

**City of Keene**  
**New Hampshire**

**PLANNING, LICENSES AND DEVELOPMENT COMMITTEE**  
**MEETING MINUTES**

**Wednesday, April 12, 2017**

**7:00 PM**

**Council Chambers A**

**Members Present:**

David C. Richards, Chair  
Philip M. Jones, Vice-Chair  
Bart K. Sapeta  
Robert B. Sutherland

**Members Not Present:**

George S. Hansel

**Staff Present:**

John Rogers, Acting Health & Code Director  
Med Kopczynski, City Manager  
Kurt Blomquist, Public Works Director  
Tom Mullins, City Attorney  
Rhett Lamb, ACM/Planning Director  
Steve Russo, Keene Police Chief  
Mark Howard, Fire Chief  
Jack Wozmak, Airport Manager  
Tom Mullins, City Attorney  
Beth Fox, ACM/HR Director

**Other Councilors Present**

Terry Clark  
Carl Jacobs  
Bettina Chadbourne  
Jan Manwaring  
Robert O'Connor

Chair Richards called the meeting to order at 7:00 PM.

**1) Request to Use City Property – 2017 Fire Prevention Parade – Fire Department**

Fire Chief, Mark Howard addressed the request for the annual Fire Prevention Parade including use 350 Marlboro Street noting there are no changes from last year. Chief Howard stated the parade will start at 1:00 PM, on Sunday, October 8, 2017.

There being no comments from the public or the Committee, Chair Richards asked for a motion.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Fire Department be granted permission to use City property for the 2017 Annual Fire Prevention Parade to be held on Sunday, October 8, 2017.

**2) Anthony & Fenella Levick - Granite Roots Brewery - Request to Sell Beer at Farmer's Market**

Anthony Levick, of 545 West Hill Road, Troy addressed the request. Mr. Levick noted the State Liquor Commission has been informed of their request to sell beer at various Farmers Markets in New Hampshire in 2017. He also advised that Mooselick Brewery has been forced to change their name to "Granite Roots" by a Canadian Beer Company called "Moosehead" which trademarked the word "MOOSE" in Canada and the USA. He noted they are undergoing a forced rebrand at the moment that will be completed by mid-April 2017. The State Liquor Commission is aware of the situation and has allowed them to continue to do business. They successfully changed their name to Granite Roots with the Secretary of State earlier this year. Mr. Levick indicated he would not be going through the process to give away samples.

In response to Chair Richards the City Manager, Medard Kopczynski indicated that all City requirements had been met.

Chair Richards asked for Committee questions or comments.

Councilor Sutherland noted permission was granted last year and clarified this is only a name change. Mr. Levick replied in the affirmative.

Councilor Jones referred to SB-306 which now allows sampling at the Farmer's Market. Mr. Levick reiterated his intent to not apply for that permission.

There being no further comments from the public or the Committee, Chair Richards asked for a motion.

Councilor Sapeta made the following motion, which was seconded by Chair Richards.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Granite Roots Brewery be granted permission to sell alcohol at the 2017 Keene Farmer's Market on City property licensed to the Farmer's Market of Keene and to allow samples to be provided to patrons. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer's Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws, including the requirements of NH RSA 179:44 II-a.

### **3) Kevin Watterson - Keene Swamp Bats - Request to Discharge Fireworks**

Kevin Watterson, of 10 Westview Avenue addressed the request noting this is the 20<sup>th</sup> year. Mr. Watterson noted no changes from last year and provided the dates of June 17<sup>th</sup> and July 3, 2017. Mr. Watterson reported the events would take place at Keene's Alumni Field on Arch Street, immediately following the regularly scheduled Swamp Bat games on those nights, at approximately 9:45 PM.

The City Manager deferred to Fire Chief Howard to address the City's requirements. Chief Howard reported once the company discharging the fireworks obtains their State Fireworks Permit, they would apply to the Fire Department for the local permit to discharge fireworks.

Chair Richards asked for Committee questions or comments.

