

City of Keene  
New Hampshire

**AD HOC LAND USE CODE STEERING COMMITTEE**  
**MEETING MINUTES**

**Friday, June 21, 2019**

**4:30 PM**

**2nd Floor Conference Room,  
City Hall**

**Members Present:**

Mayor Kendall Lane  
Councilor David Richards  
Councilor George Hansel  
Councilor Maggie Rice  
Douglas Barrett  
Jim Phippard  
Gary Spykman (Arrived Late)

**Staff Present:**

Rhett Lamb, Community Development  
Director/Assistant City Manager  
Tara Kessler, Senior Planner  
Mari Brunner, Planner Technician

**Members Not Present:**

Katie Cassidy Sutherland

**1) Call to Order**

Mayor Lane called the meeting to order 4:01 PM. The project consultant from Camiros, Chris Jennette, joined the meeting by phone.

**2) Approve Minutes of June 7, 2019**

Councilor Richards moved to approve the minutes of June 7, 2019, which Councilor Hansel seconded and the Ad Hoc Land Use Code Steering Committee carried unanimously.

**3) Review of Form Based Zoning Draft Subdistrict Dimensional/Form Standards**

Ms. Kessler displayed a map of the seven subdistricts, which the Committee heard a technical report on in May 2019. The consultant, Chris Jennette, shared high-level details about the subdistricts, for which information was included in the meeting packet.

Mr. Jennette reminded the Committee about the purpose and intent of form-based zoning, how it differs from Keene's zoning currently, and he shared dimensions that were missing from the last discussion on the topic. A form-based zoning approach is fundamentally different from Keene's traditional code and prioritizes "form" (size), placement, and design of the building as opposed to the use in the building. Traditional zoning codes like Keene's were first concerned with controlling use of land, followed by physical compatibility and design. Form-based zoning is good for downtown Keene, where it is important to maintain and enhance the distinct sense of place. This form-based code will not disregard uses entirely, but those uses will be second to physical compatibility of the buildings downtown.

The benefit of form-based zoning for downtown Keene is less subjective interpretation of standards, which will make them more predictable for the City and developers. This thoughtful approach will create desirable patterns of development or change patterns where that is the goal. This form will also make the zoning code more readable with photos and graphics more than text, and thus will reduce confusion about what is required downtown.

With a form-based code, new buildings in each subdistrict will be reviewed against a set of regulations to ensure new construction compliments the existing character of the area. Form based zoning will ensure buildings interface well with the street and each other. Draft regulations for each subdistrict were listed in table in the meeting packet. The standards were organized into categories of key considerations: setbacks, building height, parking location, current zoning districts included, and proposed mix of uses permitted. Graphics will be included ultimately to bridge the gap between current development and the vision for future development. The table also includes a brief purpose statement for each subdistrict, which were pulled from the technical review report and recommendations from the Joint Committee.

Mr. Jennette continued describing the proposed format for building codes and development standards beginning on page 27 of 48 in the meeting packet. This is the basic format of how each subdistrict will look. The Downtown Core (DC) subdistrict is the heart of downtown Keene and meant to accommodate the highest development in a horizontally and vertically mixed-use environment.

He discussed the proposed form standards for DC as an example and reiterated that this was a high-level discussion:

- Dimensions & Siting
  - No minimum lot area or width requirement
  - Maximum building length 250'. Breaks in the building to create variety are ideal.
  - The concept of a build-to line/zone, which requires that buildings are located a certain distance from the front line of a property.
  - Established primary and secondary street setbacks, which gets at the concept of treating development along streets differently in areas of the downtown. Main Street is proposed as a primary street, where buildings should be closer to the street to reinforce that development pattern. Winter Street is an example that could be a secondary street where there may be greater flexibility with building placement.

Councilor Hansel asked what determines primary and secondary streets and Mr. Jennette said this Committee makes that decision. Mr. Jennette referred to page 14 of 48 in the meeting packet with a note with anticipated primary streets: Main Street, Court Street, Washington Street, Roxbury Street, Emerald Street, Gilbo Avenue, and School Street; all others in the Downtown Core would be considered secondary. Mr. Lamb said it is up to this Committee to determine the criteria for primary and secondary streets. Mr. Barrett recalled a criteria that if a building was on the corner of a primary and secondary street that the primary entrance must be oriented toward the primary street. He said the list was

complicated and made him consider West Street as primary, which poses problems in areas like Central Square. He questioned the new primary entrance of the library, which Mr. Lamb said is West Street. Mr. Lamb recalled this is a discussion of the overall building patterns and there will be subtlety like Mr. Barrett explained, but the overall goal is to illustrate a distinction between the two street types. Ms. Kessler used an example to illustrate and described the build-to percentage, or the percentage of building that needs to be along the build-to line. Mr. Jennette noted this is a percentage of the building, not the lot; this is a minimum and could be 100%.

