

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Tuesday, May 29, 2018

6:30 PM

Council Chambers

Members Present

Gary Spykman, Chairman
Douglas Barrett, Vice-Chair
Mayor Kendall Lane
Michael Burke
Martha Landry
George Hansel
Chris Cusack
Nathaniel Stout

Staff:

Rhett Lamb, Asst. City Manager/Planning
Director
Tara Kessler, Planner

Members Not Present:

Pamela Russell Slack

I. Call to order – Roll Call

Chair Spykman called the meeting to order at 6:30 PM and roll call was taken.

II. Minutes of previous meeting – April 23, 2018 Planning Board Meeting

A motion was made by Mayor Kendall to accept the April 23, 2018 minutes. The motion was seconded by Councilor George Hansel and was unanimously approved.

III. Boundary Line Adjustment

S-01-18 - 16 & 22-24 Greenlawn Street

Applicant Wendy Pelletier, on behalf of owner Mary Pellerin, proposes to Adjust the boundary between the property at 16 Greenlawn St (TMP# 016-02-012), which is 5,477 sf, and the neighboring property at 22-24 Greenlawn St (TMP# 016-02-013), which is 14,513 sf. The proposal will move the eastern boundary of 16 Greenlawn St by 8-feet to the east, increasing the size of the parcel by approximately 425 square feet. 16 Greenlawn St is located in the High Density District and 22-24 Greenlawn St is located in the Medium Density District.

A. Board Determination of Completeness.

Planner Tara Kessler recommended to the Board that the Application S-01-18 - 16 & 22-24 was complete. A motion was made by Mayor Kendall that the Board accept this application as complete. The motion was seconded by Councilor George Hansel and was unanimously approved.

B. Public Hearing

Chair Spykman began by saying this was not a public hearing and the Board was not obliged to hear from the public – but it is usually the Board’s practice to do so. Wendy Pelletier of Cardinal Surveying addressed the Board and referred to the subject properties on a plan owned by the same owner. The request is to pivot the properties to make room for more parking to avoid snow falling on their vehicles.

Staff comments were next. Planner Tara Kessler stated this was a straightforward boundary line adjustment. The adjustment would make the property at 16 Greenlawn Street more conforming than it is today and 22-24 Greenlawn Street would continue to meet the minimum lot size requirements.

The Chairman asked for public comment. With no comments from the public, the Chairman closed the public hearing.

C. Board Discussion and Action

A motion was made by approve S-01-18 as shown on the plan identified as “Boundary Line Adjustment Plan Lots 016-02-012-0000 & 016-02-013-0000 16 & 22-24 Greenlawn Street Keene, NH 03431” prepared on April 20, 2018 and submitted to the Planning Department on May 14, 2018 by Cardinal Surveying and Land Planning at a scale of 1”=20’ with the following condition:

1. Property owners’ signatures appear on the plan prior to signature by Chair.

The motion was seconded by Councilor George Hansel and was unanimously approved.

IV. Public Hearing

Changes to the Planning Board Site Plan and Subdivision Regulations – Abutter Notification – The Planning Board proposes to amend the Section on abutter notification (Section IV.D.2.e.1) of the Site Plan and Subdivision Regulations to remove the requirement that “the 200 foot measurement shall not include the width of any streets or streams.” The proposed abutter notification requirement would be “all owners of properties that directly abut and/or that are across the street or stream from the parcel(s) that will be subject to review, and all owners of properties located within 200 feet of the parcel(s) that will be subject to review.

Ms. Kessler stated the Planning Director had brought before the Board an item about the change to abutter notification requirements. Currently, the city defines abutters as those that directly abut including those across a street and within 200 feet of the subject parcel; the width of a street is also not considered. At the present time figuring out such calculation is tedious.

The City is able to now put in place and more user friendly process via an online system through the Assessing Department. This system not only has property information but also has abutter information and abutter list can be obtained with one click of a button instead of an applicant having to visit city hall to obtain this information.

Ms. Kessler stated at the last meeting planning staff was asked to look at how other towns define abutters for site plan and subdivisions. She noted staff looked at communities similar in size, smaller in size and greater in size; they are using direct abutters, except Dover is using 200 feet.

Ms. Kessler stated staff has three options for the Board this evening.

- 200 feet plus direct abutters excluding roads and streams (what is currently used)
- 200 feet including roads and streams plus direct abutters (what is being proposed)
- Direct abutters (NH RSA)

Ms. Kessler focused on two properties; the first was on 181 Washington Street – Woodlawn Cemetery – using today’s option it brought in 33 abutters. Including roads and streams plus direct abutters – brought in 21 abutters. Direct abutters – the number was six.

