated high density has it at two stories above grade and max building height of 35 feet. HD1 has
369 it at three stories above grade and max building height of 50 feet.
370

371 Ms. Vezzani referred to what Councilor Remy stated and noted with the manufactured homes
372 typically in Parks, you don't own the land and clarified with these multifamily homes whether
373 you will own the land or whether it will they be some sort of Association. Mr. Clements stated
374 the City is not limiting ownership models; the entire project could be owned by an entity that
375 rents out the units like an apartment building, but they will all be detached. They could also be
376 townhomes and it is a condo association where you have common land around and you just own
377 the building. He added one of the overarching goals of this proposal is to reduce limitations so
378 that any housing product can be appealing. So that someone can use this overlay guidelines to
379 mold the product that fits into an existing neighborhood.
380

381 With reference to height, Ms. Vezzani stated it was interesting you could have a grade situation
382 where you are parking below and then there could be some living in the rear of the property. She
383 felt reducing those limitations does allow for wider flexibility.
384

385 Councilor Bosley stated there is no language in this ordinance that addresses lots that contain
386 prior structures. If there is a lot with the prior structure on it could it be converted to a cottage
387 court to allow for infill development. She asked how this ordinance address prior structures and
388 new structures; under the site plan review, when you refer to major site plan review and minor
389 site plan review – does it consider the total of structures that someone is adding or a total of
390 structures that will now exist inside the cottage court. She also asked if for instance a 1,500

391 square foot unit already exist on a triple size lot would the existing 1,500 square foot unit be
392 factored into that calculation.

393
394 The Councilor then referred to ownership structures; how can the City restrict these units to be
395 potentially not used as Airbnb's. Council had concern as to how the Airbnb market might have
396 an impact on this type of potential development. She noted what the city is trying to not promote
397 is a cottage court district that is highly densified for the purpose of getting housing turning into a
398 mini hotel situation.

399
400 She added she also had reaction on the list of items that are easier to approve and not so easy to
401 approve; when driving around Keene how some of those things might not really apply here.

402
403 Mr. Eubanks responded to the Councilor and stated with reference to the list it is not a "you
404 shall" "you shall not" sort of list; there is a range of interpretation. It provides guidelines but with
405 a lot of flexibility. The Councilor stated she loves the idea of a list but for instance Natural and
406 Integral Materials are preferred; she stated personally she does not see an issue with these
407 buildings using composite or clad siding as this is not something that would stand out in our
408 community. However, this level of detail might be something that could be for the historic
409 district if this type of development was to be located in the historic district; same would be true
410 for the other items that were also listed.

411
412 Mr. Eubanks agreed and next addressed short-term rentals and stated he completely agrees with
413 what the Councilor raised as a concern and this is something staff and council would also agree
414 to not creating. He went on to say in his opinion however, not addressing short term rentals only
415 for the cottage court overlay instead of the entire city would be a mistake. He felt the City of
416 Keene needs a short-term rental ordinance which would address this concern. However,
417 addressing it only for the cottage court overlay would be a mistake.

418
419 With respect to average unit sizes and prior structures; this is something that would be flushed
420 out through that site plan review. If someone has a house on a lot and wanted to turn it into one
421 unit or divide it into multiple units – this would be part of that site plan review process. If that is
422 a 1,500 square foot structure that is going to remain one unit, then the other units would have to
423 be small enough that you achieve the average. He added this gets back to providing smaller
424 living options than what exists in Keene right now. The main purpose of this ordinance is to
425 provide smaller housing units. Mr. Clements stated it would be very easy to add one word to that
426 1,250 square foot average and say *all new dwelling units in a cottage court overlay shall have*
427 *that average of 1,250 square feet.*

428
429 In regards to the site plan threshold, Mr. Clements felt the existing structures should be counted
430 towards the threshold for site plan review because if you have an existing three family home and
431 then you want to add two more units with the cottage court overlay, there is an intensity that is
432 involved on the lot which should be evaluated in a more comprehensive manner as opposed to a
433 single three family structure on the lot.

434
435 Mr. Rounds added with reference to the short-term rentals – Council has indicated a desire to
436 figure out how to address short term rentals and staff will be back before Council with ideas.

