

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

Wednesday, May 13, 2015

7:00 PM

Council Chambers

Members Present:

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

Staff Present:

Ed Mattern, Airport Director
Rhett Lamb, Planning Director
Patty Little, City Clerk
Thomas Mullins, City Attorney

Members Not Present:

David Richards, Chair

Others:

Councilors Present

Terry Clark

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

1. COMMUNICATION: Monadnock Berries - Request to Sell Alcohol at the Farmer's Market

The City Clerk reported her office was contacted by the Petitioners who are out of state during this cycle. She noted this is the Petitioner's second request and they would appreciate the Committee moving forward this evening without their presence.

In response to Councilor Jacobs, the City Clerk clarified this is the second season the Petitioners have been at the Farmer's Market.

Councilor Chadbourne supported the Committee moving forward with this request.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Monadnock Berries be granted permission to sell alcohol at the 2015 Keene Farmer's Market on City property licensed to the Farmer's Market of Keene. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer's Market of Keene, obtainment of all necessary

permits and licenses and compliance with all laws, and the assurance that consumption of alcohol at the Farmer's Market of Keene will be strictly prohibited.

2. COMMUNICATION: Big Brothers/Big Sisters of NH - Request to Use City Property - Road Race

Theresa Moccio, of 310 Marlboro Street noted the Big Brothers Big Sisters of New Hampshire would like to respectfully request approval to close Railroad Street to Wells Street on September 12, 2015 from 2 pm - 6pm for the 1st Annual *Stiletto Sprint*. She indicated that they would also like to reserve Railroad Square as a staging point for the event. The Petitioner further requested to reserve the following Sunday, September 13, 2015 for a rain date. Ms. Moccio indicated it usually takes about 45 minutes to run through all the heats. In addition, she noted the Portsmouth office has been running this event for the past six years. She continued the event can be viewed on YouTube, and is geared towards middle aged individuals.

Councilor Jacobs asked what it means to shut down Railroad Square. Ms. Moccio indicated she wanted to use Railroad Square as the staging area, which includes a registration booth where their volunteers will be collecting entry fees. She clarified the public will still be able to access the square. She noted the presence of 10 to 15 volunteers on-site, along with many of the Board members.

Councilor Hague reported she did watch one of the YouTube videos. She also made reference to a communication indicating the Petitioner needed to attend a protocol meeting with staff.

In response to the City Attorney, Ms. Moccio clarified the event is open to anyone 18 or older (due to their liability insurance), and that stilettos would be provided.

The City Clerk reported events such as this need to have certain details worked out with staff. She noted protocol meetings are generally held to work out these details with the Petitioner, and outlined the process followed. She suggested the normal practice would be to place this on "more time" to allow the protocol group to meet with the Petitioner off-site. The City Clerk indicated the process could be expedited and be back before the Committee in June.

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 that the request to use City property be put on more time to allow the petitioner to attend a protocol meeting with City staff.

Councilor Chadbourne asked the City Clerk if there is a process to notify the two to six businesses along the street that will be impacted by this event. The City Clerk advised she is not aware of a notification process when a street is closed for an event. The City Clerk also reported the closure of Railroad to the Wells Street parking lot happens frequently for events such as this, and the impact should be minimal.

3. COMMUNICATION: The Spice Chambers - Request to Use City Property - Sidewalk Cafe

Madan RathoreRathore, of Greenfield, Massachusetts stated he is asking for outdoor seating and the ability to serve alcohol. He referred to the drawings submitted verifying he is requesting four tables (2) 4-tops and (2) 2-tops. Mr. Rathore indicated his representative had met with the Inspection Department. Vice-Chair Meader noted the Inspections Department was not present this evening.

Councilor Jacobs indicated he is unsure the diagram presented correctly represents the area (dimensions). He also noted he would be interested in hearing what the Inspections Department has to say. Councilor Jacobs voiced his concern with blocking the public way. The City Attorney verified the required passageway is six feet.

In response to Councilor Hague, Mr. Rathore verified this is a first time use at this location. Councilor Hague also referred to the submitted drawings asking about the measurements; Mr. Rathore verified he had done the measurements.

Councilor Chadbourne indicated she also would like to hear from Code Enforcement, noting her concern for safe passage for pedestrians. Councilor Chadbourne thanked Mr. Rathore for bringing his new business to Keene, and noted her support.

Vice-Chair Meader asked for staff recommendations; suggesting this could be put on “more time”.

