

**CITY OF KEENE**  
**NEW HAMPSHIRE**  
**JOINT PUBLIC WORKSHOP**  
**PLANNING BOARD/**  
**PLANNING, LICENSES, AND DEVELOPMENT COMMITTEE**  
**MEETING MINUTES**

Monday, August 8, 2016

6:30 PM

Council Chambers

**Planning Board Members Present**

Gary Spykman, Chair  
Christine Weeks  
Andrew Bohannon  
Mayor Kendall Lane  
Nathaniel Stout  
Douglas Barrett  
Councilor George Hansel

**Planning Board Members Not Present**

Councilor James Duffy  
Tammy Adams, Alternate  
Chris Cusack  
Pamela Russell Slack

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

David Richards, Chairman  
Councilor Philip Jones  
Councilor Bettina Chadbourne  
Councilor Robert Sutherland  
Councilor George Hansel

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

**Staff Present**

Rhett Lamb, Planning Director  
Tara Kessler, 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 – July 11, 2016**

Chair Spykman offered the following correction:

On page 1 - he was not present at the meeting.

Mr. Lamb stated staff will take care of some typographic errors in the minutes.

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

**3. Public Workshop**

**Ordinances - O-2016-13, O-2016-14, O-2016-15** – Relating to the establishment of the **Main Street Historic Overlay District**. These ordinances would amend the City Code by creating a historic district in the area of Main Street between NH Route 101 and the intersection of Main, Winchester, and Marlboro Streets, Proctor Court and King Court.

Planner Tara Kessler was the first to address the Committee. Ms. Kessler stated the Committee has before it today three Ordinances; O-2016-13 is a proposed amendment to Chapter 102, Article XI of the City Zoning Ordinance to establish a Main Street Historic District. She stated

the Committee also has before it O-2016-14 an ordinance to amend Chapter 18, Article V of the City Code which talks about building regulations and addresses the regulations within the Downtown Historic District. The proposed amendment before the Committee is to incorporate a Main Street Historic District which would extend between the areas of Main Street from the Main/Winchester/Marlboro Street roundabout to Route 101 and would also incorporate two cul-de-sacs one at Proctor Court and the other at King Court. This is a total of about 31 acres and consist of about 52 parcels in the City. Ms. Kessler stated in 1987 an inventory was done of this area to determine if this section was eligible for listing in the National Historic Register as a Historic District. In 2012, another inventory was done of the area and it was recognized that this area had one of the most significant patterns of architectural development and was important not only in Keene but also in the State of New Hampshire.

The Council, as a result, granted the authority to the Historic District Commission to form a sub-committee to research and develop a proposed ordinance to establish an historic district in this area. This sub-committee has met since 2014 through early 2016. Their meetings were open to the public, they held two public workshops and gathered input from the public, and they did extensive research of the history of this area and looked at other similar ordinances. Ms. Kessler stated the sub-committee has prepared a draft ordinance which was reviewed and approved by the Historic District Commission to send on to the City Council for first reading. Today's public workshop is to address this ordinance and to hear from the public.

Ms. Kessler went on to say that there are 52 parcels in this district, the uses are mostly residential and this is considered an overlay district and hence won't impact the underlying base zoning – office, low density and high density, so it would be a layer on top of what already exists here today. She indicated there is currently a downtown historic district which extends north of the roundabout to approximately Mechanic Street. There are different types of activities in this district that are regulated as opposed to what is being proposed for this new district. When the sub-committee looked at this new district, they thought about the activities that would have the most impact on the historic streetscape of this area. Ms. Kessler stated eight activities were identified and these are listed on page 14 of the staff report and are as follows:

- a. *Construction of a new primary structure*
- b. *Construction of a new accessory structure that exceeds 250 square feet in gross floor area or exceeds 5% of the gross floor area of the existing primary structure, whichever is greater*
- c. *Additions to an existing primary structure that exceed 250 square feet in gross floor area or exceed 5% of the gross floor area of the existing primary structure, whichever is greater*

Ms. Kessler explained the first three activities address new structures, accessory structures or additions to a home and in a situation such as that, an applicant would need to go before the existing Historic District Commission and have their proposal reviewed.

- d. *Alteration to rooflines, including roof features, on buildings or structures designated as a Contributing Resource*

Ms. Kessler stated currently in the downtown district there are contributing resources and non-contributing resources. A Contributing Resource is defined as a building or structure in the district that is greater than fifty years old and that contributes to the district's sense of historical development. If this ordinance was to be approved, for instance if someone was going to make a change to the roofline, the item would go before the Historic District Commission for approval

- e. *Alteration, addition, or removal of window openings on buildings or structures designated as a Contributing Resource*
- f. *Alteration, addition or removal of doorways or entrances on buildings or structures designated as a Contributing Resource*

If someone was to put in a new window opening, moving or closing up a window opening approval from the Historic District Commission would be required and same would be true for a doorway.

- g. *Painting of previously unpainted brick, stone masonry or concrete on buildings or structures designated as a Contributing or Non-Contributing Resource*
- h. *Relocation, demolition, or partial demolition of buildings or structures designated as a contributing Resource*

Ms. Kessler stated it is important to note that anything that is not visible from the public way would be exempt from this ordinance. She added one important thing to note is that this ordinance does not propose to regulate color, material or site features; it is only the significant activities which were mentioned.

*As to whether this ordinance is consistent with the City's Master Plan - In particular, it is stated on page 54 of the Master Plan that the historic scenic gateways of the downtown "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" and that "each of these areas should become a local historic district, a National Register District, or both."*

*Further, page 55 of the Master Plan states "Historic preservation should also be further integrated into other local land-use and building regulations. Potential impact on historical and cultural resources needs to be taken into account in decisions about economic development, building permits and compliance, infrastructure, land-use planning, and housing."*

This concluded Ms. Kessler's comments.

Chair Spykman went on to explain how the Joint Committee works and how today's process was going to work. He indicated the Body present today is the Joint Committee of the City's Planning Board and Planning, Licenses and Development Committee. The Joint Committee consists of City Councilors and members of the Planning Board. Planning Board members are non-elected volunteers appointed by the Mayor and approved by the City Council. The Planning Board also consists of the Mayor and one City Councilor. The PLD Committee consists of City Councilors. He indicated the purpose of this public workshop is different for the Planning Board and the Planning, Licenses and Development (PLD) Committee.

The Planning Board has one mission tonight and that is to recommend as to whether the proposed ordinances are in compliance with the Comprehensive Master Plan. The PLD Committee's goal is to decide whether to recommend the Mayor set a public hearing before the City Council. Councilor Jones added even if the Planning Board votes this ordinance is not in compliance with the Master Plan and the PLD Committee does not recommend setting a public hearing, the ordinance would still go before the City Council. Councilor Jones asked Ms. Kessler to read to him the first three sentences of the Master Plan previously referred to:

*“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” and that “Each of these areas should become a local historic district, a National Register District, or both.”*

Ms. Weeks asked whether all 52 properties would be considered “contributing resources”. Ms. Kessler stated the Historic District Commission has yet to rank those resources as contributing or non-contributing, and added if this district was to be adopted then staff would rely on the historic inventory produced in 2012 and the ranking system developed for the downtown historic district to determine that. Ms. Weeks asked for a ballpark figure. Ms. Kessler felt it was too early to determine this but added the inventory done in 2012 determined most of the resources were “contributing resources”.

