

A regular meeting of the Keene City Council was held Thursday, November 15, 2018. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Thomas F. Powers, Terry M. Clark, Randy L. Filiault, Margaret M. Rice, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, Stephen L. Hooper, Philip M. Jones, and Mitchell H. Greenwald were present. Bartolmiej K. Sapeta and David C. Richards were absent. Councilor Jacobs led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the November 1, 2018 regular meeting was duly seconded. The motion passed with a unanimous vote in favor.

#### ANNOUNCEMENTS – MAYOR

The Mayor announced that the Standing Committee meetings scheduled for November 21 and 22, 2018, have been rescheduled to November 28 and 29, 2018. The Standing Committee meetings of December 26 and 27, 2018 have been canceled. The Mayor went on to announce there has been a concern raised about the use of school buildings as polling places for voting purposes. He went on to advise the City Council that the selection of voting locations in the City of Keene is a decision of the elected Selectmen, and would not be a City Council matter.

#### PRESENTATION OF RETIREMENT RESOLUTION – TIM CLARK

The Mayor presented a Resolution to Tim Clark in honor of his recent retirement. The Resolution noted his many accomplishments during his tenure with the City and expressed gratitude for his years of service.

#### PRESENTATION OF RETIREMENT RESOLUTION – JAMES MCLAUGHLIN

The Mayor presented a Resolution to James McLaughlin in honor of his recent retirement. The Resolution noted his many accomplishments during his tenure with the City and expressed gratitude for his years of service.

#### PRESENTATION - BUILDING BETTER TOGETHER PRESENTATION ON FORM BASED ZONING CONCEPT FOR DOWNTOWN KEENE

The Mayor Lane recognized Medard Kopczynski, Economic Development Director, and Tara Kessler, Planner. Mr. Kopczynski spoke briefly about the Building Better Together effort and introduced the project consultants, Chris Jennette and Arista Strungys from Camiros Ltd. They have been working with the City on this important initiative relating to form based zoning in the downtown area. He noted that Camiros has over 40 years of experience in working in multiple states around the country. They are extremely well qualified and versed in downtowns in particular and advising as to form based zoning. The Mayor added that several of the Council had the opportunity to attend a session recently and the consultants did an excellent job explaining form based zoning using language that everyone could grasp.

Project consultants Chris Jennette and Arista Strungys from Camiros Ltd came forward to address the Council. Mr Jennette began that they wanted to provide a brief update on where we are with the downtown zoning initiative. He recapped that back in the spring they did some data

gathering and document review to determine what is currently happening in Keene. When they were here in July various “key person” interviews were conducted with local business owners, officials, architects, developers and other interested residents of downtown to get their ideas of what they would like to see change in the future. They also surveyed the downtown and created a photo library to understand the conditions on the ground here in downtown Keene. Since then they have been working on approaches for a new downtown form based coding and have come up with a series of potential approaches as well as some key questions that frame those approaches.

Mr. Jennette continued that in contemplating where the downtown really is they have come up with a proposed project boundary, which he displayed for review. He went on to explain that this is largely based on the current Central Business and CBL districts. They have made some assumptions based on the form and use of the buildings in this area to determine the boundaries. He went on to name the boundary streets around the perimeter, including: Mechanic Street to the north, Ashuelot Street and the Center of Keene to the west, Davis and Winchester Streets to the south, and to the east largely by the course of Beaver Brook. He noted they are looking for feedback on this geographic boundary in terms of whether it needs to be pulled back or expanded in certain areas to make more sense.

In terms of what the downtown zoning should include, Mr. Jennette stated that to reach the goals articulated in the City’s Master Plan, the following key areas will be addressed in the new zoning for downtown. The first key area would be permitted uses. The boundaries identified previously include various current zoning districts, as well as a number of overlay districts that may actually overlap and create a confusing web of regulations. They are looking to simplify those uses and ensure that there is flexibility for a wide range of commercial, residential, and other uses that may be appropriate in an active and walkable downtown. Secondly, dimensional characteristics such as lot areas will need to be evaluated and adjusted as needed to ensure existing patterns are allowed to continue. He noted that the median lot size in the downtown is 13,000 square feet; however, there are some zoning districts in the downtown that have no minimum lot area, while there are others that do. When implementing a sub-district structure we will need to determine where we want to do away with these minimums or keep them in place to reinforce existing patterns found in the downtown. The locations of buildings and setbacks will also need to be reviewed, while acknowledging existing patterns and facilitating new development to compliment them. This means there may be areas where there is a minimum setback requirement while other areas may include a build-to zone/line as appropriate, which might be appropriate in areas like Central Square where buildings butt up against the sidewalk. Building height will be respected and will complement the established character, allowing greater height where appropriate with consideration of transitions. Minimum ground floor heights, blank wall limitations and building entry spacing standards will also be considered. Mr. Jennette noted this project does not address streetscape elements.