Councilor Jones noted it was the Swamp Bats that stepped up to do the fireworks as a local event when the Kiwanis could no longer do it. Councilor Jones thanked the Swamp Bats for stepping up.

There being no further comments from the public or the Committee, Chair Richards asked for a motion.

Councilor Sutherland made the following motion which was seconded by Councilor Sapeta.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Keene Swamp Bats be granted permission for the discharge of display fireworks on the following dates: Saturday, June 17<sup>th</sup> and Monday, July 3<sup>rd</sup> 2017 on Alumni Field at no later than 10:00 PM subject to the customary licensing requirements of the City Council; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a Class B fireworks permit for each display date. In addition, the petitioner agrees to comply with all recommendations of the Keene Fire Department and the Keene Police Department. This permission is conditional upon the Petitioner absorbing the charges for any City services provided for the June 17<sup>th</sup> display. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 17 Community Events Budget for the July 3<sup>rd</sup> display. Said payments shall be made within 30-days of the date of invoicing.

**4) Tim Zinn - Let It Shine - Request to Use City Property - "Keene Pumpkin Festival Brought to You by the Children of SAU 29"**

Tim Zinn, of 43 Grove Street on behalf of Let It Shine (LIS), addressed the proposal for Sunday, October 29, 2017 for an event they are proud to call: "Keene Pumpkin Festival brought to you by the children of SAU 29." Mr. Zinn thanked Superintendent Malay for his support. While this proposed event is much smaller in scale, they are convinced that the message this pumpkin festival provides might be one of its most profound. This event will be focused on the children of SAU 29, their unique wisdom and perspective, and the simple joy of carving pumpkins.

By voluntarily limiting the size of this Festival to the school system, Mr. Zinn remarked that they believe this event provides many opportunities for healing, collaboration, and celebration. Indeed, some Councilors suggested in 2015 that LIS consider this very approach. Their estimated number of pumpkins totals around 5,000 and requires a footprint limited to only Central Square and Railroad Square. They would like to open this event to the public between the hours of 12:00 PM and 8:00 PM. They do not anticipate the need for shutting down any streets. They have opted to not include vendors in this year's event in order to keep the theme focused on children, smiles, and "pure pumpkins."

Mr. Zinn continued that they are encouraged by the many improvements in Off Campus College student accountability and a continued effort at culture change among Keene State College students. They are convinced that many students will see this as an opportunity to live the words "Wisdom to make a difference."

Mr. Zinn continued that he was looking forward to communicating their vision for this Festival and the unique opportunity to work together in a spirit of collaboration as an example to our community and beyond. Mr. Zinn read the following into the record:

*Let It Shine is excited to offer this proposal to celebrate the Children in our community and once again bring smiles and pumpkins to downtown Keene!*

*We are convinced that out of the challenges of 2014/15 comes an opportunity to work in collaboration to do anything we set our minds to. We have a unique opportunity to show the world and more importantly, our children, that nothing is impossible when people work together towards a common good.*

*We are proud to propose for the fall of this year: “Keene Pumpkin Festival brought to you by the Children of SAU29!” We would like to thank SAU29 and Superintendent Malay for seeing the potential in this event to do something amazing together for the community.*

*Our proposal offers a controlled number of pumpkins estimated to be around 5000. These will be provided to the school system and staff. Our requested footprint will be Central Square and Railroad Square. We do not anticipate the need to close any streets. In order to simplify and stay focused on our message of kids, smiles, and pure pumpkins, we have opted to not include vendors at this year’s event. This event will not be marketed as a full scale Guinness Festival. Every Pumpkin Festival in its 24 year history in downtown Keene has been special in its own right. If you’re your like me, maybe it was memories of when you carved pumpkins with your two little girls at Wheelock school in the early years. Maybe it was that sense of pride when we held the first world record for the most jack-o- lanterns lit in one place. Maybe it was when you were moving your youngest daughter into her first apartment during one pumpkin Festival. Or bumping into your oldest daughter home from grad school in 2014 and still excited to be experiencing Pumpkins in downtown Keene.*

