

**CITY OF KEENE
NEW HAMPSHIRE**

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

Monday, July 9, 2018

6:30 PM

Council Chambers

Planning Board Members Present

Douglas Barrett, Vice-Chair
Mayor Kendall Lane
Michael Burke
Nathaniel Stout
Councilor George Hansel
Chris Cusack
Pamela Russell-Slack

Planning Board Members Not Present

Gary Spykman, Chair
Martha Landry

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

Councilor Philip Jones
Councilor Margaret Rice
Councilor George Hansel

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

David Richards, Chairman
Councilor Bart Sapeta

Staff Present

Rhett Lamb, Community Development Director
Michele Chalice, Senior Planner
Mari Brunner, Planner Technician
John Rogers, Building and Health Officer
Med Kopczynski, Director of Economic
Development

1. Roll Call

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

2. June 11, 2018 meeting minutes

Pamela Russell Slack noted that Douglas Barrett's name is listed twice.

A motion was made by Mayor Kendall Lane that the Joint Committee accepts the June 11, 2018 meeting minutes as amended. The motion was seconded by Councilor George Hansel and was unanimously approved.

3. Land Use Code Update Discussion

a) Parking

Councilor Jones asked what happens once this item is completed before the Joint Committee; does it go before the City Council? Planner Tara Kessler stated from these discussions, staff is looking for feedback from the Joint Committee so that the draft staff formulates won't be as overwhelming with the new codes being proposed. Councilor Jones asked whether the Joint Committee will be voting on

anything tonight and whether it was open to the public. Ms. Kessler stated public comment is up to the Chairman's discretion but it has been the policy of this Committee to take public comment.

Ms. Kessler started her presentation by noting there is a website for this project and there will be a series of community forums which will be taking place and noted this information is on the website and on posters being circulated.

Parking:

Ms. Kessler stated the component of parking being discussed under this category would be off-street parking. Ms. Kessler stated parking is addressed in many chapters throughout the city code. The goal with this process is to consolidate the information to one location.

Building and Health Officer John Rogers stated staff would like to look at the definitions when it comes to parking. In some of the districts, parking is the primary use, such as in, central business, central business limited, corporate park. However, parking can also be an accessory use, as with a single family unit.

Ms. Kessler went over current parking requirements. Parking requirements are currently based on the primary use of a property. This means, parking is driving the design of most projects. Mr. Rogers stated for instance there are two spaces required per dwelling unit. For restaurant, it is one space per four seats.

Mr. Rogers then referred to a Uses Table which refers to various uses and the number of spaces required. He noted there are uses on this table for instance, colleges and schools which are not covered by the zoning ordinance. There are uses of public assembly which are not covered by the number of seats. He stated some of the uses listed on this page are outdated. Ms. Kessler stated the next issue is, if a use is not listed, then what happens. At the present time the Zoning Administrator makes the determination as to how much parking is necessary. Mr. Rogers added trying to make this determination is vague; especially with mixed use the determination can be difficult. Ms. Kessler noted if an existing lot is redeveloped and the building's use changes, the owner of the lot would be required to adhere to the minimum parking requirement. This can be a hindrance for development outside the central business district.

Why is this an important regulation and what can the city do to improve its standard?

At a minimum the parking requirements can be updated to meet current standards by also building in greater flexibility so that the city can keep up with changes that could occur in its future. The city has allowed for shared parking in certain areas but this could be expanded as well. There is also the need to address off-site parking and trying to enforce same becomes problematic. Ms. Slack asked how off-site parking is enforced today. Mr. Rogers stated this is what is problematic – it is a plan that needs to be approved by the City Manager and then gets registered with the deed and there is follow up from that point.

Ms. Kessler stated there are communities which have adopted parking maximums versus the minimum threshold – this is an option, but not something staff is recommending at this time.

Ms. Kessler then talked about the issue of “Flexibility” –

- Allow for reductions on a case by case basis, subject to parking study or set criteria.
- Some communities have provided reductions to incentivize certain types of development
- Some communities have allowed for reductions for a certain percent in exchange for a contribution to a parking fund.

Ms. Kessler felt the one which would work for our community would be the first.

Another option for flexibility is shared parking where it takes advantage of a mixed use building which has varying peak demands; Office use where peak times are during the day whereas another use in the building, a cinema – its peak could be weekends or evenings and could share the parking area for their need.

The other item staff is looking at is to reorganize parking standards related to parking lots versus parking areas (an area a vehicle occupies in a residential or commercial area). This is listed in a similar section and staff is proposing to separate these sections out for applicant convenience.

One and Two Family Parking Requirement – Mr. Rogers stated two cars per family is not the norm anymore. Staff would like to look at other municipalities to see whether there are other options that could be offered for residential parking.

Councilor Jones asked whether there would be different parking options offered with UDO for different districts. Ms. Kessler stated this is something staff is looking into and perhaps offering different parking options for commercial settings.

b) Landscaping / Screening

Ms. Kessler stated the focus of this presentation is landscaping as it pertains to zoning and the development standards. She noted the purpose of landscaping for screening, shade, erosion control, stabilization and aesthetic.

Landscape standards currently are located in two places: under the zoning code of ordinances which regulate landscaping for commercial lots in the commerce, commerce limited and business districts. The other location where landscape standards are located is under the planning board standards. The focus of both of these are landscaping for parking lots specifically.

Staff is proposing through this update is to bring all landscape standards under one section; Incorporate graphics to better explain landscape standards; to delete confusing language where possible.

