

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

Wednesday, May 27, 2015

7:00 PM

Council Chambers A

**Members Present:**

David Richards, Chair  
David R. Meader, Vice-Chair  
Emily P. Hague  
Bettina Chadbourne

**Staff Present:**

Patty Little, City Clerk  
Medard Kopczynski, Asst. City  
Captain Brian Costa, Keene Police Dept.  
Tom Mullins, City Attorney  
Kurt Blomquist, DPW

**Members Not Present:**

Carl B. Jacobs

**Others:**

**Councilors Present:**

Terry Clark  
James Duffy  
Philip Jones

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

**1. MORE TIME REPORT: Big Brothers/Big Sisters of NH - Request to Use City Property - Road Race**

The City Clerk reported she is aware that a protocol meeting was held with City staff. This event will require minimal involvement of City staff; with the Public Works Department putting out the barricades during normal working hours. The petitioner will put them in place when the time comes. Parking Services will post “no parking” on Railroad Street; the Police Department has indicated they do not need to staff the event.

The City Clerk noted the Petitioner is requesting a banner across Railroad Street. In response to Chair Richards, the City Clerk reported the Fire Department had no concerns with the banner due to the short duration of the event. She also pointed out Code Enforcement was emailed to ascertain any concerns they might have. Referring to the prepared motion, the City Clerk noted the language directs City staff to investigate the feasibility; it is not giving definitive permission.

Theresa Moccio, of 310 Marlboro Street referred to the protocol meeting noting the Fire Department felt the height restrictions for the banner could be waived , as it would only be up for a couple of hours. The petitioner indicated her staff would be responsible for hanging and removing the banner from the light posts.

Chair Richards asked if this would have to come back before the Committee. The City Clerk replied in the negative, noting it is staff's intent this be pushed forward if the Committee is comfortable with it. Councilor Chadbourne noted she was in favor letting staff work out the details.

Given the possibility of the banner going up, the City Attorney wanted to ensure the petitioner was aware of the customary million dollar liability coverage requirement with the appropriate endorsements. He noted this requirement would be covered under the customary licensing requirements noted in the prepared motion. The City Attorney also suggested he would like engineering to be involved in this. He also clarified the prepared motion gives staff the authority to proceed and to put the necessary requirements into play. Chair Richards asked if changes needed to be made to the motion. The City Attorney replied in the negative. The City Attorney added he just wanted to make sure the City and the petitioner were aware of this requirement.

Ms. Moccio suggested she would have to look into whether Big Brothers Big Sisters carried this level of coverage. She noted there is additional insurance for the event, but is unsure of the amount. Ms. Moccio indicated the event would take place with or without the banner.

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 Big Brothers/Big Sisters of New Hampshire be granted permission to sponsor the first annual Stiletto Sprint on September 12, 2015 from 2:00 PM to 6:00 PM with a "rain date" of September 13, 2015 should there be inclement weather. Said permission includes the use of Railroad Square and the closure of Railroad Street from Main Street to Wells Street and is subject to the customary licensing requirements of the City Council. In addition, the Parking Division shall identify Railroad Street immediately adjacent to Railroad Square as a No Parking zone from the hours of 2:00 PM to 6:00 PM. This permission is conditional upon the Petitioner absorbing the charges for any City services provided, and compliance with any recommendations of City staff. The petitioner is further permitted to work with City staff to investigate the feasibility of hanging a banner sign across Railroad Street, which would be affixed to City light poles on either side of the roadway. Placement of the banner is subject to review and approval by City staff.

## **2. COMMUNICATION: Monadnock Food Co-op - Request to Serve Alcohol at Heberton Hall**

Sarah Harpster, of 34 Cypress Street verified the Monadnock Food Co-op would be holding its annual meeting on October 24, 2015. The event is scheduled to run from 4 PM to 9 PM, at Heberton Hall. The City Clerk reported all requirements have been met.

There being no questions or comments from the Committee or the public, Chair Richards 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 Monadnock Food Co-op be granted permission to serve alcohol on City property located at Heberton Hall on October 24, 2015, in conjunction with their Annual Meeting and subject to the following conditions: (1) Compliance with the customary licensing requirements of the City Council; (2) Obtainment of all necessary permits and licenses and compliance with all laws; and (3) That all alcohol be dispensed by a licensed caterer or in accordance with the terms and conditions of a one-day license issued by the NH Liquor Commission.