437 However, staff agrees with Mr. Eubanks that any restrictive use with cottage court will
438 negatively affect that overlay and hence would like to apply it to the city as a whole. Mr. Clancy
439 asked what Mayor Kahn had indicated to staff just now. Mr. Rounds stated the Mayor had
440 wanted to know if New Hampshire had any restriction as it pertains to short-term rentals.

441
442 Councilor Bosley stated she agrees with what Mr. Clements had stated and added having the new
443 structures when looking at the average size to count those at 1,250 square feet would make sense
444 and also agreed with the suggestion regarding site plan review.

445
446 Mayor Kahn felt the Wright Estate is an example of something that is being described; a huge
447 structure with buildout without needing to disturb the mansion on the site.

448
449 Mr. Kost felt if vehicles could park parallel on some of the streets it could save on building space
450 but according to this overlay regulations, this is not something that would be permitted. He felt
451 this is something that should be considered. Mr. Clements stated this is good point if this is going
452 to be a public right of way and is something owned by the city. He stated there is no waiver
453 authority in the cottage court overlay for the Planning Board as they wanted to keep it as light as
454 possible and then let the existing site plan regulations dictate which is what the Board is more
455 used to. The city does allow off-site parking, which might be a way to address that, but in
456 regards to keeping it as internal drive aisles, the main thought about that is reducing the amount
457 of impervious surface. If there are more narrow drive aisles, and people start parking on the
458 shoulder, it becomes an emergency access issue.

459
460 Mr. Kost stated these type of housing is great for entry level housing and felt some incentives
461 could be built into it and asked that this is something that is also considered

462 Councilor Remy stated he likes the idea of a list but wasn't sure as a Board how to balance this
463 list. The Councilor asked whether 508 Washington Street would be considered an example of
464 cottage court. Councilor Bosley referred to the development on Green Street – which is a four
465 unit building and stated this is an example of cottage court.

466 Councilor Ormerod stated it is true that short term rentals are an issue for the city, but with
467 cottage court developments which are particularly attractive, and you don't have to tear down or
468 renovate and felt something needs to be included for short term rentals for cottage court because
469 of how attractive they are. He also added when we talk about the short-term rentals that we
470 don't rule out the places for traveling nurses, traveling physicians, etc. who do a lot for our
471 community. He felt the appropriate distinction needs to be made for these traveling
472 professionals.

473
474 Councilor Haas referred to ground floor parking which is ideal for development in flood zones
475 which could open up new areas and felt this should be written into the ordinance. Mr. Eubanks
476 stated this is specifically addressed – parking in flood zones versus parking under a building, not
477 in a flood zone. The Councilor asked whether there are any preferred first floor occupancies the
478 city should be aware of that would attract developers. Mr. Eubanks stated there is nothing
479 specifically stated but it has been left fairly open. They felt what could be strengthening for
480 neighborhoods, are things like a sandwich shop, a coffee shop, which would be compatible with
481 the neighborhood. The Councilor asked with the setbacks requirements, whether zoning
482 requirements are being waived to match up with the existing buildings – he added at times it is

483 nice to have different setbacks which adds a bit of attraction to neighborhoods and also can act as
484 a traffic calming measure. Mr. Eubanks stated he does not disagree with the Councilor but what
485 they are doing here is only allowing the possibility of meeting those existing setbacks – it is not
486 being required, it is a setback line not a built to line. Councilor Haas stated an applicant might
487 want to take full advantage of the least setback possible, but it might be preferable to have the
488 setback, but he leaves that up to staff.

489
490 Mr. Clancy thanked Councilor Haas was raising the issue of setbacks – he indicated we are
491 looking at a time where traffic calming measures are definitely something we should consider
492 and felt that conversation should be open to anyone that is willing to develop one of these. In
493 terms of the short-term rental concern, this concern wasn't raised when ADU's were discussed.
494 He added if the city is going to make this a point of conversation, short term rentals should be a
495 separate item and not something that should delay adoption of cottage court. Cottage courts are
496 important for the city in terms of development of affordable housing or any type of housing.
497 With reference to easier to approve and not easy to approve items, Mr. Clancy stated he
498 appreciates Mr. Eubanks bringing this to the committee's attention. He stated he would like to
499 see this as a separate item as well and applied to the entire city but not just for the cottage court
500 overlay district.

