

**CITY OF KEENE**  
**PLANNING, LICENSES, AND DEVELOPMENT COMMITTEE**  
**MEETING MINUTES**

Wednesday, April 8, 2015

7:00 PM

Council Chambers A

**Members Present:**

David R. Meader, Vice-Chair  
Carl B. Jacobs  
Emily P. Hague  
Bettina Chadbourne

**Staff Present:**

Tom Mullins, City Attorney  
Patty Little, City Clerk  
John MacLean, City Manager  
Kurt Blomquist, Director Public Works  
Gary Lamoureux, Project Manager  
Mark Howard, Fire Chief

**Members Not Present:**

David Richards, Chair

**Others:**

**Councilors Present:**

Terry Clark  
James Duffy

Vice-Chair Meader called the meeting to order at 7:00 PM welcoming the viewers of Cheshire TV, Channel 10.

**1. COMMUNICATION: Keene Swamp Bats – Request to Discharge Fireworks**

Kevin Watterson, of 10 Wesley Avenue addressed the request to discharge fireworks indicating there were no changes from last year's request. Councilor Chadbourne noted she has never heard any complaints about the fireworks, and thanked the Swamp Bats for putting on the event.

Chief Howard reported he knows of no problems with this event in the past. He did note one change from previous years; normally there are two events and this year there will be three events (June 6<sup>th</sup>, July 3<sup>rd</sup>, and July 25<sup>th</sup>). Chief Howard pointed out Mr. Watterson is aware of the permitting (state and local) required and the budgeted costs for personnel coverage.

Councilor Jacobs noted the cost sheet was not included in the packet. Chief Howard said he did not have an opportunity to provide the information to the Clerk's office before they prepared the motion. The Chief continued that the overtime costs for personnel based on a 3-hour detail are \$787. This is in addition to the Class

B fireworks display permit (\$120). Attorney Mullins referred to the prepared motion and questioned if the July 3<sup>rd</sup> date was intentionally excluded from the applicant's costs. Vice-Chair Meader also referred to the prepared motion noting the Petitioner will pay the costs over and above what the City has allocated in the FY2015 Community Events Budget for the July 3<sup>rd</sup> display.

There being no questions or comments from the Committee or the public, Vice-Chair Meader asked for a motion.

Councilor Jacobs made the following motion which was seconded by Councilor Hague.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Keene Swamp Bats be granted permission for the discharge of display fireworks on the following dates: Saturday June 6<sup>th</sup>; Friday, July 3; and Saturday July 25<sup>th</sup>, 2015 on Alumni Field at no later than 10:00 PM subject to the customary licensing requirements of the City Council; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a Class B fireworks permit for each display date. In addition, the petitioner agrees to comply with all recommendations of the Keene Fire Department and the Keene Police Department. This permission is conditional upon the Petitioner absorbing the charges for any City services provided for the June 6<sup>th</sup> and July 25<sup>th</sup> displays. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 15 Community Events Budget for the July 3<sup>rd</sup> display. Said payments shall be made within 30-days of the date of invoicing.

## **2. COMMUNICATION: American Red Cross – Request to Use City Property**

The City Clerk reported the applicant is from Nashua, and is unable to attend the Committee meeting. The applicant requested the Committee continue with its past practice and act upon her request in her absence.

The City Manager asked permission for the City Clerk to address handling requests of this nature administratively in the future. The City Clerk noted her intent is to recommend that a majority of the licenses currently handled by the Planning, Licenses, and Development Committee be handled administratively. This is one of the types of licenses (general use of City property) that could be handled through her office.

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

Councilor Hague made the following motion, which was seconded by Councilor Chadbourne.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the American Red Cross be granted permission to park their Chapter Emergency Response Vehicle (CERV), a 6' by 12' tow trailer, and five cars on City property located at 560 Main Street for a one-year period ending March 30, 2016. Said permission is subject to the customary licensing requirements of the City Council, and compliance with any recommendations of City staff.

## **3. COMMUNICATION: Farmer's Market of Keene – Request to Use City Property**

Vice-Chair Meader asked for the Parking Projects Manager to provide an update.

Mr. Lamoureux noted the issues raised for the Farmer's Market due to the rehabilitation project at the Commercial Street parking lot. The rehab project will start hopefully within the next week and continue into May. He also noted the Wells Street Parking Lot project coming up later in the summer and the need for parking the displaced vehicles when this project starts up.

