

CITY OF KEENE
NEW HAMPSHIRE

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

Monday, January 14, 2019

6:30 PM

Council Chambers

Planning Board Members Present

Gary Spykman, Chair
Mayor Kendall Lane
Councilor George Hansel
Chris Cusack
Martha Landry
Pamela Russell Slack
Andrew Weglinski

Planning Board Members Not Present

Douglas Barrett, Vice-Chair
Michael Burke

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

David Richards, Chairman
Councilor Philip Jones
Councilor Margaret Rice
Councilor George Hansel

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

Councilor Bart Sapeta

Staff Present

Rhett Lamb, ACM/Community Development
Director
Mari Brunner, Planning Technician

1. Roll Call

Chair Richards called the meeting to order at 6:30 pm and a roll call was taken. Community Development Director Mr. Lamb introduced Andrew Weglinski as a new Planning Board member and welcomed him to the Committee.

2. December 2018 meeting minutes

A motion was made by Mayor Kendal Lane that the Joint Committee accept the December 2018 meeting minutes. The motion was seconded by Councilor George Hansel and was unanimously approved.

**3. Building Better Together: Downtown Form Based Zoning Discussion on
Proposed Subdistrict Boundaries and Types**

Mr. Lamb and Planning Technician Mari Brunner addressed the committee. Mr. Lamb stated today's discussion would include a summary of what was discussed in December and a focus on some questions that still remain related to the downtown boundary and sub-districts. He said that staff would like to work through a series of questions with the committee at tonight's meeting. He referred to a map that staff prepared which reflects the input that the committee provided at the December meeting regarding the downtown boundary, which is posted in the TV viewing area. Staff will use markers to mark up the map and reflect any further feedback and consensus from the committee on the downtown zoning sub-districts.

Mr. Lamb referred to the downtown zoning map that the consultant, Camiros, provided as a starting point for the committee's discussion in December. This map included a downtown boundary as well as six place types, which are the proposed sub-districts:

- Core 1 – Spine of Main Street and heart of the oldest part of downtown
- Core 2 – West and Roxbury Street areas (extending away from Main Street)
- Core 3 – Slightly smaller scale, North of Central Square
- General – Located south of Main Street and south of Roxbury Street, oriented towards vehicles
- Growth Area – Gilbo Avenue corridor and east of Community Way
- Transition – Transition areas between commercial and residential districts

The six sub-district areas were based on the conclusions the consultant drew after a number of visits to the city and observation of the physical space.

Mr. Lamb noted that there was agreement between the three break-out groups last month that the outlying areas needed to be evaluated in a few ways. The first is the area south of the Center at Keene. There was consensus that the downtown boundary should be extended down Emerald Street to include this area.

All the groups agreed that the boundary should be extended down Marlboro Street; however there was no consensus or clarity on how far down Marlboro Street it should extend. One group thought that the area south of the college should be included. Mr. Lamb noted that staff needs more clarity from the committee regarding these boundaries.

Mr. Lamb continued summarizing the December Joint Committee meeting, noting that there was agreement among all three groups that there should only be three sub-districts. All of the groups saw a similarity between the "Core 1" and "Core 2" sub-districts and thought they could be combined. In addition, everyone seemed to think that a transition zone was necessary as a buffer between the intense uses downtown and adjacent residential areas. The remaining areas could go into a separate sub-district, for a total of three sub-districts. Mr. Lamb noted the Committee is not bound to keeping it at three; however staff is in agreement that fewer sub districts gives more clarity and is easier to work with.

Another area of discussion was the height allowance within each sub-district. Core 2 had a maximum of seven stories; this was also the recommendation by the consultant for the growth district. The groups discussed permitting this extra height only if certain criteria are met, such as an increased setback or a height step back for upper stories. An example of this is Cheshire Square Terrace where the first floor protrudes into the sidewalk but the upper stories step back and away from the street. Another idea was to allow increased building height only if certain standards are met, such as meeting a green building standard, similar to the SEED District incentive.

During the discussion about the Transition Zone, concerns were raised about splitting up the Office District and leaving some of it out of the Transition Zone. There are portions of the Office District which are not contiguous to the downtown boundary, including on area on Washington Street as well as an area on south Main Street. Depending on how far the form-based zone is extended, there may be areas of the Office District which do not intersect with the downtown districts.

Finally, some of the break-out groups raised the issue of the Pat Russell field and thought that it should be included in the form-based zoning boundary.

This concluded the summary of what was discussed in December.