*This event can be just as special. It will be all about healing, teamwork, collaboration, community spirit, and inspiration. We are convinced that the children of SAU29 will provide amazing insight and wisdom around those themes.*

*We are encouraged by the sincere efforts towards student accountability and culture change within Keene State College. Those efforts are showing up as real change in neighborhoods like mine. Citizens on the East side of Keene need to educate themselves about these improvements. The creation of an off campus conduct policy under President Huot’s leadership has clearly created improvement in off campus behaviors. Cross communication and collaboration between city entities (police, fire, code) and the college is another area of improvement. An off campus orientation program raises the bar of expectations. I was honored to be given a chance to participate in the video interviews for a resident’s perspective in that program.*

*Let It Shine has reached out to Keene State College to collaborate on ways to celebrate their improved culture and student population. Our door remains open to work with the college and their students. LIS is convinced that KSC students are hungry for this opportunity to live their motto “Wisdom to make a difference”. The vast majority of them are responsible, hard working*

*citizens.*

*These aren't just any students; they are "Keene" State College students. As a community, we can and should, work together to inspire them to shine the brightest of everyone at this event. We think this could be the hidden gem in our proposal.*

*Our modest proposal meets suggestions made by councilors and others in 2015 to take a break create time to reflect, and perhaps come back with a smaller festival. Combined with lessons learned from 2014, and college improvements, we feel this proposal represents a fresh perspective for all concerned.*

*Boston, Massachusetts; Highwood, Illinois; Newtown, Connecticut; Laconia, New Hampshire; Swanzey, New Hampshire. Our City and our Pumpkin Festival has shown a magic that has changed lives and inspired people across the globe. If it has helped to heal tragically wounded hearts in Newtown Ct., it can certainly help to motivate and inspire students in a college with a beautiful message like "Wisdom to make a difference".*

*There are times as parents when we question if we are handing off a world to our children that is moving forwards or backwards. 2014 was a year full of those questions, locally, nationally and globally.*

*While smaller in scale, our Pumpkin Festival once again has the opportunity to send a powerfully positive message to our children, college students, Community, region, and beyond. We are excited to work with the City of Keene and celebrate the possibilities together.*

***Bullet Points:***

- *Kids, Smiles, "Pure Pumpkins"*
- *Controlled Marketing*
- *Estimated Attendance? 10-15K*
- *Pure focus, no vendors no fundraising, No streets closed.*
- *No vendors should mean quicker flow and dispersal. Encourages downtown business patronage.*
- *Sunday date helps minimize outside attendance problems and other colleges involvement.*
- *We are the last Pumpkin Festival In the region by design.*
- *Limited Footprint*
- *Downtown merchant support signatures 23, verbal 4*
- *Voluntarily Max 5000 Pumpkins*
- *Life lessons in accountability, persistence, teamwork, communication.*
- *Pumpkin Festival is too special an event to let slip away. 24 yrs., thousands of volunteers, countless lives touched and smiles created across the world.*

***Lessons Learned Security:***

- *Anonymity is no longer an option.*
- *Accountability for off campus behavior now has severe repercussions.*

- *Proactive use of the no guest policy at KSC. Their own students have expressed need for this.*
- *Predictability at hot spots.*
- *Proactive enforcement of assembly ordinances. No longer allow gatherings to reach critical mass.*
- *Accountability for problem Outsiders and those that host them. Prosecute to the full extent of the law.*
- *Grass roots effort needed among college students.*

Chair Richards referred to the prepared motion for more time to allow protocol meetings to be held; he also asked the City Manager if he had anything to add. The City Manager indicated the Chair could take several different actions; he also advised the purpose of the protocol meetings was to obtain more information.