Mr. Lamoureux noted he has had meetings with Bruce Bickford over the past three weeks and because of the short amount of time, the City will accommodate the Farmer's Market in the Commercial Street parking lot. Mr. Lamoureux said the start date for the Farmer's Market is usually May 1<sup>st</sup>, and they operate on Tuesdays and Saturdays. Mr. Lamoureux suggested the use of inner section of the Gilbo East parking lot on Saturday's only. Mr. Lamoureux said the Farmer's Market would like to stay as close to downtown as possible to accommodate the walking traffic.

Mr. Lamoureux commended the citizens that have come forward and offered space for the Farmer's Market to use. Spaces that were considered included the Colony Mill, the Ashuelot Street lot, the old Middle School, the National Grange lot, the Savings Bank of Walpole property, and the Water Street lot. Mr. Lamoureux outlined the reasons why these locations would not work for the Farmer's Market. In response to Councilor Chadbourne's question regarding the price for these locations, Mr. Lamoureux noted the City is not negotiating the price; the City staff is only assisting with finding a location.

Councilor Hague asked two questions; 1) can the City prioritize this construction over other projects, and 2) would additional signage be provided if they are moved to the Gilbo East parking lot. Mr. Lamoureux noted the contractor would start as soon as possible and was looking at mid-May for completion. He also pointed out the Farmer's Market has placed signs on City property before and staff will do anything they can to help them.

Mr. Lamoureux verified the Farmer's Market would only operate on Saturdays if they utilized the Gilbo East parking lot inner section, until the Commercial Parking lot work is completed. Councilor Chadbourne asked if the applicant was amenable to this.

Bruce Bickford pointed out that on Tuesday many of the customers are elderly and the members concern over losing the Tuesday customer base. Mr. Bickford also pointed out the concern that the project could run over schedule. Referring to the prepared motion, Mr. Bickford asked if there would be a fee adjustment due to the unavailability of Tuesdays. He also noted the Farmer's Market would have fewer spaces when it does move back, and asked if this would also be considered when determining the fees.

Johanna Laurie, of 15 Page Street asked if the construction in this area could be delayed; she also noted the concern over the smell of a just resurfaced lot. Mr. Lamoureux pointed out the contract has been awarded and there would be a cost to the City if the contract was changed. He continued the lot is in need of repair and stopping the rehabilitation is not recommended. Mr. Lamoureux indicated the proposed solution appeared to be a good compromise for both the City and the Farmer's Market. Mr. Lamoureux addressed Mr. Bickford's comment regarding fewer spaces noting the City would still be giving 50 spaces. Due to complaints that other motorists are not able to use parking spaces directly opposite the spaces used for vending, the Farmer's Market will have 36 spaces for the actual market with parking for vendors' vehicles in the other area.

The City Manager thanked those present for coming this evening noting the City's failure to recognize everyone at the market is an independent vendor. After additional comments, the City Manager commented clearly it would go a long way if the City could do something about the Tuesdays. He asked Mr. Lamoureux if he could make this area available on both Tuesdays and Saturdays and redirect the Gilbo East vehicles to other locations.

Mr. Lamoureux said 96% of the area is utilized for parking by downtown business employees; noting staff would have to find spaces for those people which currently the City doesn't have. Mr. Lamoureux agreed to go back and look at it again; noting his concern there won't be enough spaces in the area for others to park. The City Manager suggested he would like to see the City work to provide consistency for the Farmer's Market on Tuesdays and Saturdays, asking the Committee for permission to come back in two weeks. Vice-Chair Meader pointed out the Committee will not meet again until May. The City Attorney recommended amending the crafted motion to note the Tuesday operations were subject to further discussions with City staff.

Councilor Hague pointed out the importance of finding the Farmer's Market a permanent home, and asked about the Wells Street deck and its impact on the Commercial Street lot. Mr. Lamoureux clarified the Wells Street deck will not be an issue.

Councilor Chadbourne apologized to the Farmer's Market for this situation. She also suggested the City waive the \$1200 rental fee (as was done with the downtown merchants during the reconstruction of Main Street); recommending a decision be made tonight. Councilor Hague agreed with Councilor Chadbourne's suggestion.

Councilor Duffy asked if it was possible to create spaces on Gilbo Avenue or anywhere else for Tuesdays only. The City Manager commented this is a great idea; adding he was thinking about Wilson Street which comes in by the skate park. Councilor Jacobs suggested it would be better for the Farmer's Market if they were in the same location on Tuesdays and Saturdays. The City Attorney suggested changes to the recommended motion to accommodate the Committee's wishes.

