

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, April 24, 2019

7:00 PM

Council Chambers A

Members Present:

David C. Richards, Chair
Philip M. Jones, Vice-Chair
George S. Hansel
Margaret M. Rice

Members Not Present:

Bart K. Sapeta

Staff Present:

Elizabeth Dragon, City Manager
Kürt Blomquist, Public Works Director
Rhett Lamb, ACM/Community Dev. Dir.
Tom Mullins, City Attorney
Terri Hood, Assistant City Clerk
Patty Little, City Clerk
Andy Bohannon, Parks & Rec. Director

Other Councilors Present

Terry Clark
Jan Manwaring
Mitch Greenwald
Terry Clark

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

1. Keene SwampBats - Request to Discharge Fireworks

Kürt Blomquist, Public Works Director/Emergency Management Director reported this is the annual request from the Keene SwampBats for two Class B fireworks displays on Alumni Field, one to be held on July 3rd as part of their Independence Eve Celebration and the other to be held on July 20th. He noted no substantial changes to their July 20th request and compliance with all state and federal requirements along with obtaining a state permit. Mr. Blomquist confirmed staff recommends moving forward with this request. Chair Richards verified through Mr. Blomquist that all requirements had been met.

Councilor Jones asked about rainout dates. Mr. Blomquist noted there are none as trying to reschedule is too cumbersome.

There being no further questions from the Committee or public, Chair Richards asked for a motion.

Councilor Hansel made the following motion, which was seconded by Councilor Rice.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Keene SwampBats be granted permission for the discharge of display fireworks on the following dates: Wednesday, July 3, 2019 and Saturday, July 20, 2019 on Alumni Field at no later than 10:00 PM subject to the customary licensing requirements of the City Council; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a Class B fireworks permit for each display date. In addition, the petitioner agrees to comply with all recommendations of City staff. This permission is conditional upon the Petitioner absorbing the charges for any City services provided for the July 20th display. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 20 Community Events Budget for the July 3rd display. Said payments shall be made within 30-days of the date of invoicing.

2. Pathways for Keene - Request to Use City Property - 4 on the 4th Road Race

Jan Manwaring, who serves on the Pathways for Keene Board of Directors said this will be the 18th annual road race. She continued there are no changes from last year; we will be doing the same route and have had a protocol meeting with City staff.

Mr. Blomquist reported staff is ready to recommend granting the license.

Chair Richards asked for questions or comments from the public; there being no further questions, Chair Richards asked for a motion.

Councilor Jones made the following motion, which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council grant permission to Pathways for Keene to sponsor a running race on July 4, 2019, subject to the customary licensing requirements of the City Council. In addition, the Police Department shall post Railroad Street immediately adjacent to Railroad Square as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 20 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.

3. Roger Weinreich - Request to Use City Property - Block Party - Main Street

Roger Weinreich, of 110 Main Street said they are proposing to do a block party much like the one last year on June 1, 2019. This will overlap with the Art Walk and they are very excited about it. They are proposing to extend the hours from 5:00 PM to 8:00 PM and closing a section of their block from Bagel Works to Cypress Street. Mr. Weinreich continued they will look to model the event more towards adults as the day progresses with the first four hours very much for children. He also noted one protocol meeting will be held with City staff. Mr. Weinreich noted people's interest in the event. He also shared they will again be marrying couples in front

of the store with the appropriate marriage licenses.

Mr. Blomquist reported they will be having another protocol meeting and due to some proposed changes to the event, staff recommends this item be placed on more time.

Councilor Rice asked if the only change was in the hours not the footprint of the event. Mr. Blomquist replied he has some concerns with having vehicles within the footprint.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion.

Councilor Rice made the following motion, which 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. Greater Goose Pond Forest Stewardship Plan

Andy Bohannon, Parks & Recreation Director referred to the meeting packet and noted the Executive Summary from the Greater Goose Pond Forest Stewardship Plan was attached. The plan was drafted by Moosewood Ecological LLC, in collaboration with an ad-hoc committee, the City's Conservation Commission, and City staff. This Plan is the result of a multi-year effort initiated by the Conservation Commission in 2017 to establish a long-term stewardship plan for the forest. This plan would be used to guide management activities in the forest area, and to establish recommendations for protecting the forest's ecological health and diversity while still allowing for recreation and public use. The Conservation Easement placed on the property's 1,044 acres in 2009 requires that all land uses and management activities be conducted in accordance with a written wildlife habitat and land management plan. This Plan will serve as this management plan for the forest area. The full version of the Plan and its supporting appendices is available for review and download at the project webpage on the City's website. Mr. Bohannon introduced Jeff Littleton and Swift Corwin who are here to answer any questions the Committee might have.

Chair Richards asked for Committee questions or comments.

Councilor Jones thanked Mr. Littleton and Mr. Corwin for their work.