### **3. COMMUNICATION: Walpole Creamery Parlor - Request to Use City Property - Sidewalk Café License**

Rob Kasper, representing the applicant reported the Walpole Creamery has recently purchased The Piazza, and the location will be rebranded to Walpole Creamery Ice Cream Parlor. The petitioner is requesting permission to place tables and chairs on the sidewalk in front of Domino's Pizza. Chair Richards suggested this is an old venue with a new owner.

When asked if all requirements had been met, the City Clerk deferred to Med Kopczynski, of Code Enforcement.

Mr. Kopczynski noted the responsibility is to check to ensure the sidewalk can maintain a clearance of 60 inches. Mr. Kopczynski added the sidewalks in this area are much wider so there is no problem with the seating area.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends The Walpole Creamery Ice Cream Parlor be granted permission to extend their Sidewalk Café beyond their storefront onto property located in front of Domino's Pizza subject to the following conditions: subject to the customary licensing requirements of the City Council, compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code, compliance with any recommendations of City staff and submittal of a signed letter of permission from the adjacent property owner for use of the additional storefront. This license shall expire on March 1, 2016.

### **4. COMMUNICATION: Good Fortune - Request to Use City Property – Filming**

Roger Weinreich, of 110 Main Street stated he would like to produce a short video at Good

Fortune Jewelry that will feature an automobile driving slowly across the city sidewalk in front of the business at 110 Main Street. This film will be used to promote their business and will be a re-enactment of an event that recently occurred at the store. The production of this segment of the video will take place early in the morning (5 AM – 6 AM) and should be completed within an hour. They will maintain a safe perimeter around the vehicle and employ individuals to carefully monitor traffic to insure the safety of pedestrians.

In response to Chair Richards the City Clerk drew attention to the prepared motion to place this item on “more time” to allow a protocol meeting to take place.

Councilor Chadbourne noted the advancements in film, and asked Mr. Weinreich if he had a professional crew for the filming. Mr. Weinreich indicated he hopes to have a professional crew; noting there is sort of a time frame as they would like to accomplish this filming before they repair the building. Mr. Weinreich also noted he does have a video of the car hitting the building, he added it is not very spectacular. Councilor Chadbourne suggested contacting Tom Cook at Keene State College.

Councilor Hague commented this is a fun and unusual use of City property.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the request for permission to film on City property be placed on more time to allow the petitioner to attend a protocol meeting with City staff.

## **5. COMMUNICATION: YUM Ventures - Request to Use City Property - Filming in Central Square**

Luca Paris, of 38 Edgewood Avenue indicated he is here as an advocate for the request, and not on behalf of the petitioner. Mr. Paris made note of a protocol meeting with Kate Kenny (producer of Food Network Shows) and City staff. Mr. Paris reported the potential name of the show is the “Great Church Cook-off”, with filming to take place between June and August. Mr. Paris suggested the shooting would take approximately 2 to 3 days. He also pointed out Keene is on the short-list of cities under consideration for the filming. He noted the company is in its early stages of pre-production. Referring to the prepared motion, Mr. Paris noted staff is looking for some flexibility in terms of working out the details with the petitioner.

Chair Richards clarified the motion indicates staff is ready to move and let it be in their hands should Keene be selected. The City Clerk agreed with Chair Richards summation. The City Clerk explained how Keene came to be on the short-list, and how the conversation began with Kate Kenny. She reiterated the fact that staff is looking for some flexibility with this as the petitioner is located in California.

Both Councilor Chadbourne and Councilor Hague suggested this is an excellent opportunity, and letting staff work out the details is a good way to approach it.

There being no questions or comments from the Committee or the public, Chair Richards 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 YUM Ventures be granted permission to use downtown City rights-of-way for the filming of a television show. Permission shall include use of Central Square for a two to three-day period with the specific dates and times to be coordinated with City staff, and may include full or partial closure of Central Square to vehicular traffic. Said permission is conditional upon the following: compliance with the customary licensing requirements of the City Council, that the Petitioner absorb the charges for any City services provided, and compliance with any recommendations of City staff.

#### **6. RESOLUTION: R-2015-16: Use of City Equipment - Variable Message Boards**

Mr. Blomquist explained this is a policy for the use of the City's variable message boards that came about after a request from the annual Clarence DeMar marathon event. Mr. Blomquist went on to review the intent of the policy, which was drafted at the request of the City Council.

Mr. Blomquist explained the policy has been drafted to touch on the various types of licenses that are issued under City Code, such as walk-a-thons, etc. The policy also ties the use of the boards by a designated community event to the protocol and licensing process. In general, the use of the boards is meant to provide information on the impact an activity or event may have on the general public, and is it not meant to advertise the event or activity.

