

City of Keene
New Hampshire

**PLANNING, LICENSES AND DEVELOPMENT
COMMITTEE MINUTES**

November 28, 2018

7:00 PM

Council Chambers A

Members present:

Philip M. Jones
George S. Hansel
Margaret M. Rice
Bart K. Sapeta

Members absent:

David C. Richards, Chairman

Staff present:

Elizabeth Dragon, City Manager
Thomas Mullins, City Attorney
Rhett Lamb, ACM/Planning Director
Elizabeth Fox, ACM/HR Director
Kurt Blomquist, Public Works Director/
Emergency Management Director
John Rogers, Building/Health Official

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

1. Albert Grauer - Lodging House License Renewal - 85 Winchester Street

Mr. Albert Grauer's son, Mr. Trevor Grauer spoke on behalf of his father. Councilor Jones asked if Mr. Grauer wanted to add something to his petition. Mr. Grauer said this is the first year they have had to renew their license but he stated he does not have anything to add or have any questions. Councilor Jones asked Mr. Grauer if he is aware of the conditions that were set forth as part of the license. Mr. Grauer replied that he is aware of the annual inspection, which they have completed, and the annual renewal fee. Councilor Jones said there are two inspections one for building and the other for fire, and they can be done at the same time. Mr. Rogers, Building and Health official, conducted the inspection as required and there was only one minor issue that was taken care of by the property owner. Councilor Jones asked if there have been any complaints on this property. Mr. Rogers said none that he is aware of at this time and he recommends renewal of the license.

Councilor Jones asked if anyone from the public had any questions or comments.

Councilor Hansel made the following motion that was seconded by Councilor Rice.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that a lodging license be issued to Mr. Albert Grauer for property located at 85 Winchester Street for a period of one year from the date of issuance. Said license is conditional upon the following:

1. No more than 8 persons may reside on the premises.
2. No less than 4 vehicular parking spaces must be provided on the premises.
3. Compliance with all applicable laws, ordinances, codes and rules and regulations.

4. The continuation of license is subject to and conditioned upon the successful passage of two inspections to be conducted by the City.
5. Owner shall notify City staff of any change in building operator; failure to do so may be grounds for suspension or revocation of this license.

This license expires on the 6th day of December, 2019 and may be revoked by the City Council in accordance with Sec. 46-590 "Suspension or Revocation."

Councilor Jones stated that this recommendation will go to full City Council next Thursday. Mr. Grauer asked if he needed to be present at that public meeting and Councilor Jones replied that he could be but there are public comments so he does not have to be.

2. Vicki Bacon - Body & Soul Road Runners' Club - Request to Use City Property - Red Cap Run

Councilor Jones stated that City staff is asking to put this item on more time to allow staff to hold a protocol meeting with the applicant. Kurt Blomquist, Public Works Director and Emergency Management Director stated this meeting will be scheduled shortly. He went on to ask if the committee is comfortable with staff representing these routine licenses when they come back to Committee, or would they prefer the petitioners be present. Speaking on his own behalf, Councilor Jones responded that these are people that have done this before and because it is routine, he does not feel that they need to be present. Councilor Rice stated that Chair Richards usually asks the petitioner how many years the event has been held and felt it is could be a good promotional opportunity for them if they would like to come to the televised meeting.

Councilor Rice made the following motion that was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends this item be placed on more time.

3. Keene Lions Club - Request to Use City Property - Duck Race

Councilor Jones stated the Keene Lions Club is requesting to use City property for their annual duck race. Mr. Blomquist stated the Keene Lions Club is looking at potential changes in where they drop ducks and where they take them out. He will be talking to them to see if he can frame the recommendation to the Committee to give the widest discretion at the next committee meeting. Councilor Jones said sometimes the location changes depending on the weather and flow of river. Mr. Blomquist replied that they have established some standard language so that if weather is an issue they can make a rain date in coordination with Staff.

