

City of Keene
New Hampshire

JOINT PUBLIC WORKSHOP
PLANNING BOARD/
PLANNING, LICENSES, AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Monday, November 9, 2015

6:30 PM

Council Chambers

Planning Board Members Present

Gary Spykman, Chair
Christine Weeks
Councilor James Duffy
Andrew Bohannon
Nathaniel Stout
Douglas Barrett
George Hansel

Planning Board Members Not Present

Mayor Kendall Lane

**Planning, Licenses and Development
Committee Members Present**

David Richards, Chairman
Councilor Emily Hague
Councilor Bettina Chadbourne
Councilor Carl Jacobs

**Planning, Licenses and Development
Committee Members Not Present**

Councilor David Meader

Staff Present

Rhett Lamb, Planning Director
Tara Germond, Planner

1. Roll Call

Chair Richards called the meeting to order at 6:30 PM. Mr. Lamb conducted roll call.

2. Approval of meeting minutes -September 14, 2015

Ms. Weeks made a motion approve the minutes of September 14, 2015. Councilor Duffy seconded which carried unanimously with the following changes:

Mr. Barrett stated that on pg. 2 of the agenda it reads, "The district is fairly dense and has a less intense use of land compared to the high density district but more dense than Medium Density" This should instead read: "The district is fairly dense and has a less intense use of land compared to the high density district but more dense than *Low* Density." He continued, stating that on pg. 4, third paragraph it reads: "and in Medium Density it is 10,000" This should instead read, "and in *Low* Density it is 10,000. Mr. Douglas stated that the following paragraph reads, "In the Medium Density district it is clearly stated that you get one unit per lot". This should instead read, "In the *Low* Density district it is clearly stated that you get one unit per lot." Mr. Douglas stated that on pg. 5 it reads: "this property owner will be able to locate 22, three-unit structures on this property (75 units)." This should instead read: "this property owner will be able to locate 25, three-unit structures on this property (75 units)."

3. CMP Implementation -Land Use Code update

Mr. Lamb approached the Committee. Mr. Lamb stated that in September, the city reviewed tables and matrixes to evaluate the status of the Comprehensive Master Plan. He continued, noting that the

minutes are in the agenda packet. Mr. Lamb stated that item presented referred to the progress on the land use code and the update project for this land use code.

Mr. Lamb stated that the city has a clearer outline of staff's involvement with this project. Mr. Lamb referred to pg. 14 of the agenda which starts with City of Keene's Land Use Code Update Project. He continued, stating that this includes a problem statement and a timeline. Mr. Lamb stated that this was identified as the number 1 action item from the Committee. This came about because this primary idea was a new direction and looking at sustainability. Mr. Lamb referred to the Comprehensive Master Plan looking at the city becoming more sustainable which included reviewing land use pattern established through zoning ordinances.

Mr. Lamb stated that the pattern was successful over the years but the zoning regulations and ordinances are very outdated. He continued, stating that this project was to create an update for the codes including the flood plain ordinance, the historic district zoning and the hillside ordinance. Mr. Lamb stated that in this universe of codes, it was recognized that a comprehensive update had not been conducted in some time. He continued, noting that people in the community are also confused by the codes, permits, and districts. Mr. Lamb stated that this was the origin of the project

Mr. Lamb stated that since then, the City Council has funded a project after the implementation of the Master Plan into the capital improvement program. He continued, stating that City Council put \$200,000 into the fund with the understanding that the staff would then pick each project up. Mr. Lamb stated that from this initiative, the Marlborough Street Project was also implemented and acted as a pilot project. He continued, stating that this project took longer than intended, but will be coming to an end very soon which will create more resources for the Land Use Code Project. Mr. Lamb noted ordinance changes that will be coming before City Council very soon.

Mr. Lamb noted that the Land Use Code Project will be divided into two parts. He continued, stating that the city will start with a re-evaluation of the project. He noted that the circumstances of 2010 are different than 2015 and zoning may not have changed, but other aspects like growth rate have changed. Mr. Lamb stated that in looking at trends, there is enough of a shift to evaluate the project to ensure that we are on the right track. He continued, stating that the city would like to try out some ideas and possible solutions which would result in hiring consultants. Mr. Lamb stated that the city has done research on lean codes, land use codes and form based codes. He continued, stating that the city needs to come to grips with what these mean and brainstorm ideas which lead to the second part of the plan or the drafting of the document.

Mr. Lamb stated that you cannot overestimate the importance of a project like this. He continued, stating that it is best to gain a consensus on the goals in order to carry out the second part of the plan. Mr. Lamb stated that the city is basically recommending that this project gets broken into two parts. Mr. Lamb noted that in the agenda, one can review the background information, and the Project Statement which was written in 2013-2014.

