

**CITY OF KEENE
NEW HAMPSHIRE**

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

Monday, September 12, 2016

6:30 PM

Council Chambers

Planning Board Members Present

Gary Spykman, Chair
Christine Weeks
Andrew Bohannon
Mayor Kendall Lane
George Hansel
Chris Cusack

Planning Board Members Not Present

Nathaniel Stout
Douglas Barrett
James Duffy, Alternate
Tammy Adams, Alternate
Pamela Russell Slack

Planning, Licenses and Development

Committee Members Present
Councilor Bettina Chadbourne
Councilor George Hansel
Councilor Robert Sutherland

Planning, Licenses and Development

Committee Members Not Present

David Richards, Chairman
Councilor Philip Jones

Staff Present

Rhett Lamb, Planning Director
Michele Chalice, Planner
Tara Kessler, Planner

1. Roll Call

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

2. August 8, 2016 meeting minutes

Christine Weeks offered the following correction:
Page 11, second paragraph the name should be "Rourke".

A motion was made by Christine Weeks that the Joint Committee accept the November 10, 2014 meeting minutes as amended. The motion was seconded by Mayor Kendall Lane and was unanimously approved.

3. Continued Public Workshop

Ordinances - O-2016-01 and O-2016-02 – Relating to Zoning Changes. 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.

Planner, Michele Chalice stated they are here today to talk about the Marlboro Street rezoning project. She noted to two areas on a map in the neighborhood district to the north and south.

This area came into being from the Ad-Hoc's Committee's suggestion for a more active street scape by the close proximity of one use to another as is seen on Main Street; smaller businesses to support the surrounding neighborhood. To create areas outside which would be comfortable

for pedestrians. Pedestrian and bicycle access was also important, it was important to be able to connect the existing bicycle trails to be able to have a place along Marlboro Street where families can feel comfortable utilizing Marlboro Street; to designate a separate lane just for bicycles. Ms. Chalice talked about other cities which have put such bicycle tracks in place, New York City, Paris, France are a few such places that have embraced this idea.

Ms. Chalice referred to the rendering on page 4 and noted to the Wheelock School, the U-Haul site and the consignment store across the street. This area used to be residential but is now zoned high density and commerce and has been making the proposed shift already. She referred to a large home on the northerly location at the corner of Baker Street and Marlboro Street which now has a physical therapy practice. There is also now a chiropractor in this area. Ms. Chalice stated the city is only responding to the southern side of this street and encouraging longer strips of commercial activity to connect what exists there right now.

Ms. Chalice reminded the Committee that Councilor Jones had requested that institutional uses be allowed in this district and hence staff has made that change. Ms. Chalice referred to examples for institutional uses – hospital, temporary housing for families of patients in a hospital, senior center, museum, place of worship.

Encouraging Neighborhood or Downtown-Sized Businesses – Ms. Chalice stated this is an item which was brought up many times throughout the discussion and staff has made sure not to have these businesses so small it precludes businesses from locating here. Ms. Chalice referred to page 6 where the principal permitted uses are listed. Staff has modified the sizes for the proposed neighborhood; grocery store and offices from 3,000 square feet to upwards of 5,000 square feet. Restaurant and retail sales up to 3,500 square feet; Ms. Chalice stated this is to discourage chain stores. She called the Committee's attention to the existing uses on this page. Chair Spykman asked which uses will not be permitted with these zoning changes and asked whether for instance a private club/fraternal lodge will not be permitted in this new zone. Ms. Chalice stated the Ad-Hoc Committee did not want another "pub" or "bar" as one already exists here. She added the uses shown in blue that do not extend to the final column as shown on page 6 are not proposed uses for this new zone – they are, private club/fraternal lodge, parking area/lot, duplex, multi-family. She added single-family is not a permitted use is an error on this page.

Ms. Weeks noted on the same chart, private school, recreational activity, research as business is not listed as a permitted use. Ms. Chalice agreed these are not permitted uses but added private school would fall under institutional use and this is one use that would need to be adjusted.

Councilor Hansel asked whether a pub or a bar would not be considered a restaurant. Ms. Chalice stated very shortly the city will be looking at some revisions to zoning definitions and the definition for a bar is going to be separate from a restaurant. This ordinance proposes to have a definition for bar separate from a restaurant. The Councilor clarified the reasoning for not wanting anymore bars in the neighborhood was to preserve the quality of the neighborhood. Ms. Chalice added a bar would mean any establishment devoted primarily to the selling and serving of alcoholic beverages; a restaurant may still have this component but it won't be devoted to the selling and serving of alcoholic beverages.