Mayor Lane noted that lot lines on Main Street are not straight and some sidewalks are owned privately by the property owner. In those instances, 80% against the lot line puts some buildings in the middle of the sidewalks, which does not fit the current downtown and needs to be considered as unique to Keene. Mr. Lamb agreed that Mr. Jennette should consider that for some building facing Main Street. Mr. Jennette said there is a way to address this by building in language for another element to determine that setback, like the back of the sidewalk. Councilor Hansel also said it will be important to measure from the back of the curb because curb space might be modified in the future. Ms. Kessler confirmed that on a primary street 80% of the building must be at the build-to line, whereas it is only 60% on secondary streets that could accommodate greater sidewalk width variation in the future.

- Building Height
  - The proposed minimum building height is 18' and the maximum building height is 85' and 7 stories. Unique new elements include:
    - Minimum height setback – buildings taller than 65' must have a height setback of 15' from the front façade line, somewhere between the ground and fifth stories. This ensures no buildings are an entire seven-stories directly against the sidewalk, for example, and minimizes visual impact and congestion.
    - Corner tower element – allows for a portion of a corner building's frontage in both width and depth that can violate the setback and create a punctuated corner.
    - Permitted height exception – allows a height increase of 25% of the maximum square feet on the top floor up to 8' high, not to create an additional story but to vary the roofline and create visual interest.

Councilor Rice asked if the purpose of corner tower elements is to designate certain blocks. Mr. Jennette said the objective is to punctuate corners with unique geometry, similar to buildings with unique corner features at acute angles on Central Square, or the architectural variety of a corner like Gilbo and Main with an exception to the setback requirement. Ms. Kessler clarified this is an option, not a requirement.

- Activation
  - These standards relate to the pedestrian interaction with buildings. Controlling the minimum ground floor height encourages a ground floor tall enough so pedestrians feel a part of an active sidewalk mixed-use

environment. A taller building can permit a greater variety of uses of the ground floor spaces.

- Regulating maximum blank wall area at 20'. A blank wall is defined as a section of wall without architectural detailing, windows, or murals. Blank walls can create an uncomfortable pedestrian experience.
- Standards for building entry spacing: maximum of 30' between building entrances along primary streets and 60' on secondary streets. This is to reinforce the idea of permeable spaces for pedestrians to move on and off the sidewalk.
- Maximum vertical distance between the building entry and sidewalk is a unique feature of Keene in the older commercial or mixed-use buildings, with entrances elevated off the sidewalk. Notwithstanding ADA requirements, this standard builds in addition flexibility if someone wanted to reinforce this pattern on new construction.
- Minimum transparency requirements for what pedestrians can see through, i.e., windows and doors. On the ground floor, 50% of the total façade area or between 2' - 12' from the sidewalk must be transparent. Minimum upper floor transparency is required at 15% of either the total façade or as a percentage of each story.

Mr. Barrett referred to the maximum building entry space requirement at every 30' and said that seems close, which can be good, but he asked if 30' is common on a block like Main Street that is divided with multiple businesses. Mr. Jennette said the 30' is a walkable standard that applies to the length of a single building on a single lot. The Committee discussed the merits and potential challenges of the 30' standard. Ultimately, Mr. Lamb said this is a matter of attractiveness at street-level. While it seems rigid, more precise regulations will create a usable checklist for developers and staff. Mr. Jennette clarified this refers only to accessible public entryways, but agreed there could be clearer language defining the entryways.

Councilor Hansel posed the situation of a major redevelopment that wants to maintain the façade of the building; for example, if an entire building were demolished on Main Street but the façade was maintained in front of the new construction. Mr. Jennette said the goal of these standards is not to disrupt historic facades so he imagines there could be exceptions for the situation Councilor Hansel presented.

- Parking
  - Parking dictates a lot about development so the goal is to control parking location and access through these standards.
  - In the DC, parking is permitted only to the rear of a building and the minimum primary street parking setback would not be applicable because parking is not permitted on primary streets.
  - Regulates things like the minimum setback for parking areas on secondary streets and from interior, side, and rear lot lines.

- Parking access is prohibited from primary streets and access from a secondary street must be 12' wide for a one-way entrance and 24' wide for a two-way entrance.
- Solid masonry wall, if constructed, must be a minimum of 3' in height, to a maximum of 4.5' in height. Such wall must be constructed at the required setback for the length of the entire parking lot.

Ms. Kessler recalled that the Committee started the discussion on standards using the DC as an example; however, there are detailed tables of standards for all seven districts included in the meeting packet. Mr. Jennette broadly defined those standards using DC as an example. Staff is working on the table internally and will bring this forward again at a future meeting in hopefully a more succinct and graphical way as the Committee becomes more familiar. Councilor Hansel noted that staff had already reduced 50 pages of narrative dimensions to these 12 pages of tables.