Councilor Jones asked whether this was the beginning of the work on form based zoning. Mr. Lamb said that it is, and noted that a key part of this was establishing the edges of where the form based zoning is going to be located. Another component is figuring out where and how many sub-districts should be included. Councilor Jones asked about how the form based zoning fits into the overall UDO (United Development Ordinance) project, and whether this would mean the central business and central business limited zoning districts would go away. Mr. Lamb stated that the form based zoning in the downtown is a component of the UDO project, and can be thought of as a sub-set of the larger project which includes zoning for the whole City as well as non-zoning topics such as subdivision regulations and street standards. Therefore, zoning is a sub-set of the UDO project, and form-based zoning is a subset of zoning, so this is just one piece. Mr. Lamb confirmed that the Central Business and Central Business Limited districts would be replaced by the form based zoning.

Mr. Lamb went on to refer to a map created by staff which incorporates the feedback from December. There are three sub-districts on the map; the first is called “Downtown Core” and it includes the “Core 1” and “Core 2” place-types, as well as part of the “General” place-type and extends as far south as the roundabout at Main Street and Winchester Street. The area labeled as “Outer Core” roughly includes what used to be the “Core 3,” “Growth,” and parts of the General place-types; this is the area where new development or redevelopment would be focused. The final sub-district is the Transition Zone, which includes the south side of Dunbar and Emerald Streets as well as areas to the north as a buffer between the downtown and residential areas. Mr. Lamb noted that staff modified the external boundary to include a parcel on Emerald Street which has a lengthy southerly extension.

Mr. Lamb noted several issues to consider as the Board moves forward. One relates to the height of buildings and whether there should be setbacks in the “edge” areas. For example, if the “outer core” sub-district permits seven stories, a step back is something that should be considered. Currently, the “Downtown Core” would have a building setback between zero and five feet to create a consistent building line along the street. However, along Roxbury and West Streets there might need to be greater setback allowances as the right-of-way is not as generous on these streets. This would provide for uses such as outdoor dining, etc.

Mr. Lamb referred to a presentation slide with a couple areas on the map circled in yellow. He said that staff needs more guidance on how to treat these areas. Should the area south of Roxbury Street and north of the Railroad land be included in the downtown core? Should there be a transition between the downtown core and the residential area to the east? Is it appropriate to include the Railroad property in the downtown core? Should the area around the college (north of Winchester Street) be included in the downtown core or in the downtown boundary?

Mr. Lamb referred to a slide for Marlboro Street and noted that one of the break-out groups wanted the form-based zoning to extend all the way down this street to its intersection with Baker Street. An important consideration for this discussion would be a determination about which sub-district this area would be located in. If the group wants to keep the form-based zoning to three sub-districts, which district would Marlboro Street fit into – downtown core, downtown growth,

or transition? Staff has similar questions about extending the boundary south to the intersection of Main Street and Route 101, which was brought up at the December meeting as well. Mr. Lamb noted that both of these extensions would substantially increase the size of the form-based zoning district.

Mr. Lamb referred next to a slide which shows the Office district in hatched blue on the map. The transition zone, which is shown in the darker area, overlaps with parts of the Office District. On the north end of the downtown the Office District extends further up Washington Street and includes a number of properties on the east side of the road, and on the southern end, the district extends down Main Street and also includes properties on the east side of the road. Mr. Lamb noted that, to some extent, the Office District has served as a type of transition along gateway corridors. Perhaps there is an argument to be made for keeping a gateway/corridor oriented district as well as a transition district.

The final slide shows the extents of the Historic District. Mr. Lamb said that staff has had preliminary conversations with the Historic District Commission. The standards for this district are primarily geared towards alterations to historic buildings. Staff's suggestion is to leave the historic district in place for alterations or modifications to existing structures and apply the form based standards to new construction within the district.

Councilor Hansel asked whether this would incentivize people to take down historic buildings to put up new structures with lesser restrictions. Mr. Lamb stated if a building is to be demolished the process still needs to go before the Historic District Commission.

Mayor Lane asked about the 79E District which by definition is part of the downtown. It includes central business, central business limited, commerce, a portion of Main Street, and a portion of Marlboro Street. He asked whether this district should be part of the downtown form based zoning district. Mr. Lamb stated when 79E was written, the city was in the process of adopting the zoning districts connected to the Marlboro Street rezoning project, which include Neighborhood Preservation, Business Growth and Reuse, and Neighborhood Business. These districts were modified to include the term downtown so that the 79E District could be adopted. Mr. Lamb stated that, ideally, the process would have been to identify what the downtown is and label 79E accordingly but the city was not in a position to do so and wanted to create incentives for the Marlboro Street corridor.

Ms. Brunner asked whether it is fair to say that the Marlboro Street corridor could be considered part of the downtown but not part of the three sub-districts in the form based zoning area. Mr. Lamb agreed and added this area was not initially considered as part of the form based coding. The Mayor did not agree with this explanation. He further stated some felt the Pat Russell Field should be considered part of the downtown as it provides green space for the downtown. Even though development is not expected on this field, future development around this area should be compatible with the downtown. Mr. Lamb agreed this area currently acts as a transitional area and added if there is consensus today, there could be areas that get added to the form based zoning boundary.