Mayor Lane asked for the rationale for including this district only on the southerly side rather than on the northerly side of Marlboro Street as well. Ms. Chalice stated this area already had the municipal complex which had a strong presence and the Ad-Hoc Committee felt the southerly side will be more conducive to these small businesses. Mayor Lane stated his concern is the Ice

Arena which is located on the northerly side of Marlboro Street and there could be businesses specifically related to the Ice Arena who want to be close to the Arena on the northerly side. Ms. Chalice stated this item merits further discussion and felt this was an oversight on the Ad-Hoc's Committee's part.

Ms. Weeks asked for explanation of a "research as business". Ms. Chalice felt this would be a company that contracts with another company to do research; a company that does research as its business. Ms. Weeks asked why this kind of business would not be permitted. Ms. Chalice stated this district is looking to have businesses that people use on a daily basis. This "research as business" might be more appropriate in the business growth and reuse district. Ms. Weeks asked whether such a business could then locate at the 250 Marlboro Street site. Ms. Chalice stated this is a private entity and could rent space to any type of business.

Chair Spykman stated that we are talking about three proposed districts here and for this district we are proposing to replicate what is on Main Street.

Councilor Sutherland referred to the property across from the Physical Therapy office at the corner of Baker Street and Marlboro Street is currently a business and did not feel it would be suitable as a residential property and asked whether this property should be annexed onto this district. Ms. Chalice agreed this would be appropriate.

Walkway Widths – Looking at the current sidewalk relationship to businesses as well as how the relationship of what widths allow what type of uses. Ms. Chalice stated we do not get to dictate the widths of sidewalks as they are a municipal entity but the idea is that for additional walkways maybe part of this district they would be wider widths (10 feet) to accommodate the types of uses we see on Main Street so that more activity could be seen on the street scape.

Parking Regulations – Here the SEED District is being referred to – to share parking in situations when it is reasonable. Ms. Chalice stated one aspect she missed is that the City has in its development standards the desire to locate parking at the rear or side of the building. Councilor Sutherland stated his concern with adding parking is the water table that exists here and the increase to runoff it would cause and the same would be true about the ten foot sidewalks. Ms. Chalice stated this is definitely something to consider but referred to the other provision under the development standards which encourages all different types of LID measures. The city is now continuing to require LID measures such as pervious paving, runoff swales which are things that will help.

Ms. Chalice talked about the new development on Railroad Street "Westmill" which has its entire first floor as parking and has a fake façade so parking is not visible. This building as a result does not require additional pervious area to meet its parking needs.

Councilor Sutherland stated he understands there is a wide open space in this zone which the city is trying to make denser but felt instead of the city providing these 10-foot sidewalks, for any development the proper setbacks be provided and the property owners take care of the outdoor seating. Ms. Chalice apologized that her explanation wasn't clear in that what is being referred to here are walkway widths; for walkways off Marlboro Street.

Mayor Lane stated he agrees with Councilor Sutherland in that to the extent that external space is going to be utilized by developers of these lots it has to be done on their lots and not on city right of way. He felt this language needs to be clarified that this is on the owners land.

Basic Zone Dimensional Requirements – Ms. Chalice referred to the table provided on page 11 which shows the existing zoning districts and the proposed zoning district. She explained the maximum buildings being proposed are two stories all the way across but there is the ability to have an additional story by having parking on the first floor. This is to acknowledge that these flood events do happen and the damage that could happen to a false façade is a lot less damaging than what could happen to a first floor structure that is occupied.

Minimum Lot Size – The proposed 8,000 SF is a compromise between the existing Commerce minimum lot size of 15,000 SF and the High Density minimum lot size of 6,000 SF. This is acknowledging the difference between Main Street and Marlboro Street.

Minimum Lot Size per Dwelling Unit – is also proposed to be analogous to that of Keene’s Central Business Zoning District of no minimum lot size; looking to encourage efficiency apartments above retail or office buildings.

Minimum Building Setbacks – There is no minimum setbacks being proposed as they would like these buildings to be close; looking to create additional pockets of urban green space or street side gathering spaces.

Minimum Setback between Structure and New Parking Lots – Making sure there is permeable space between the structure and the parking area.

Maximum % Occupied by Structure – this 55% standard is consistent with the existing High Density standard acknowledging the reality of the area’s flood prone history.