Mr. Jennette went on to explain that the city already has design standards such as those delineated in the Historic District regulations and the Planning Board development standards, but the downtown should have its own specific set of standards. He added the intent should not be to control architecture, but rather to really control basic tenets of good building design. He went on to describe what some of those tenets are and noted that they are looking to implement objective

standards and move toward standards that can be administratively reviewed. Mr. Jennette continued that the downtown is not just one place, but rather is comprised of a series of character areas or place types; each possessing a unique development character, scale and pedestrian orientation. Based on the initial physical analysis of downtown patterns, and review of the City's planning documents, they have identified some preliminary place types. Some reflect existing conditions, while some are oriented toward establishing the vision of the City's master plan. They are asking for feedback on these types which have been identified as follows. Core 1 is the heart of downtown including Central Square and Main Street where the uses are the most diverse in terms of uses and the most walkable. Core 2 would also accommodate dense, walkable, mixed use development in the areas radiating off Core 1. Core 3 would be to the north and south of downtown and would be lower intensity with smaller scale development. Downtown generally would include the transitional areas that are halfway between pedestrian and automobile oriented towards the southern end of downtown. Downtown growth would encourage reuse and flexibility in uses. Finally, downtown transition would provide areas for transition into surrounding neighborhoods. Mr. Jennette stated that they have been asking the community for feedback on these sub-districts in terms of their locations and how they are defined. He went on to talk about a community forum that was held and stated that they will define their technical review based on the feedback they received.

Councilor Sutherland asked about building heights that were noted in the presentation and stated he does not think we have any seven story buildings at this time. He stated we will need to consider how this might impact adjacent lower buildings.

Councilor Jones stated he has been pointing people with questions to the Buffalo, New York zoning districts that were implemented to provide them with an understanding of this project. He went on to inquire if there have been many changes to that plan since it was implemented. Ms. Strungys stated there are always minor tweaks to these plans as they are implemented and she assumes that would be the case in Buffalo.

Mayor Lane asked if the office zone areas that are a transition between commercial and residential districts were intentionally included in this plan. Mr. Jennette answered yes, stating they are a buffer between the commercial and residential zones and it made sense to include them. As there were no further questions, the Mayor thanked the presenters. Ms. Strungys added that those areas create the perception of where downtown is. Mayor Lane stated he appreciates the outside perspective on this and certainly it validates the development direction that has occurred over the years.

Ms. Kessler came forward to wrap up the presentation and provided some future meeting dates of note: the Joint PB/PLD meeting of December 10<sup>th</sup> will include a discussion on the concepts and proposal that Camiros has developed and they will review a map of these sub-areas and take feedback on the proposed plan. They are hoping all Councilors can attend this meeting. She went on to mention the Zoning 101 workshop will be held a second time, this time for the public to learn about zoning. She added they are happy to meet with the Councilors or members of the public who might have questions.

CONFIRMATION – MARTIN LUTHER KING JR./JONATHAN DANIELS COMMITTEE

A motion was made by Councilor Greenwald and duly seconded to confirm the following nomination: Nancy Salwen to serve as a regular voting member on the Martin Luther King Jr./Jonathan Daniels Committee for a term to expire December 31, 2021. On a roll call vote, with 13 Councilors present and voting in favor the nomination was confirmed. Councilors Sapeta and Richards were absent.

COMMUNICATION – ALBERT GRAUER – LODGING HOUSE LICENSE RENEWAL – 85 WINCHESTER STREET

A communication was received from Albert Grauer requesting the renewal of the Lodging House License for 85 Winchester Street. The request was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – BODY & SOUL RUNNERS CLUB – REQUEST TO USE CITY PROPERTY – RED CAP RUN

A communication was received from Vicki Bacon of Body & Soul Runners Club, requesting permission to hold the annual Red Cap Run on February 9, 2019. The request was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – KEENE LIONS CLUB – REQUEST TO USE CITY PROPERTY – DUCK RACE

A communication was received from Christine Greenwood of the Keene Lions Club, requesting permission to hold the annual Great Ashuelot River Duck Race on June 29, 2019. The request was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – COUNCILORS MANWARING AND HOOPER – DEFINITIONS IN THE LAND USE CODE AS IT RELATES TO HUNDRED NIGHTS SHELTER

A communication was received from Councilors Manwaring and Hooper asking that a discussion occur relative to various definitions in the Land Use Code as they relate to the Hundred Nights Shelter and their attempt to find a new and larger facility that will meet the zoning requirements. The communication was filed into the record as informational.

COMMUNICATION – COUNCILOR FILIAULT – SUPPORTING STATE LEGISLATION THAT WOULD STANDARDIZE THE AGE REQUIREMENT FOR TOBACCO AND VAPING PRODUCTS

A communication was received from Councilor Filiault requesting that the City Council communicate its interest to the Legislative Delegation in support of a standard age requirement for tobacco and vaping products from 18 to 21 statewide. The request was referred to the Planning, Licenses and Development Committee.