Mr. Stout asked whether property owners will be permitted to comment on whether there property was a contributing resource or a non-contributing resource. Ms. Kessler deferred to the Planning Director. Mr. Lamb stated the public is invited to this process and will be made aware of the list and added this would be the task of the Historic District Commission who would make the public aware of the list so they could comment on it. Mr. Stout asked if this ordinance gets adopted what the City can expect from Keene State College which is a State institution. Ms. Kessler stated as a state educational institution they are not required to adhere to the regulations but noted the Committee has a letter from President Ann Huot expressing her commitment to Keene’s architectural history and design and the college’s commitment to maintain this streetscape.

Councilor Sutherland noted that there are a number of streets omitted from this ordinance such as Elliot Street, Adams Street, Gates Street, Baker Street, Appleton Street but does include just Proctor Court. Ms. Kessler stated there are also two properties on King Court and added it has to do with the historic development of Main Street and which properties primarily front Main Street. Mr. Lamb stated the initial committee did this work and added in these lines but the Council has the purview to change those lines. Councilor Sutherland noted the properties on King Court can be seen from Main Street but that is not the case with those other non-Main Street properties.

Councilor Chadbourne asked, currently if a property owner living in this area wanted to change the roof line on their property whether there was a process they have to go through. Ms. Kessler stated they would need a building permit; if they were a single or two-family they would not have to go before the Planning Board but if it was a commercial property, they may need to seek additional approval. The Councilor asked if this ordinance was passed how taxes would impact those properties in this new district. Ms. Kessler stated this is a difficult question to answer; what the district is doing is instituting regulations for certain activities for review by the Historic District Commission. She wasn’t sure whether this review process would have any impact on taxes. Chair Spykman stated directly there will be no impact for these properties to be located in this district.

Ms. Weeks asked how many of the 52 properties are owner occupied. Ms. Kessler stated she did not have this information but 25 of the properties are single or two family properties, ten are commercial properties of these ten there is one five-unit residential property. This is also excluding 13 buildings owned by Keene State College.

Councilor Sutherland noted the Historic District Commission is an appointed body and asked how the review process would go forward should this ordinance be adopted. Ms. Kessler stated currently there is a seven-member Historic District Commission and this group is nominated by the Mayor and appointed by the Council. If this ordinance was to be adopted one Historic District Commission would be maintained which would review both the Downtown Historic District and the proposed Main Street Historic District. The Councilor clarified that no-one from the Planning Board, the PLD Committee or the Historic District Commission own properties within this area where the City is trying to impose these regulations. Ms. Kessler stated she did not have that information.

Councilor Hansel asked whether the criteria and the ranking system will be generated by the Historic District Commission and then be approved by the Council. Ms. Kessler stated, the Historic District Commission by State Statute has the ability to develop their own ranking system. Mr. Lamb with reference to the ranking system stated this is a unique feature of Keene in the downtown district and because of how successful it has been, it has been carried over in the administration of the proposed district. The purpose of this ranking system is to establish different criteria based on the historic character of a building. Mr. Lamb used as comparison the UCC Church at Central Square which is an iconic building versus the Cumberland Farms gas station.

Councilor Hansel clarified that unlike the Zoning Board or the Planning Board which use regulations which are regulated by the City Council, whether the Historic District Commission was the only quasi-judicial process that does not have that oversight. Ms. Kessler stated the Planning Board has its own set of development standards that it adopts on its own. However, the zoning ordinance does go before the City Council. Ms. Kessler added the City Council will ultimately be voting on the boundaries for the district and what activities will be regulated. She stated this is the reason the Joint Committee has before it Chapter 18, Article V of the City Code which would usually not come before the Joint Committee as it outlines what activities will be regulated. If the ordinance was to be adopted, the regulations being implemented by the Historic District Commission would then have to comply with these City Codes.

Councilor Sutherland stated there seems to be a different set of criteria for the Downtown Historic District versus what is going to be implemented for Main Street and asked whether there was reasoning for this. Ms. Kessler stated the current Downtown Historic District treats residential and commercial in the same way; there are fewer residential uses in the current Downtown Historic District compared to the proposed Main Street District. The list of activities in the Downtown Historic District go into much more detail and there are more of them compared to what is being proposed for the Main Street District. The sub-committee heard from the public about over regulation and the more onerous process put on homeowners. Hence they took the current 21 activities in the Downtown Historic District and narrowed it down to eight activities in the proposed district.

Councilor Chadbourne referred to a situation of certain property owners on Baker Street who had gone before the Planning Board for an exception to the driveway code and they were turned down. At which point they went before the Council for reconsideration which superseded the Planning Board's decision. The Councilor asked if the City was to institute an ordinance whether property owners would have any recourse. Ms. Kessler stated they can appeal to the Zoning Board of Adjustment and if that should fail they also have the opportunity to go before the Superior Court.

Chair Spykman clarified the Historic District Commission is regulated by State Regulations. Ms. Kessler agreed but added it also needs the authority of the Council. The Chair clarified this is not a concept Keene decided to come up as a concept and there are enabling regulations at the State level. Ms. Kessler agreed and added under this ordinance if someone was to submit an application to the Planning Board, the Planning Board will schedule a public hearing, produce a staff report and letters to abutters will be sent. At the meeting, the public will be invited to comment and the Historic District Commission will review the application based on the regulations it has.

Councilor Sutherland asked why the City was looking at Lower Main Street and not Washington Street and Court Street. Ms. Kessler stated it is the intent to look at all the areas based on their historic significance. The reason for starting with this area is probably because the inventory done in 2012 has this area having the highest historic significance. The Councilor clarified the intent would then be to extend this type of district from the downtown to the hospital on Court Street and from the downtown to perhaps the Recreation Center and felt it would be prudent for other property owners to pay attention to what is going on now. Ms. Kessler stated this was the desire from the community as identified in the Master Plan in 2010 but it has been six years since that Master Plan was adopted. Mr. Lamb stated that this is a concept that was in place even before 2010, when it was put in place by the Heritage Commission.

Councilor Sutherland asked what the penalties would be to a property owner if they don't comply with these ordinances. Mr. Lamb stated the penalties are defined by RSA 675 and subsequent chapters which authorizes the City to issue notices of violation and if those violations are not adhered to, the City has the ability to issue fines. He added the City's practice rarely gets to a fine; the City tries very hard to work with the landowner to bring the project under compliance. He added \$275 per day.

Chair Spykman opened the session up to public comment next.

Anita Carroll Weldon, member of the HDC and Chair of the sub-committee addressed the Committee first. Ms. Carroll Weldon stated the sub-committee reviewed standards for 17 towns and cities and narrowed them down to five and reviewed their standards. In reviewing these standards we found many elements were regulated, some up to about 30. Such as paint color, fences, pavement, light fixtures etc. Before the ordinance was drafted these findings were presented at a public forum on 5/15/15. The public raised issues such as restriction and burden of cost. As a result the sub-committee reduced the activities down to eight as explained by Ms. Kessler.

