

**CITY OF KEENE
NEW HAMPSHIRE**

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

Monday, May 2, 2016

6:30 PM

Council Chambers

Planning Board Members Present

Gary Spykman, Chair
George Hansel
Christine Weeks
Tammy Adams
Pamela Russell Slack
Chris Cusack

Planning Board Members Not Present

Nathaniel Stout
Andrew Bohannon
Mayor Kendall Lane
Douglas Barrett
James Duffy

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

Councilor Philip Jones
Councilor Bettina Chadbourne
Councilor George Hansel

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

David Richards, Chairman
Councilor Robert Sutherland

Staff Present

Rhett Lamb, Planning Director
Michele Chalice, Planner

1. Roll Call

Chair Spykman called the meeting to order at 6:30 pm and a roll call was taken.

2. Approval of Meeting Minutes – April 11, 2016

Christine Weeks offered the following correction:

Page 3– She was not present at the meeting, so her name should not be listed as seconding the motion.

A motion was made by Christine Weeks that the Joint Committee accept the April 11, 2016 meeting minutes as amended. The motion was seconded by George Hansel and was unanimously approved.

3. Continued Public Workshop

Ordinance – O-2016-01 and O-2016-02 – Relating to Zone Change. Petitioner, City of Keene Planning Department, requests the creation of three zoning districts; a Business Growth and Reuse District, a Neighborhood Business District and a Residential Preservation District and the associated zoning map changes. The two hundred and fifty-six parcels of land affected by this request total an area of 266 acres. The project area is generally east of Main Street, south of Water Street, west of Eastern Avenue and north of Baker Street.

Planning Director Rhett Lamb stated this would be an ongoing process for the review of these two Ordinances which came out of the Marlboro Street rezoning initiative which has happened over the last two years. The first public workshop happened three weeks ago and staff is here to

address some of the concerns that came out of that meeting regarding the Neighborhood Preservation District.

Planner Michele Chalice stated she would like to look at the real intent of the Neighborhood Preservation District. She explained the proposed ordinance indicates the intent of this District is a neighborhood of residential properties that prioritize family units. She stated members of the community addressed the Ad Hoc Committee and spoke about how over the last few decades these neighborhoods have seen degradation due to the change of single-family homes to other users. The intent of this District is to have small to large residential homes, with shallow front setbacks to shallow to medium side setbacks, streets with curbs and trees to define small to large blocks and to maintain a walking and bike friendly connection throughout the District.

Ms. Chalice stated at the present time there are 181 parcels recommended to be part of this Neighborhood Preservation District. Ms. Chalice referred to a map and explained the zero to one unit homes are coded in pink, duplexes in dark blue, three to four units are coded in green, and the five to six coded in yellow, seven to eight units are shown in red, and there are only two of these. There are a quite a few groupings of duplexes in the Myrtle Street, Willow Street, Grove Street and Water Street areas and a much stronger grouping on Main Street as well as on South Street.

Ms. Chalice stated a question which was posed by the Committee is how many of these units will become non-conforming after this zone change. Ms. Chalice stated 81 parcels will become non-conforming. However, if it is decided duplexes will be added to this District that number would be reduced to 18. Ms. Chalice stated at the next meeting the discussion on dimensional sizes will begin and how this will affect these parcels into the future.

Chair Spykman asked for the lot size in the current high density zone. Ms. Chalice stated it was 6,000 square feet. Chair Spykman noted most of these lots then are already non-conforming. Ms. Chalice agreed. Ms. Weeks referred to a map she has in her packet, shown in purple, parcel size (the huge block) shown in the Kelleher Street Baker Street area. Ms. Chalice stated these are lots along the brook which have quite a bit of land but are undevelopable.

Councilor Chadbourne referred page 3 of 11 of the prior months minutes where is talks about the number unrelated people who are permitted to live in a single family home. The Councilor asked how many unrelated people are permitted to live in a house and asked whether this was based on the number of bedrooms. Ms. Chalice stated her understanding is four unrelated people are permitted in a single family home and did not think it was based on the number of bedrooms. The Councilor referred to language which said *...deemed these options unworkable...*” and asked what Ms. Chalice meant by that. Ms. Chalice explained there are other ordinances used by Code Enforcement or the Health Department to determine how properties are utilized but many are staff intensive. The Committee talked to the consultant about such regulations which would limit for instance students to live in certain parts of the City. There are communities which are trying these type of different things to maintain a neighborhood quality of style and the consultant was confident these different types of experiments would not stand up to a legal challenge. Hence, the Committee took that as professional advice and not opt for those creative methodologies of dictating where students housing can and can't happen. However, there are other methods of handling behavior issues which can cause quite a bit of consternation but for the time being this is the zoning option which would be pursued.