501
502 Councilor Jones asked Mr. Eubank when the City did its land development code, it deleted the
503 use of a private roads and was mostly because Public Works requested it due to the issue of
504 delineating between the public and private roads. However, from a housing perspective, wouldn't
505 it help with the cottage court if it allowed for private roads. Mr. Eubanks stated there are a lot of
506 jurisdictions that prefer private roads because they don't want the additional maintenance. He
507 indicated Keene Public Works did not want private streets. In most jurisdictions, private streets
508 still have to be built to public standards - the conversation that was undertaken with Public
509 Works was talking about differences in some of those standards to accommodate more narrow
510 rights of ways etc. which might be appropriate for this. Public Works was not keen on that idea
511 either, which is why there is language in the ordinance about applying for a waiver.

512
513 Mr. Clements addressed the road standard waiver process. He indicated the Public Works
514 Department views the concept of a waiver from their road standards very differently from what
515 the Planning Board would consider a waiver from their site development standards. What Public
516 Works indicates is that they would be potentially open to negotiating a narrower right of way
517 with a less amount of pavement required but still retaining it as a public street. They were not
518 comfortable with adding any of that language specifically in this ordinance. He added staff's
519 concern is that this injects an element of uncertainty into the development process that staff was
520 hoping to avoid. Mr. Eubanks added the majority of the parcels that are going be used for this
521 will be fairly small. The likelihood of one of these projects needing a new internal public right of
522 way is slim. He stated it will be more in the realm of things that would be considered such as
523 driveways that are not public rights of way. He did not feel this is going to be a problem that is
524 going to come up. Mr. Clements agreed and added the city has a development scheme for that,
525 which is the Conservation Residential Development Subdivision. If there is a parcel of land of
526 sufficient size to put in a new public road it would probably be a better option for everybody
527 involved.

528

529 Mayor Kahn stated we continue to say any parcel using this overlay must have city water and
530 sewer. He stated he wanted to raise this issue again and used the City of Dover where a cottage
531 court overlay exists and a septic field which is shared. He felt the lack of city water and sewer
532 should not prohibit this type of development. Mr. Rounds stated he had done some research on
533 this item – the Dover development is on public water and a couple of units that are on a shared
534 septic, but the majority of it is on a forced main where you have to pump water up to the public
535 system, which is what people saw as a shared septic system. He stated his understanding from
536 talking to Dover was that the full development is on public water and sewer.

537
538 The Mayor clarified it is pumping from the site into the sewer system – Mr. Eubanks stated it is a
539 pump station so it is a sanitary sewer system not a septic system.

540
541 The Clements stated the reason for wanting to tie in this proposal with City utilities is because of
542 feedback from residents that we should be increasing housing opportunities where those services
543 exist. He stated he would be concerned with larger parcels in the rural zone and then basically
544 letting somebody come in and pack them in really tight. That is not really what this proposal was
545 intended for, and one of the ways to limit the location for this kind of development was to tie it
546 with water and sewer.

547
548 Councilor Bosley noted adopting the Land Development Code took years with a lot of public
549 comment. Post adopting the Code the City changed the acreage requirement for the rural zoning
550 district. As part of that, the City also adopted an ordinance that allowed for these Conservation
551 Residential Developments (CRD) and if someone chose a CRD there are mechanisms to
552 significantly increase density and to build those out in a way that protects things like watersheds,
553 wetlands or topographical areas that are not buildable and allows you to densify certain areas that
554 are more appropriate for development on those larger sites. The Councilor noted rural and
555 agriculture are pretty much the only ones that don't have access to City water and sewer. Also,
556 LD-1 has to have sewer and city water or a private well.

557
558 The Councilor went on to say what is being discussed here is major densification potential with
559 no minimums associated which could impact that part of the City negatively (unintended
560 consequence) if you let people run free with no setback or density requirements.

