

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

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

**Wednesday, April 13, 2016**

**7:00 PM**

**Council Chambers A**

**Members Present:**

David C. Richards, Chair  
Philip M. Jones, Vice-Chair  
George S. Hansel  
Bettina A. Chadbourne  
Robert B. Sutherland

**Staff Present:**

Rhett Lamb, Asst. City Mgr./Planning Director  
Tara Kessler, Planner  
Nancy Vincent, Library Director  
Tom Mullins, City Attorney  
Beth Fox, HR Director/Assistant City Manager  
Kurt Blomquist, Public Works Director

**Members Not Present:**

**Other Councilors Present**

Terry Clark

Chair Richards called the meeting to order at 7:00 PM. Chair Richards advised those present there would be no public input on agenda item #5 as the ordinance had been the subject of a public hearing.

**1) REPORT: Heritage Commission –Demolition Review Ordinance**

Tara Kessler reported on November 3, 2015, Councilor Clark submitted a letter to the Mayor and City Council requesting that the City's Demolition Review Ordinance (Chapter 18, Article IV of Keene City Code) be modified to more aptly describe a historic property. The purpose of a Demolition Review Ordinance is to establish a review process to ensure that structures deemed worthy of preservation are not inadvertently demolished. The provisions of this Ordinance currently apply to proposed demolition of a building or part of a building that is greater than 500 square feet of gross floor area and was constructed more than 50 years before the date of application for a demolition permit, and/or is listed or eligible for listing in the National Register of Historic Places, and/or is located in an established historic district. Ms. Kessler continued there are a total of 4,466 residential and commercial buildings currently subject to the Demolition Review Ordinance.

Between December 2014 and November 2015, the Demolition Review Subcommittee

reviewed approximately 7 demolition permit applications. Of this number, the Subcommittee determined that 2 structures were historically significant; however, a delay period was never initiated.

Councilor Clark's request came out of concern that a large portion of existing structures in the City (specifically Maple Acres) are now or will soon become fifty years or greater in age, and will be subject to this Ordinance. The Commission reviewed Demolition Review Ordinances adopted by other communities to see how other places address the questions of what structures qualify for review and how historic significance is determined. The Heritage Commission believes that the threshold of 50 years or older and the criteria used to determine historic significance in Keene's current Demolition Review Ordinance are sufficient and should not be altered at this moment. The Commission felt that the increase of 825 buildings subject to the Demolition Review Ordinance over the next 8-years would not have a significant impact on the review process.

Ms. Kessler concluded noting this is an informational report back from the Heritage Commission in response to Councilor Clark's letter. At this time the Heritage Commission recommends no changes be made to the Demolition Review Ordinance.

Chair Richards asked for questions or comments from the Committee.

Councilor Hansel asked how many applications were processed in a year. Ms. Kessler noted between December 2014 and November 2015 seven demolition applications met the threshold criteria and only two of those applications were considered historically significant. Councilor Hansel then asked if all seven of the applications went before the Heritage Commission for review or if just the two went to the Commission for review. Ms. Kessler explained the application process from the time the application is received by the Code Enforcement technician to review by the Demolition Review Subcommittee, if applicable. If determined to be historically significant the Subcommittee has 30 days to work with the owner (preservation, material salvage, or relocation of the structure). Mr. Lamb added the Subcommittee has five days to determine if a structure is historically significant once they receive the demolition application from the Code Enforcement technician.

Councilor Jones noted Ms. Kessler's request to accept this report as informational adding this would be the time to make amendments. Ms. Kessler noted no amendments are being proposed. Discussion continued with Councilor Jones clarifying he just wanted the Committee to understand they have more options than just accepting this as informational.

Chair Richards asked for comments or questions from the public.

Terry Clark, Councilor Ward 3 noted he served on the Heritage Commission for six years and was a member of the Demolition Review Subcommittee. He reiterated Ms. Kessler's comments regarding the seven applications received. Councilor Clark continued the

problem is the Heritage Commission has absolutely no authority, and the time period is so short that by the time the application is received the owner has already made the decision to demolish the structure. He reported that he and board member, Susan D'Egidio put together suggestions (resources) for the Planning Department to provide to the public (property owner) before they make the decision to demolish the structure. Additionally a webpage was created for sharing all the resources gathered by the Heritage Commission. Ms. Kessler verified the list of resources is handed out with the Demolition Permit application. Councilor Clark also noted the Heritage Commission's discussion with regards to sending out a letter to property owners when their property becomes 50 years old. Councilor Clark urged this Committee and others to look at this closely to see what they can do to educate the public about historic structures rather than tear them down. Councilor Chadbourne thanked Councilor Clark and staff for looking into this and bringing attention to it.

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

Councilor Hansel made the following motion which was seconded by Councilor Chadbourne.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends this report regarding the demolition review ordinance with respect to Councilor Clark's communication be accepted as informational.