Mr. Blomquist stated that the Keene Lions Club is aiming to shorten the race this year, as well change their locations of placement and retrieval of ducks in the river. He said the areas they are considering may be difficult and may not be safe and for this reason, he will be talking with them and coming up with a proposed motion in the next week. Councilor Jones said the only component the Council gives permission on is to use the bulldozer in the street; everything else is on private river property. Mr.

Blomquist replied that typically they require permission to use the 350 Marlborough Street property to count the ducks, to utilize equipment, to close the City street and permission to use the park for that purpose. He agreed that activities taking place on private property do not require permission from City Council.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends this item be placed on more time.

4. KeeneSnoRiders Snowmobile Club - Use of City Property - Public Works Department

Mr. Blomquist said he spoke with Mr. Robbins who represents Keene SnoRiders. He said the City has not had any significant issues with snow riders and their trails as they have followed all requests of Staff. Today's motion will give the Keene SnoRiders permission to run their snowmobiles and trails this coming winter. Councilor Jones replied that he is on the Board of Pathways for Keene and he appreciates the job the SnoRiders does in maintaining those trails. Councilor Hansel said it is great to see the partnership between the City, State and the private entity and he would like to see more of these partnerships in the future, perhaps around mountain biking, and extending it beyond snowmobiles.

Councilor Hansel made the following motion that was seconded by Councilor Rice.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the City Council grant permission to KeeneSnoRiders for use of the following City property for a snowmobile trail:

- The right-of-way along the north side of Krif Road from Krif Court o Winchester Street;
- City property identified by tax map numbers 909-05-012, 911-26-015 and 909-03-210;
- The crossing of Winchester Street at Krif Road ;and, Production Avenue approximately 200+/- feet south of NH Route 9, and
- Use of the Class VI Portion of the Old Gilsum Road starting approximately one (1) mile from the Gilsum Town line and going north.

Said use shall commence on December 15, 2018 and expire on April 1, 2019, and is subject to the following conditions:

- The signing of a revocable license an indemnification agreement; and
- The submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as an additional insured.
- In addition, the KeeneSnoRiders, Inc. will be responsible (including cost) for the installation and maintenance of all signage/markings, which will begin accordance with Snowmobile Trail Standards published by the NH Department of Resources and Economic Division of Parks and Recreation; that all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover, no structures, including buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on the City property; no parking of motor vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the

right-of-way of Krif Road, snow windows shall be groomed to provide adequate sight distances and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that KeeneSnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way property shall only be used when there is snow cover.

Mr. Lamb stated that the parcel numbers appear to be the old assessing numbers and they have since changed those, so as this comes forward to Council next week, numbers on parcels will appear different to reflect the changes. Councilor Jones asked if anyone had any further comments. He said this motion will go before full City Council next Thursday.

5. Councilor Filiault - Supporting State Legislation that Would Standardize the Age Requirement for Tobacco and Vaping Products

It was noted that Councilor Filiault was still in the meeting in the adjacent room. Ms. Elizabeth Dragon, the City Manager, stated she is prepared to speak on Councilor Filiault's behalf on the intent of this request. She stated the City is currently considering a local ordinance for changing the age for tobacco purchase and possession from 18 to 21. She said some of the comments they have heard from both people testifying at meetings and from City Councilors relate to the concern that people may go to other towns to purchase tobacco products. Therefore, Councilor Filiault is asking for support from the Council to move forward with working with state legislators to draft a proposal that would make the age change from 18 to 21 statewide. Ms. Dragon said she met with Senator Kahn about this issue and if the Council decides they want to move forward he is prepared to put the legislation forward this session. Councilor Jones asked if he is asking for a letter or a resolution. Ms. Dragon replied that he is asking for support. Councilor Jones asked if it would be better to introduce their ordinance first so they have background to put into that letter. Ms. Dragon replied that her only concern with that approach is the timeline for putting bills forward as they will need to work with the Senator to get something in by December 20. She said it would be beneficial to work on both initiatives simultaneously so they do not miss the deadline.