561
562 Mr. Clancy recalls a rural district on Old Walpole Road which has City water and stated he
563 agrees with the Mayor that he could not see a good reasoning for restricting different districts.
564 We are a city in need of housing and could not see this being something that people are going to
565 be clamoring to do. He did not feel the City should restrict a district just because they don't have
566 sewer and water. There are many ways develop and it is up to the developer to decide.

567
568 Ms. Vezzani felt it shouldn't be encouraged but if there was an opportunity for a developer to use
569 a sewer system that made sense for that particular area, could the developer then decide to come
570 with the plan with a variance for that particular development. Mr. Clements stated that was a
571 good point; they could go to the Zoning Board of Adjustment to get a variance from any of the
572 provisions in this ordinance. He added the hardship test would be interesting. He also noted there
573 is nothing preventing a potential developer from extending water and sewer lines to a potential
574 lot at their cost if they choose to do so. Mr. Clements stated that the intent of the Ordinance was

575 to provide lower cost dwelling units and that private wells and septic are expensive and not to
576 say that hooking into City services is not expensive. However, having city utilities is cheaper in
577 the long run than having private well and septic.

578
579 Councilor Remy felt this overlay needs to be restricted to where there is or can be water and
580 sewer. He stated he could not imagine a100 unit development on a 10 acre lot in the middle of
581 nowhere because there is no minimum lot size. He noted the city has a CRD process, which had
582 a lot of thought put into it around protecting land around it and using the density in the right way.

583
584 The Chairman stated there are a number of items that have been discussed with respect to the
585 proposed ordinance: height, number of floors, whether or not daycare was appropriate to have
586 included as one of the commercial items, setbacks, architectural standards, short term rentals to
587 be included or not, how to address existing structures (clarification around that), city water and
588 sewer restricting it to just that area. He stated he would not mind continuing this discussion and
589 asked whether the committee had other areas they would like to discuss.

590
591 Councilor Remy asked what the expected outcome from tonight's meeting is. The Chair stated
592 this is a workshop so the outcome is one of three things: it moves forward and the PLD
593 Committee calls for a public hearing, Planning Board indicates it is consistent with the Master
594 Plan, or the committee continues it to next month.

595
596 Mr. Clements stated at some point it could become an A version and it could come back to this
597 Body, which will delay the adoption by a month.

598
599 Councilor Haas in an effort to expedite this item, the changes being proposed tonight don't seem
600 to be too onerous and asked whether a public hearing could be scheduled through the PLD
601 Committee and move those comments to staff for revision.

602
603 Councilor Bosley in response stated the process of how these ordinances are adopted through
604 Council is very lengthy and it starts and stops in different places. If a public hearing is conducted
605 and there is additional feedback, and the PLD Committee recommends it sends the ordinance
606 back to the Joint Committee, it will have to go to another public hearing. She added every A
607 version and B version gets brought back through a formal public hearing process, and it has to
608 have a first reading and a second reading at full council, and has to go back to the PLD
609 Committee for final recommendation. She added if anyone else has any items that are not the list
610 Chair Farrington outlined they feel very strongly about it could be perhaps voted on to see if
611 there needs to be an A version and suggested that a vote be taken tonight.

612
613 Mr. Clancy stated since the rural district is being included in this, but there is very limited
614 options and there is some concern about perhaps a10 acre parcel being developed with many
615 small units, whether there was any way language could be included to say that a maximum lot
616 size be developed with cottage courts. Take the minimal acreage for a rural district property and
617 include that language and as the maximum for cottage court overlay. He felt cottage court should
618 be permitted anywhere in the city.

619

620 Councilor Bosley noted this is a difficult process because of the way the two Bodies meet at the
621 Joint Committee process. She noted that the two Bodies have very different roles. The Planning
622 Board ultimately is going look at this ordinance and decide if it meets the master plan. It is
623 Council's objective to try to craft language inside this ordinance that they feel will benefit the
624 community as a whole. She indicated she has seen the Joint Committee modify ordinances but it
625 goes to Council and gets lost because Council doesn't support something in it. She stated her
626 concern about the rural district is that this is an item that has come up before and could delete the
627 entire item.

