

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, April 11, 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:

Jack Wozmak, Airport Manager
John Rogers, Acting Health Director
Rhett Lamb, Planning Director
Kurt Blomquist, Public Works Director
Tom Mullins, City Attorney
Beth Fox, ACM/HR Director

Members Not Present:

Other Councilors Present

Carl Jacobs
Robert Sutherland
Jan Manwaring
Steve Hooper

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

1. **Shana Davis - Request to Display Banner Signs - Food Truck**

Shana Davis, of 197 Skyline Drive addressed the Committee noting she operates a food truck at the corner of Emerald and Wilson Streets. Ms. Davis said last summer she bought and displayed banner flags until she was told by a City employee that she could not display a banner sign. She had noticed a 30% increase in business when she started using the banner signs. Ms. Davis also reported a loss of business since she stopped displaying the signs. Ms. Davis also reported that the City had indicated she could use an A-frame sign, which she did, but it did not seem to have any effect on her business. Ms. Davis displayed copies of the signs she had used which stick in the ground and are brought in when she closes every day.

Noting the impending Sign Code changes before the joint Committee, Chair Richards deferred to the City Attorney. The City Attorney concurred there is an initiative in front of the Joint Committee with respect to the Sign Code and temporary signs. John Rogers, Acting Health Director also confirmed there is an application in process for a Zoning change which, if approved, would allow for one temporary sign without a permit per lot. Mr. Rogers continued Ms. Davis' sign would require some tweaking as hers is one of those not allowed.

Chair Richards commented it is likely the City will approve this because the State is requiring us to follow their lead. Chair Richards outlined the Council process with Mr. Rogers adding that a public hearing will be scheduled. Rhett Lamb, ACM/Planning Director said it would go to Council next week where the Mayor will set the public hearing date. He suggested this could be back before Council the second meeting in June for a final vote on the Ordinance. Mr. Rogers reiterated his earlier comments regarding tweaking the site so the sign would be allowed. Ms. Davis said she understood and asked for clarification if this applied to the whole City or just her location. She noted she sees this type of sign being actively used across the City for other businesses. Chair Richards clarified it is the whole City. Chair Richards continued the process should take plus/minus six weeks and then Ms. Davis could work with Code Enforcement to set up her spot. Mr. Rogers clarified Ms. Davis would be allowed only one sign.

Councilor Sapeta thanked Ms. Davis for being a business owner in Keene. Councilor Sapeta suggested because this is a particular type of business so perhaps they need to look at the Sign Code from that perspective. Councilor Sapeta commented on conversations at the Workshop regarding signage on private property and the City' Right-of-Ways, and asked what action the City would take now with signs in the Right-of-Way. Kurt Blomquist, Public Works Director advised the signs would be pulled if they were located in the Right-of-Way. Chair Richards asked Mr. Rogers to notify Ms. Davis when the Ordinance passes.

Councilor Jones thanked Ms. Davis for the job she does here and commended her as there have been no complaints about garbage at her site.

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 Jones.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the request for a banner sign be accepted as informational.

2) Keene Swampbats - Request to Discharge Fireworks

Kurt Blomquist, Public Works Director confirmed the staff's desire that the request be placed on more time to allow protocol meetings to be held.

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the request from the Keene Swampbats be placed on more time to allow City staff to hold a series of

protocol meetings with the petitioner.

3) New England Aerobatic Club - Request to Use City Property - Dillant Hopkins Airport
Weston Liu, of Brookline took the opportunity to thank Mr. Wozmak, Mike Moriarity, and the City of Keene for their flying time last year, and noted they would like to do the aerobatic activities again. Explaining Mother Nature was not always in their favor, Mr. Liu said they flew approximately four times last year. Chair Richards asked if there were any changes from last year to which Mr. Liu replied in the negative.

Chair Richards asked for Committee questions or comments.

Councilor Hansel said he had a couple of questions. Referring to the recommended motion, Councilor Hansel noted there was a specified start time but no end time. Jack Wozmak, Airport Manager noted the specified start time is 10:00 AM. Councilor Hansel asked how important this component was to the license. The City Attorney commented there is probably a daylight component to this activity and deferred to the Airport Manager. Mr. Wozmak said there has not been an end time. In general Mr. Liu and the other folks have ended between four and five o'clock. Mr. Wozmak also noted he has received both complaint calls and calls wondering if there was an end time. Mr. Wozmak commented the Committee could include an end time which might help mitigate the issue for some citizens. Councilor Hansel suggested 4:30 PM as an end time and asked Mr. Liu if this would be an issue. Mr. Liu explained trying to get as much use of sunlight as possible in the summer and suggested 5:00 or 5:30 PM would be better. Noting this seems reasonable Councilor Hansel agreed with a 5:30 PM end time. Councilor Hansel also addressed flying on holiday weekends and asked how important this was. Mr. Liu said he was pretty sure holiday weekends were avoided last year, noting they typically fly on Saturdays. Councilor Hansel noted this year it would only impact Labor Day and Memorial Day. Mr. Liu commented it might not be a problem this year with July 4th being the only floating holiday. Councilor Hansel suggested these two conditions would let it be known you are trying to establish good relationship with community. Chair Richards asked if motions were needed for these conditions. The City Attorney advised there was a prepared motion and recommended these additions be included. The City Attorney also recommended incorporating Federal holidays so the dates in the motion do not have to be adjusted every year. Mr. Wozmak commented on the continuity of the motions depicting the history from year to year. He recommended Memorial Day, July 4th, and Labor Day as those to be avoided regardless of where the calendar lines up. Councilor Sapeta suggested including the end time change and waiting on the holidays until next year so they have time to think this through, and not have to refine the motion again next year.