The Mayor went on to say the other area he would like to consider is going further south down Main Street towards the college. He noted that, even though the college is not subject to city zoning, the college has been cooperative with their development to be consistent with city zoning. The college considers itself as part of the downtown. He referred to some of the high rise

buildings constructed on Ralston Street which are more consistent with downtown and noted the area north of Winchester Street is going to be changing with River Valley Community College relocating to this area.

Chair Spykman felt the office district and the transition zone are essentially serving the same function and suggested extending the boundaries of the transition zone to include those areas of the Office District that exist outside the current downtown boundary. The exception is the section of Office District on Washington Street that is not contiguous; he is not sure what to do with that portion of the Office District. With regards to the proposal to extend the district down Marlboro Street, he said that it could make sense to extend it to Grove Street and Adams Street as this is a mixed-use area; however, extending further down Marlboro Street does not make sense in his opinion. Furthermore, he feels there should be a transition area between the downtown district and the residential area immediately to the east on Roxbury Street (i.e. the area immediately to the west of Harrison Street). Additionally, if the Pat Russel field is added to the downtown, it would serve as a transition area to the residential properties to the east.

Councilor Richards said that he agrees with Chair Spykman on several of these points, and noted that the “Neighborhood Preservation” and “Neighborhood Business” districts on Marlboro Street could serve as transition areas.

Ms. Landry asked whether there are any implications with new market tax credits and how properties can be developed (Gilbo Avenue and west side of Main Street). Mr. Lamb stated that the New Market Tax Credit applies to census tracts; this is a federal standard as to how properties are developed as opposed to a local standard.

Councilor Jones asked for the distinction between “transition” and “buffer.” Mr. Lamb referred to the description of the Transition Zone in the Camiros report, and explained that it is similar to what the city’s Office District is today. Buffer and Transition are similar but the scale does matter.

Councilor Jones asked for the advantage of extending the form based zoning down Marlboro Street. Mr. Lamb stated he wasn’t sure what specifically the advantage is, but he does understand the Mayor’s point and said the advantage might be adopting form based districts with the clarity of a form based process instead of a traditional zoning process. The form-based districts are less focused on use and more focused on form and how it fits within the built environment than traditional zoning districts. The intention with the Marlboro Street rezoning project was to try out some of these newer ideas, however it ended up going in a different direction, although it does include incentives.

Councilor Hansel asked how this was going to be identified in the UDO; is the form based area going to be referred to as “downtown zoning”? Mr. Lamb confirmed it would. The Councilor stated he agrees with the Mayor – if he were a business owner who wanted to locate a business somewhere close to the college, one of the attractions would be having a downtown location. Mr. Lamb stated he sees the Councilor’s point but this is a marketing concept he was not ready to address today. Chair Spykman noted to a certain degree the city is making a judgement as to where it wants to encourage that type of redevelopment by choosing which areas it wants to refer to as “downtown.” Mr. Lamb agreed, and noted that the city can encourage growth using traditional zoning as well, which is what they did with the downtown Business Growth and Reuse District. He stated that the goal of the form based zoning is to encourage a consistent form

and growth pattern in specific areas. This could be done city-wide, however in New Hampshire it is typically used in downtown centers.

Mayor Lane stated one of the reasons the city would like to move to form based zoning is to simplify zoning; this will make it more user friendly. He said it is important to look at what is going to happen in the future and think about what type of growth we would like to see.

Mr. Lamb agreed, and said that the goal of today's conversation is to more clearly define where exactly the downtown/form based zoning should apply within the city.

Dr. Cusack asked what it would mean to include Baker Street in this process, noting that this is an established residential neighborhood that doesn't necessarily fit into the three sub-districts of downtown. Mr. Lamb stated all three groups discussed whether Marlboro Street should be included. One group wanted broader inclusion of Marlboro Street and Main Street and they used Baker Street as the external edge of what should be included. He stated he did not think this meant this entire neighborhood was going to be included but just the corridor areas. Dr. Cusack asked what type of input was derived from the public open house that was conducted. Mr. Lamb stated there was good participation and input; most of the sessions involved staff informing those present what was coming up (educate and inform).

Chair Spykman noted that Marlboro Street, lower Main Street, Winchester Street Washington Street, etc. are gateways that serve as corridors to the downtown, but in his opinion, they are not part of the downtown.