The City Attorney noted his discussion with the City Clerk, and indicated the liquor request would be placed on “more time” pending receipt of the Liquor Commission’s report anyway. The City Clerk explained her office receives notice from the Liquor Commission when they receive the Petitioner’s application. She reported she has yet to receive that notice.

In response to Councilor Chadbourne, Mr. Rathore indicated his opening date is June 1. With that information Councilor Chadbourne pointed out we have some time, and suggested she would be more comfortable placing the entire matter on “more time. Councilor Chadbourne also requested that Code Enforcement be present to address any concerns. Councilor Jacobs agreed. Councilor Hague also echoed Councilor Chadbourne’s comments; adding she is looking forward to seeing Mr. Rathore in a couple of weeks.

The City Attorney suggested pointing out the timeframe for Mr. Rathore. He explained Mr. Rathore could probably be back before this Committee week after next, and in front of Council on June 4th; as long as the Liquor Commission process is running smoothly. The City Attorney noted he didn’t want Mr. Rathore to think the process was going to take too long.

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 both matters be placed on “more time”.

4. MEMORANDUM: Airport Director - Request to Use City Property - Emergency Stage and Response to Power Outages - Eversource

Ed Mattern, Airport Director noted during the Thanksgiving Holiday in 2014, the Keene and Monadnock area suffered from numerous power outages due to an ice storm. In an effort to restore power as quickly as possible PSNH (now Eversource) utilized a number of line crews from outside the immediate area - many from other states. At that time, Eversource requested the use of the airport parking lot as a staging area because of its location relative to the power outages and because of its central location. Due to the emergency nature of this request, and the fact that it would not have any impact on the operation of the airport, they were permitted to use the parking area. Eversource was able to effectively respond to the power outages and minimize customers down time.

Eversource continues its emergency preparedness planning for wide-spread power interruptions. As part of that process, it is looking to identify locations that it might be able to utilize when significant power interruptions occur. It has expressed a desire to include the Dillant-Hopkins Airport as one of the locations it can rely on as part of its emergency planning efforts. Mr. Mattern reported some of the property used is now leased to Thomas Transportation and is no longer available. However, there are other areas available that will not interfere with airport operations. Mr. Mattern recommends Council consider this request; adding the Airport Advisory Committee voted in favor of this request on April 17, 2015.

Laurel Boivin, representing Eversource, outlined the emergency efforts from the Thanksgiving storm. She noted the widespread areas served by Eversource. She further pointed out that Keene is the Emergency Center hub for 38 towns. Ms. Boivin added the goal is to stage vehicles and have workers close to where the outages are. She referred to a restaurant at the airport suggesting in a storm situation it could become a vendor for them; providing catering services. Ms. Boivin advised other partners being looked at include Cheshire Fairgrounds and Smith Medical.

Councilor Chadbourne noted she was in favor of this partnership.

Councilor Hague asked if clearing would become an added expense to the City during winter storms. Mr. Mattern reported these discussions have taken place with Eversource; they have indicated they would provide the clearing services.

Councilor Jacobs had the same question as Councilor Hague; he also asked if Eversource would be responsible for any damage. Mr. Mattern relayed his experience from the Thanksgiving event noting Eversource was very responsive to our needs. Ms. Boivin made note of Eversource's "leave no trace" business model when using other people's property. She agreed Eversource would be responsible for any damages.

Vice-Chair Meader also noted his support for this request.

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 the City Council authorize the use of the Dillant-Hopkins Airport by Eversource for the purpose of emergency staging and response to power outages, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additionally insured party and all other requirements of City staff.

5. MEMORANDUM: Airport Director - Inter-Municipal Agreement – Hazard Beacon

Ed Mattern, Airport Director reported that on May 7, 2015, the City Council authorized the issuance of a license to the Cheshire County Sheriff's Office relative to the installation of an emergency communications antenna on the airport's Mt. Caesar hazard beacon in Swanzey. The beacon is located on property owned by the Town of Swanzey. At a meeting between City staff, County officials and Town of Swanzey personnel about this installation, the possibility of enhancing Swanzey's emergency communications presented itself. This would require the installation of a second antenna. Due to the beacon's location, the existence of only a single power feed, the installation of a new back-up emergency generator and the involvement of three separate governmental entities, the development of an inter-municipal agreement would be most appropriate. An inter-municipal agreement would negate the need for the recently approved license agreement.