Chair Richards agreed the protocol meeting is the correct approach. Chair Richards referred to last year's Fall Festival (held on KSC's Parents Weekend) and asked if this event should be tied in with that. He also asked do we want the name Pumpkin Festival again pointing out the trouble resulting from social media. Chair Richards suggested putting this underneath the Fall Festival may eliminate that issue. Chair Richards also noted his agreement with a smaller event as noted by Mr. Zinn. Chair Richards is also in favor of tying it to the SAU 29.

Chair Richards asked for Committee questions or comments.

Councilor Jones thanked Mr. Zinn for his presentation and noted he thinks the smaller version is what the City is looking for. He added people do miss the Pumpkin Festival. Councilor Jones also noted his concern for the social media aspect suggesting the issue was not so much the KSC students. Councilor Jones noted this is something the City cannot control and he is not looking for answers to this tonight. He does expect this will be addressed in the protocol meetings. Councilor Jones also thanked Mr. Zinn for his efforts noting he looks forward to seeing this when it comes back to Committee.

Councilor Sapeta noted he has been a Keene resident for nine years; his children grew up with the Pumpkin Festival and they miss it. Councilor Sapeta also commended Mr. Zinn for Let It Shine's collaboration efforts and recommended Let It Shine also work with the College/City Commission towards this endeavor. Councilor Sapeta echoed Councilor Jones' comments in appreciation of Mr. Zinn's efforts.

Councilor Sutherland thanked Mr. Zinn for bringing back the idea and noted his hopes that this is a brainstorming position at this point. Councilor Sutherland's noted his concern with the footprint; specifically the foot traffic going from Central Square down to Railroad Square and not shutting down any roads. He suggested Gilbo Avenue might be a good place to contain this with regards to traffic and the safety of the children. Councilor Sutherland also commented people tend to forget the tremendous impact the Pumpkin Festival had on the non-profits in the City. He noted the setback they have all had with the loss of the Pumpkin Festival. Noting the

importance of the venue, Councilor Sapeta also addressed the containment issue and suggested the area from Railroad Square to the bike path.

There being no further Committee questions or comments, Chair Richards asked for public comments.

Bettina Chadbourne, Councilor at Large echoed Councilor Sutherland's concern noting she would like to hear comments from Public Works and the Police Department.

Carl Jacobs, Ward 2 Councilor agreed with the organization's efforts to keep the good and leave the problems behind. Councilor Jacobs noted two things that require more information. First is the nature of the collaboration between SAU 29 and the City. Second is the organization's budget. Councilor Jacobs noted no income is shown in the proposal submitted and asked Mr. Zinn how they expect to pay for the event. Mr. Zinn clarified Let It Shine is a non-profit so they will be looking to raise the funds. Chair Richards asked Mr. Zinn how much they reached out to SAU 29. Mr. Zinn replied they reached out to Robert Malay, the Superintendent who presented the idea to the Principals. Mr. Zinn noted currently eight or nine schools have agreed to participate. The City Manager pointed out these questions would be answered at the protocol meetings.

There being no further comments from the public or the Committee, Chair Richards asked for a motion.

Councilor Jones made the following motion which was seconded by Councilor Sapeta.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the request from Let It Shine to use downtown City rights-of-way for a fall 2017 event be placed on more time to allow City staff to hold a series of protocol meetings with the petitioner.

**5) Request to Use City Property - Dillant-Hopkins Airport - New England Aerobatics Club (NEAC)**

Weston Liu, of Brookline, New Hampshire addressed the annual request by noting he and the NEAC are requesting the renewal of the airport license with the City for 2017. Mr. Liu continued they would like to be able to visit Keene on six Saturdays in 2017. They hope to be able to schedule the first Keene practice flying day of 2017 in May. Mr. Liu distributed a photo of the flying area noting there are no changes in the flightpath from last year. Mr. Liu noted the club has been practicing at the Airport since 2007. Mr. Liu noted their participants support the airport with their gas purchases and their dining at the airport restaurant.

Chair Richards asked for Committee questions or comments.

Councilor Sapeta asked Mr. Liu how many flights can be expected on those days. Mr. Liu replied approximately 14 to 15 per Saturday dependent on the weather.