Ms. Carroll Weldon stated the proposed ordinance is a minimum protection which could be provided for the neighborhood character and the historic defining features. She added all existing conditions will be grandfathered and there will be no review on standard maintenance. This ordinance does not prevent change but provides for some control over change in the area.

Ms. Carroll Weldon then referred to some slides and explained before there were any policies in place to protect historic structures, Keene lost more historic architecture than most towns have ever had. The first was a slide showing the Lawrence Colony House on West Street which is now the Dunkin Donuts site. The next is the Cook House on West Street which is now the Peoples Bank on West Street. The third is the Adams House on Main Street which is now the nursing home on Main Street. Once these buildings are lost they cannot be replaced. Ms. Carroll Weldon stated the Comprehensive Master Plan the drafting of which lasted over a span of two years

shows the community's preference for historic preservation and protecting this area of Main Street.

Ms. Joslin Kimball Frank read the following statement for the record:

*Good evening, my name is Joslin Kimball Frank and I live in Keene's downtown, addressed the Joint Committee next. She is also a member of the sub-committee. The sub-committee was appointed from the Heritage & Downtown Historic District Commissions who worked diligently to draw up an ordinance for a second historic district that would not be overly burdensome to the residents and that would assure lower Main Street continued to be an attractive gateway to our city.*

*However, even before we began our work we became aware of opposition from some of the Main Street residents.*

*We were challenged and on one occasion were directed to resign from this assignment. When we responded that we would not do that – that there were others in the city that were in favor of the historic district, we were told that they would defeat us when it came up before the City Council.*

*I hope that is not what the outcome will be.*

*We care about the district and about those who reside there. We've listened to them and responded to their concerns wherever possible. In that regard, I'd like to speak specifically of four items.*

*The First Item - The residents voiced concerns about issues that they felt should be addressed – traffic speed, difficulty of pedestrians crossing, unruly behavior. While those items were not in our purview, we agreed that they should be addressed and will ask the City Council to take remedial action.*

*The Second Item – The residents expressed opposition to the burden of excessive regulations and to additional costs they would incur to meet the standards. Many historic districts have as many as 35-40 specific regulations. We whittled our number for this district down to eight items.*

*Most of the districts also required replacement of specific materials when making repairs or renovations. These could be costly to the homeowners. We have crafted an ordinance which will preserve the basic elements of these fine homes that define the era and style of the buildings themselves. We do not mandate the materials for roofing or siding, or the type of replacement windows or doors.*

*The Third Item – the role of the college. Many of the Main Street residents questioned why they should be beholden to the regulations of an historic district if Keene State were exempt from these. The Keene Sentinel echoed this same refrain in an editorial of May last year.*

*In early June 2015, the FPHK, which I chair, held its annual meeting and invited President Anne Huot to speak about her thoughts as the College looked to its future, and specifically – in light of the ordinance being drafted for a second historic district on lower Main Street whether she envisioned any further development in this area. Dr. Huot stated that KSC had no plans to acquire other Main Street buildings.*

*I followed up with a letter to President Huot this past spring on behalf of the Foundation. I summarized the work of the Ordinance subcommittee and explained that the issue which had engendered great concern was the exemption of KSC from adherence to such an ordinance.*

*In a conversation of a little more than a week ago, I was told by Dan Petree, the Interim Vice President, that the college held several lengthy discussions on this topic and concluded that the state statutes precluded them from entering into a formal agreement – although as you will hear [or have heard] the college is very supportive of the architectural heritage of Keene.*

*While this was disappointing news, we hope it will still be possible for the city and the college [the Mayor and the President] to continue the conversation and to enter into a binding agreement between the two entities with respect to the lower Main Street historic district.*

*The Fourth Item – without an ordinance, the looming threat. KSC provides student housing for 50% of its students. Without an ordinance, one possibility might come from a builder who sees an opportunity to make a profit; purchases several buildings and demolishes them. In its place, he builds a four or five story dormitory for several hundred students, next door to one of Main Street's fine historic houses and the unraveling of this beautiful historic entryway to Keene will begin.*

*Thank you for your attention.*

Ms. Juliana Bergeron of 410 Main Street, Keene began by thanking the City for noticing abutters regarding this workshop. She stated she appreciates that the criteria has been reduced to eight activities but questioned what exactly the city is trying to avoid in this area and why this cannot be handled by proper zoning and building codes. Ms. Bergeron stated the neighborhood still is not aware as to how many properties will be affected by this ordinance.

Ms. Bergeron stated the majority of people who live on Main Street are opposed to this ordinance and have attended many meetings and have written many letters about their opposition. She noted the Committee showed images of what the houses looked like and what they look like right now and added the houses the property owners own on Main Street look they were they are right now when they were purchased. She stated she knows of already two people who have moved out because of this proposed change and one of those properties now houses college students.

Ms. Bergeron referred to Alexandria, VA where something similar was put in place but that city did not “divide and conquer” their city; they were not discriminatory. How that city handled this issue is that any property over a certain age in the community belonged to the Historic District and they have done a nice job preserving their community. She felt something like that would make this more palatable.

Mr. John Therriault of 76 Bradford Road was the next speaker. Mr. Therriault began by referring to page 121 of the Master Plan under the heading of Master Plan Implementation, sub-heading of Scheduling and Revisiting where it talks about revising this plan every five to seven years. Mr. Therriault felt it was time to update this Plan and get the community's input.

Mr. Therriault stated a district that places even one restriction on a homeowner equates to taking freedom from that homeowner. He stated we live in a country that has a constitution and laws that protect life, liberty and the pursuit of happiness. It's always been said pursuit of happiness



equals property rights and when there is a taking of those rights without adequate adjustment then the city has violated those rights this country stands for.

Mr. Therriault went on to say because of the extended district from Central Square to Route 101, which encompasses much public property, ie, Keene State property and the Wyman Tavern which is part of the Historical Society; there is already quite a foundation and did not feel it was necessary to extend this to the rest of the property owners.

Councilor Jan Manwaring, Councilor for Ward 1 stated one of the aspects that surprises her is that there are no public members on this sub-committee and questioned the reasons for that. Ms. Kessler stated the State Statute indicates members on such a sub-committee must be members from the Historic District Commission with an option to include members from the Heritage Commission should a municipality have such a Body.

Mr. Conan Salada of 132 Kennedy Drive questioned how many members of the sub-committee live in Keene and live in the district or the proposed district. He also questioned how many City Councilors and members of the Joint Committee live in this district and the proposed district.

Mr. Salada indicated to the Mayor that he had heard on the radio today about a Committee being created to conduct a study of the effect of ordinances that exist in the City of Keene. Mr. Lamb stated Mr. Salada is probably referring to the Landuse Code Update Committee which was put in place by the Mayor's Office. There is a public input meeting of this body coming up on September 6<sup>th</sup> and there will be monthly Committee meetings. Mr. Salada asked whether this group will be looking at ordinances such as this one. Mr. Lamb stated this Committee will look at everything including the Historic District process, regulations and the expansion of the district. Mr. Salada stated he would like it noted the reason people are leaving this area or why businesses are not coming to this area is because of a district such as the one being proposed.

