

**CITY OF KEENE  
NEW HAMPSHIRE**

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

Monday, December 11, 2017

6:30 PM

Council Chambers

**Planning Board Members Present**

Gary Spykman, Chair  
Spykman  
Douglas Barrett, Vice-Chair  
Andrew Bohannon  
Mayor Kendall Lane  
Nathaniel Stout  
Councilor George Hansel  
Chris Cusack  
Martha Landry  
Pamela Russell-Slack

**Planning Board Members Not Present**

David Webb, Alternate  
Tammy Adams, Alternate

**Planning, Licenses and Development  
Committee Members Present**

Councilor David Richards  
Councilor Philip Jones  
Councilor Robert Sutherland  
Councilor George Hansel

**Planning, Licenses and Development  
Committee Members Not Present**

Councilor Bart Sapeta

**Staff Present**

Rhett Lamb, Planning Director  
Tara Kessler, Planner

**1. Roll Call**

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

**2. August 14 meeting minutes**

Chris Cusack offered the following correction:

Page 2 of 8, last paragraph, last sentence – the sentence to be deleted.

A motion was made by Mayor Kendal that the Joint Committee accept the August 14 meeting minutes as amended. The motion was seconded by Councilor George Hansel and was unanimously approved.

**3. Land Use Code Update Project Presentation**

Planner Tara Kessler was the first to address the Committee and stated the goal for today is to update the Committee on the progress made with this project and how staff sees moving forward with this project.

She indicated the goal of this project is to update land development and redevelopment and to create a more user friendly regulatory environment to reflect the current community goals as identified in the comprehensive master plan and to provide a more flexible and user friendly community review. Ms. Kessler noted during the past few months, staff has talked a lot about the

land use code update but what has not been addressed is how this fits into the bigger picture. She then turned the presentation over to the Code Enforcement Superintendent Med Kopczynski.

Mr. Kopczynski stated the intention is to take the zoning code and substantially rewrite it and add to it sections of development so that there is one just document and practitioners see all rules in one place. At this time some city codes are contradictory and definitions are different. Then there is the remainder of the city code that has not had work done to it and these are outdated. This group will focus on the land development code and the city council will look at the entire code of ordinances to some extent. Mr. Kopczynski noted this would be a significant project.

Ms. Kessler stated there are a number of chapters in the city code that address land development. The goal is to take all of these items that relate to land development and put it into one place. Mr. Kopczynski added simplicity is one of the goals the city is trying to achieve with this process as well as to be more user friendly.

Ms. Kessler stated the project involves more than just the reorganization of the regulations and called the Committee's attention to a draft work plan she had shared with the Committee. The primary components would be to review the regulations and figure out where they can be updated and improved; where zoning districts work and where they need to be modified slightly.

The city has also determined it would like to pursue form based zoning in its downtown (focusing on how buildings are placed rather than on the uses), this would involve a separate type of outreach and engagement. Ms. Kessler noted as form based zoning is introduced to the downtown, it would be reorganized into one land development code. Included in all of this would also be the streamlining process, improving the regulatory process and then the lengthy adoption which would involve multiple committees and many public hearings.

Mr. Kopczynski reiterated this process does entail an outreach to the public and targeted audiences. He added the administration portion is going to be a task. He stated however, they don't see a majority of the city such as the rural district, the agricultural district or the low density district changing.

Councilor Sutherland asked who will find this to be the most restrictive. Ms. Kessler stated the development community who are most familiar with the city's regulations would find it challenging and getting up to speed but staff plans to engage them sooner in the process and making them part of the outreach. Mr. Kopczynski felt everyone is going to have a learning curve.

Councilor Hansel asked whether the land use code would be driving this process. Mr. Kopczynski agreed the land use code will be driving this process and hence the need to put the development code in one place.

Ms. Landry asked how we can keep track of what has changed. Mr. Kopczynski stated the original drafting version would be red-lined and the final version would be a complete substitution.

Councilor Jones asked when developing the UDO would be the time to bring in the development community. Ms. Kessler stated staff feels including the development community during all phases of this project would be beneficial. Ms. Kessler stated the public engagement strategy is somewhat included in the work plan but would need to be further refined as consultants are brought in. The plan is to develop communication strategies that are easy to understand and this

will depend on who the city is trying to reach. There is also the need align the regulations with the master plan goals. As the city looks at existing zoning, the city would also need to conduct neighborhood meetings. Ms. Kessler felt the public engagement piece is going to be multi-faceted, it is going to rely a lot on social media, web-based communication, print media; the plan is to bring in a communication specialist to help with the right language and tools.

Mayor Lane felt once the stakeholders are identified they need to be part of the development of this process right through the end - if the city wants it to be successful. Ms. Kessler agreed and added the city has a lot to learn from the development community and stated they would be key partners in this process.

Councilor Sutherland asked whether complete streets were going to be included in this process and asked about projects that have been just completed, such as Emerald Street. Ms. Kessler stated they are looking at complete streets as being part of this process. As far as projects moving forward, the city plans on having a new set of regulations sometime in mid-2019 so changes won't be made prior to that. However, large projects like the changes being proposed for the downtown, there are groups working on this and they are being identified as key partners in this. As far as projects that are underway, she wasn't sure the city will go back in time and changing them and referred that question to Mr. Kopczynski. Mr. Kopczynski stated complete streets is a policy not an ordinance. There are a number of items within the ordinance, such as policies and regulations that would need to be included into this land development code which might take some sorting. A majority of this can be achieved by codification and how this would affect things like a Public Works projects at this time is unknown and it depends on where it all lands.