Councilor Jones commented on the things the club did last year to accommodate local residents; he asked if those same conditions were still in effect. Mr. Liu replied in the affirmative.

Councilor Sutherland noted a number of complaints were received in prior years, but none were heard this year. In response to Councilor Sutherland, the City Manager confirmed he is unaware of any complaints being made.

There being no further Committee questions Chair Richards asked for public comments.

Mark Meess, of 59 Greenwood Avenue suggested this is an activity that does not benefit the citizens of this city. Mr. Meess commented eight hours of continuous overhead noise is too much for some and they find themselves leaving town for the day. Mr. Meess recommended a decrease in the number of flights from the previous year. Mr. Meess reported he noticed no improvements in sound levels between last year and previous years. Mr. Meess pointed out clearing of the pines took place this year and this will affect the sounds of the planes landing and taking off. Mr. Meess also commented the neighborhood has heard nothing about the mitigation that was supposed to take place after the tree clearing. Mr. Meess provided the following suggestions for improving the quality of life for the residents near the Airport:

1. Reduce the number of sessions.
2. No sessions to be held on holidays.
3. Provide at least 30 days advance notice to residents so they can make alternate plans on those dates.
4. Ask the club to provide a list of public attendees and where they come from to determine if there is a true benefit to the community.

Mr. Meess noted he sent his comments and suggestion in an email he sent to all of the City Councilors.

Terry Clark, Ward 3 Councilor, stated he was present representing the residents of the Edgewood area and noted it has been many years since the residents of Keene had any practical use of the Airport for travel, etc. He added the model of the Airport has very little to do with the citizens of Keene. Councilor Clark addressed the Airport's funding sources; he added the residents around the Airport are sort of held hostage by these business ventures that raise money to support the Airport. He suggested much of what goes on at the Airport is a nuisance to the surrounding residents in Keene and Swanzey as well. Councilor Clark indicated the residents are put through great hardships with these events. He feels we have put the residents through enough, noting we accept Federal grants without informing the public as to the strings attached with accepting the funds. Councilor Clark suggested it is time to start thinking about regionalizing the Airport or doing something else. Noting this is not something the neighborhoods enjoys or deserves; Councilor Clark suggested the Committee not recommend a license.

Bettina Chadbourne, Councilor at Large reported that Tracy Keating was unable to attend this meeting. Councilor Chadbourne encouraged Councilors to attend this event before they pass judgement on it. Noting she has attended these events in the past, the Councilor gave assurance the noise levels are not so loud. Councilor Chadbourne feels this group has worked very hard to



accommodate the residents in this area such as increasing the “box” another 1500 feet, starting later in the day and concluding earlier. She added the actual demonstrations further away from the neighborhoods, and not including any rain dates. Continuing, Councilor Chadbourne referred to the request for six dates noting only five are in the recommended motion. Last year five dates were approved (no rain dates) and due to weather conditions they only flew three times. Councilor Chadbourne thinks it is shortsighted to see this as just a nuisance. Councilor Chadbourne noted this is an event that brings exposure to the Airport and is attended by local people. She also feels this is an economic benefit to the area and remember this is a bigger community with many people with differing interests.

Robert O’Connor, Ward 4 Councilor expressed his favor for this as a family friendly, community event. The Councilor also acknowledged the compromises that have been to accommodate the neighborhood.

Councilor Sutherland commented as with any other issue in the City, you will see people on both sides. Continuing, he suggested it would be beneficial to some if perhaps there was a head count to show the economic impact. Councilor Sutherland suggested this may be one of the issues where there has to be some give and take; with everyone trying to get along.

Noting he has participated in this event in the past, Councilor Sapeta asked Mr. Wozmak if he could provide the numbers for flights in and out of the Airport on any given day. Mr. Wozmak explained estimates guidelines provided by the FAA are used based on the number of planes there. He reported this computes to about 28,000 operations per year. Mr. Wozmak went on to explain the hangar rentals and operations at the Airport. Mr. Wozmak noted on weekends he generally gets between six and 12 notifications of flight plans. He also noted not everyone is required to file a flight plan.