As far as changes made to the amendment, Mr. Salada questioned whether changes are being made today. Chair Spykman stated the Committee will take public comment and can always propose changes. Mr. Salada stated he would like to suggest an amendment; all Council members, Joint Committee members and Historic District Commission members who vote in favor of this ordinance, that their properties be added to this District.

Mr. Lamb, in response to the composition of the sub-committee question which was raised, stated Chapter 2 of the City Code require members of any City Committee, with the exception of a handful of Committees, be residents of the City of Keene. In the current Historic District Commission there are two members who live in the district. Mr. Salada stated this is better than what he expected and asked the others be added to the district as well.

Ms. Mariah Temple of 114 Jordan Road was the next speaker. Ms. Temple stated her property is clearly not part of Main Street but she is part of the Keene community and has always treasured the feel of Keene and its response to historic buildings in the City.

Ms. Temple referred to community goals and asked whether these still exist. Mr. Lamb stated community goals are now referred to as community vision. Ms. Temple stated the Master Plan, which took quite a long time to put together, were the result of these community goals. She noted there is a strong call in this Plan to preserve the feel of our past so it connects us to who we are and where we are going. Hence, it is important to everyone who lives in this community as to

what happens on our Main Street. She stated the community cares about the visual beauty of our community and that needs to be preserved.

Mr. Peter Hansel of 61 Bradford Road stated he wanted to respond to a comment about businesses not wanting to come to Keene because of this type of process we are going through. Mr. Hansel stated his company used to be located in Harrisville where the entire town was going through this process. He stated he does not compare Keene to Harrisville but there are portions of Keene that need to be preserved, Main Street being one of the first areas being developed and qualifies for that. Mr. Hansel stated there are always people who are going to oppose this type of change but if this is not done now, Keene will come to a point of regret very soon.

Mr. Hansel stated we can see what is happening in other parts of Keene where large buildings are going up to house students all under the guise of free enterprise and property ownership; this does have value, but the rest of the community has concerns about what's going on, especially on Main Street which is a key gateway into the City.

Mr. Bob Lyle of 383 Main Street stated he is happy to see all the support for the historic homes on Main Street. Mr. Lyle stated he went door-to-door of this area to perform a survey based on the map provided by the City. Twelve buildings belong to Keene State College, they are in the process of selling one of the buildings to the Historical Society. Three buildings belong to the Historical Society, 18 are owner occupied, 10 are rental buildings (owner does not live in the building), and eight commercial buildings. He felt Keene State College and commercial occupy the vast amount of the properties in this district.

Mr. Lyle went on to say he is very impressed with the work the new President is doing but Keene State College recently constructed a five-story building immediately behind the Wyman Tavern and felt if Keene State was interested in preserving the street scape they need to start doing more.

Mr. Lyle went on to say this ordinance would reduce property value contrary to what has already been said. He explained if a property owner has to go through two Boards in order to make a change to a house, but there is another home where a property owner has to go through just one Board to obtain approval, it is easy to figure out which home a property owner would likely want to own. Houses without restrictions are easier to sell than houses with restrictions.

People on Main Street pay the same amount in taxes as others do and did not feel it was fair to require property owners on Main Street to be asked to carry this extra burden because the rest of Keene wants to City to "look pretty". He asked that compensation be computed for these property owners for this extra tax on Main Street.

Councilor Steve Hooper, Councilor for Ward 1 stated he has a lot of respect for the history of a community. He stated what concerns him the most is that a good part of Main Street is occupied by Keene State College. The Councilor referred to the list of fees which a homeowner on Main Street would now have to pay but not Keene State College and felt it should be worked out in a way it would be fair to all parties. He felt Keene State College needs to "step up" and have something more binding.

Mr. Nathan Roar of 389 Main Street was the next speaker. Mr. Roar stated he was in support of preserving Main Street but did not feel what is being proposed is the way to do it. He felt firstly what needs to be done is that Main Street should not be used as a highway and, secondly, he gets awakened every night because the pot holes on Main Street which are yet to be fixed.

He stated he supports not demolishing the remaining historic structures and turning them into businesses but this ordinance does not do that as that kind of change would require City approval.

Mr. Rourke stated he would like to propose an amendment to Section 18-360, item 2 – Alteration and felt this was a very broad word and needs to be changed. Mr. Roarke also felt until contributing resources are defined this ordinance cannot be passed. He thanked Mr. Lyle for collecting the necessary signatures and felt this is work the City should have done before going this far into the process. Mr. Roarke thanked the people who are trying to protect the Historic District but felt some of the items are too far reaching. He felt the issue is the rental properties on Main Street and the City is targeting the wrong people with this.

Ms. Elizabeth Sayre of 219 Main Street began by thanking the comments that have already been made. She expressed concern about some of the broad statements that have been made about people living in this district who have made threatening allegations and does not recall hearing that from any of her neighbors. She expressed disappointed that such a broad stroke was used regarding the neighborhood.

Ms. Sayre stated she is in agreement about preserving historic homes in the City but as Councilor Sutherland pointed out there seems to be one set of rules for one particular neighborhood versus another. She felt it would be in the best interest of the City to develop criteria for “historic homes” in the City which won’t feel discriminatory, which she indicated is not the intent of the City but it does feel that way.

Ms. Sayre clarified from staff whether the ranking system is created after the ordinance is passed. Ms. Kessler stated that the Downtown Historic District already has a ranking system and the question is whether the same would also be used for this proposed district and the existing criteria was established by the Historic District Commission. Ms. Sayre asked what this Commission’s expertise was. Ms. Kessler stated the Commission has hired consultants who have expertise in this area. Some members of the Commission also have expertise in the area of historic districts. Mr. Lamb added the membership today has an architect, a preservation carpenter, and a historian; there are individuals on this Commission who can do this type of work.

Ms. Sayre stated there is a difference between a resident in a home and a homeowner in this neighborhood, and the homeowners appear to be the ones who would have the most impact. She questioned whether there would be one permit for the Historic District Commission which would be required and another for the Planning Board, which she felt would add to the burden of cost.

Ms. Kessler stated the Historic District Commission would be the Body required to review an application; currently the fee an applicant incurs is for legal notice which is \$9 and notice to abutters at \$3.77 per abutter. Ms. Sayre asked whether this is a cost a homeowner would have to incur in any other neighborhood in Keene. Mr. Lamb stated if it is a building permit, then the cost is only for a building permit. If Historic District Commission review is required, this would be an additional cost. Mr. Lamb added if it is not a single- or two-family home, the application would require Planning Board approval as well. Chair Spykman added there are other processes which would require similar permits, such as subdividing a lot, which also has a fee associated to it, and did not feel this is unique to the Historic District.