Mr. Lamb stated that the timeline shows phase 1 which consists of the current process of crafting the scope of work which will be finished in late November. He continued, stating that the city will research other town's plans as well. Mr. Lamb stated that Dover has adopted some form based codes and the city would like to look into this. He continued, stating that Dover may be able to point Keene toward qualified consultants. Mr. Lamb stated that a committee will also be formed. Mr. Lamb stated that from December to March the city will research consultants. He continued, stating that once a consultant is determined, the city anticipates a May start time with less than a 9 month timeline. Mr. Lamb stated that he is looking for comments or concerns from the Committee.

Mr. Hansel asked if the \$200,000 is for both phases of the project. Mr. Lamb stated that it is for both and the first phase will help the city understand if enough was put aside. Councilor Hague asked if the same consultant would help with the redrafting of the code. Mr. Lamb replied that the city contemplated this suggestion.

Ms. Weeks asked if a comprehensive review like this has been done in Keen before. Mr. Lamb replied, no. Ms. Weeks asked if he can explain Form Based Code. Ms. Lamb stated that he does not have a lot of experience with this but it goes into land use codes and density standards. He continued, stating that Form Based Code steers away from use base code and focuses on the density, form and shape of buildings and how the structure appears from the street. Mr. Lamb stated that it becomes a blueprint of how the zone should look. Ms. Weeks asked for an example. Mr. Lamb stated that there are few examples in New England besides Dover, Vermont. Ms. Weeks asked if Colombia, Maryland would be an example. Mr. Lamb replied, yes as well as Seaside, Florida. Mr. Barrett asked if this type of code encourages mixed -use development. Mr. Lamb stated that it is a possible outcome but recognizes that the design of how infrastructures fit together is most important.

Councilor Duffy stated that Lowell, Massachusetts is doing this as well and could be a good resource for the city. Chair Spykman asked what other types of code forms will the city review. Mr. Lamb stated that Form Based Code is in the New Urbanism category. This category of codes include Form-Based as well as principals which focus on building design like lean codes. Mr. Lamb stated that one can learn about city design through the building codes instead of land use codes. He continued, stating that some states are attempting to use a unified code that would bring codes together and not spread authority out. Mr. Lamb stated that this could potentially make the permitting process faster because the codes are easier to understand and use.

Councilor Jacobs asked if Form Based Code is just a visual regulation or if it extends to the other senses as well. Mr. Lamb stated that he has not heard the visual aspect called out independently but it does have requirements through quality of design and gets down to the materials and lighting that are used as well. He continued, stating that this code has a higher level of design than the city's current code.

Councilor Duffy asked if there are case studies to research both lean codes and Form Based Codes to determine if they are working. Mr. Lamb stated that reviewing other examples would be part of the phase 1 and the city would then see how it would work for Keene.

Mr. Stout stated that this potential system transition would have a direct effect on the Zoning Board of Adjustment (ZBA). He continued, suggesting a member of the ZBA be a part of this process and asked how the transition will look. Mr. Lamb agreed that a ZBA member should be a part of the process and stated that he does not have an answer for Mr. Stout's other question and it will depend on the method implemented. Mr. Lamb stated that Keene may not be ready for a Form Based Code but in any case, there will be a process put it into place.

Councilor Jacobs asked what the advantage is to Form Based Code. Mr. Lamb stated that if the city chooses a simpler approach, the result will be an easier and streamlined set of regulations. This is an advantage. He continued, noting that the result will be a system that is more innovative and easier for the community.

Ms. Weeks stated that she is in favor of including professionals outside of the city in this process. Mr. Lamb agreed and stated that these representatives have a lot to add. Mr. Stout asked how the Comprehensive Master Plan would be affected with different regulations. Mr. Lamb stated that he had

not thought of the project in this way but ultimately the city can pursue the ideas in the Master Plan. He continued, stating that the city is pursuing the plan dramatically with this type of change.

Councilor Duffy stated that he was under the impression the Committee would discuss the land use codes but also implementation of the Master Plan. He continued, and stated that he agreed with Mr. Stout's comments about implementing codes in coordination with the plan. Councilor Duffy asked how to implement the three E's of the Master Plan which include: economics, environmental integrity and social equity. Councilor Duffy stated that with the creation of these Comprehensive Master Plans, conflict arises. He continued, stating that social equity is what is needed to keep this plan together. Councilor Duffy noted that it is easy to cherry-pick ideas out of the Master Plan as well. Councilor Duffy stated that his hope is that without the social equity part, the Comprehensive Master Plan will not be efficient. Councilor Duffy noted that many people had to work hard to get the land use codes into the Master Plan.

Councilor Hague agreed and stated that the positive feedback loop has to be created. She continued, stating that during the visioning sessions there was a large concentration on mixed use codes and focuses on growth because the city is not growing as it once did. She continued, stating that the planning world has evolved and there are tools to realize this vision thoroughly.

Mr. Stout noted that the Master Plan recommends that the plan be updated and reviewed every 5-7 years. He continued, stating that the Master Plan notes necessary updating of land use codes as well and stated that Mr. Lamb is on track with the plan but the timeline for updating the plan is close. Mr. Lamb stated that it is not possible given the staff resources to update the land use code and the master plan at the same time. He continued, stating that there will have to be an adjustment in the original schedule of the master plan.