Councilor Hansel asked about moving forward; the timeline and next steps. Mr. Bohannon replied preparation has begun. In this year's Capital Improvement Program (CIP) funding had been set aside to start to implement some of the trail recommendations. As far as some of the larger recommendations, like the Forestry Management, we wanted to make sure this process occurred and then we would introduce it in the next CIP cycle. Mr. Bohannon added the program put together by Mr. Littleton and Mr. Corwin details what the plan would look like over the next 10 years. He also reported the Conservation Commission has put their blessing on this program. Councilor Hansel then suggested bringing the New England Mountain Bike Association to the table as they are also a stakeholder in the park. Mr. Bohannon replied he is in

close contact with the Mountain Bike Association and the City has a MOU with them for the maintenance of Drummer Hill. He noted they are great stewards, and Mr. Bohannon wants to continue with that relationship.

Councilor Jones referred to the prepared motion and the word “adopt” and then asked if this would be codified. The City Attorney said the Committee is adopting a plan. Continuing the City Attorney noted there are pieces of this plan the Council will probably be adopting as you move forward.

Chair Richards asked for public comments or questions.

Tom Haynes, of 531 Marlboro Street who serves on the Conservation Commission reiterated the Commission is in support of this program and hopes it does move forward.

Rhett Lamb, ACM/Community Development Director reported the Conservation Commission did vote at their last meeting for the Chairman to write a Letter of Recommendation to the City Council, which will come through next week.

Thomas Lacey, of Daniels Hill Road said this is a great plan. He continued noting it is a stewardship plan from a Conservation Easement signed 10 years ago. Mr. Lacey said he thinks the City has been delinquent in their land management; it is 30 years since anything has been done. There is no reason Goose Pond cannot be totally self-sufficient, self-sustaining while adhering to the hopes of the Conservation Easement; it does not have to cost the City anything. Indicating Keene is land rich, Mr. Lacey said he hopes some initiative will be taken on other land.

Councilor Hansel reiterated Mr. Lacey’s comments and noted he also serves on the Conservation Commission. He explained this plan, activity, and action is just the first part. It is like a test case we can hopefully replicate throughout the City with other lands that we have neglected. Councilor Hansel noted the importance of taking an active role in managing our assets.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion.

Councilor Hansel made the following motion, which was seconded by Councilor Jones.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the City Council adopt the Greater Goose Pond Forest Stewardship Plan prepared by Moosewood Ecological LLC for the City of Keene.

Mr. Lamb thanked Mr. Littleton and Mr. Corvin for an excellent project. He noted they worked close to a year and a half on this for the City.

5. Relating to Licenses and Permits Ordinance O-2019-04

Terri Hood, Assistant City Clerk introduced the Ordinance noting it proposes to make changes to Section 46 relating to fees for licensed activities. Ms. Hood explained this was actually prompted by Councilor Manwaring last year when she asked staff to review the resources involved in protocol meetings. Over the course of a year the Police, Fire, Public Works and the City Clerk's office met to review license fees. They researched state laws, city ordinances, Council policies, and Administrative Directives for any direction as to establishing fees. The research revealed that we can only charge the administrative cost from the City Clerk's Office in issuing these licenses per State Statute. This discussion did prompt the staff to look at various license fees and make appropriate adjustment. Ms. Hood discussed Appendix B Fee Schedule and noted the following.

§ 46-642. Outdoor periodic event license fee, per day went from \$150.00 to **\$30.00**

§ 46-695. Parade, bike race or footrace license fee went from \$25.00 to **\$50.00**

§ **46-1010. Street Fairs or Community Events license fee 50.00 per day**

§ 46-1111. Walkathon permit fee from \$25.00 to **\$30.00**

§ **46-2025. - General Use of City Property license fee, currently no fee recommending \$30.00** (email review)

Ms. Hood reported they are also trying to eliminate some of the confusing language in the Outdoor, periodic event section. Ms. Hood also discussed the housekeeping changes recommended in the ordinance.

Language regarding the recovery of any costs for city services was moved from the section specific to a walkathon license to a general section that applies to many licenses. She continued if there are City services provided, and the event is not a community funded event, the applicant will get charged back for those services. The second housekeeping change has to do with language stating that the City Clerk shall impose licensing stipulations that may be deemed necessary to insure public safety. She noted that this provision is already in the General Section where a review process is required and that stipulations will be applied to a license. We also clarified the language a bit to identify the various departments that are actually reviewing the license.

Ms. Hood concluded by noting the adjustments made should more accurately reflect the administrative costs for the license issuance and the other housekeeping issues will hopefully provide more clarity.

Chair Richards asked for Committee questions or comments.

Councilor Jones thanked Ms. Hood for the explanation. As a scenario, he asked which one Mr. Weinreich's Block Party event would come under. Ms. Hood explained he would come under the General Use of City Property license. She noted that his is a little more complicated than most licenses issued under this section; others are less complex. She continued it is not an outdoor periodic event because he is actually on City property.