Minimum Landscape Buffer from Structure – This proposed standard acknowledges the area’s propensity for flooding events and the need to have permeable areas surrounding each structure both for improved environmental aesthetics and to create space for the Low Impact Development measures the City encourages while still promoting high density.

Maximum % of Lot Impermeable (Includes Structures & Paving) – significantly lower than the existing Commerce zoning district’s 80% and just slightly less than the High Density zoning district’s 75%.

Minimum % Green/Open Space – this proposed 35% standard is correspondingly consistent with the remaining area left after a proposed maximum impermeable area of 65%.

Councilor Sutherland referred to Maximum % Occupied by Structure and clarified the structure can only occupy 55% of the lot. Ms. Chalice agreed.

Mayor Lane stated there is reference to “incentive eligible projects” but could not find a definition for same. Ms. Chalice stated this is her error in that she thought perhaps what is being proposed for the Business Growth and Reuse District could be followed here as well which is an incentive for more efficient buildings. However, staff has not had the opportunity to look at this closely.

Mayor Lane talked about the proposal for three stories which would allow only two stories for actual use. He stated the structural requirements in this area which is prone to flooding is mostly for three stories as opposed to two stories and wasn’t sure what the incentive would be to locate

the parking on the ground floor. Ms. Chalice felt a covered parking area would be much better overtime as far as maintenance which could be ultimately a saving for the property owner.

Chair Spykman asked if someone was to construct a two story building and a separate parking lot what percentage could they dedicate to parking. Ms. Chalice stated the maximum percentage of buildable area structure and parking lot is (55%). It was agreed the language needs to be clarified to indicate that.

Mr. Bohannon asked for clarification as to what Ms. Chalice had said about covered parking areas over the long term is much more efficient to maintain than open space. Ms. Chalice stated this is because of the elements an open area would be exposed to and the amount of salt and sand used on a parking deck.

Councilor Sutherland referred to the minimum lot size which is 8,000 sf (.18 acres) hence the maximum that could be occupied by structure is about 4,400 sf. The Councilor pointed out that this would be the largest piece of property on the smallest lot.

Ms. Chalice then referred to page 12 where there are two parcels indicated as “CB” and “MD” – these parcels are being proposed to have a change in their district. These are not part of any of the new districts. Ms. Chalice also referred to the conversation she has had with these property owners/representatives about the potential impact on their property with this change. The first home is that of Evelyn Warner whose home is located in the industrial zone which would shift to medium density. The other properties belong to Mr. Hamblett (four separate parcels). Neither property owner has so far expressed concern.

The next change is industrial to central business – the first is the Findings property and the other is the Bentley Commons property. Ms. Chalice stated Mr. Harvey O’Connor had a lot of concerns about his property and Assessing did not have a way to predict how his property would be affected with this zoning change in this future. Bentley Commons had no issue with the proposed change.

Chair Spykman asked who initiated this change. Ms. Chalice stated the proposal for change came from staff. The Chair stated he was confused why Bentley Commons will be changed to Central Business. Ms. Chalice stated the thought was the city anticipating the Findings property along the Rail Trail creating a connection to the Railroad properties and to Main Street. The vision is that commercial extension crosses Water Street and has a connection to the Business Growth and Reuse District.

Mr. Lamb added the other two properties mentioned, one is residential and the other is more of a staging area for Hamblett Electric. Both of these properties orient to Water Street, they do not orient southerly which is the Business Growth and Reuse District. Hence the development of the Hamblett Electric property either in industrial or in Business Growth and Reuse, it is not part of the larger Business Growth and Reuse District to the south. It is more a streetscape along the medium density district. He added as far as the single family home, it doesn’t make much sense for this property to be added to the Business Growth and Reuse District. Bentley Commons is already across a property that is Central Business (the property between the brook and the rail trail). Bentley Commons has been a manufacturing property for many decades and they converted to the use as it exists today by applying for a number of variances. The healthcare component, residential component resemble much closely with the Central Business.

Councilor Sutherland stated the concern he has changing the Bentley Commons lot to Central Business is having no requirement parking, which is already an issue for Bentley Commons. Mr. Lamb agreed this was a good point but the density seen at Bentley Commons is that of Central Business.

Ms. Weeks asked whether the city has any plans for the Findings property. Ms. Chalice stated this is a private property and the only thing the city can do is to encourage what goes in here. She indicated there was a public forum held recently where the city was able to convey as to the needs of the community. Chair Spykman asked what the next step is for these three properties. Ms. Chalice stated they are part of the ordinance and if the ordinance passes these properties will change. She further stated staff will like to bring to the next meeting a “red-lined” document for the Committee’s review and consideration.