Mr. Wozmak also explained the safety procedures put in place during this event including radio communication and aviation frequency coordination. In response to Councilor Sapeta’s request for specificity, Mr. Wozmak cited this past Sunday as an example; fifteen planes flew in to have breakfast. Councilor Sapeta referred to the daily jet noise and asked if this event was a comparable situation. Due to the propulsion, Mr. Wozmak suggested the jets would have a higher level of noise; he also suggested the difference might be in the duration of the noise. Councilor Sapeta said he wonders if there should be a notification to the public a few weeks in advance. Mr. Liu explained this is officially not an Air Show and the FAA rules prevent the club from actually inviting people. Mr. Liu continued they treat the activity as a sport (as does the FAA) for the benefit of the local Airport and participants. Mr. Wozmak agreed with Mr. Liu, noting he put a notice in the newspaper regarding aircraft operations for public informational purposes. Mr. Wozmak indicated he could work with the appropriate parties to accomplish this again in 2017.

Mark Meess, of 59 Greenwood Avenue asked if there was any way the Committee could request the flyers not come on holiday weekends. The Chair responded that the Committee could make any recommendations they deemed appropriate. Mr. Meess reiterated his concerns provided earlier. Mr. Sutherland indicated the dates are more driven by weather.

Councilor Chadbourne addressed Councilor Sapeta's question regarding the noise by explaining the accommodation made last year of raising the box to 1,500 feet and moving the demonstrations further away. She also made reference to material presented by Councilor Jones last year regarding the noise decibels. Councilor Chadbourne also made reference to a noise study conducted prior to the trees being cut.

Councilor Clark asked what economic benefit this event is to the Airport. Councilor Clark reiterated they really need to look at the Airport and talk with Swanzy about a regional focus and regional funding. Councilor Clark also asked what the club is required to pay for using the Airport. Mr. Wozmak noted the Airport produces about a half million dollars in annual revenue, it spends more than that, but the airport is part of the infrastructure of the community.

Mark Meess, of 59 Greenwood Avenue addressed the noise decibel study for the affected houses and noted there would be a change of about six decibels; he suggested this is about a fifty percent increase in sound in one particular area.

Councilor Clark again asked if the Aerobatic Club is paying the City of Keene for using the Airport. Chair Richards replied in the negative. Mr. Liu added the FAA rules on airports prohibit discrimination against one particular class of user which is why they are treated the same as other airport users.

Chair Richards commented he will support this as he has in the past. He continued as an economic engine in the City any time they can encourage activity at the Airport is a good thing. Chair Richards also addressed Councilor Clark's comments about the Airport taking Federal Grants stating that is a bigger discussion. One of the parameters of the grants is to run a fair and unfettered operation at the Airport that is accessible to all. Continued acceptance of FAA funds is a separate matter.

There being no further comments from the public or the Committee, Chair Richards asked for a motion.

Councilor Sapeta made the following motion which was seconded by Councilor Sutherland.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the date of issuance through December 31, 2017, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, there will be no Sunday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held on practice days.

### **Miscellaneous Remarks**

PLD Meeting Minutes  
April 12, 2017

Chair Richards presented a question to the Planning Director, Rhett Lamb regarding the Marlboro Street business growth rezoning districts. Mr. Lamb indicated the public hearing date would probably be in May. Chair Richards noted the process this issue would follow after the public hearing when it comes back to the PLD Committee at which no public comments would be taken.

The City Manager reported tasked are being assigned with regards to the Economic Development Action Plan and there will be a number of items coming to this and other Committees.

6) **Adjournment** - There being no further business before the Committee Chair Richards adjourned the meeting at 8:12 PM.

Respectfully submitted by,  
Mary Lou Sheats Hall  
April 13, 2017

Additional Edits by,  
Terri M. Hood  
Assistant City Clerk