Councilor Chadbourne stated Chair Richards had talked about the distinction between bar and restaurant and he asked if there was a state law that dictated that. Ms. Chalice stated Mr. Kopczyński the Code Enforcement Superintendent helped update these definitions and it was his judgment it was within the City's realm but added she had not looked up this citation yet. The Councilor further stated Chair Richards had also asked about looking up the size of those entities such as Romy's Market and Beaver Street Market. Ms. Chalice stated this work has not been done yet either but staff intends to.

Councilor Jones stated when Eddie Edwards from the State came before the PLD Committee he had indicated there was no difference between a bar and a restaurant and asked the Planning Director for clarification. Mr. Lamb stated when the City started drafting this ordinance it was not relying on how the state defined a bar or a restaurant and relied under the authority of zoning to make that determination. Mr. Lamb stated staff will provide the Committee with a better answer on this issue.

Councilor Chadbourne referred to Page 10 of the minutes where Josh Meehan referred to state of the art buildings and how these would be defined. Mr. Lamb had referred to three national standards one could choose from and these were based on LEED Standards – the Councilor asked how a homeowner could utilize such a standard and whether a homeowner would be required to use such a standard to build. Ms. Chalice stated there is no requirement this is an incentive option but the four not three standards are LEED, Green Globe, National Green Building Standards and International Green Construction Code.

Dr. Cusack referred to the southwest portion of this neighborhood – Adams Street, Baker Street and Gates Street areas are not included the Preservation Program. He felt this is an integral part of the neighborhood and there is concern about the degradation of these areas. Dr. Cusack stated he wasn't sure why the City would extend to Baker Street via Dartmouth Street and Kelleher Street and stop by Elliot Street. He referred to several properties that used to be single family properties which are being rented to college students. Ms. Chalice stated the original plan did include that area but noted on the map that area in particular showed residential or mixed use properties and the green areas on the map as non-owner occupied properties. The area Dr. Cusack referred to has a much less concentration and it felt at that time more concentration was paid to areas closer to Marlboro Street and to areas that had more non-owner occupied properties. Ms. Chalice stated however, if this is an area the Joint Committee feels should be explored it can definitely be discussed.

Mr. Lamb asked what the underlying zoning in the area Dr. Cusack referred to was. Ms. Chalice stated it was high density. Mr. Lamb stated with the neighborhood preservation, the Committee was focusing on single family and trying to eliminate the large scale conversions of single family homes into apartments but this only works if you are in a high density zone. Low density is already a limited zone where only single-family homes are permitted. He stated this might need to be verified but the Neighborhood Preservation District was only applied to the high density zone. Ms. Chalice referred to the area Dr. Cusack was concerned about on the map which is currently zoned as low density. Ms. Weeks asked if this area is zoned low density how is student housing located in this area. Ms. Chalice stated an area can be low density but a single family home can have four unrelated people living in it.

Mr. Lamb stated by adopting the Neighborhood Preservation District the City wouldn't end up by right, with an additional unit or two as it would if it was to remain high density. The intent of this ordinance was to stop the conversion of existing homes into multi-family homes.

Chair Spykman stated at the first meeting on this item there was concern raised by members from the Joint Committee as well as members from the public who indicated the language seem to focus more on single family owner occupied properties and how it would make it difficult to own owner occupied properties and become a homeowner which otherwise they couldn't have. Chair Spykman stated he would like to have better definitions of the terms for multi-family dwelling, duplex, and student rental. Mr. Lamb stated the student rental piece is not a comparable term to the others - it is a pattern of occupancy. He went on to say the term "dwelling" is the starting point and that is defined in the ordinance. A dwelling unit has to also have room for kitchen as well as for sleeping and plumbing facilities. He added there could be multiple rooms sharing common areas and this type of arrangement could be seen in a single-family home. Mr. Lamb stated he would provide the Joint Committee in writing definitions for the terms.