Mr. Blomquist continued that the policy allows for waiving of the fees for programming, set up, and break down of the variable message for events or activities sponsored by charitable, governmental, or neighborhood groups.

Mr. Blomquist noted the City would have priority use of the variable message boards and the Public Works Department will determine their availability and if necessary terminate their use by others.

Chair Richards asked why the variable message boards could not be used for general advertising. Mr. Blomquist explained they were purchased with general public funds; they are available in the commercial world for rent, and he tied this back to the purpose of keeping the public aware of events for safety concerns.

Councilor Hague clarified variable message boards are electronic signs where the message can be changed. Mr. Blomquist explained the difference between these and the wooden community event signs. Mr. Kopczynski pointed out variable message boards are not legal signs on private

property, in accordance with the Sign Code.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the adoption of Resolution R-2015-16: Use of City Equipment - Variable Message Boards.

## **7. MEMORANDUM: Assistant City Manager/Health Director & Police Captain - Proactive Code Report**

Mr. Kopczynski referred to the request from Councilors Duffy and Hague to bring this information forward. He explained that after conversations with these Councilors it was decided that updating the discussion and report from the 2007 report up to the current date would be the best way to handle this. Mr. Kopczynski noted the updates were conducted with the assistance of Keene State College, City staff, and Captain Brian Costa. Mr. Kopczynski suggested most of the items from the original report have been accomplished; with some things outside that report such as housing problems that continue to this day. He noted the creation of the SEED District, the Marlboro Street study, and the Comprehensive Master Plan adopted by City Council. Mr. Kopczynski noted his understanding of Councilors Duffy and Hague's intent. Chair Richards opened the floor to questions from Councilors Duffy and Hague.

Councilor Hague noted the two reasons she wanted to bring this up. One was to help us revisit the Comprehensive Master Plan, and the second was to see how some of the proactive enforcements have worked out with the Keene State College relations. Councilor Hague noted her two biggest questions are:

1. What has made the most difference in terms of changes you have seen the most improvements from?
2. What's really important for us to address in the next couple of years?

Mr. Kopczynski indicated the biggest level of change he has seen is the level of cooperation that exists today between the City and the college. The biggest import from his standpoint of public safety is the cooperation in the area of voluntary inspections. Mr. Kopczynski noted in 2002 staff couldn't get into the properties to ensure they were safe. He noted some regulations have been written regarding trash, litter and parking. Mr. Kopczynski suggested they are probably at a crossroads in their thinking relative to direction and consideration. He noted the personnel issues in the Department currently being faced; adding a lot of staff discussions are complaint driven. Mr. Kopczynski is also interested in finding resources for people who are in sub-standard housing.

Chair Richards asked for an approximate number of units inspected under the voluntary inspection program. Mr. Kopczynski indicated approximately 450-500 units were inspected under this program. He noted a change in the dynamics taking place; pointing out there are 80

units vacant per data obtained for the college website. The thought is there may be fewer students in the community and in the neighborhoods. Six out of ten units in Keene are rentals, however not all of the 6 out of 10 are students, not all of the 6 out of 10 are problems, and not all of our problems are students. Chair Richards shared his own experience in trying to get renters into his rental unit to demonstrate the shift in dynamics in terms of lowered demand. Mr. Kopczynski discussed assumptions made such as with the SEED District, and the notion that it would be ripe for student housing, when in reality it not a huge student population, and surprising number of owner occupied dwellings.

Chair Richards asked how many Code Enforcement Officers there are. Mr. Kopczynski replied Code Enforcement is really the Building Code. There are two Code Enforcement Officers that are actually Building Inspectors, and they have two part-time Housing Officers. He continued the Housing Officer positions were created in response to this report, and at the desire of City Council. Chair Richards asked if Mr. Kopczynski intended to fill the two vacancies in Housing Officers, and clarified what he was talking about was sub-standard housing and resources. Mr. Kopczynski replied in the affirmative, noting it has to start with a desire. Mr. Kopczynski noted other resources out there include banks and Home Owner Associations. He also noted the City has not been able to set aside resources internally.

Councilor Duffy referred to Page 2, under Keene Police Department 1.b. (a). Councilor Duffy disputed the information contained therein; the City Attorney clarified the information presented there refers to an earlier period of time, and was not an opinion the current City Attorney issued. Councilor Duffy commented the reason he brought it up was because they have no clarification; all they have is the update of 2015 that a Disorderly Housing Ordinance (O-2008-29) was proposed and a public hearing held on January 15, 2009. The item was placed on more time in April 2010, and reported out on May 8, 2013. Councilor Duffy noted the discussions and concerns of property owners/managers in the community. After additional comments, Councilor Duffy indicated they have made some improvements with the voluntary inspection program especially with Keene State and the students. He reiterated the concern “what is going to happen next”.