Ms. Sayre stated however, when someone subdivides a lot it is mostly because they want to sell the second lot. In this instance if someone wishes to change their front door, it now becomes a cost of a permit fee to the homeowner. She went on to say if the City wishes to put in place a Historic Overlay District it should be for all historic homes in the City.

Mr. Ken Stewart of 11 Algonquin Drive stated his experience has been how much people appreciate the economic vitality of our downtown and felt there is an economic argument for preserving the historic values of downtown streets like Court Street, Washington Street and Main Street.

Mr. Stewart asked what economic impact this might have on people who are living in areas that are designated as historic districts. He indicated he had come across a study done by the Advisory Council on Historic Preservation which is a Federal Agency. The study indicates, for instance, homes in the Historic District in Philadelphia commanded a premium of 22.5% increase of comparable properties not in historic districts (this study was done in 2010).

Little Rock, Arkansas properties in the historic district carried a value of nearly \$31,000 more than properties not in the historic district (this study was done in 2006).

Louisville, Kentucky properties in the historic district carried a value of \$59,000 - \$67,000 more than properties not in the historic district (this study was done in 2009).

Marilee Rouillard of 358 Main Street was the next speaker. Ms. Rouillard stated the Master Plan is a guide; it is something that you wish for. However, once you start putting regulations on them it starts affecting people's lives. She added an ordinary resident does not understand regulations and it can become over-whelming.

Ms. Rouillard stated she loves Main Street and keeps her home to the best of her ability and felt instead of placing regulations, residents should be thanked for taking care of their homes and at times for taking care of City property. Ms. Rouillard stated when she wants to make a change to her property if she needs to obtain a permit, hire experts in the field to assist her; it places a financial strain on the residents. She felt these types of regulations are just being placed on a few residents, the rest don't seem to be affected. She also noted the cost and time being spent on drafting such regulations and did not feel there was going to be another West Street and Main Street because there are zoning regulations in place to prevent that from happening. Ms. Rouillard stated she also takes offense to being told she lives on lower Main Street where there are gas stations; she lives in the gateway.

Ms. Shawna Nash of 132 Kennedy Drive asked whether there has been any voluntary feedback sought from residents regarding this onerous process being placed on the residents on Main Street. Mr. Lamb stated nothing as such has been done but this is part of the process being undertaken for the landuse code update which includes the Historic District and the public will be invited to be part of this process.

Ms. Nash agreed she doesn't live downtown but does visit and work in the downtown. However, felt it was egregious to place these regulations on residents in this area. Ms. Nash encouraged people who live outside this district to move downtown and contribute to it rather than place this burden on people who live downtown.

Ms. Louise Zerba, Chair the Heritage Commission as well as a member of the sub-committee addressed the Joint Committee next. Ms. Zerba read the following for the record:

*The Heritage Commission began working on the establishment of this district many years ago when it began to inventory the buildings in the proposed district. I would like to think that another 200+ years from now, people looking at our history will say weren't the forefathers at that time far-reaching in trying to help the community they lived in. Those homeowners any years go who lived to the west of Main Street at a town meeting agreed to move their front property lines on the west side of Main Street 4 rods or 66 feet to the left to widen the street. This broad, straight central street represents the first settlement created in Keene in 1736. We have a beautiful entry to our city with distinctive residences and educational buildings, many of them brick, brick that was made in the Mill Pond area to the west of Main Street.*

*Thinking back to the downtown historic district. Our city was very fortunate that we had people like Jack Dugan and Dan Scully who, when renovating the Sears and Woolworth buildings, made sure that the new facades looked to the history and architecture of our city and constructed buildings of which we are rightly proud. With the establishment of this downtown district our buildings will continue to reflect who we are and where we have been as we move to the future.*

*The Committee who helped draw up this final draft now before you tried to make it the least difficult and least cumbersome without added expense by focusing on major changes that would affect the visible appearance of the properties along the Main Street.*

*Had a Main Street Historic District been in effect when Westwood was built, Westwood might look like the Woodward Home or Prospect Place or even have kept some of the architectural features that existed when it was owned Dr. Charles G. Adams who once lived at that site, similar in appearance to what is now the Newcombe home on the corner of Elliot and Main Streets and not the building that currently exists.*

*I really hope that we can reach some compromise so that our front door, our main entry will continue to reflect our pride in our past and show to all those traveling up or down our lovely Main Street that we care about our community and its appearance. I thank all the homeowners who have been diligent in preserving the beauty of their distinctive properties and hope we can all find a way to support the establishment of this district.*

The next to address the Committee was Jeananne Farrar of 59 School Street who stated as follows:

*One of the clear statements of principles of the Smart Growth movement is to foster distinctive attractive places with a Sense of Place.*

*According to a nationally known author and speaker, Donovan Rypkema, who is the Principal of PlaceEconomics, "if a community did nothing but protect its historic neighborhoods, it will advance every Smart Growth principle. Historic preservation is Smart Growth."*

*People develop a sense of place through time share, shared experienced and stories (history) that help to connect place and people and to transmit feelings of place from generation to generation.*

*I have lived in Keene for 80 years of my life. My sense of place is firmly rooted in our Main Street, its neighborhood, and the people, places and institutions that have helped to shape my*

*life. Born in the White Mountains of New Hampshire, raised in the Monadnock Region, and schooled in the Upper Valley. I look for the iconic landscape and landmarks in every one of those places when I visit them.*

*Our historic home has been lived in by the Farrar family for 73 years. It is a great old house build in 1842 by Ebenezer Clark, his homestead on the east side of school Street. We value the hard work he put in to building this place. I have researched the residents who have lived here and we have completed the inventory of the land and buildings.*

*As a young bride and mother I was fascinated with all I began to learn about “our old house”. People often stop and ask about it. They admire the field of blue in the springtime and bring their children to photograph them in the midst of the blue skill, planted initially by Bob’s grandfather.*

*The little round porch on the northwest side of the house, the artful masonry and slate designs on the roof never fail to attract pedestrians. They stop on their walks to stare at the beauty and character of the place and visit with anyone who happens to be around.*

*By the same token, I do my share as I’m sure many others do, of looking at and appreciating the beautiful homes in other areas of the city and especially our south Main Street neighborhood which is so steeped in history. It is not only a gateway to our city but the bedrock of the settlement of this community.*

*One of my favorite early morning walks used to be from School Street down to the Route 101 intersection. Broad sidewalks, wide setbacks, fabulous homes and architecture were everywhere. A wonderful start to a new day. Detours through the college campus and around Brick Mill Pond were usually quiet and very pleasant.*

*We are so privileged to be stewards of these great old homes and so fortunate to be living in them. Stewardship defined is the careful and responsible management of something entrusted to one’s care whether the natural or the built environment.*

*We’ve tried to be good stewards of our historic home which will be 175 years old next year. The comfortable home our family has grown up in for five generations is where the family has found comfort and shelter. We care about historic preservation and all that it entails so that many of these magnificent homes will also be here for future generations to enjoy.*

*I thank you and hope that many of the questions being put forth tonight have reasonable answers.*

Ms. Farrar felt she was responsible for what is before the Committee today because in 2000 she visited the Planning Department to look at possibilities for placing her own home in a historic district. She indicated the historic regulations are governed by RSA Section 674. Ms. Farrar did not feel it was about making things difficult for people. She felt stewardship was an important piece of historic preservation and we should be privileged to take care of them as they won’t be built again as we don’t have the craftsmanship, material or finances to build them.