The property was 12 Emerald Street:

200 feet plus direct abutters excluding roads and streams – 33 abutters

200 feet including roads and streams plus direct abutters – 21 abutters

Direct abutters – 6 abutters

Ms. Kessler noted, this does not mean only those who have been noticed would be able to speak out regarding a project. Ms. Kessler stated because most communities are going with the state definition of direct abutters and because the city currently has a rather onerous process, to go with something in-between *200 feet including roads and streams plus direct abutters*.

Mayor Lane asked when the current standard was put in place and what the rationale was. Mr. Lamb stated it has been in place at least since the 1990’s.

Councilor Hansel asked whether the new system would calculate the 200 feet accurately. Ms. Kessler answered in the affirmative and added they were very close to being accurate compared to what is being done today.

Ms. Kessler explained what we have versus what we are moving to would be the calculation of the 200 feet from the parcel line and measuring as if the road was not present. Especially in the downtown district, if you were to subtract the width of the road from the 200 foot calculation, you might bring in more parcels than if you just included the roadway.

Mr. Stout clarified with this new system it would be a data process which is handled by the computer and a computer does not have to make this additional calculation. Mr. Lamb stated the consultant hired by the city has indicated they are unable to write a program given the city’s current definition of a required abutter because the width of the road varies from location to location. For very limited instances, the calculation however, won’t be automatic.

Mr. Burke asked why the city wouldn't want to go with direct abutters. Mr. Lamb stated sometimes the software or system you are using drives the change but there could be an argument made why the City can't go with what the state is recommending. He further stated in response to what the Mayor asked, there was a time when the city saw the need to expand the list of abutters. He added staff has no problem going with a simple definition of abutters if that is what the Board wants to do.

Councilor Hansel stated he would be in favor of looking at just direct abutters, for the simple of reason of not having to measure anything.

Mayor Lane cautioned against narrowing the list of abutters and stated the difference in the number between the direct abutters and 200 feet is pretty significant. On an average application this would not be an issue, but for a controversial one, there could be issue as you are then restricting the public's ability to respond. Mr. Lamb stated this might have been the reason for the city to go with what it has in place now; more notice versus less notice.

Vice-Chair Barrett asked with this new application whether any of the liability for producing a correct list of abutters fall on the city or would this still be entirely the applicant's responsibility. Ms. Kessler stated it would still be on the applicant to prepare the list, notarize the list that all the abutters are true and this certification would still be required.

Ms. Landry asked whether those who are not noticed have any less rights than those who did. Ms. Kessler answered in the negative and added anyone who attends a public meeting is permitted to address the Board. Mayor Lane offered a caution in that there are some appeal rights the Supreme Court would look at as a party of interest by looking at an abutter list and whether someone has certain appeal rights.

Mr. Stout stated until the Mayor spoke he was in agreement with Councilor Hansel as he likes simplifying any process.

Councilor Hansel stated he agrees with the Mayor and giving people their legal right is sufficient enough to go with the 200 feet.

Mr. Stout stated he still agrees simpler is better.

Ms. Landry asked whether there was any charge to use this software. Mr. Lamb answered in the negative.

The Chairman asked for public comment next. With no public comment, the Chairman closed the public hearing.

A motion was made by Mayor Kendall Lane that the Planning Board amend Section IV.D.2.e.1 of the Planning Board Site Plan and Subdivision Regulations related to the

requirement for abutter notification to reflect the proposed changes to this section presented in the May 10, 2018 Memorandum prepared by staff to the Planning Board. The effect of that is to change the abutter notification to 200 feet.

The motion was seconded by Councilor George Hansel and was unanimously approved.

V. Director Reports

The item discussed was the schedule for the landuse code project for the rest of the year. The Board was given a copy of the schedule in hardcopy.

June Joint Committee meeting – In depth update of the landuse code as well as outreach schedule for the community.

Starting in June staff will be doing a review of the zoning districts. Staff will also be reviewing with the Joint Committee and the Planning Board the lighting standards. On the June 25th meeting, staff is proposing to review the subdivision regulations, which are currently combined with the site plan regulations.

July through December, different staff people will be coming forward with topics.

Mr. Lamb stated the topics chosen by staff are areas they know need work and where the Board's input is critical. He cautioned the Board as to the work involved with this task.

VI. New Business

Ms. Landry asked when it would be typical for the Board to get updates on approved plans. Chair Spykman stated once a plan is signed by the Chairman, this would be the last time the Board would hear about a project. Mr. Lamb stated staff provides an update every six months on those projects that were approved by staff.

VII. Upcoming Dates of Interest – June 2018

Planning Board Meeting – June 25, 6:30 PM

Planning Board Steering Committee – June 12, 12:00 PM

Joint PB/PLD Committee – June 11, 6:30 PM

Planning Board Site Visits – June 20, 8:00 AM – To Be Confirmed

The meeting adjourned at 7:25 pm.

Respectfully submitted,

Krishni Pahl
Minute Taker

Reviewed by: Rhett Lamb, Planning Director