Ms. Brunner stated the group she was part of wanted to extend Marlboro Street to Grove Street and asked for input. Mr. Lamb stated this is the area which was extended to connect to 79E, where there is a mix of high density commerce and low density. Mayor Lane stated the group he was in felt downtown should be extended up to Grove Street and to Baker Street. Mayor Lane also talked about the area beyond Ralston Street, down Foundry Street which is also an area that is changing and felt this could be considered a growth area and should be added to the form based zoning.

Ms. Landry asked whether there is a defined difference between the office district and the transition zone. Mr. Lamb explained there isn't and noted that as they are describing these sub-districts they are describing them based on how the buildings would look from the street, including building height, distance from the street and in the downtown core it would be about the orientation of openings, i.e. door and window openings. In the transition areas, buildings would probably be no more than three stories. Ms. Landry felt going down Marlboro Street it doesn't seem to quite fit with office right next to transition.

Mr. Lamb noted the further you go from the core the more variety you would encounter. He stated that it makes sense to have a transition zone on both sides of Main Street right up to Elliot Street, which includes the campus on one side and businesses on the other side, where you might not see five story buildings, especially from the campus where it is an entry to their campus.

Councilor Hansel stated he would like to see a transition district on the east side of Carpenter Street where there is a lot of commercial activity at this time; this would include the Pat Russell Field in the main core.

Chair Spykman noted that it sounds like the committee is interested in adding a fourth sub-district, as some of these areas do not necessarily fit into the three sub-districts that they started

with today. He said that the properties on the east side of Ralston Street should be included if the area between Ralston Street and Foundry Street are included, as those properties are also commercial.

The Board discussed how far the Transition Zone should extend down Main Street on the west side. Ultimately, the group decided to extend down to Wyman Way. Ms. Landry referred to the blue hatched area near the college (west of Main and east side of Emerald, near Davis and Blake Streets) and asked how much of this is owner occupied. Mr. Lamb stated there are about five owner occupied properties in this area.

Mr. Lamb said that it sounded like there was consensus that the Office District should be included as a transition area in the downtown zoning, and everyone agreed. Chair Richards referred to some of the older homes on Washington Street and Court Street, some of which are being used for office space, and felt it was turned to transition the use of these homes could go either way. Mr. Lamb noted it would be important when writing the Transition District to make sure it was done well and would be the right fit for these areas.

Councilor Jones noted that these new sub-districts would bisect about four overlay districts and asked if the SEED District would remain as such. Mr. Lamb stated he does not have an answer for that but added the reason the SEED District exists is because residential uses are not permitted in the underlying zoning (commerce district), however within the SEED overlay residential is permitted and buildings can be built up to four stories as an incentive for building certain types of buildings (i.e. college dorms). If this area is changed to a downtown growth sub-district, and buildings can be five stories by right, this would remove the incentive and SEED might not make sense anymore.

Councilor Jones asked what would happen to the portions of the SEED overlay which are not in the downtown zoning. Mr. Lamb responded that this issue needs to be looked at more closely; however it is possible that many of the overlay zoning districts with the exception of the historic district may be going away. However, the concepts within the overlay districts would be incorporated into the form based zoning, so the concepts would still be there. Mayor Lane added that incentives can be incorporated into the form based zoning as well.

Ms. Landry referred to the Blake Street area and talked about the potential for the owner occupied properties having the feel of being closed in by the surrounding downtown development. Mr. Lamb felt transition in this neighborhood might be necessary. Ms. Landry went on to say she has lived in Keene long enough to know how residences on Winchester Street felt pushed out and this area might begin to look the same. Staff will add a transition area to the east of Ralston Street.

Councilor Richards asked staff to include the 79-E district and Business Growth and Reuse District on the map for the next Joint Committee meeting so they could look at the extent of those areas in comparison to the downtown zoning area.

Mr. Lamb asked whether the Committee was in agreement to step the height of the buildings back with a wider setback on Roxbury and West Street where the right-of-way is narrower. The Committee agreed.

With reference to the area south of Roxbury Street and north of the Railroad land, Mr. Lamb asked whether it should be included in the downtown core or downtown growth, and whether

there should be a transition zone in this area. Chair Spykman felt this is an area where a fourth sub-district could come into play, similar to the area around Ralston Street. This fourth sub-district would include the idea of smaller commercial buildings, i.e. a “Commercial Transition” area.

Finally, Mr. Lamb asked whether staff got the area around the Railroad property correct. The committee confirmed that this area looks good.

Mr. Lamb stated the next step for staff would be to bring the feedback and questions back to the consultant, and then bring another version forward for the board’s consideration at the next Joint Committee meeting. In addition, staff may be ready to begin an initial discussion about social service uses.

4. Adjourn

The meeting adjourned at 8 pm. Respectfully submitted,
Krishni Pahl, Minute Taker

Reviewed and edited by Mari Brunner, Acting Planner