## 2) **PERIODIC REPORT:** Heritage Commission

Louise Zerba, Heritage Commission Chair, read her report into the record. The Heritage Commission was created to protect and preserve all resources in Keene that are valued for their historic, cultural, aesthetic, archeological, and community significance. The Commission is composed of 7 members and 2 alternates and they meet every other month. The Commission has been working to carry out many of the strategies included within the Comprehensive Master Plan. Ms. Zerba noted her presentation will address some of the work that has been conducted over the past year in relationship to the Comprehensive Master Plan.

The Master Plan states on page 54: *“Court Street, Washington Street and the south end of Main Street all boast an abundance of historic homes and buildings that should be protected to preserve the character of these individual neighborhoods. Each of these areas should become a local historic district, a National Register district, or both.”*

From page 55: *“Beyond the creation of formal historic districts, the Heritage Commission and the city should work with neighborhood groups to explore the need and desire to develop “neighborhood heritage districts” to oversee and affect the changes taking place in our historic residential neighborhoods as they undergo rapid evolution and demographic changes.”*

Ms. Zerba noted their primary focus over the past two years has been to work with the Historic District Commission to establish a historic district for the area of Main Street south of the Winchester/Marlboro Street Roundabout to Route 101. A sub-committee composed of members from both commissions was formed to research this potential district and draft a proposed Ordinance. The sub-committee completed its work in January and the Historic District Commission has recommended that the draft Ordinance be sent to City Council to begin the Ordinance process.

*From page 52: It is imperative to the community's success and quality of life that historic areas are protected and preserved as much as possible, while also adaptively reusing historic resources for modern, sustainable uses.*

The Stone Arch Bridge Committee, a sub-committee of the Heritage Commission, worked hard to preserve the historic Stone Arch Bridge after it was determined that drainage improvements were needed. With the help of funding from both the City and private donors, construction work was completed in the spring of last year. The next steps for this project are identifying funding to replace the granite capstones, which were removed during the time of the railroad.

*From page 53: A program of education and technical assistance should be created that would guide developers and owners in implementing green and energy-saving improvements while also preserving, protecting and enhancing a building's historical features. The program would also help property owners seek grants to perform these improvements.*

The Heritage Commission has produced an informational packet for people who are looking to restore or renovate historic properties and to make it easier to find the needed resources. Now located on the city's website, the information can be found under *Preserving Our Heritage*. They hope it will create a friendlier process giving developers and others planning to make changes to their historic properties the advantages and benefits for preserving their property and people to contact if they need help. This is an attempt to work with citizens to preserve a historic property and particularly with those who may not have considered preservation.

Within the Heritage Commission there is an active Demolition Review Committee which meets on an as needed basis. Code Enforcement contacts the Planning Department which in turn contacts the committee which conducts a site visit and determines if the building is historic (over 50 years). If it deems to have some historic value, it has 30 days in which to try to find alternatives to demolition. If an alternative cannot be found, the committee will photograph the exterior and interior in addition to trying to save portions of the structure for reuse on that or another property. If not worthy of preservation, the committee signs off and the demolition is allowed to proceed.

In addition to the work described above, the Heritage Commission was very active in conducting outreach and education on the City's historic resources over the past year. With the leadership of Rosie Carey, one of their members, and Kevin Dremel, a new

member, the Commission sponsored a series of 5 “Sunday Socials” which were music concerts and gatherings hosted in historic structures across Keene including the Cheshire County Courthouse and private residences on Court and Washington Streets. Tours were given to the attendees during these socials by the homeowners and by the County Commissioner detailing the historic features of these properties. This summer they hope to hold one large event at the Sumner Knight Chapel.

Ms. Carey also developed a festive and engaging display on the first floor of City Hall on the history of the area and homes on Main Street between NH Route 101 and the Marlboro/Winchester St Roundabout. A part of this display is still present in the glass cases near the entry of City Hall.

The Commission is also working with Staff to develop programs that celebrate historic structures and inform property owners of the resources available for preservation.

They are continuing to work on their web presence and to identify opportunities to celebrate Keene’s history and its heritage.

Chair Richards thanked Chair Zerba for her report and asked if there were any questions or comments from the Committee.

Councilor Hansel asked if the Commission’s work covered barns and accessory structures. Chair Zerba replied in the affirmative.

Councilor Chadbourne noted she appreciates all the work completed by the Commission; acknowledging these Committee reports were a suggestion of former Councilor Jim Duffy.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends this report from the Heritage Commission be accepted as informational.

**3) COMMUNICATION: Michael Forrest – Keene Lions Club – Request to Use City Property – Duck Race**

Mike Forrest, of 7 Marguerite Street, addressed the request. The Keene Lions Club is holding its 27th Great Ashuelot Duck Race on July 9, 2016. The purpose of this event is to raise at least \$20,000 for the benefit of local charities in keeping with the Lions objective to serve those in need. This year their goal is to sell 8,000 \$5.00 tickets and 100 \$100.00 tickets known as "SPONSOR A DUCK". All sales are entered into a computer from which a duck number is assigned.