The Committee looked at the map on page 3 which referred to the various proposed districts and the existing district. Chair Spykman asked about the small lot shown on Water Street. Mr. Lamb stated this was Tom’s Auto which was left in the industrial district and there is no proposal to change this site.

Councilor Chadbourne asked what the difference between a sidewalk and walkway was. A sidewalk is something the City controls and is in the public right of way. A walkway is not something that happens within a public right of way. Mayor Lane asked whether a walkway would be part of the 55%. Ms. Chalice stated she wasn’t sure and would check into this.

Chair Spykman asked for public comment next.

Mr. David Curran of 16 Prospect Street asked what the next step for this ordinance was. Mr. Lamb stated the ordinance has been submitted in its initial form. Staff is going to submit a set of amendments based on the comments received since April. Once that is before the Joint Committee they will decide if it is ready to move on or not. If it is ready to move on it will go before the City Council public hearing and back to the PLD Committee. It won’t come back to the Joint Committee unless there are substantial amendments made after the public hearing. The quickest time the Council could vote on it would be in three months.

Mr. Curran asked how this will dovetail with the new landuse code update. Mr. Lamb stated the phase the city is in right now with the landuse code update is evaluating what its options are and decide how to update the code. The report for this phase is due in November.

Councilors Manwaring stated as a member of that neighborhood and participating in the public hearings, part of what they were looking was captured to a certain degree when the complete street presentation was made and realizing what Marlboro Street could actually look like. She also extended her appreciation for all the work the Joint Committee is doing.

Ms. Katherine Harper of 279 Marlboro Street referred to the suggestion of extending this district closer to the ice arena and felt the former Millwork Masters building will make a great location for a restaurant which could serve the entire neighborhood. Ms. Harper stated she would love to see anything that would bring Marlboro Street to what it used to look like.

Councilor Manwaring with reference to the pub versus a restaurant; a restaurant closes between 10 pm and 11pm whereas a bar would stay open much later.

With no further comments, the Chair closed public hearing.

Ms. Weeks thanked everyone who participated in this lengthy process.

Councilor Hansel stated one of his concerns is one parcel on Water Street being zoned industrial and felt this would provide someone a competitive advantage through zoning. He wasn't sure if this was an issue but felt it was worth exploring. Chair Spykman agreed and felt there was no reason this site could not be part of the Business Growth and Reuse District zone even though auto repair might not be allowed as a new use in this zone but it could always be an existing non-conforming use and would not affect the use.

Councilor Hansel stated overall staff has done a great job on a very a complex project.

Mayor Lane stated that he did not want anyone to get the idea that the Joint Committee is not in favor of this concept which has been created here. He indicated there are some details that need to be worked out. The Mayor stated he was very pleased with the project and felt this would be an area the city would be following as we work on rezoning the rest of the city.

Councilor Chadbourne with reference to the site on Water Street which is zoned industrial asked if the current owner was to sell the property whether the city could in any way make sure this property won't be at that time used as an industrial use for a future owner. Mr. Lamb stated the use travels with the property not the owner.

4. Discussions: East Side Redevelopment and TAP Grant for Marlboro Street

Mr. Lamb stated the rezoning being proposed is part of what is being planned for the east side. He indicated there are other things that are in this concept that don't get achieved by changing the zoning ordinance or regulations. They are things like highways, utilities etc. and the city investing in infrastructure, recreation and other such things. Mr. Lamb stated that Ms. Kessler is going to describe what Marlboro Street can really look like and this time it is through a grant application for transportation enhancement monies.

Mr. Lamb went on to say because of the work of Tara Kessler, Michele Chalice and Don Lussier this grant application before the Joint Committee today. Also, because of Ms. Kessler and Southwest Regional Planning Commission the City received honorable mention for the work that was done on complete streets. The award is from the NE Chapter of the Planning Association.

Ms. Kessler stated the grant Mr. Lamb mentioned is the Transportation Alternative Program Grant which is administered through the NHDOT but is federally funded to make road improvements for bicycle and pedestrian safety. Keene is one of many who submitted this application. Ms. Kessler referred to the map the Committee was given which shows the project area. The yellow circles on this map are pedestrian nodes being proposed where pedestrians can safely cross Marlboro Street and where safety amenities are being proposed. Those intersections are Adams Street and Grove Street and to the east Marlboro Street and Bartholomew Court.