**MSFI REPORT – SYD’S CARPET AND SNOOZE ROOM – REQUEST FOR LOADING ZONE – 41 ST. JAMES STREET**

Municipal Services, Facilities and Infrastructure Committee report read recommending this item be accepted as informational and handled administratively. The report was filed into the record as informational.

**MSFI REPORT – TODD TOUSLEY – REQUEST FOR THE INSTALLATION OF A SIDEWALK – CHAPMAN ROAD**

Municipal Services, Facilities and Infrastructure Committee report read recommending this item be handled administratively and that staff reports back to Council with updates as needed. The report was filed into the record as informational.

**MSFI REPORT – WEST STREET DAM – PUBLIC WORKS DEPARTMENT**

Municipal Services, Facilities and Infrastructure Committee report read recommending this item be accepted as informational. The report was filed into the record as informational.

**FOP REPORT – ACCEPTANCE OF DONATION IN MEMORY OF HOWARD KERBAUGH – PARKS, RECREATION AND FACILITIES DEPARTMENT**

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of \$265.00 in memory of Howard Kerbaugh to be used for general upkeep and maintenance of the Parks and Recreation Center. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

**FOP REPORT – ACCEPTANCE OF DONATION – YOUTH BASKETBALL – PARKS, RECREATION AND FACILITIES DEPARTMENT**

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of \$3000.00 from Yankee Lanes and that the money be used to purchase youth basketball jerseys. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

**FOP REPORT – MONADNOCK CONSERVANCY – CONSERVATION EASEMENT FEES FOR 105 DANIELS HILL**

Finance, Organization and Personnel Committee report read recommending that the City Council authorize a \$15,000 contribution from the Land Use Change Tax Fund to the Monadnock Conservancy for the Domina property conservation easement project. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

## CITY MANAGER COMMENTS

The Manager stated she had a few items from the Public Works Department to share. On October 24<sup>th</sup> the City of Keene was awarded the Industrial Pretreatment Program (IPP) Excellence Award by the United States Environmental Protection Agency at their 20<sup>th</sup> annual workshop. This award was established to recognize and honor employees of publicly owned wastewater treatment plants for their commitment to improving water quality through outstanding oversight of its industrial users which are discharging into the municipal sewer system. Ms. Dragon noted our Pretreatment Coordinator is Eric Swope, and went on to say this was an outstanding acknowledgement of that work. Ms. Dragon went on to announce a reminder that the winter parking ban is now in effect and will go until April 30<sup>th</sup>. During this time, parking on-street is restricted during the hours of 1:00 AM to 6:00 AM. This ban covers the entire right of way, not just the paved portion of the street. The restrictions allow for snow and ice control operations. The Manager went on to state that the City is prepared for its first winter storm event that will occur this evening and extend into Friday. She stated that as a result of the storm, leaf collection activities have been interrupted. Following clean-up from the storm, it is expected that Public Works crews will continue leaf pick-up next week. Ms. Dragon ended by recognizing Med and Dawn Kopczynski who are present this evening. They are celebrating their 47<sup>th</sup> wedding anniversary. Lastly, Ms. Dragon wished everyone a Happy Thanksgiving.

## MORE TIME

More time was granted by the Chair for the following items in Committee: Nancy Gillard and Suzanne Butcher – New Energy Goals for the Community; Land at 0 Apollo Avenue – Parks, Recreation and Facilities Director; and, Keene SnoRiders Snowmobile Club – Request to Use City Property.

## MEMORANDUM – CITY ATTORNEY AND ORDINANCE O-2018-20: RELATING TO THE PURCHASE, USE AND POSSESSION OF TOBACCO PRODUCTS

A memorandum was received from the City Attorney along with Ordinance O-2018-20: Relating to the Purchase, Use and Possession of Tobacco Products. The memorandum was filed into the record. Ordinance O-2018-20 was referred by the Chair to the Municipal Services, Facilities and Infrastructure Committee.

## PLD REPORT AND RESOLUTION R-2018-33: RELATING TO ADOPTING THE PROVISIONS OF RSA 79-E “COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE”

Planning, Licenses and Development Committee report read recommending the adoption of Resolution R-2018-33: Relating to Adopting the Provisions of RSA 79-E “Community Revitalization Tax Relief”. The report was filed into the record. A motion by Councilor Jones for adoption of the Resolution was duly seconded. The motion passed with a unanimous vote in favor. Resolution R-2018-33 declared adopted.

## RESOLUTION R-2018-34: IN APPRECIATION OF JOANNA M. BALCOM UPON HER

11/15/2018

RETIREMENT

Resolution R-2018-34: In Appreciation of Joanna M. Balcom Upon Her Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion carried with a unanimous vote in favor.

RESOLUTION R-2018-35: IN APPRECIATION OF RICKY A. PLANKEY, SR. UPON HIS RETIREMENT

Resolution R-2018-32: In Appreciation of Ricky A. Plankey, Sr. Upon His Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion carried with a unanimous vote in favor.

ADJOURNMENT

At 8:53 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:



Deputy City Clerk