628
629 Mr. Clancy stated he has raised this at a previous Planning Board meeting – he stated the Board
630 is given something that works for what is being proposed and not looking at the entire plan. He
631 stated when he looks at the master plan he sees the need for affordable housing in this
632 community. From the Planning Board perspective, he felt this cottage court overlay district
633 should be open to the entire city to address all forms of housing. He stated he is willing to work
634 with those concerns that the city had when reducing the rural district size and his proposal is not
635 to allow it beyond the minimum lot size for the rural district.

636
637 Councilor Jones stated from what Mr. Clancy and Councilor Bosley have stated, continuing this
638 item would be a much better process and moving it on to a public hearing.

639
640 Councilor Williams stated he agrees with Councilor Bosley with respect to the concerns raised in
641 the past with the rural district. He added there was much public input when the lot size was
642 increased in the rural district and would be concerned about adding this type of density to the
643 rural district.

644
645 Mr. Kost stated anything to not make this a longer process would be helpful.

646
647 Mr. Eubanks stated he hears the concerns being raised and felt some of these things, such as
648 wanting to locate this where there is septic or locate it in a rural district might not be something
649 that comes up a lot. He stated he would hate to see this item getting tabled for a circumstance
650 that might never happen. He felt ordinances can always be amended, he felt it was good to keep
651 this momentum moving forward as there are developers waiting on this to happen. If it gets
652 delayed as the city's consultant he was not exactly sure what path the city would want him to go
653 as far as changes. He suggest Section 17.5.3, C. to add the word *building and fire code*.

654
655 Section 17.5.3, A add the word *new* in front of *units*, then let this move forward and if the city
656 finds out there are developers in the rural area that are on septic who are interested in this – the
657 city looks at maybe revising the ordinance.

658
659 Councilor Ormerod felt delaying one more month would be better rather than delaying it by four
660 months by going through the entire cycle and coming back. He stated he appreciated the
661 Chairman's list.

662
663 Councilor Remy asked the Chairman to review his list again: Height of the building and number
664 of floors restriction. Councilor Remy asked what the discussion about height was. The Chair
665 stated the Mayor suggested we might be able to include another floor.

666
667 Daycare as something that would be one of the permitted commercial uses with residential above
668 it. Councilor Williams clarified this item was in reference to whether housing should be required
669 above daycare uses.

670
671 Councilor Remy asked the Mayor if he would be amendable to voting on this as is and go back
672 and adding a floor. The Mayor stated the change is clear enough to be voted on tonight. He felt it
673 would be big deal to a developer to be able to put parking underneath and still put three floors
674 above – but did not feel it was a huge change in this ordinance.

675
676 Chair Bosley stated from what she has heard the City Attorney say in the past, at some point
677 when you make enough changes and they are substantial enough it automatically creates an A
678 version and the process needs to restart. Mr. Rounds stated his recollection of an A version is
679 that if there are concrete changes, continue the meeting and staff comes back to the next meeting
680 with those changes for the A version, then the process continues as the A version.

681
682 The next time on the list was Setbacks – Councilor Haas clarified the concern was whether to
683 follow the existing zoning requirements. Councilor Remy asked whether this can be voted on as
684 is and changes made later is necessary. Councilor Haas responded that the setback was not a deal
685 breaker for him.

686
687 Next item on the list is architectural standards – Councilor Remy stated this was an issue he
688 raised; he does not like the lists but it is not a roadblock for him. He rather just have a “good” or
689 a “bad” list. Ms. Markelon asked whether this list is something the Planning Board would use for
690 approval or whether it is something the developer would use. Mr. Clements stated they are just
691 guidelines; not hard yes’s or hard no’s’, but ultimately an element of the product that is going to
692 come before the Planning Board is whether this design would fit in within neighborhood
693 character. The list is designed to guide a developer to use things that promote a harmonious
694 citing into a neighborhood. If they choose to not do that and you choose to go outside of
695 neighborhood character, they may receive opposition from the neighborhood itself. They may
696 receive opposition from individual Planning Board members who want a more traditional New
697 England style as opposed to something more dramatic. Those lists are a guidance to a developer.
698 Ms. Markelon stated this is where she is stuck on – the list is for the developer while the Board
699 has its own guidelines. Mr. Clements stated there will be some give and take between the
700 developer and the Board when it comes to what is included in this list.