As in previous years, the race course they have selected is the Ashuelot River. They want to start the race from the bridge on West St. The ducks will be loaded into a

front end loader in the parking lot at Melanson's on West St. At 10:00 am they will drive across West St. to dump the ducks into the river. Traffic should not be interrupted for longer than 1 to 2 minutes. The ducks will then be picked up further down the river. They have containing devices that will be placed at the finish line to contain the ducks. They also have sufficient personnel available through the club to recover all of the ducks and to assist with crowd control. They are therefore asking the City Council for permission to: Drive a front end loader, provided by the Public Works Dept. from Melanson's parking lot across West St. to the bridge and dump the ducks into the Ashuelot River; interrupt West St. traffic for about 2 minutes or less while the front loader dumps the ducks into the; use a bay at the Public Works Garage (date to be arranged with the Public Works Director) to sort and count the 8,000 ducks.

In addition, Mr. Forrest noted if it should be necessary, the Lions would like to hold the Duck Race at a later date. A number of years ago extremely high water forced them to postpone the race for a couple of weeks. The Lions would coordinate any date change with city staff.

Mr. Forrest responded to Chair Richards by noting there are no changes to previous year's requests.

Chair Richards asked for questions or comments from the Committee.

Councilor Jones noted the route changed when work was being done to the river; he asked Mr. Forrest if the old route was being used again. Mr. Forrest confirmed the old route is being used again.

Chair Richards asked for questions or comments from the public.

Emergency Management Director, Kurt Blomquist reported this activity is continuing at the same levels as in the past; he also noted the motion before the Committee is adequate.

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

Councilor Chadbourne made the following motion which was seconded by Councilor Hansel.

On a vote of 5-0, the Planning, Licenses and Development Committee recommend the Keene Lions Club be granted permission to use City property on July 9, 2016, to conduct the Annual Great Ashuelot River Duck Race, and permission to use a bay at the Public Works Garage to sort and count ducks on a date to be determined with City staff, subject to the following conditions: subject to the customary licensing requirements of the City Council, and compliance with any requirements of City staff. In the event of inclement weather, the event may be postponed to a future date to be determined in conjunction with City staff.

**4) COMMUNICATION:** Raymond Lindsey – Request to Change Hours of Operation – Hawking and Peddling

Raymond Lindsey, 464 Washington Street, addressed his request to use a vendor space off of Railroad Square as well as its electrical plugin. Mr. Lindsey is the owner and operator of Mountain Man Coffee Cart; the cart is pedal powered with a mounted espresso machine and coffee brewer. He would be offering coffee, tea, and espresso drinks as well as light baked fare. At this time Mr. Lindsey would like to request a variance in the usual vendor business hour limitations. He understands vendors are under current ordinance not to start vending until 9:00 AM. Mr. Lindsey continued saying due to the nature of his product he is requesting permission to start vending at 7:00 AM as coffee is largely enjoyed as a morning beverage.

Chair Richards asked Mr. Lamb if the Committee could do this or would the Ordinance need to be changed. Mr. Lamb noted there is no need to change the Ordinance; he continued as written today it allows you the flexibility to grant changes in the time of operation based on the individual license. Mr. Lamb explained the City Clerk will issue the license; the Committee is granting the exception part of this under the Code. Chair Richards clarified they are simply saying it is okay to open two hours earlier, and if they say yes the City Clerk issues the license. If they say no, she still hands out the license only it says 9:00 AM. Mr. Lamb agreed.

Chair Richards asked for questions or comments from the Committee.

Councilor Sutherland noted he was a new Councilor and asked 1) if it was possible to get a better understanding of the permit locations, 2) is this a day long permit, 3) are there shared locations. Tom Mullins, City Attorney, outlined the five licensed vendor lots and their locations in the downtown area. Attorney Mullins noted the licenses for these lots are issued on a first come first serve basis, and the licenses are issued for a one year timeframe. Continuing Attorney Mullins stated the locations are not shared. Councilor Sutherland clarified this is for one vendor and any day of the week. Attorney Mullins agreed it would be any day of the week, adding the Ordinance reads from 9:00 AM to 7:00 PM. Chair Richards also noted the license provides for exceptions during Community Events. Councilor Jones said there is a map in the City Clerk's office that shows the five designated areas; he added the Council has permitted a change in the vending hours previously to another vendor.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommend that the request of Raymond Lindsey to extend his operating hours by opening early at 7:00 AM on a daily basis be granted, at the designated vending spot on Railroad Square. The permission is granted for the license period ending April 1, 2017.

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**5) ORDINANCE:** O-2016-03-A: Keene Public Library Annex Rezoning

Chair Richards reiterated that no public comment would be taken on this issue; he also noted he has nothing else to add as this has gone through the Planning Board, the Joint Committee, and there was a public hearing.

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

Councilor Hansel made the following motion which was seconded by Councilor Chadbourne.

On a vote of 5-0, the Planning, Licenses and Development Committee recommend the adoption of Ordinance O-2016-03-A.

There being no further business Chair Richards adjourned the meeting at 7:36 PM.

Respectfully submitted by,  
Mary Lou Sheats Hall  
April 14, 2016