Chair Spykman stated he would also like to know whether there was a distinction between two units where one is owner occupied and the other unit is rented, but the same type of housing where both units are rented out and neither one of the units are owner occupied. He asked whether the city has a code distinction. Mr. Lamb stated the City has the Accessory Dwelling Ordinance and in that circumstance either the accessory dwelling unit or the main unit has to be occupied by the owner. The question is whether this same standard could be applied to a two-family home.

Ms. Weeks asked whether the intent of the proposed District is to encourage owner-occupied homes. Mr. Lamb stated when the ordinance was drafted for the Neighborhood Preservation District it was only for single-family homes. At the prior meeting there was interest in permitting two-family to accommodate the scenario brought up by Chair Richards where he lived in one unit renovated the other, then rented it out which helped him enter the home ownership cycle.

Dr. Cusack asked if duplexes are permitted in the Residential Preservation District, whether these would be existing duplexes only or could someone purchase a single family home, convert it to a duplex and rent it out to eight individuals. Mr. Lamb stated the current zoning does not do much other than for use of the property, density of the property and dimensional requirements. When it comes down to who should live in these properties, it is less well defined in the statute.

Chair Spykman referred to the far northern edge of the map and stated when we go past Water Street the residential properties start having a different character to them, specifically those on Dunbar Street which don't have a neighborhood feel to them. He felt making all of Dunbar Street non-conforming in his opinion seems logical. Ms. Chalice stated the Committee was looking at the notion of "at risk" and tried to recall why southern part of Dunbar Street was included and felt there was perhaps some nostalgia attached to this area because these used to be beautiful homes at one time. Mr. Lamb stated the reason this area was chosen and staff suggested it, is because this area is in transition. He went on to say the concept produced by the consultant identified this area as a possible expansion for the downtown or perhaps a buffer between the residential area and the business district.

Councilor Hansel asked for disadvantages for having a non-conforming property. Mr. Lamb stated non-conformity is a fairly standard principal, in that if an area is rezoned and there are prior legal uses under the prior set of ordinances, those properties are permitted to remain as legal non-conforming until those uses are abandoned or transferred to a new use. He added a non-conforming use can continue forever but when they are redeveloped the development has to

go through zoning. Mr. Lamb explained that an expansion for a non-conforming property could happen as long as it is within 50% of its volume without the need for a variance. He further stated when you get to the use and a use is being expanded this too will need a valuation from zoning and there are standards that surround such an expansion. Mr. Lamb stated the department from time to time also hears from mortgagee banks who evaluate whether a property conforms to City Code. Chair Spykman clarified a non-conformity transfers when the title transfers. Mr. Lamb answered in the affirmative.

Mr. Russell Slack referred to the opposite side of Dunbar Street (south side) and asked what properties were located there. Ms. Chalice stated there is Horse and Buggy, a redeveloped property of Southwestern Community Services and one other house. She asked about the density for the property that backs onto Community Way. Ms. Chalice stated this property is zoned Central Business. Ms. Chalice talked about the frustration buyers run into when purchasing a property when they realize they are not able to develop the property because of issues such as non-conformity.

Chair Spykman asked about the “defacto” multi-family units that are not legally set up as such and asked what Ms. Chalice knew about those. Ms. Chalice stated she did not have this type of information.

Dr. Cusack felt this was a great proposition and thanked staff for their work.

Councilor Chadbourne asked how the City regulates the type of properties which exist in her neighborhood, which used to be single family homes but are now rented by the room to students. Mr. Lamb stated if a property is converted illegally the City might not always know about it until some type of issue comes up through a complaint and then it is investigated. Another process that has been effective is the process set up the college for volunteer inspection because those landlords want to list their properties with Keene State College.

Mr. Toby Tousley of 499 Washington Street addressed the Committee and stated this is unfortunately not going to be a model to eradicate students from neighborhoods – it won’t be a magic fix. He stated the reason landlords rent to students is to make money and the properties are set up as such. He felt it is a lucrative business. Mr. Tousley referred to what Mr. Bradshaw said about not eliminating these duplexes and showed the Committee the property he owns on Marlboro Street which has five bedrooms in it and the people who occupy this property are working people. He also noted to the property shown in red located on Baker Street which is a non-conforming property but has been at this location for many years and so are many other one-bedroom properties which house working class people. He also referred to the homes in the purple zone and stated if it is lucrative for these homes to rent to college students, this new ordinance isn’t going to change that and the likelihood for this housing to change is not likely in the near future.