Councilor Duffy referred to Page 9 (Page 39 of 39 in the packet) under Blueprint for Action, the section titled “Multi-Family Rental Properties Permitting”, specifically the last two sentences. Councilor Duffy read the sentences aloud, when he read “*Most of these units were converted or created as multi-family units when there was not strict code enforcement, so it is unknown how safe they are*”, Councilor Duffy suggested this is where they should start paying attention. Returning to the updated report, Page 5 (Page 14 of 39 in the packet) under Code Enforcement, #2 the underlined section Councilor Duffy noted in 2004 a plan was defeated (Action-Housing Code was updated but the proposed program to fund inspection based on licensing of multi-family units was rejected. The program was to inspect the City in five parts, one part per year.) Councilor Duffy pointed out seven years later in 2011 they have a voluntary program. He asked Mr. Kopczynski how much of an impact that has made, and if he has any idea how many units are currently being rented that they have no idea how safe they are. Mr. Kopczynski explained there is no mechanism to record how many rental units there are out there. They look at the census and assessing records, which are not accurate measures for telling how many units are rentals. Mr. Kopczynski discussed purpose-built units and those more modern ones that were

probably built to some code. He continued, where they run into problems is with single-family houses that were converted in the past and grandfathered in. Mr. Kopczynski also pointed out a significant number of voluntary inspection units are those types of units.

Councilor Duffy referred to the 2008-2009 updated Code Enforcement report noting Mr. Kopczynski's comments that housing stock is deteriorating at a rate that should concern us all. He also referred to the comments made then regarding the impact this has on the economic vitality of downtown, and the discussion on urban homesteading. Councilor Duffy asked Mr. Kopczynski if he could elaborate on urban homesteading.

Mr. Kopczynski explained this is one of the concepts where you would want to bring in outside groups; you would take units that are not performing well and re-convert them into single and multi-family units. Mr. Kopczynski commented on the multi-family district noting most of these units are owner occupied. Mr. Kopczynski noted they see some degradation and some improvement; it depends on how the owners take care of their property. Councilor Duffy asked for clarification that the 48% figure is accurate for the population of multi-family units. Mr. Kopczynski indicated the current census suggests it is closer to 60%; which is the average for cities in New Hampshire. Discussion ensued with regards to the mixed makeup of neighborhoods in Keene. Councilor Duffy noted one of the implementation strategies of the Comprehensive Master Plan is to try to find ways to create viable, traditional style neighborhoods.

Councilor Duffy made reference to the recent Budget hearings and comments made indicating more could be done in Code Enforcement with more personnel. Mr. Kopczynski advised that comment was made by John Rogers and not himself. Councilor Duffy continued Mr. Kopczynski did comment on the lack of personnel putting a strain on other City resources such as the Police and Fire Departments. Councilor Duffy asked Mr. Kopczynski to elaborate on this. Mr. Kopczynski suggested there was a general discussion on the effectiveness of Code Enforcement, and explained the intent of that discussion. Councilor Duffy indicated he better understood now and thanked Mr. Kopczynski for the clarification.

Councilor Duffy indicated he had no additional questions, but he did want to comment he feels this issue is critical to look at perhaps through a different lens. Continuing he added perhaps looking at it through an economic lens may help to create ideas and buy-ins from property owners/managers. Councilor Duffy noted this issue has been going on for a long time, and they have made a lot of progress.

Chair Richards commended the job done by everyone in Code Enforcement, and asked "where do we go from here". He suggested Mr. Kopczynski's direction in the sub-standard housing is spot on. Noting the upcoming loss of two staff members in Code Enforcement, Chair Richards asked Mr. Kopczynski for his opinion on what the next step should be. Mr. Kopczynski noted his appreciation for what Councilors Duffy and Hague are doing. He also noted his reluctance to discuss personnel because he doesn't yet know what direction will be taken. Mr. Kopczynski explained his concern with regulations, indicating they already have too many. Mr. Kopczynski said he wanted to separate the behavioral problems when talking about party houses or disorderly houses; noting there are other problems. He continued the Disorderly House Ordinance as proposed would not fix those problems. It is pretty much a Police ordinance that records crimes.



Noting the Police concern deals more with the quality of life issues; Mr. Kopczynski indicated he is more concerned with the public safety part. Mr. Kopczynski's suggestion is that the staff continue having discussions at the Council level. Mr. Kopczynski re-introduced the issue of party houses noting how the dynamics have changed. Mr. Kopczynski suggested he could come back to Council when some ideas have been developed.