Some of the other concepts the City is trying to achieve with this grant; along the length of Marlboro Street is a raised cycle trak (five feet wide – first in the State), new granite curbing, installation of Way Finding to direct pedestrians and cyclists to the trail connection, two pedestrian crossings Adams Street and Grove Street – a new crosswalk to connect the commercial block and a second one where Baker Street and Bartholomew Court exist. Creating curb extensions, traffic calming measures at each of these crosswalks (landscape medians and

signage). Connecting the cycotrack to Bartholomew Court and creating a more pronounced entrance to the Butterfly Park.

Ms. Kessler went on to say that Public Works staff played an integral part in coming up with cost estimates for this project. Of the \$980,000, \$784,000 will be federal funds the city is seeking and the \$194,000 has been allocated in the CIP for these improvements.

Councilor Chadbourne asked for added explanation of the cycotrack. Mr. Lamb stated this would not be part of the sidewalk; it would be separate trail for cyclists on the street. The Councilor asked what communities are using such tracks. Mr. Lamb stated Cambridge Mass and Portland ME have these tracks. The Councilor asked whether the price of the cycle trak is included in the grant amount. Ms. Kessler answered in the affirmative.

Councilor Sutherland asked whether the cycotrack will be taking up what is now the bike lane. Ms. Kessler stated there is enough room at the present time to accommodate a sidewalk, cycotrack and onsite parking and maintain two travel lanes. Councilor Sutherland expressed concern about maintenance and drainage issues attached to this track and asked for more thought to be given to this before it is considered any further. Ms. Kessler stated in terms of maintenance it would be like plowing the sidewalk and the three to four foot green buffer would be removed to accommodate this. Councilor Sutherland stated he was mistaken as he was under the impression this was going to be separated from the sidewalk by green space. Ms. Kessler stated there will be design phase for this project and if there is opposition from the community or there are other options the design will be modified. Councilor Chadbourne asked if the design is modified, whether that would have any effect on the grant application. Ms. Kessler stated the modification would not happen until the design phase and that assumes the grant was received. This would be a discussion the city will pursue with the DOT.

Mr. Cusack referred to the bike extension to the butterfly park and asked whether this would be stripped. He indicated the most dangerous area is the cut through at Public Works. Ms. Kessler stated the raised bike lane and sidewalk would go along Bartholomew Court on the western side adjacent to the Butterfly Park. There will also be a crosswalk crossing over Bartholomew Court where there is currently a stop sign for vehicles turning left onto Bartholomew Court to exit the PW facility. They will then be continuing along a sidewalk space adjacent to that drive and another crosswalk over to the existing sidewalk on the western side of the PW facility leading to the ramp.

Mr. Bohannon asked whether the way finding signs will it be continued through the downtown footprint and extending throughout the trail system. Ms. Kessler stated that would not be part of this project.

Mr. Cusack stated the Grove Street and Adams Street intersection can be dangerous and he's glad to see improvements be considered. He stated South Street exit onto Marlboro Street can be dangerous and asked whether this could be addressed. Ms. Kessler stated this intersection was part of the application but certain intersections had to be dropped (also Dartmouth and Marlboro Streets) due to cost reasons. When additional grant funding comes in, these intersections will be considered.

Councilor Sutherland asked whether telephone poles will need to be moved to accommodate this cycotrack. Ms. Chalice referred to how West Street is designed with these utility poles.

Chair Spykman stated in prior renderings he had seen Marlboro Street was divided into three sections based on traffic type of businesses etc. and asked how this plan relates to that. Ms. Kessler stated the Nygaard Report does not consider a cycotrack along the entire length of Marlboro Street and staff was concerned about the confusion this would cause. Chair Spykman noted because this is for a limited stretch along Marlboro Street, asked what would happen on either side. Ms. Kessler stated she failed to mention that there is funding in the budget to address those transition zones and would be directing someone into a shared lane marking.

Mayor Lane asked whether staff was looking for a motion to endorse this grant application. Ms. Kessler stated this is just an update for the Joint committee. The city did receive support from the City Council and Planning Board for the grant application which has been submitted. The City should be hearing back on the status sometime this fall. There are five million dollars available and 37 million dollars of interest. Staff is also looking to apply for another grant related to technical assistance and pedestrian planning along the corridor and this grant applicant is due end of October.

Mayor Lane stated he is the Chair of the review committee who will be looking at these grant applications and so is Mr. Lamb and they will be recusing themselves from the City's application.

5. Next Meeting – Monday, October 12, 2016

6. Adjourn

The meeting adjourned at 8:25 pm.

Respectfully submitted,

Krishni Pahl,
Minute Taker

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