

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, January 24, 2018

7:00 PM

Council Chambers A

Members Present:

David C. Richards, Chair
Philip M. Jones, Vice-Chair
George S. Hansel
Bart K. Sapeta
Margaret M. Rice

Staff Present:

Beth Fox, ACM/Human Resources Director
Rhett Lamb, ACM/Planning Director
Kurt Blomquist, EMD/Public Works Dir.
Thomas Mullins, City Attorney
John Rogers, Acting Health Director

Members Not Present:

Other Councilors Present

Jan Manwaring
Terry Clark

Chair Richards called the meeting to order at 7:00 PM.

1) **Janis Manwaring/Pathways for Keene - Request to Use City Property - 4 on the 4th**

Chair Richards explained this item would be put on more time to allow staff to hold the necessary protocol meetings.

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

Councilor Hansel made the following motion which was seconded by Councilor Sapeta.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the request from Pathways for Keene to hold the annual 4 on the 4th Road Race be placed on more time to allow City staff to hold a series of protocol meetings with the petitioner.

2) Jim Narkiewicz/Monadnock Travel Council - Request to Use City Property - Keene Ice & Snow Festival

Jim Narkiewicz, of 3 Ash Brook Road reported the 16th annual Ice and Snow Festival would be held on February 3, 2018. He outlined the events and sponsors noting no change in the event from previous years.

Kurt Blomquist, EMD/Public Works Director reported the customary protocol meetings were held and no issues were noted. He recommended moving forward with the request subject to the normal considerations.

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

Councilor Jones made the following motion which was seconded by Councilor Hansel.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the Monadnock Travel Council be granted permission to use City property on Central Square and Railroad Square, including outside burning of a fire in an enclosed fire pit on Railroad Square and closure of Railroad Street from Main Street to the exit of the Wells Street Parking structure for the 2018 Ice and Snow Festival on Saturday, February 3, 2018 from 10:00 AM to 4:00 PM. Said permission is granted subject to the customary licensing requirements of the City Council; obtainment of any necessary licenses or permits; and compliance with any recommendations of City staff.

Regarding parking issues Councilor Jones asked if the time had been earlier in previous years. Mr. Blomquist replied notices will be put up the previous week and the meters will be bagged the day of the event.

3) Mindy Cambiar - Hundred Nights - Lodginghouse License Request

Mindy Cambiar of 574 North Shore Road, Munsonville explained she is here for a license renewal. Ms. Cambiar reported inspections were conducted by both the Code and Fire Departments. Corrections were made today and she is ready for re-inspection.

John Rogers, Acting Health Director verified the issues were minor and easily corrected. Mr. Rogers recommended moving forward with the license. He agreed with Chair Richards that if the violations were not corrected this would come back before City Council.

Deputy Chief Jeff Chickering, of the Keene Fire Department also reported the minor violations will be re-inspected before the next Council meeting.

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

Councilor Rice made the following motion, which was seconded by Councilor Hansel.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that a lodging house license be issued to Timoleon Chakalos to engage in the operation of a lodging house at 15 Lamson Street subject to the following conditions: no more than 26 person may reside on the premises at any one time; compliance with all applicable sections of the City Code; compliance with any requirements or recommendations of City staff. Said license will expire on the 2nd day of February, 2019 and may be revoked by the City Council in accordance with Section 46-590 "Suspension or Revocation."

4) The Reverend Cynthia E. Bagley & Kathy Blair/United Church of Christ in Keene - Overflow from the Hundred Nights Shelter - Lodginghouse License Request
2)

Hilda Demoya, of Keene reported she usually schedules the Church volunteers to be in the Church with the Hundred Nights staff. Chair Richards explained the process for Ms. Demoya.

John Rogers, Acting Health Director and Deputy Chickering clarified the inspections were done last week and no issues were found. They both recommended issuance of the license.

Chair Richard asked for Committee question or comments.

Councilor Sapeta thanked the Church for allowing this to happen and asked how often it is used. Ms. Demoya replied almost every night in the season; she added since opening they have had a minimum of five people and a maximum of nine people.