Lisa Tateosian, of Keene commented on the importance of consistency for the Farmer's Market and its importance to Keene. She presented the Committee with a petition signed by 170 people who feel that perhaps the revitalization project could be put off for a year instead of putting the Farmer's Market in this position.

Noah Albers, of Alstead commented with the Farmer's Market annual Board meeting coming up on Saturday night he would like to leave this meeting with some assurance that the construction will not run over schedule. The City Manager pointed out the unpredictability of weather, noting the work being done by Mr. Lamoureux and the central location that is being suggested for use by the Farmer's Market. Mr. Bickford commented time is of the essence in figuring out where the Market will be on Tuesdays. The City Manager indicated he and Mr. Lamoureux would talk tomorrow morning and respond to Mr. Bickford right away.

The City Attorney asked the Committee if there was consensus to remove the clause regarding the total rent from the prepared motion. Committee members were in agreement that the clauses relating to rent should be removed from the motion.

Councilor Jacobs commented it should be clear in the background notes that the Tuesday and Saturday locations should be close together.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the Farmer's Market of Keene be granted permission to use fifty parking spaces in the Commercial Street parking lot on Tuesdays and

Saturdays from May 1, 2015 to October 31, 2015 subject to the following conditions: compliance with the customary licensing requirements of the City Council; obtainment of a city food license from the Health Department; and compliance with any recommendations of City staff. It is further recommended that the Farmer's Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded. In addition, while the Commercial Street Parking Lot is under construction, the Farmer's Market will be relocated to the Gilbo East Parking Lot on Saturdays, and operate on Tuesdays at a location to be agreed upon by the City staff/Farmer's Market, until construction is completed.

#### **4. COMMUNICATION: 57 Winchester Street, LLC – Request for Lodging House License**

Arnold Fish, of Swanzey noted he does the maintenance for the applicant.

Vice-Chair Meader noted the denial at a previous meeting and asked if all the work had been completed. Mark Howard, Fire Chief agreed there were several violations at the time of the last meeting; he added re-inspections were conducted and the applicant was found to be in compliance.

Vice-Chair Meader made note of number of conditions in the motion. The City Clerk pointed out in the past the motions for Lodging House licenses has been quite brief. She explained the conditions of the licenses had been developed by staff and were never adopted by City Council. The City Clerk suggested it is best for the conditions to be shown to the Committee in the motions; since they are not in the City Code. She also noted the intent next year to include all the conditions in the Hundred Nights Lodging House license when it comes to this Committee. The City Clerk also pointed out that these conditions are not new to the applicant; they have been in place and the applicants are familiar with them.

Councilor Hague pointed out the Noise Ordinance stipulated that complaints can be filed after 11 PM, and asked why there is a different standard for Lodging Houses. The City Attorney agreed the 10 PM is different than the standard; pointing out the City Council can impose additional conditions under the license. Addressing the City Clerk's comments, the City Attorney noted during discussions the question arose under what other source of authority existed for these conditions developed over the years; the answer was that Council would have no standards to apply. The City Attorney continued this is why the conditions are included in the license.

Vice-Chair Meader clarified the 10 PM noise condition has been there all along; the City Clerk agreed.

Councilor Chadbourne asked 1) if this was a privately owned building that is also a Frat House, and 2) why don't other Frat Houses come before the City. The City Attorney indicated he thought the other Frat Houses were gone at this point, and he is not sure that Keene State College still has a Greek system.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that 57 Winchester Street Realty, LLC be granted a lodging house license on property located at 57 Winchester Street for a period of one year from the date of issuance. Said license is conditional upon the following:

- 1) Compliance with all applicable laws, ordinances, codes and rules and regulations;
- 2) No more than 16 persons may reside on the premises;
- 3) No more than 27 persons may be within the structure at any one time;
- 4) No less than 8 vehicular parking spaces must be provided on the premises;
- 5) The names, home addresses, and motor vehicle registrations of the residents of the licensed premises shall be available on the premises at all times for inspection upon request by the Police, Code Enforcement or Fire Departments;
- 6) Continued violation of the City parking ordinances by residents of the premises or their guests, as determined by the Police or the Code Enforcement Department may be grounds for suspension or revocation of the license;
- 7) No alcoholic beverages may be sold on the premises except by written permission of the New Hampshire Liquor Commission;
- 8) Loud noises or other disturbances after 10:00 PM that continue after warning by the Police Department may be grounds for suspension or revocation of the license;
- 9) Access to the common areas of the licensed premises shall be granted to the Police, Code Enforcement, Fire and Health Departments of the City of Keene at all reasonable times;
- 10) The cellar space does not meet the qualifications for public assembly and therefore cannot be used as a gathering space;
- 11) The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City; and
- 12) Compliance with any recommendations of City staff.