Councilor Rice stated that she is not in support of raising the age for possession or purchase of tobacco products; however, if it is the intent of the City Council as a whole, she is in support of keeping consistency throughout the State. She said she would support a letter that all towns have the same age, rather than specifying what age that would be. Councilor Jones agreed, however, he said it does not necessarily go along with the Councilor's request. Ms. Dragon stated that at tonight's meeting they did vote to move forward with that ordinance so next Thursday that ordinance will be in front of full Council, as well as the committee's recommendation depending on how they act, so they will have both in front of them. She said in terms of not putting an age in the letter that would be something that would not be in accordance with Councilor Filiault's request but is certainly something that the Council could decide to amend. She added that the consistent age is 18 right now with the exception of the local ordinance and that is where the differences come in. She said a handful of communities have already made the change and as this continues to be a priority issue they will probably see more communities continue to do so. Councilor Rice asked Ms. Dragon if communities have already deviated from the rest of the State does that mean it would be difficult to pass legislation that would get those communities to lower the age again. Ms. Dragon replied that the State legislature could in fact require those communities to bring the age back down by making their ordinances invalid.

Councilor Hansel stated that the recommended motion has an instruction for Staff to work with the delegation. Ms. Dragon said the meeting is to draft legislative proposals, it will reference the statute number and cross out 18 and insert 21, with no other changes. Councilor Hansel said he does not understand why City staff is involved at all as a letter of support should be the extent of it. Ms. Dragon replied that it is mostly for convenience for State legislators as the City can easily provide correct references and statutes. Councilor Sapeta he supports discussion of both the ordinance and the proposed legislative amendment at the same time at full City Council as it is an important initiative and he support City staff involvement. Councilor Rice asked if Senator Kahn will be bringing this forward whether he gets support from the Committee or not. Ms. Dragon replied that he will only come forward with the support of the Committee.

Councilor Rice stated that because the age is specified she will not be voting in favor of this recommendation for the Council. Councilor Hansel stated that he also will not be voting in favor as it is the NH State legislature's job to legislate and if Senator Kahn feels strongly about this bill, he should be putting his name on it, drafting it and presenting it. He said the City can sit in a supportive role, perhaps through a letter of support, but it seems odd the way this is presented and he will be voting against it. Councilor Jones stated that in the interest of meeting the December deadline for bills, he will be voting in support of the recommendation.

Mr. Lamb stated that there will be a split vote which would imply "No Action." He said the other alternative is to place the item on more time to open up more opportunity for discussion, allow the discussion at City Council next week to take place, as well as give Councilor Filiault the opportunity to speak and possibly have a fifth member on the Committee. Councilor Jones said he is concerned about the time restraints and the Council does not vote on more time issues and asked if it is a tie vote if it still appears before the Council. Mr. Lamb replied yes it does.

Councilor Hansel stated that he would vote in favor of having this motion move forward, as it is somewhat a philosophical issue on how much the Council should weigh in on State issues, however, if the majority of the Council wants to weigh in on this, he would vote in favor of this motion tonight recognizing that he might not be in favor next week. Mr. Lamb withdrew his recommendation of placing the item on more time due to the December deadline. Councilor Sapeta stated that a "No Vote" today means they can still vote next week, so there is really no need for more time, just a straight vote and he is in favor of it.

Councilor Rice made the following motion that was seconded by Councilor Sapeta.

On a vote of 3-1, the Planning, Licenses and Development Committee recommends that Staff be instructed to work with our Legislative Delegation to amend RSA-126-1C to increase the minimum age from 18 to 21 to purchase, use or possess tobacco products. Councilor Rice was opposed.

Meeting was adjourned at 7:31 pm.

Respectfully Submitted by,
Ayshah Kassamali-Fox