Mr. Tousley felt the best option to get students out of these neighborhoods would be for the City to work with developers to construct properties as has been done on Ralston Street. He questioned how the City plans on making it mandatory that properties are owner-occupied and asked that the Committee consider not alienating those people who can’t afford to buy their own homes.

Mr. Lamb stated he agrees with Mr. Tousley in that the SEED District was created so students could be relocated and slowly overtime create incentives to pull back in owner-occupied properties. He stated he wanted to be clear in that the purpose of this proposal is not to exclude

anyone, students or otherwise but to stop the market driven conversion Mr. Tousley just described.

Councilor Hansel felt Marlboro Street is soon going to become a very desirable place to live and preservation is the key concept. He felt there are going to be a good amount of development dollars that will go into this neighborhood and the City has an opportunity to shape how that would happen and that is what we are doing this for.

A motion was made by Pamela Russell Slack to continue this public workshop to the June 13th Joint meeting. The motion was seconded by George Hansel and was unanimously approved.

4. Discussion **East Side Redevelopment**

Mr. Lamb stated this work will extend into some of the work the Council is doing with economic development as we talk about the Business Growth and Reuse District. Mr. Lamb referred to a letter written by Councilor Richards to the City Council asking that there be some directed focus on how the City invests in its infrastructure especially drawing on the theme of east side redevelopment and this draws on earlier work done on the Marlboro Street Rezoning and East Side Forum and both those forums brought about some themes. Such as, reduce flooding, better neighborhoods, access to greenspace and economic development and redevelopment of under used properties. He stated what Councilor Richards is asking is for direction from Council to direct staff to working on this overall strategy for focused investment on the east side.

Mr. Lamb explained the outline – first understand the area of study, focus on the areas of interest of the community – he referred to the handout included in the Committee’s packet which is the product that came out the East Side Forum. Some of those interests was the focus on Carpenter Field, developing trails along Beaver Brook, reusing under-utilized buildings such as the Findings Building, the old Middle School building and the Kingsbury property.

Mr. Lamb stated staff is currently in the process of gathering those key documents such as the Victoria Street plans and concepts, Complete Streets Study and Policy which was adopted, Beaver Street Flooding, CIP and the street list included in same, researching grant opportunities especially the Tiger Grant which has a focus on transportation and economic development. He stated this is an extremely difficult grant to get and the City might have to develop partners. The scope of work would have to be narrowed. Mr. Lamb used the City of Concord as an example where it took three to four years to obtain this grant.

Mr. Lamb stated when the Marlboro Street rezoning work was being pursued the consultant suggested calling that project Innovation District. Mr. Lamb stated if Innovation Districts are looked at they are often larger cities combined with academic institutions. A great example is in the development of South Boston around the Seaport where the City and private businesses got involved and the businesses eventually spun off.

Staff will also develop a clear scope of work, look at where the funding is going and push money more towards this area. Mr. Lamb stated the City already has a strong CIP program for this area between Wards 1 and 2 there is about 45% of investment for this area.

Councilor Jones asked whether the northern portion where the cultural hub is couldn’t be connected to the TIF District. Mr. Lamb agreed the old Middle School building is in the TIF

District and the new property owner has been talking about developing this property fairly soon and there is also talk about re-developing the former YMCA property.

Councilor Hansel felt this is an important project and is looking forward to it becoming a reality.

Mr. Lamb went on to say that Councilor Richards' time on Council include the time when the City invested money in the area north of Central Square (Union Street, Vernon Street, Mechanic Street) and this was because the City was under order from the State regarding the wastewater collection system and treatment system. What the City realized is when infrastructure is improved; people start caring more about their properties. A lot of Councilor Richards' ideas comes from living in that neighborhood and seeing the transition. Chair Spykman agreed with what Mr. Lamb stated and added Councilor Richards wanted to be in attendance but couldn't attend due to health issues.

3. Next Meeting – Monday, June 13, 2016

4. Adjourn

The meeting adjourned at 7:55 PM.

Respectfully submitted,

Krishni Pahl,
Minute Taker

Reviewed by Rhett Lamb,
ACM/Planning Director
Edits, Lee Langella