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

Councilor Sapeta made the following motion, which was seconded by Councilor Rice.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that a lodging house license be issued to the United Church of Christ at 23 Central Square subject to said lodging house license only being used as an overflow for the Hundred Nights Shelter; and managed by the Hundred Nights Shelter; no more than 16 persons may reside at any one time on the premises; compliance with all applicable sections of the City Code; and compliance with any requirements or recommendations of City staff. Said license will expire on the 2nd day of February, 2019 and may be revoked by the City Council in accordance with Section 26-590 "Suspension or Revocation."

Ms. Demoya asked if the license was restricted to only the Hundred Nights Shelter noting she did not think that clause was included in last year's license. The City Attorney deferred to Mr. Rogers to answer the question. Mr. Rogers noted this condition was placed on the license in the past and is one of the reasons this is a Council license as opposed to a permit through the Fire Department.

5) Legislative Update – City Attorney

Tom Mullins, City Attorney referred to a synopsis in the agenda packet and addressed the two Senate Bills. The City Attorney reported he gave testimony on the two Bills this morning. He explained SB-339 with respect to voting and Zoning Boards of Adjustment clarifies the number of votes required for the ZBA to take any action on any matter before it. Generally the ZBA has five members and we have alternates. Occasionally there are situations either through conflicts or absences we can only have three members. The statute that applies in this particular context currently states the concurring vote of 3 members of the ZBA is required to approve an application, but it does not say the converse unfortunately. The law does not specifically state how many votes are required to deny the request of an applicant. The proposed amendment would specifically require that a motion to deny an application also requires three concurring votes. Attorney Mullins reported his testimony this morning was fairly well received by the Committee with no particular objections being noted, and they seemed to understand the difficulties the current language creates.

Attorney Mullins explained reversing the decision of an administrative official at Councilor Jones request. Essentially the ZBA is the quasi-judicial body to hear items raised to it by a member of the public. If a member of the City staff makes a decision based on an interpretation of the zoning ordinance, the statute now says the board should be giving some deference to the administrative official. To do so, in order to reverse that decision it now requires 3 votes of the ZBA.

Attorney Mullins continued by discussing SB-430 would provide a priority over pre-existing liens for real estate liens issued by the City for financial support to assisted persons. Under current law, the foreclosure of a lien predating the City's lien would remove the City's lien resulting in a potential loss of repayment of the assistance to the City. For example, if there is a pre-existing mortgage lien, the foreclosure of the mortgage would remove the City's lien. The proposed amendment would give assistance liens the same priority as tax liens. Attorney Mullins noted this is another initiative raised by the City through Senator Kahn. He reported opposition to this Bill from the Banker's Associations and the Mortgage Associations. Attorney Mullins noted this is a sort of stay tuned issue; the Committee did recognize that municipalities are place in sort of a conundrum because they have to provide the support, but are not guaranteed any reimbursement. The reality is many people who receive assistance do not own any real property.

Chair Richards asked for Committee questions or comments.

Councilor Jones referred to the recommended motion and asked the City Attorney if he preferred the Committee ask the Mayor to write a letter of support. Attorney Mullins indicated that would be up to the Committee; he noted the Mayor was aware of him giving testimony today.

Councilor Sapeta said if this were to happen would there be any impact on individuals; unintended consequences. Attorney Mullins said with respect to the individuals themselves it is

really the mortgage entities that will lose out. These liens are not like tax liens that have a timeframe; these liens pretty much stay in place until the person passes. The real impact is the financial impact is on lien holders. Councilor Sapeta asked if there was a possibility where banks might discriminate against individuals who might have the possibility of becoming disabled in the future. Attorney Mullins noted the Bankers and Mortgage Associations did raise that question; part of the response was that those two associations always have to assume some risks. This is why they have interest rates and those interest rates are based upon risk factors.

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

Councilor Hansel made the following motion ,which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the legislative update be accepted as informational.

6) Adjournment - There being no further business before the Committee Chair Richards adjourned the meeting at 7:32 PM.

Respectfully submitted by,
Mary Lou Sheats Hall
January 26, 2018