Mr. Mattern continued it is envisioned that an inter-municipal agreement will establish responsibilities for beacon maintenance, emergency generator maintenance, insurance and other operational requirements. When completed, this project will provide emergency backup power to the airport beacon, which does not currently exist. Therefore, staff is in support of the establishment of an inter-municipal agreement.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council authorize the City Manager to do all things necessary to negotiate and execute an inter-municipal agreement between the City of Keene, Town of Swanzey and Cheshire County, relative to the use of the Mt. Caesar Airport Hazard Beacon.

6. MEMORANDUM: Cities for Climate Protection Committee - Request for the City to Become a Member of Monadnock Buy Local

Jennifer Risley, of 86 George Street reported at its meeting of April 1, 2015, the Cities for Climate Protection Committee voted unanimously to recommend that the City become a member of Monadnock Buy Local. Ms. Risley noted this is a group of 150 locally owned businesses throughout the region that work to build a stronger local economy, and a stronger community. Ms. Risley explained if the City became a member, the membership would extend to the City's committees. Ms. Risley noted the Membership Levels offered include General Membership (\$100/year), Granite Membership (\$250/year), and Sustaining Member (\$500/year).

Councilor Jacobs asked if there was a particular membership level recommended. Ms. Risley noted no recommendation was made in that regard; adding that would be up to the City.

Councilor Hague asked if other municipalities had joined. Ms. Risley replied in the negative. Councilor Hague also asked if there were any other tangible benefits that come with membership. Ms. Risley noted the Online Directory, pointing out it would probably speak more to a business than a municipality. Ms. Risley reported Monadnock Buy Local did manage the Green Business of the Year

award for the City because the CCP Committee did not have the capability to do this. Ms. Risley sees this as a great next step to forming a partnership.

Councilor Chadbourne said she likes the idea, and pointed out the City supports a lot of organizations and initiatives without becoming a member. Councilor Chadbourne has concerns regarding the City paying a yearly fee. Ms. Risley noted she had offered to pay the membership dues for the CCP.

Councilor Hague pointed out other organizations the City is a member of such as the New Hampshire Municipal Association where the same types of benefits are received. Councilor Hague suggested this does not seem inconsistent with the ways the City has engaged with other organizations. Councilor Hague noted her support of this request. Councilor Jacobs noted his agreement with Councilor Hague; adding he feels this is consistent with the Comprehensive Master Plan goals.

Councilor Chadbourne asked the City Attorney if this would need to go to the FOP Committee and not the Council because it is financial. The City Attorney noted any expenditure of funds has to go through the FOP Committee. The City Attorney added this Committee could make a recommendation to the full Council to refer this item to the FOP Committee for action.

Councilor Hague asked if and when we refer this should we consult with staff to see where this might come out of the budget. The City Attorney agreed we need to identify the source of the funds; it may come from one of the entities that already exists and has compatible end goals.

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 that the City Council make a recommendation that this matter be referred to the FOP Committee.

Councilor Jacobs said just to refer it doesn't imply what we think of it, and he would like this Committee to have an opinion about it. Vice-Chair Meader and Councilor Hague both suggested the recommendation be to act favorably upon for approval. Councilor Hague motioned for this amendment and Councilor Chadbourne made the second because it was the favor of the Committee.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council make a recommendation that this matter be referred to the FOP Committee with the recommendation to act favorably upon for approval.

The City Attorney suggested the language should read "with the recommendation of approval". His concern is that recommendation is going to the full City Council in the Committee report, and the motion will be to approve the intent of the Committee report. This implies that the City Council is saying to the FOP Committee "we want you to approve this". The City Attorney noted he did not want to subvert the Committee process at that point. If there is no objection from the Committee the City Attorney suggested the motion read "recommendation for approval from the Planning, Licenses, and Development Committee".

Councilor Chadbourne noted she felt uncomfortable with the motion. She continued she felt it should just be referred to FOP, but was willing to go along with it since the other members had not objected.

Councilor Chadbourne added she felt this issue came to the wrong Committee in the first place. Councilor Chadbourne indicated she would be more comfortable with the City Attorney's suggestion.

Councilor Hague asked if we needed to suspend the rules to entertain this motion again. The City Attorney replied in the negative, explaining that is why he doesn't suggest we change the substance of the motion. He indicated this clarifies what the intent of the Committee was. Councilor Hague noted she was amenable to the edits suggested by the City Attorney. Councilor Chadbourne suggested she would just like the motion to be cleaner, but she would go along with it as presented.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council make a recommendation that this matter be referred to the FOP Committee with the recommendation of approval made by the Planning, Licenses, and Development Committee.