This license expires on the 16th day of April, 2016 and may be revoked by the City Council in accordance with Sec. 46-590 "Suspension or Revocation".

#### **5. VERBAL PRESENTATION: Joshua Meehan/Executive Director - Keene Housing**

Mr. Meehan thanked the Committee for the invitation and introduced Sandy Clark, Director of Facilities and Assets. Mr. Meehan distributed copies of his presentation to the Committee.

Mr. Meehan began by saying although Keene Housing was not a City Department they were created by the City in 1965. The City interacts with them through their Board of Commissioners being appointed by the Mayor. He continued they receive no funding from the City or the state and all of their funding is Federal. Mr. Meehan noted the vast majority of people they serve are very low-income individuals/families (elderly and disabled). Mr. Meehan pointed out the waiting list for elderly/disabled housing is 15 months. Mr. Meehan outlined the Moving to Work Deregulation Demonstration program. Mr. Meehan addressed the Capital Plan for the coming year and the Strategic Plan for the next four or five years. With regards to serving children, Mr. Meehan noted the stand alone non-profit developed to provide services to children so they don't need services when they reach adulthood. Mr. Meehan addressed the big capital projects for the coming year:

- North and Gilsum Streets (gray buildings)
- Harper Acres on Castle Street (unable to do curb work until the City does the street work)
- Forest View Apartments on Harmony Lane (agreed to pave the whole street but may need relief from the City due to the required depth of paving)
- Meadow Road (CDBG award last year with the City's help)
- Roxbury Street Shelter (CDBG grant awarded last week)

- Central Square Terrace work in 2016 (awnings and entrance on Roxbury Street)

In response to Councilor Jacobs, Mr. Meehan noted that site plans for the projects do go through the Planning Board process.

Vice-Chair Meader asked if there were any plans to acquire land and build a new project. Mr. Meehan indicated the desire to be mindful of the need of the community; he discussed the need for elderly/disabled housing.

Councilor Hague noted she is an abutter to Harmony Lane; adding they are great neighbors. She also noted she is sympathetic to Keene Housing's infrastructure needs. Councilor Hague asked Mr. Meehan how his services will change with regard to the aging population. Mr. Meehan pointed out the demand for elderly housing is an issue throughout the State not just in Keene. He projected the demands for two and three-bedroom units will continue to decline. The off-set will be an increase in the demand for one-bedrooms, especially accessible one-bedrooms.

Councilor Jacobs commended Mr. Meehan for all the work Keene Housing does to serve the community.

Councilor Duffy asked how many of the 1,726 people served are vouchered. Mr. Meehan replied they have 587 housing choice vouchers (Section 8); they have 100 NED vouchers, and 50 mainstream vouchers. Mr. Meehan also noted some of the vouchers are attached to the housing they own which makes this complicated. In response to Councilor Duffy, Mr. Meehan indicated the 15 month wait has been pretty consistent. Councilor Duffy also noted the challenges people face living in this housing that was built in the 1960's. Councilor Duffy suggested these housing units are built to support segregation and a sort of stigma. Councilor Duffy mentioned the modern approach; the Greenhouse Model that includes mixed- income families. Mr. Meehan noted the Greenhouse Model is absolutely in vogue right now, with Cabrini-Green in Chicago being the poster child of a bad example. Mr. Meehan indicated that Atlanta, Georgia is the poster child for the mixed-income housing, and the science is still out; nobody knows how it has actually worked yet. Mr. Meehan also noted for us here in Keene the stock we have is what we have. Councilor Duffy echoed comments by other Councilors commending the work done by Keene Housing.

The consensus of the Committee was to accept this verbal presentation as informational.

There being no further business before the Committee, Vice-Chair Meader adjourned the meeting at 8:34 PM.

Respectfully submitted by,  
Mary Lou Sheats-Hall, Minute Taker  
April 11, 2015