Staff is also proposing to take out the landscape requirements under the zoning ordinance and add it to the development standards.

Better looking graphics to make it easier for the reader – with simple visualization there could be a way to communicate the intention.

Ms. Kessler referred to a standard which can be confusing to many – it is the standard that refers to providing landscaping in a parking lot – she felt this is a standard which has language which could be revised.

Councilor Jacobs stated with reference to landscaping he would also like to see reference to public art as a part of landscaping. Ms. Kessler stated public art is a topic that would be coming before the Joint Committee in November.

Director of Economic Development, Med Kopczynski addressed the Committee and started off by asking why landscaping should be regulated? The first is for aesthetic reasons, to make a building look attractive. The zoning code however, refers to landscaping as a form of shielding from a parking lot for public, provide for infiltration and to provide for some sort of shade. He stated it is important to know the purpose of a regulation so it could be properly explained to developers.

Mayor Lane agreed landscaping for commercial settings are intended for screening and many for written after the Colony Mill site was developed. At this site the landscaping did have a greater significance.

c) Telecommunications

Planning Technician Mari Brunner and Community Development Director Rhett Lamb were the next two speakers. Ms. Brunner stated the item they are bringing before the Committee is telecommunication, towers and antennae which is part of the zoning ordinance. Chapter 90 deals with cable television franchising but staff is not going to be discussing that item today. Local regulations exist within a larger telecommunication landscape - there are federal and state laws that deal with telecommunication.

At the federal level there is the Federal Telecommunication Act of 1996 which body enforces the Federal Communication Commission. In 2012, there was an update to this body through the Middle Class Tax Relief and Job Creation Act.

At the state level there is RSA 12-K which gives NH communities the authority to regulate telecommunication through zoning and landuse regulation. This RSA was passed in 2000 and then updated in 2013 to reflect changes that happened at the federal level. In the City of Keene, it is regulated through the zoning ordinance chapter 102, Article VII – Telecommunication Towers. Mr. Lamb noted this refers to cell tower service which was brought to the city’s attention in the late 1990’s with the proliferation of cell tower introduction. At that time the city put a moratorium in effect for six months and an ordinance was proposed in 2001.

The general purpose of this ordinance is to cite telecommunication towers but the focus was on larger installation which would have an impact on the view shade. Ms. Brunner outlined what is covered under chapter 102, Article VII. Ms. Brunner stated the ordinance achieved its goals by incentivizing facilities that are a good fit and discouraging those that are not. It does this by establishing a view preservation overlay district (high priority view areas and moderate view areas). Mr. Lamb added when this was first put in place a three dimensional model of the city was created, views from public areas were ranked. Ms. Brunner noted the city prohibits towers including camouflaged facilities from extending 100 feet from the average tree crown height within a 100 foot perimeter of the facility. She referred to some examples. Ms. Brunner went over some of the items permitted in these two view areas.

Ms. Brunner went over ways staff is planning on improving this ordinance:

- Review the existing ordinance to make sure it is in keeping with federal and state law which was updated in 2012 and 2013 – this is needed within the definition section – she used the term co-location as an example. The city treats co-location as something that needs a building permit and a conditional use permit which is not the case with federal and state law.
- Fix existing errors – for example the table in section 102-1268 which lists design standards and conditional use permit criteria by facility type, in the ordinance it is listed by number and the table it is listed by letter – this is an item that needs to be corrected.
- Update to reflect new technologies that have come out in the last few years and make sure the permitting makes sense – the newer small cell facilities and antennae system are mentioned in the ordinance but is not clearly identified.

Councilor Jones reminded staff when the telecommunication ordinance was drafted in 1999 the push back the city received from two specific developers about not being able to locate towers on the hilltop.

Councilor Hansel with reference to the item regarding new technologies asked whether this would also refer to wireless internet providers. Mr. Lamb stated it could and added this type of installation has no impact on the visual character of the city but the city's ordinance is not structured for small cell installation.

Ms. Brunner referred to renderings of small cell facilities.

Mr. Burke asked whether there is anything in the ordinance which permits emergency services to use towers. Mr. Lamb stated as part of this discussion there is money being considered for a first responder network called First Net and there is provision in the ordinance for the city to be able to construct a tower on its own property. He added New Hampshire and many other states are planning on expanding greatly the number of facilities to meet the first responder but Keene has not seen a plan yet but it is forthcoming. Mr. Burke asked about co-locating on an existing tower, Mr. Lamb stated this can be done with permission obtained from the owner of the tower. Mr. Burke asked what constitutes a tower. Mr. Lamb stated this is when a structure was built for cell tower construction or prior to that for radio and television service. This concluded the presentation.

Mr. Kopczynski asked whether the work being proposed by staff so far meets with the Committee's approval. Ms. Kessler stated the goal of these presentations to inform the Joint Committee the areas staff is proposing to cover with the code update and whether the committee supports this effort. So far the topics covered are changes to zoning districts, lighting changes, subdivision regulations, parking, telecommunication and landscaping. In August the topics which are being planned to be covered are flood plains, storm water management, and surface water protection. The goal is when a draft of an ordinance is presented in 2019; the Committee will not be too over-whelmed.

Mr. Stout asked whether consultants have already been retained for this work. Ms. Kessler answered in the affirmative and added these consultants are looking at zoning in the downtown district. They will begin public outreach in August.

4. Next Meeting - Monday, August 13.

5. Adjourn

The meeting adjourned at 7:43 pm.

Respectfully submitted,

Krishni Pahl,
Minute Taker