701
702 Mr. Eubanks stated it is really important to note that this list is a general guidance to the
703 developer of things he needs to be thinking about before he/she goes to the Planning Board. They
704 could ignore everything on the list and come up with a great building but the Board still has total
705 authority to make a ruling on this based on how they feel about it and if it fits the context or not.
706 He added this list works in the City of Charleston, South Carolina.

707
708 Mr. Hoefler stated personally he does not have a concern with the architectural guidelines as
709 presented, although he may express concern about wall depth. He felt on the whole having the
710 concept of having some leeway back and forth is a good thing and felt the item should be moved
711 forward, should everyone agree to do so.

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Next item on the list was short term rentals – The Chair stated it was agreed this would be a citywide issue not just pertaining to this ordinance.

The next item – existing structure or unit on a lot – The Chair noted inserting the word “new” was going to be solution proposed and same was true with inserting the word building in the building and fire code sentence.

The next is whether city water and sewer would be a requirement for this project.

A motion was made by Councilor Remy that the Planning Board finds Ordinance O-2024-01 – adjusted for the two scrivener errors to add “building” in Section 17. 5.3 and add “new” in Section 17.5.3A in the appropriate locations consistent with the master plan. The motion was seconded Kenneth Kost.

Councilor Tobin asked with respect to building and fire code, is this something that would be maintained if it is a managed property. Chair Farrington stated the Planning Board would address the proposal and approve it or not approve it based on that language. Once it is built, the city has an enforcement department that would address those concerns. The Councilor asked if there is opportunity to include this language. Councilor Bosley stated similar to the Airbnb conversation, what needs to be discussed here tonight is the language inside the ordinance. The city has its own language for enforcement, and Council is working on that. She indicated staff is working on different housing standards in different areas in the land development code where those standards live and what the enforcement mechanisms are. Things outside of this ordinance need to get worked on for the whole city and not just for this one particular item. She indicated Councilor Tobin’s points are well taken and staff is aware of some issues that Council will like worked on.

Councilor Ormerod noted the proposed motion does not include items from the Chairman’s list, and would like to propose a way to deal with that. He indicated if it is amenable to Mayor Kahn on the height – it could be a citywide issue and could be beyond the scope of what we are trying to accomplish tonight.

With no further comments, the Chair closed the public hearing.

The Mayor stated he would like to direct people to the map and notice how much of that map is in the light yellow and yellow are areas without water and sewer and hence cuts out a lot of territory in the city. He reiterated he wants to see this go forward but to note that there are significant territories in the city not being able to take advantage of the density this ordinance is proposing. He felt this is an item that needs to be reconsidered.

The motion made by Councilor Remy was approved 6-2 by the Planning Board.

A motion was made by Councilor Jones that the Planning Licenses and Development Committee request the Mayor set a public hearing for Ordinance O-2024-01. The motion was seconded by Councilor Williams and was unanimously approved.

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IV) New Business

- Councilor Jones noted the three commercial nodes previously noted. They are all in West Keene:
- (1) Upper Court Street where the American Legion, Dunkin Donuts and Savings Bank of Walpole are located
 - (2) Where Summit Road and Park Avenue fork off next to the Irving station, Laundromat, and a Chinese restaurant etc.
 - (3) Lower down on Park Avenue where Jack’s True Value hardware and Park Market Avenue Deli

He noted the new Licensing Board that was approved last year has the potential to approve certain things that could go into those areas. He suggested in the future looking at delineating those commercial areas.

V) Next Meeting

There being no further business, Chair Farrington adjourned the meeting at 9:08 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Evan J. Clements, AICP, Planner
Jesse Rounds, Community Development Director

1 **City of Keene**
2 **New Hampshire**

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4
5 **JOINT PLANNING BOARD/**
6 **PLANNING, LICENSES AND DEVELOPMENT COMMITTEE**
7 **MEETING MINUTES**
8

Monday, April 8, 2024

6:30 PM

**Council Chambers,
City Hall**

Planning Board

Members Present:

Harold Farrington, Chair
Armando Rangel
Ryan Clancy
Kenneth Kost
Randyn Markelon, Alternate

Planning Board

Members Not Present:

Roberta Mastrogiovanni, Vice Chair
Mayor Jay V. Kahn
Councilor Michael Remy
Emily Lavigne-Bernier
Gail Somers, Alternate
Tammy Adams, Alternate

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair
Philip M. Jones, Vice Chair

Planning, Licenses &

Development Committee

Members Not Present:

Robert C. Williams
Edward J. Haas

Staff Present:

Evan J. Clements, Planner

9
10 The meeting was canceled due to lack of quorum.