Ward One Councilor Steve Hooper commented last year a resident brought forth the holiday issue. He noted his concern with the canopy having been opened with the tree cutting creating more noise. Councilor Hooper supports the Aerobatic Club, but he concurred with the concerns brought forth by Councilor Hansel. Councilor Hooper noted he is in favor of an amendment addressing the holiday weekends. Councilor Hooper also asked for clarification on the number of flying times this summer; Mr. Liu clarified it is five flying times this season. Councilor Hooper then suggested the timeframe not be before 10:00 AM or after 5:00 PM. Chair Richards said they will see how 5:30 PM works out. Councilor Hansel commented to Mr. Liu that the

City wants the club here and added the Council rarely hears from those who enjoy the activity. Councilor Hansel also said we would be willing to look at this again next year if you experience issues. Mr. Liu did welcome Committee members to attend any of the events.

Councilor Jones disagrees with proposed language regarding Federal holiday weekends. He suggested adding Labor Day and Memorial Day weekends because July 4th moves around and will only cause more confusion. Councilor Sapeta seconded Councilor Jones' concern and suggested not adding anything this year. Chair Richards said in the spirit of compromise the Committee could take out July 4th and just leave in Memorial Day and Labor Day weekends in the license. Councilor Jones was in agreement with this suggestion.

Ward Two Councilor Carl Jacobs raised the issue of advertising for this event. Mr. Wozmak confirmed the FAA/NHDOT prohibits advertising for these practice sessions and noted in the past he has issued a notice in the paper.

There being no further questions or comments 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 the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the date of issuance through December 31, 2018, 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 dollars naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, there will be no Sunday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM and before 5:30 PM, and not occur on the Labor Day and Memorial Day weekends, and that neighbors be invited to the mandatory safety briefings held on practice days.

4) First Light Fiber - Request to Install Conduit on City Right-of-Way

Kurt Blomquist, Public Works Director reported City staff is working with the petitioner and recommending this be placed on more time. Mr. Blomquist continued First Light is a private communication company. They are looking to install a section of conduit along Main Street from Church Street up to Roxbury Street to service an individual customer. They do not go through the normal licensing process through the City Clerk's Office because they are not a regulated utility like FairPoint or Eversource.

Councilor Jones asked if this would be a good time for the City to run conduit for broadband. Mr. Blomquist said this is part of the conversation they are having internally about the long range plan for broadband in the City. They are proposing to do a micro-trench (narrow width) not a full trench to minimize their costs.

Councilor Jacobs asked if the narrow trench would be going into the street. Mr. Blomquist indicated it would be closer to the parking stalls. The petitioner has come to an agreement with FairPoint on two access points but they could not come to an agreement on how to get from those two points. Continuing, Councilor Jacobs asked how the Dig Once policy relates to this. Mr. Blomquist indicated he was moving away from the Dig Once term because this is a different perspective. This is more of a selective installation and he reiterated this is a private company and not regulated utility so there are different rules to consider. Councilor Jacobs said he is just saying if there is an opportunity to benefit other businesses or the City should seize that opportunity. Mr. Blomquist agreed adding if it makes sense and noting there is always a cost that comes with it. Adding to the discussion Councilor Hansel said he is not comfortable throwing a bunch of conduit in the ground and not know if it will ever be used.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the request from First Light Fiber be placed on more time.

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

Kurt Blomquist, Public Works Director reported staff held protocol meetings with the petitioner and a recommended motion is in the packet. Mr. Blomquist indicated the event was pretty much the same as last year, but it is on a Wednesday this year. Councilor Manwaring confirmed this is the 17th year for the event. Councilor Jones noted race volunteers are still needed.

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 City Council grant permission to Pathways for Keene to sponsor a running race on July 4, 2018, subject to the customary licensing requirements of the City Council. In addition, the Police Department shall identify Railroad Street immediately adjacent to Railroad Square as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. The petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 19 Community Events Budget. Said payments shall be made within 30-days of the date of invoicing.

6) Adjournment - There being no further business before the Committee, Chair Richards adjourned the meeting at 7:47 PM.

Respectfully submitted by,
Mary Lou Sheats Hall
April 12, 2018