Chair Spykman noted that the rewriting of the codes is a big part of implementing the Comprehensive Master Plan and if done correctly, it will help other aspects of the master plan. He continued, stating that it is in effect part of updating the master plan. Chair Spykman noted that reviewing the plan is to determine if the goals are still relevant. Mr. Lamb stated that the city adapted the implementation but the master plan will not be updated in the set timeline.

Councilor Duffy stated that the city has already started to work on the top priorities of the plan. He continued, stating this Committee as well as the public should look to the plan and decide other items to be implemented. Councilor Duffy mentioned affordable housing, and energy efficient housing. He continued, stating other towns have sustainable initiatives in the works as well. Councilor Duffy noted that affordable housing for single mothers and elderly are being implemented in other towns. Councilor Duffy continued to discuss different housing options. He continued, stating that it is important to create incentives for developers to go green and have diverse housing alternatives. Councilor Duffy wondered if this was the right forum to discuss this.

Mr. Lamb stated that this is the right forum and we can pursue the land use code as well as identify other items for implementation. He continued, noting the neighborhood planning item and stated that some work has been done in the southern area of Keene. Mr. Lamb stated that ideas in relation to home ownership have been discussed for many years as well. He continued, stating that identifying the next items for implementation in the plan is more important the updating the plan. Mr. Lamb stated that there are ideas which are very relevant still.

Mr. Lamb reminded the Committee of the matrixes handed out at the last meeting but further work has not been done with this. He continued, suggesting a meeting with chairs and determine how to use

Committee member's time efficiently and priorities. Mr. Stout clarified that he brought up the update of the master plan because it is important to focus on the way we get to these goals and it is not productive to have tunnel vision on the master plan. He continued, stating that the process in creating the master plan was great. Mr. Stout stated concern with people referencing the master plan and identifying things that have not been done.

Councilor Hague stated that the master plan is relevant and there are still many items on the plan that need to be reviewed. She continued, suggesting the city reengage the public for this process and ask what their priorities are now. Councilor Hague stated that it is a community master plan and having them step in would be critical.

Mr. Bohannon asked if the land use code change would help develop the east side of Keene. Mr. Lamb replied, yes there would be great advantages to fixing the problems in that area. Councilor Duffy mentioned that there were discussions years ago about the overlay in the Gilbow Avenue area. He continued, noting that this concept can be discussed with the east side as well. Councilor Duffy discussed the returning homes program s as well. Mr. Lamb stated that the east side has unique problems with empty buildings as well and this cannot be solved with regulations alone.

Mr. Richards stated that if the city puts the ground work into establishing the buildings, people will come. He continued, questioning where the city will be in terms of growth mode in the next few years. Councilor Duffy noted that there will be some pressures in terms of development with the nice ice rink being created. He continued, stating that most of it will be commercial development if anything.

Mr. Hansel asked Mr. Lamb if the second phase of the plan has a time line. Mr. Lamb stated that once the results of the first phase come in, the city can move quickly into the next phase. There will not be a lot of time in between the two phases.

Ms. Weeks stated that she has been taking a course at Keene State College and some things that are being foreseen are: urbanization, climate change, increasing elderly population, changes in technology etc. Ms. Weeks mentioned the professor of the course is very knowledgeable and has lived in this area for a number of years and he would be an interesting resource for the Planning Board to hear speak. Ms. Weeks stated that she would look into this.

Chair Spykman noted that members here are involved with planning on a regular basis and it is important for the average person in the community to see the importance of zoning. He continued, stating that his neighbor understood the need for re-coding but many community members see it as a difficult process. Chair Spykman mentioned several homes changing over to college housing and questions when they will go back to single family homes if the student housing demand goes down. He continued, stating that people in the community see items like this as important.

Chair Richards stated that he also sees this interest in the community. Mr. Lamb stated that there is an emphasis on the need for public education as well in this project. Mr. Lamb asked if the Committee has any corrections to the project overall. If not, the Planning Department will move forward and keep the Committee updated.

Councilor Duffy mentioned a book which touches upon statutes for the state of New Hampshire. Councilor Duffy stated that by law we have a lot more flexibility. He continued, stating that he will give Mr. Lamb the reference to this book. Councilor Duffy noted elderly housing alternatives like community living as well.

Chair Richards agreed that this project is a good idea. He continued, stating that the Committee is in approval of the land use code project. Mr. Lamb stated that a process will be determined to discuss other priorities in the plan to implement as well. Mr. Stout asked what Committee the project will go through. Mr. Lamb stated that updates will continue to be discussed in this joint committee and a steering committee will be established which will do the bulk of the work.

4. Next Meeting -Monday, December 14, 2015

5. Adjournment

The meeting was adjourned at 7:35 PM.

Respectfully submitted by:
Lana Bluege, Minute-taker
November 9, 2015

Reviewed by: Rhett Lamb, Planning Director
Edits, Lee Langella