Chair Richards asked Mr. Kopczynski if this Committee should look for him to report back with some ideas on the direction he thinks he might want to go in. Mr. Kopczynski indicated he would be happy to come back after new personnel have been hired, and they've had time to discuss a direction which may also include some regulatory changes.

Councilor Hague commented this conversation was helpful noting it makes sense to come back, maybe in September. Mr. Kopczynski agreed he could come back in the September/October timeframe. Councilor Hague referred to the original report from 2002, noting the finding of 30 complaints annually compared to the most recent count of 691 complaints in 2010. Councilor Hague asked if it had really been that much of an increase. Mr. Kopczynski explained the difference as being they now have a mechanism for people to complain, and they have people out on the street, which they didn't have in 2002.

Councilor Chadbourne asked Mr. Kopczynski how complaints are handled when the owner doesn't allow access. Mr. Kopczynski indicated it depends on the nature of the violation; pointing out permission must be obtained from either the tenant or the property owner. He also noted access can be gained through an administrative warrant with reasonable cause. Discussion ensued regarding the number of disorderly houses in 2002 compared to today.

Brian Costa, Police Captain addressed Councilor Hague's question of what has changed for the better noting relationships and communication. He pointed out the culture change since the original report of 2002; he added now they have more than one meeting a year with the landlords, and a timely sharing of information with Keene State College. In response to Councilor Duffy, Captain Costa noted there are a number of houses they go to repeatedly, and the officers take enforcement actions for what they find there. Captain Costa commented he feels confident the number of problem houses is less than it was back in 2002; and more importantly, it is not always the same houses.

Councilor Hague commented favorably on the progress that has been made. She referred to Page 3 of the updated report (Page 12 of 39 in the packet) specifically the work with the Liquor Commission. Councilor Hague asked if this was still ongoing and how effective it has been. Captain Costa replied it remains ongoing with a slight caveat; the Cheshire County Agent's position remains unfilled. Councilor Hague noted the report also states that funding is drying up for directed patrols; she asked if this is still the case and to what extent directed patrols would be helpful in the future. Captain Costa responded certain grants have gone away and they've seen the emergence of other grants to help them with that problem. As an example he cited the Coalition Grant, which is specifically directed to patrols in the Keene State off-campus area; with an emphasis on enforcing underage drinking and drug laws. Continuing, Councilor Hague asked for Captain Costa's opinion on what he feels is most important in the upcoming years from the law enforcement perspective. Captain Costa commented it is not realistic to think they can

enforce themselves out of a situation; many of their efforts are focused on being proactive. Captain Costa noted the importance of making contact with each new group of students before the enforcement piece becomes necessary. He noted the work of the Keene State Liaison Officer; adding this year they have put together a PowerPoint presentation.

Chair Richards noted the progress made in the past 10 years and asked Captain Costa if they inform Code Enforcement when they see a life safety violation, if they notice it when entering a property. Captain Costa responded this does happen; the process would be for the Officer to contact their supervisor or at times they have sent an email directly to Code Enforcement.

Chair Richards suggested that since Mr. Kopczynski will be coming back to the Committee any questions or concerns should be sent to him directly. Chair Richards reiterated there are three or four problem houses and a new drug epidemic going on; he asked Captain Costa “what do you need from us right now”. Captain Costa replied the drug issue is not unique to the college; it is an issue across the country. Captain Costa also noted the Police Department is working with state and federal agencies regarding the availability of drugs; regardless of their efforts to remove them. Captain Costa advised he is not prepared at this time to provide a list of what might be needed from City Council; adding the offer of help is greatly appreciated. Councilor Hague commented how lucky they are to live in a City where they have staff that really sets a tone for proactivity and recognizes that enforcement doesn’t solve everything.

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 update on Proactive Code Enforcement be accepted as informational.

### **MORE TIME ITEMS**

Chair Richards referred to the more time items and asked the City Clerk if item A. John Hayes - Disorderly Parties During the Pumpkin Festival could be changed to “Disorderly Parties”, as this was never meant to be specifically about Pumpkin Fest. Chair Richards suggested this be brought back in a month to be reported out.

Councilor Chadbourne commented she thought item B. The Spice Chambers - Request to Use City Property - Sidewalk Café was going to be on this agenda. The City Clerk reported the applicant was in the Clerk’s office this afternoon and his intent is to withdraw his request.

There being no further business before the Committee, Chair Richards adjourned the meeting at 8:45 PM.

Respectfully submitted by,  
Mary Lou Sheats-Hall, Minute Taker  
May 2, 2015