Councilor Hansel asked about the smallest type events such as a wedding in someone's backyard with regards to an outdoor periodic event license. Ms. Hood explained a private venue would

not need to have this type of license; it is only for events open to the public to help provide a mechanism for the City to help keep things safe. Councilor Hansel asked if Keene State College had to get any of these licenses. The City Clerk replied in the negative.

Councilor Rice clarified an outdoor periodic event is something on private property and open to the public. She also asked what the difference was between a street fair/community event license and a general use of City property license. Ms. Hood replied it is actually the scale of the event. There is also a state statute that speaks directly to a street fair/community event license. She continued when issuing either of these licenses you are handing the streets over for that timeframe; they have control over that area for the timeframe. The distinction is with the scope, the size, and what they are allowed to do.

Chair Richards commented this makes a lot of sense and there is some good work here.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion.

Councilor Jones made the following motion, which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2019-04.

6. Relating to Vendors in Parking Spaces or Parking Lots Ordinance O-2019-05

Patty Little, City Clerk reported this is the second of four ordinances that will be coming to the Committee to adjust ordinance of what was formerly known as Hawking and Peddling. The City Clerk continued as part of the staff's continued efforts in responding to a changing business model for mobile food vendors; O-2019-05 is being introduced to provide the opportunity on a first come first serve basis to vend from designated public parking spaces on either a street or in a parking lot or on the public way.

The City Clerk also noted the Ordinance requires that the vendor pay the required parking rate for the parking space, except when a waiver of some or all of the parking fees have been granted by the City Council. The Ordinance exempts the vendor from the parking time restrictions. She added failure to pay the posted parking rate would result in the parking enforcement provisions of Chapter 94 to apply.

Details not included in the ordinance are the efforts of City staff in identifying these spaces for vending. Staff included Mr. Blomquist, Mr. Lamb, John Rogers, the City Clerk's office, and Police Chief Steve Russo. Chief Russo took the lead and conducted a walkabout to identify these areas. The City Clerk explained staff has identified three vending locations:

- a location west of the entrance to the Commercial Street Parking Lot
- a location in the Commercial Street Parking Lot just inside the Gilbo Avenue entrance and adjacent to the skate park
- a location on the north side of Emerald Street adjacent to Curry Copy Center

The City Clerk continued by noting the things staff considered when looking at these spots such as the ease of access for the vendor, the ability of the vendor to utilize parking spaces to accommodate the vehicle length, and safety considerations for pedestrians, motorists, and customers of the vending operation. They also chose spaces that had visibility for walking traffic and were not in high demand from a parking perspective. We also tried not to locate a vendor next to a competing business. The City Clerk noted staff would be happy to look at other spaces as the need presents itself. She said there will be a list available in the City Clerk's office and a map that will be posted on the City website.

The City Clerk said the final thing the Ordinance talks about is signage to designate the spaces. Unlike the Farmer's Market you will not see signage for these three locations so as not to confuse the parking customers.

Chair Richards asked for Committee questions or comments.

Councilor Rice commented she likes the flexibility that City staff can decide to add more spaces if we need to, and being adaptive. She asked how fast the process would work on the staff side citing a food truck operation, in the pedestrian way, during the upcoming Walldog's event. The City Clerk replied she thinks it is an email and another walkabout; she expects a 24 to 48-hour turnaround with staff's reaction to a particular spot.

Councilor Hansel referred to subsection D and the exemption of frozen confection vendors noting he is struggling to understand where that would apply. The City Clerk explained frozen confection vendors were not recognized as a vendor being in one of the three spots; they are the only sort of vendor that can go into a residential neighborhood. Councilor Hansel further clarified the frozen confection vendors are out in the residential neighborhoods where there is not paid parking for them to worry about- he does not understand why it says subsection A does not apply to them because none of the areas we are talking about are in residential areas. The City Attorney said he thinks the reason for that was because we did not really want them using these spaces for that purpose. These spaces were really carved out for the mobile food trucks. The frozen vendors have a whole other access that nobody else has.

Chair Richards also referred to section D and asked if those were the streets the frozen vendors were allowed on. The City Clerk clarified section D lists the streets where frozen vendors are not allowed.

The City Clerk also commented there will be two more ordinances coming forward; one which will be the details of the licensing process in Chapter 46. There will also be an amendment coming forward in Chapter 102 of the Zoning Ordinance.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion.

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

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2019-05.

7. MORE TIME ITEMS:

- a. Daron Friedman - Request to Acquire Property - Washington Street

8. Adjournment - There being no further business before the Committee Chair Richards adjourned the meeting at 7:40 PM.

Respectfully submitted by,
Mary Lou Sheats Hall- Minute taker
April 25, 2019