Councilor Sutherland stated he was wondering about the work being anticipated for Marlboro Street and what the changes being proposed would look like for streetscape. Mr. Kopczynski stated his recollection for Marlboro Street is that it does incorporate complete streets and there are three sections being proposed; one is more uptown, the second intermediary and the third is a more rural pathway in design.

Mr. Stout stated code of ordinances were referred to earlier which encompasses a larger area than what this project encompasses. He referred to page 19 of the Committee's packet which talks about the chapters within the code of ordinances are chapters being affected by this study – and felt a single study like this would not be able to address the charter. He asked whether this is the listing within the code of ordinances being affected. Ms. Kessler stated what staff has done is to look at each chapter of the code of ordinances and have a conversation with departments. The decision needs to be made as to what stays within the land development code and if it does, where does this fit. Mr. Kopczynski referred to the fire code (chapter 42) which is a maintenance code and most permits related to this refers to how a building is utilized. So a review of chapter 42 would be to determine whether chapter 42 would may or may not be included in the land development code and felt only a few items from this chapter would end up in this code. He added these regulations need to be simplified for people to understand.

Mr. Stout asked how the land development code would eventually get adopted. Ms. Kessler stated the same process outlined in the city code will be followed; the Planning Board will look at proposed changes to the zoning ordinance, site plan and subdivision regulations and would then go before Council for a public hearing. The Historic District Commission has approval over its regulations. These Boards however, will be engaged throughout the process, so when the time comes for adoption, they will be familiar with the proposed changes.

Ms. Kessler stated as she has mentioned earlier, they plan on bringing in a consultant to support them in this process. The first would be a communication specialist to help with branding and marketing of this and to develop key message. Staff is working on a RFQ for this consultant to be brought in.

The other individual would be a land use attorney licensed in the State of New Hampshire to ensure the city is complying with state and federal laws.

The third would be a design firm to take a lead on form based zoning or character based zoning in the downtown. This firm will need to be skilled in engaging the public, developing graphics and visualization not only for form based zoning but also for the unified development ordinance. As well as providing support to city staff.

She added this would be a staff driven effort between the Planning Director and Ms. Kessler.

Ms. Kessler then went over the timeframe:

- Creating a draft work plan.

- Engaging departments that have a role in this.

- Staff has started the regulatory analysis, looking at the trends over the past five years, looking at special exceptions, building permits, site plans that have been issued.

- Developing RFQ's to bring consultants on board.

She stated staff still has a lot of work to complete in the spring – hope to have the consultants on board and begin the outreach work. Bulk of this work will happen in the spring through early fall of 2018 to begin the adoption process. Mr. Kopczynski added the regulatory analysis might push the work out further.

Councilor Hansel asked whether staff sees the communication specialist as a separate contract or whether this could be rolled in with the land use planning consultant. Ms. Kessler felt there was value in having someone who is skilled in the area of communications who is not a land use specialist. Ms. Kessler stated there are terms that are planning specific and not easy to navigate and having someone whose focus is entirely on communication, marketing and branding will help staff communicate well to the various audiences it wants to reach. Councilor Hansel stated the challenge would be to make sure the land use consultant and the communication specialist work well together. The Councilor stated his biggest concern was making sure this a substantive update and to make sure it is an effective regulation.

Ms. Landry asked what the budget for this work was. Ms. Kessler stated they have \$134,000 budgeted for consultant support and staff will work within this budget and the rest will be staff driven. Ms. Landry clarified this funding will get the city through adoption. Ms. Kessler stated this was their intent as there are no other sources of funding to support this effort. Mr. Lamb added in 2012, \$200,000 was appropriated and at that time the project was not as well defined and a portion of those funds were used for phase 1 work (to define what the options were). The original project was designed to be one phase and there has already been an adjustment made to that. Ms. Landry stated her concern was the project being derailed should the city run out of funding. Mr. Lamb stated as Ms. Kessler has indicated the city plans on using the consultants in the most efficient method possible and find people who are going to dedicate their time to this project.

#### **4. Approve 2018 Meeting Schedule**

Mr. Lamb stated the Joint Committee meetings fall on the second Monday of each month except in October and November when the meetings fall on a Tuesday.

A motion was made by Mayor Kendall Lane that the Joint Committee approve the 2018 meeting schedule. The motion was seconded by Councilor George Hansel and was unanimously approved.

Mr. Lamb reminded the Board about the site visit for the Food Coop happening on Wednesday.

Mayor Lane stated those Planning Board members who were members of the Coop would need to be recused from hearing this application next month. Mr. Lamb stated this issue has been discussed at the Steering Committee and it was decided that those who are members of the Coop disclose that they are members and make a statement as to how their membership would not adversely affect their ability to vote fairly on this application. At that time, members of the public would be permitted to comment on it.

**5. Next Meeting – January 8, 2018**

**6. Adjourn**

The meeting adjourned at 7:40 pm.

Respectfully submitted,

Krishni Pahl,  
Minute Taker