11
12 Respectfully submitted by,
13 Krishni Pahl, Minute Taker

14
15 Reviewed and edited by,
16 Evan J. Clements, AICP
17 Planner

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee
From: Jesse Rounds, Community Development Director
Date: May 6, 2024
Subject: O-2024-16-A Relating to Charitable Gaming Facilities

Background

At the March 11, 2024, Joint Planning Board and PLD Committee meeting, the Committee held a public workshop on ordinance O-2024-16-A and discussed potential revisions to the ordinance, which are summarized below:

- Removing “Charitable Gaming Facility” as an allowed use from the Downtown Growth District: There was general consensus that this use should not be allowed in the Downtown Growth District, which is intended to be an extension of Keene’s walkable and historic downtown area, because it does not fit with the intent of this district.
- Prohibit Charitable Gaming Facility uses adjacent to residential zoning districts and uses: There was consensus that this use is incompatible with residential uses and should be separated from them.
- Prohibit Charitable Gaming Facility uses in neighborhood nodes: The Committee discussed excluding this use from pockets of land zoned “Commerce” in otherwise residentially zoned areas (called “neighborhood nodes” in the future land use map).

The Committee asked staff to propose use standards for Charitable Gaming Facility uses and to revise the zoning districts where this use would be allowed to reflect the Committee’s discussion. Included below are proposed use standards for the Committee to consider.

Proposed Use Standards for Charitable Gaming Facilities

- a. Charitable Gaming Facilities, as defined, are permitted in the following areas of the Commerce District:
 - i. Land with frontage on West Street. The principal entrance of such businesses shall face West Street or be in a plaza where the storefront faces the parking areas that have a common boundary with West Street.
 - ii. Land with frontage on Winchester Street south of Island Street and north of Cornwell Drive. The storefront of such a business shall face Winchester Street or be in a plaza where the storefront faces the parking areas that have a common boundary with Winchester Street.
 - iii. Land with frontage on Ashbrook Road.
- b. Only one Charitable Gaming Facility shall be permitted per lot.

- c. All Charitable Gaming Facilities shall be subject to the following distance requirements, measured in a straight line, without regard to intervening structures from the property line of any site, to the closest exterior wall of the Charitable Gaming Facility.
 - i. No Charitable Gaming Facility shall be located within 500 feet of another Charitable Gaming Facility either existing or for which a building permit has been applied.
 - ii. No Charitable Gaming Facility shall be permitted within 500 feet of any place of worship, child daycare center, or public or private school.
 - iii. No Charitable Gaming Facility shall be permitted within 500 feet of any Single-Family or Two-Family dwelling.
 - iv. No Charitable Gaming Facility shall be located directly adjacent to a residential zoning district.

- d. Minimum Square Footage. The gaming floor of the facility, defined as the area within a gaming location authorized by the State of New Hampshire, shall have a minimum area of 20,000 square feet. The gaming floor does not include areas used for accounting, maintenance, surveillance, security, administrative offices, storage, cash or cash counting, and records.

- e. Parking and traffic.
 - o Parking lot design shall incorporate bus parking and bus loading zones.
 - o Commercial loading zones shall be screened from public rights-of-way and abutting residential properties in accordance with Section 9.4.4 of this LDC.
 - o A traffic study shall be required and must include the expectation of bus traffic.
 - o Bus and truck parking is required to be screened from the public right-of-way and any abutting residential properties in accordance with Section 9.4.4 of this LDC.
 - o Off-street parking shall be provided at a ratio of not less than .75 parking spaces for each gaming position. All parking shall comply with all parking requirements and standards of the Land Development Code.
 - o Two percent of required parking spaces shall be equipped with electric vehicle charging stations.