Councilor Hague noted her intent in her wording was precisely as the City Attorney stated it.

7. MEMORANDUM: Planning Director - Beech Hill Master Plan Adoption

Rhett Lamb, Planning Director commended the work of the Conservation Commission, Karen Purinton, and Jenn Dickinson in preparing this document. Mr. Lamb reported the Beech Hill Land Management Plan was written in 1992, and was most recently updated in 2002, after a Natural Resource Inventory was performed on 168 of the 180 acres that comprise the Beech Hill Conservation Area in eastern Keene. In 2013 the Conservation Commission, in keeping with the goal of creating and updating management plans for all public open space lands established by Resolution R-99-11: *Relating to the Development of Management Plans for Forested Land Owned by the City of Keene for Conservation*, designed a project regarding an update to the Beech Hill Plan. An Antioch University New England student was hired into the Planning Department in June 2014 to take a main role in assisting staff with the update.

Mr. Lamb continued that the updated Plan before Council was approved by the Conservation Commission at their April 20, 2015 regular meeting. The group has reviewed numerous drafts and revisions of the document, as well as hosting a discussion with neighbors of the property to hear their feedback and meeting with City staff to talk about how the Public Works, Planning, Parks and Recreation, Police, and Fire Departments contribute to the management of the property. The Plan makes short and long-term recommendations regarding how the property should be managed and expectations for future decision-making.

The Plan makes short and long-term recommendations regarding how the property should be managed and expectations for future decision-making. The proposed Plan also includes a summary of the Natural Resource Inventory performed on the property, two updated trail maps for hikers, historical photos of the site and structures, information about invasive species on the site, and a list of possible grant opportunities to assist with costs related to management.

The Commission wants to recognize that there are concerns regarding the use of the property that this plan will not remedy. For this reason, the Commission has also created the attached list of "Additional Issues," which outline concerns about the use of the site that were expressed by neighbors or others in the community. While the updated Land Management Plan does make recommendations regarding the

future use of the site, the Commission wants to make sure that any decisions made take this additional information into account and are given strong attention by City Council. Mr. Lamb discussed several of the recommendations made in the document. He concluded by noting we are recommending adoption of this plan. Noting the age of the NRI, Mr. Lamb suggested over time we should be looking for grant money or donated time to replace and update it.

Vice-Chair Meader asked if the Planning Board will also be asked to adopt this plan. Mr. Lamb noted discussions held and suggested this is not a Master Plan document, it is a Land Management document therefore he believes it is a City Council document. Mr. Lamb also commented we can certainly make the Planning Board aware of it. Vice-Chair Meader also asked if we would be looking to the Conservation Commission for implementation of most of the short-term goals. Mr. Lamb agreed, noting several of these relate to further study or development of strategy for developing a conservation easement. He also suggested some of them would have something to do with Parks & Recreation, and maintenance. Noting the age of the NRI, Mr. Lamb suggested over time we should be looking for grant money or donated time to replace and update it, which is also a role of the Conservation Commission.

Councilor Hague commended the Conservation Commission and the intern for bringing this forward in such a complete manner. She asked Mr. Lamb to speak to the involvement of Parks & Recreation staff in the development of this plan. Mr. Lamb replied Mr. Bohannon was involved and participated in this process. Making note of the problems addressed, Councilor Hague noted these problems are not unique to Keene.

Councilor Jacobs noted his pleasure in seeing the things talked about in 1992 included in the plan.

Councilor Chadbourne echoed Vice-Chair Meader's question regarding implementation. After additional comments, Mr. Lamb replied in essence you are endorsing the concepts here; either staff, the Conservation Commission, or members of these Boards or bodies would pursue the ideas in the plan.

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 City Council adopt the Land Management Plan for the Beech Hill Conservation Area.

The City Attorney asked to return to agenda item 6.

8. RESOLUTION: R-2015-16: Use of City Equipment - Variable Message Boards

Speaking on behalf of the Public Works Director, Mr. Lamb requested this issue be placed on more time to allow the Public Works Director to be present.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends this issue be placed on more time to allow the Public Works Director to be present.

There being no further business before the Committee, Vice-Chair Meader adjourned the meeting at 8:22 PM.

Respectfully submitted by,
Mary Lou Sheats-Hall, Minute Taker
May 16, 2015