Ms. Vicky Morton of 275 Water Street stated while the intent of this historic district complies with the Master Plan she urged the Committee not to move forward with it as it causes an economic disadvantage for residents living in the area. Ms. Morton stated if this ordinance is

going to be put into effect it should not be for one particular neighborhood, it should be City-wide.

Ms. Morton went on to say she talks about this issue because of what is being proposed for Marlboro Street – her home is in its vicinity. She talked about Chair Spykman's home being located across from her home and felt if the Marlboro Street overlay project is approved there might be things Chair Spykman could do with his home which Ms. Morton won't be able to do with her's. This is similar to what is being proposed for Main Street; there will be further restrictions for homes on the east side compared to those on the west side – restrictions are going over and beyond.

Ms. Morton mentioned the eight items that are going to be approved and suggested items e. f. and g. be eliminated. She felt property owners should be able to paint their homes if they chose to do so without seeking approval from others. Once those three are eliminated, you are now down to zoning and building. She talked about a situation in their neighborhood where clapboards were coming apart and it took over 20 months to work with the City to rectify this situation and during this time period if she was to sell her home, she would have taken a loss. She felt what happens in a neighborhood has an economic impact on one another and does understand that concept but to keep adding more and more restrictions especially in one part of the City is not fair. Ms. Morton felt if the City was going to place restrictions such as these, it should be for the entire City. She urged the City not to go forward with this.

Mr. Peter Hartz of 12 Brook Street stated as much as he appreciates the current property owners concerns they seem to have missed the point in that we are just custodians in the properties we live in or own. He referred to the various historic homes in the City and questioned what would have happened if some of these homes were not preserved by the prior owners. He agreed what someone does in your neighborhood affects your property value and the ordinance before the Committee today is intended to protect property values and preserve an important piece of an historic area for future generations. Mr. Hartz noted the Master Plan is a collective effort which is important to the City and asked the Committee to keep that in mind.

Mr. Robert Farrar of 59 School Street addressed the Committee next and stated rules are made to protect most of the people from few of the people. This historic district is to protect the homes in that district which is an important part of the City. This has no reflection on the home-owners per say right now; it is for the long-term. He agreed City taxes are high; his home is higher than most homes and his home is not located in a Historic District. Mr. Farrar stated he does not agree to the whole City concept as the entire city is not in the historic district. He felt this ordinance will make things fit in this and it won't put any problems on conscientious homeowners.

Mr. Farrar stated people live in this area because they like the area and did not feel these few rules should matter. He noted if the City did not have the reassessment they had on lower Main Street when Route 101 was constructed it wouldn't be the way it is today; it stopped DOT cold.

Main Street is an area of great historic recognition and we can't lose sight of that. He felt should this ordinance move down to Washington Street and Court Street that would be a great idea as well. He asked the Committee to move forward with this ordinance.

Mr. David Hinderaker of 409 Main Street addressed the Committee next. Mr. Hinderaker stated he appreciated the comments from his neighbors and stated he has confidence in his neighbors to

maintain their home. He stated he is perplexed about the zoning laws as they exist and never envisioned a shopping mall or a high-rise apartment complex being built in this area.

Mr. Hinderaker felt this ordinance could have an opposite effect than what it is intended to create. He talked about the home he owns being in disrepair before he purchased it and did not feel this ordinance could have protected that and did not feel if this ordinance was in place the realtor or the developer would have done the necessary work this house required because it would have been considered to be too arduous. He added if this ordinance was in place it is unlikely he would have purchased his home.

Mr. Salada of Kennedy Drive addressed the Committee again and stated he has heard the comments made so far and what he has heard is property rights on one side and aesthetic value on the opposite side. He felt property rights should prevail. He felt those who want to preserve these homes should pool their money and purchase these homes and felt having to put up with their ideals is not appropriate. He stated he is concerned this community has to protect its property rights. Mr. Salada felt if it was up to a few people this entire City would be turned into a historic district and felt that would not be the best option for this community. Property owners should be allowed to do what they want to do with their properties, in some instances it would be sad but no-one should have the right to prevent that.

Chair Spykman read into the record a letter from the Historical Society of Cheshire County:  
*The following motion was approved by the Board of the Historical Society of Cheshire County on March 17, 2014. "The Historical Society of Cheshire County recognizes the significance of Lower Main Street and encourages efforts to preserve the historic character of this area"*

The next letter is from President Anne Huot, Keene State College:

*The National Trust for Historic Preservation has recognized City of Keene New Hampshire as one of America's distinctive destinations and noted the significance of its architectural detail and strong commitment to historic preservation. Keene State College partners with the City and recognizes and values the distinction this brings to the quality of life in Keene and the attraction it holds for all those who live in and visit this City.*

*Over the years, Keene State College has demonstrated its appreciation for the distinguishing features of the City through the treatment of property within the Historic District and beyond. The construction of the 2009 Barry Alumni Center preserved the façade of one of Keene's quintessential New England residences. The college holds the greatest appreciation for the variety of architectural elements and historic periods as represented in the Hale Buildings, President's residence and the former Elliot Hospital. In the case of Elliot Hall, the mural work is of Keene's own Barry Faulkner.*

*Keene State College commends the work of the Keene Heritage Commission in its efforts to identify and preserve Keene's most important architectural asset.*

The third letter is from James Putnam, 168 Court Street:

*Thank you for the opportunity to comment on the Historic District's recommendation to establish a Main Street Historic District. I am strongly in favor of this recommendation and hope you will recommend it to the City Council.*



*The Heritage Commission and the Historic District Commission with the help of City staff have done an excellent job of following through with the Master Plan's mandate to "protect and preserve the character" of lower Main Street by having it becoming a "local historic district". They are to be congratulated on their open process and hard work.*

*90 years ago Barry Faulkner called upon the citizens of Keene to plan carefully and take action to preserve "the well planned streets of Keene and our handsome buildings". Faulkner's talk attached continues to be an inspiration piece that supports and validates the work of the Heritage Commission and Historic District Commission and is a good guide for the Joint Committee. Today we can look back with pride at the way recent generations have carried on the tradition of careful planning in Keene. We can see the results of the existing Historic District and other improvements along Main Street. Now it is our turn to take charge so that future generations will benefit from the beauty of Main Street, the historic gateway to the center of Keene. Establishment of the Main Street Historic District as recommended by the Historic District Commission is the next logical step.*

Councilor Jones stated he was all for historic preservation and talked about the taking down of Penn Station for construction of Madison Square Garden. Penn Station is now a finished basement under Madison Square Garden. However, stated when this item comes to the PLD Committee level he will be requesting from staff for the goals to be a little more specific and what tools are available to achieve those goals, using the Management 101 process.

The Councilor referred to Page 20 of 51, Section 102-1381: Purpose/Intent. The six items listed here are to benefit the City; there is nothing listed here to benefit the property owner.

Councilor Jones offered the following motion: Page 26, Section Sec. 18-364. - Application procedures, (1) e. Payment of an application fee established by city council and felt the burden should not be placed on the property when all the benefit is to the City. The Councilor felt the language should read as *City Council shall not establish an application fee*. The motion was seconded by Councilor Hansel.

Chair Spykman asked whether this motion would be voted on just by the PLD Committee. The Mayor stated it would be a vote on by the entire Body.

Ms. Weeks asked staff for the fees that pertain to the current Historic District. Mr. Lamb stated at the moment there is no fee for the existing Historic District, but there is a fee for the notice, legal ad, and the fee per abutter. Ms. Weeks asked who would then absorb this cost. Mr. Lamb stated currently the applicant pays this fee but if there was an elimination of these basic fees, the City would then pick up the cost. It is a requirement in the statute that a legal notice be provided and abutters are notified. Chair Spykman felt the motion made by Councilor Jones would not apply to these fees as the motion referred to an application fee which does not exist right now. Mr. Lamb stated there has never been a distinction made between an application fee and other fee requirements and felt it should be lumped into one category. Councilor Jones stated the intent of the motion is for all fees.

Mr. Lamb suggested this language *City Council shall not establish an application fee or notice fee*.

Ms. Weeks clarified this does not apply to a building permit. The Chair agreed it does not.

Mayor Lane asked whether he understands the motion to be that there would be no fees for the existing historic district and the proposed Main Street District. He stated this is an all-inclusive document (in a section that applies to the existing district and the proposed district) and hence would apply to both districts. Ms. Kessler agreed it would.

Councilor Hansel stated he does not disagree with the intent of the motion but would like to have an average cost for these applications. He felt depending on the number of applications, the City could be incurring thousands of dollars in fees. Chair Spykman stated for a rough estimate if you were to take the 52 properties, it would be \$35 times 52 properties. Chair Richards stated it also affects the existing district which would add to the cost.

Ms. Weeks asked whether this amendment could be delayed until the City Council considered this item so staff would have a better answer. Councilor Jones stated whether it is one dollar or a thousand dollars, nowhere in the intent section does it say it benefits the property owner, it is all about benefiting the City. Hence, it should be the City absorbing the costs. It is not about the amount, it about the concept behind it.

Mr. Barrett referred to the intent section on page 20, item (6) *Promoting the use of historic districts for the education, prosperity, and general welfare of the community*. He felt the residents in the proposed district would be included in the community and would benefit from what is mentioned here as well.

Mr. Stout stated whether this ordinance is consistent with the Master Plan is totally different question and did not see a reason to delay the Joint Committee's vote and did not feel the Joint Committee should weigh in on the compliance issue. Councilor Hansel stated he had no issue voting on this amendment as it can always be amended at the PLD Committee, but with the instruction to staff to bring in those numbers for the next time this item is reviewed.

Mayor Lane stated the Joint Committee needs to be careful how it proceeds; the Joint Committee was set up with the sole purpose of amending ordinances prior to the public hearing. If the Joint Committee delays amending this ordinance until it goes before the PLD Committee, which is after the public hearing the PLD Committee will amend the ordinance and the matter will come back through the process to be considered again. He stated if someone wants to make amendments, it should probably be done here and now prior to the public hearing. The Chair agreed.

Councilor Chadbourne stated when this meeting started the explanation that was provided to the PLD Committee was that the vote from the PLD Committee was not necessarily whether they supported this item or not – it was about recommending the Mayor schedule a public hearing. Even if the Committee voted against recommending a public hearing, the matter would still go forward to a public hearing. She stated she viewed today more as a workshop and is confused about the amendment issue being made tonight.

Mr. Lamb stated the issue is what ordinance the Joint Committee wants to put forward to a public hearing. Amendments are certainly appropriate and he agrees with the Mayor. He stated if the Joint Committee wishes to get more information about the amendment it could continue this workshop until staff gets them an answer, or move it forward and an answer could be provided at Council level. He stated there are about 190 properties in the existing Historic District and about three to four applications per month.

The motion to amend the language on Page 26, Section Sec. 18-364: - *City Council shall not establish an application fee* failed on a 4-8 vote with Councilor Hansel, Councilor Richards, Councilor Jones and Chair Spykman voting in favor

A motion was made by Councilor Sutherland that the Joint Committee continue this workshop.

He stated there are a number of items that still need answers; such as extending the boundary to Court Street and Washington Street and the number of additional properties that would include. He further stated a number of properties affected by this ordinance are multi-unit properties and some of these homes on Main Street are large homes. He felt at times to keep up with rising costs the prudent thing to do would be to divide their homes into multi-unit properties and this amendment would only further exacerbate that and is something the City should be considering as well.

The motion made by Councilor Sutherland died for a lack of second.

Mayor Lane stated he has heard a lot of comment today both in favor and against this ordinance. What he has not heard is discussion as to whether this ordinance is consistent with the Master Plan or not. He stated he has also not heard discussion about whether any of the eight restrictions being proposed, and how it would adversely impact a property owner, which leaves him to determine whether this ordinance is consistent with the Master Plan or not. He felt it was consistent with the Master Plan.

Mr. Stout stated he agrees with the Mayor in that this ordinance is consistent with the Master Plan.

Councilor Hansel stated in regards to the Master Plan the plan does say a historic district is preferred, however, it does not stipulate this proposed historic district or these proposed regulations are consistent. The Master Plan also has some content which would conflict with some of the proposed regulations.

Councilor Hansel noted page 67 of the Master Plan indicates the City should strive for energy efficiency in all its buildings. However, the proposed regulations with reference alterations for window openings is considered a contributing resource and is subject to review. Councilor Hansel explained a house on Main Street which has a large window and the homeowner wishes to replace this window for energy efficiency. To be able to do this they would have to go through an additional review process, order a window to fit in with the proper regulated size which could not necessarily make a homeowner want to make changes to their homes for energy efficiency.

Page 105 of the Master Plan talked about clear rules and regulations with easy to understand timelines would be useful for those who wish to invest in the community. The Master Plan also calls for simplicity and clarity in the process. Councilor Hansel felt this overlay district does not provide simplicity or clarity. He felt the City should be streamlining its regulations not making them burdensome to residents. Councilor Hansel stated he rather see these kinds of concerns addressed in the landuse code update and maybe looking at a different form of landuse regulations that takes "forms" into account which seems to be one of the issues the City is trying to address. The Councilor did not feel the proposed ordinance complies with the intent of the Master Plan

A motion was made by Councilor Hansel to remove sections e. and f which state as follows:

- e. Alteration, addition, or removal of window openings on buildings or structures designated as a Contributing Resource;*
- f. Alteration, addition or removal of doorways or entrances on buildings or structures designated as a Contributing Resource;*

The motion was seconded Nathaniel Stout.

Mr. Stout stated if there was an instance for a homeowner to come before the Historic District Commission for approval they might find an alternative they didn't know about, which might benefit a homeowner. Mr. Stout stated there is no restriction being placed about replacing a window, they are being asked to obtain advice before anything is done.

Mr. Lamb stated e. and f. do not refer to replacing a window or a door, they refer to altering the size of the opening, removing the opening and putting in a wall. If someone is simply replacing a window or door there is no review requirement. Councilor Hansel stated his contention is these additional restrictions have the potential to add cost.

Chair Spykman talked about the home he lives in which was built in the early 1800's and when he purchased the home in the 90's it probably had 40 years of neglect and delayed maintenance. He replaced these windows with affordable vinyl windows and the same was true for the doors. He indicated he is looking at the work he did and if it was to be done in the Historic District whether there would be restrictions placed on them and couldn't find anything that would have impact on the major work he has done. He felt a major modification, changing the character of a building is what would bring a building to the level of the proposed regulations. Chair Richards talked about a door he had to alter in his home. He stated he has no problem supporting the amendment because it talks about alteration. He indicated he made his door wider because it was too narrow to bring in an appliance of any sort. If he was in the Historic District he would have had to go through this approval process.

Councilor Sutherland asked for clarification on the term "alteration" and asked about what Councilor Hansel said regarding replacing windows versus the alteration Chair Richards was referring to. Mr. Lamb explained the way in which this is written does not require any review for replacement of windows. It does require review if the size of the opening changes and if window/door opening is removed or added. The Councilor asked about the definition of "contributing resource". Mr. Lamb explained the term "alteration" and referred to page 21 and noted in this instance it refers solely to a door or window not any other alteration of a building. A "contributing resource" would be a building which has not had a substantial amount of alteration, it already had a historic character. He indicated for example the Westwood Home would not be a contributing resource.

The motion made by Councilor Hansel to delete items e. and f. failed on a 5-6 vote with Councilor Hansel, Councilor Chadbourne, Councilor Sutherland, Councilor Jones, Chair Richards voting in favor.

Mayor Lane noted if the members of the PLD Committee voted in favor of this motion which would mean when this matter goes before PLD after the public hearing, the amendment will be approved and process will start all over again.

Mayor Kendall Lane moved for reconsideration. The motion was seconded by George Hansel.

Ms. Weeks stated she does not understand what a motion for reconsideration means and felt that motion was done too quickly. Chair Spykman stated if the motion meets the Roberts Rules of Order the motion needs to be moved forward.

The motion made by the Mayor for reconsideration carried on a 7-4 vote with Councilor Hansel, Councilor Chadbourne, Councilor Sutherland, Councilor Jones, Chair Richards, Mayor Lane and Andrew Bohannon voting in favor.

Councilor Jones spoke to the motion made by Councilor Hansel which was reconsidered. He indicated if all the PLD members are in favor of that motion, and if PLD votes to amend the ordinance as a result, the ordinance is going to have to come back to the Joint Committee and felt the Joint Committee is avoiding a step by approving this amendment.

Mr. Stout stated this was one of the most confusing meetings he as ever attended; the Planning Board members are being asked to weigh in on a PLD matter and he has never seen a Joint Committee meeting where one body is voting against the other and that is because the Planning Board is not going to weigh in on the PLD Committee criteria. He felt the Planning Board should be asked to vote on whether this ordinance is consistent with the Master Plan and that should be the only item they should be asked to weigh in on. Mr. Lamb stated all the Joint Committee is doing is amending the ordinance. Chair Spykman felt removing these two items will “gut” this ordinance in its entirety. Councilor Hansel stated he finds these two items in conflict with the Master Plan and the city is trying to achieve energy efficiency in all its buildings and these two restrictions will inhibit that.

Ms. Weeks asked whether the two bodies could take two separate votes. Chair Spykman stated they cannot.

A motion was made by Mayor Kendall Lane to amend the amendment to retain items e. and f. but to delete the term “alteration”. The motion was seconded by Gary Spykman.

Mr. Barrett stated he understands the intent but this would mean anything other than completely removing a window or door will not fall under this; if someone was to replace a 2’ x 2’ window with a picture window it would not be covered by this item and felt this goes against the character of this district. Mr. Lamb referred to the definition for “alteration” as outlined on Page 21, *Alteration, as applied to a building or structure, means a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.* He stated Mr. Barrett is correct in that, based on the amendment, a dimensional change to a window for instance will not come under the review process. Councilor Jones felt the Mayor’s amendment was a good compromise. Councilor Hansel stated this does not accomplish what he intended and could bring back the original amendment at the PLD Committee if the Committee chose to do so.

The motion made by Mayor Lane to amend the amendment to retain items e. and f. but delete the term “alteration” carried on a 6-5 vote with Mayor Lane, Gary Spykman, Councilor Richards, Councilor Jones, Andrew Bohannon and Christine Weeks voting in favor.

The amendment reads as follows for items e. and f.

e. *Addition, or removal of window openings on buildings or structures designated as a Contributing Resource;*

- f. *Addition or removal of doorways or entrances on buildings or structures designated as a Contributing Resource; carried on an 8-3 vote with Douglas Barrett, Nathaniel Stout and Gary Spykman voting in opposition.*

A motion was made by Councilor Sutherland on page 21, item b. to change 250 square feet to 450 square feet, to now read as follows:

*b. Construction of a new accessory structure that exceeds 450 square feet in gross floor area or exceeds 5% of the gross floor area of the existing primary structure, whichever is greater;*

Councilor Sutherland indicated a typical two-garage is approximately 400 square feet and a Ford F-350 is 20 feet in length.

The motion was seconded by Gary Spykman.

The Mayor stated there was previous discussion about whether a structure can be seen from a public way. Mr. Lamb stated if it cannot be seen from a public way, the change to that structure would not fall under the review process. Mr. Stout asked what if only a portion of the structure can be seen from the public way. Mr. Lamb stated it would then be regulated. He added the 250 sq. ft. threshold was the Committee's number and not staff's number, and staff is in agreement with this change.

The motion carried on a 10-1 vote with Douglas Barrett voting in opposition.

Councilor Jones noted making such amendments is common practice and putting amendments in place before an item goes to a public hearing is always preferred.

A motion was made by Mayor Kendall Lane that the Planning Board finds this proposed ordinance (O-2016-13, O-2016-14, O-2016-15) dealing with Chapter 18 as amended is consistent with the Master Plan. The motion was seconded by Andrew Bohannon and carried on a 6-1 vote with Councilor Hansel voting in opposition.

A motion was made by David Richards that the Planning Licenses and Development Committee recommend the Mayor set a public hearing on this proposed ordinance. The motion was seconded by Phil Jones.

Councilor Chadbourne for the benefit of the public stated voting for a public hearing is not a vote for or against this issue; it is just to move the item forward.

The motion made by David Richards was unanimously approved.

#### **4. Comprehensive Master Plan Implementation Discussion on Workforce Housing**

Item postponed until next month.

#### **5. Adjourn**

The meeting adjourned at 9:45 PM.

#### **6. Next Meeting – Monday, September 12, 2016**

Respectfully submitted,

Krishni Pahl,  
Minute Taker