Ms. Kessler shifted focus to the Neighborhood Redevelopment (NR) subdistrict because the City has never had a predeveloped goal for this area before, which makes drafting dimensional standards challenging. It is unclear if the goal is to preserve the development pattern today or promote a design pattern in these transition corridors. By the next meeting, staff needed confirmation to either move forward with the NR as presented and continue with community outreach in each subdistrict, or make modifications before the community outreach phase. The Committee needs to be confident in anything presented to the public. The Committee discussed the NR subdistrict, looking at the downtown map of subdistricts. Mr. Lamb recalled recommended uses in the NR subdistrict listed in the technical report.

This discussion is to confirm the subdistricts are laid out as the committee wants. Originally, staff proposed six districts closer to the downtown core but the Joint Committee process changed the defined area of downtown and what will be included. Some primarily residential areas around Blake, Wilson, and Davis Streets, as well as areas along Dunbar, Water, Willow Streets were included in the Form Based Zoning District. Initially, there was discussion about allowing for mixed use of smaller retail and office in these areas, in addition to residential uses. Mayor Lane said it was hard to distinguish between Residential Transition (RT) and NR; he was not convinced they should be two separate districts. He understood minor setback differences but ultimately the proposed uses are very similar. Mr. Lamb said staff originally conceived RT as a replacement to the Office District. Mr. Lamb thought the difference between RT and NR was largely based on form. Neighborhoods to the north are traditional office district neighborhoods with larger buildings and lots, for example the School Street neighborhood. The neighborhoods to the south are denser on smaller lots. Strict dimensional standards had to reflect to some degree what is already there unless imposing substantial changes to any development there. Mr. Jennette said that in addition to the form, this is an area where it is beneficial to think about distinctions and uses between RT and NR. He said that RT exhibits the larger form with larger setbacks on bigger lots, but they tend to be a mixture of residential and low intensity office/commercial uses. He said that NR is essentially residential areas of transition between the downtown core and fully residential neighborhoods now included downtown. He asked how to regulate these

neighborhoods as a part of downtown. Ms. Kessler said building height is important to that question.

Councilor Hansel referred to the proposed mix of uses permitted, where under NR it says mixed-use; he asked what incentivizes mixed-use so that it is only applied in this district versus the others. Mr. Jennette said this was a typo he would correct.

Mr. Spykman said it seemed that including the Commercial Edge subdistrict areas trapped the residential neighborhoods in NR within the borders of the expanded downtown. He said ultimately there are no active changes to these residential areas but this process recognizes them within the expanded downtown borders. Mr. Jennette asked then if there is an existing residential zoning district that would better accommodate these than anything created in this process. Mr. Phippard said one place he sees a difference between the RT and NR is in the section on downtown design standards; Mr. Lamb noted that this section is still under review and staff was not prepared to answer many questions. Mr. Barrett said there appear to be real differences but he said those might apply well to NR.

Councilor Rice noted that parking location is in the rear in RT but rear and side in NR. She asked about a single-family unit with a driveway in the front. Mr. Lamb said the driveway can be in the front but the parking areas (where you leave the car overnight) should be to the rear or side. He said where there is more land, staff is asking for more parking at the back of the building. You can park a car in a driveway though they technically have to be behind the front line of the building, which is the standard today, but there are areas where this standard does not apply because there is insufficient space. He said if the vision is not to change the standards dramatically but they are now looped into the form-based zone area, then there are two solutions: 1) take it back to normal zoning and out of the form based, and 2) set up a new district that does not allow new substantial uses like retail. Mr. Jennette said form-based zoning means the residential areas would be more intentional in how siting and size of any redevelopment in those areas as opposed to keeping it in the current zone. Mr. Spykman said the form could be developed to match current standards, which Mayor Lane agreed with. Councilor Hansel said those areas are ripe for serious housing redevelopment so the code should accommodate unique new housing in residential areas to allow creativity in future redevelopment. The Committee continued discussing challenges and opportunities for the RT and NR subdistricts. Staff will work on making standards reflect the variety of these residential areas in their current form for discussion at a future meeting.

**4) Review of Draft Land Development Code Chapters**  
**a. Historic District Regulations**

Ms. Kessler said that as staff became more confident in form-based standards and regulations, opportunities arose to do even more with the Historic District. Staff's concern is the dual processes of the Historic District Commission (HDC) and the Planning Board today. Ms. Brunner reviewed proposed opportunities to streamline these processes through the form based zoning process. Any proposed changes align with the Building Better Together project goals:

- Simple - the updated HDC regulations will be more concise and will include tables and graphics to make it easier for the user to understand and navigate the document.
- Efficient - the proposed changes would increase efficiency by removing the requirement for newer buildings to go through the HDC process and thus increasing the number of projects that can be approved administratively by staff, and placing all standards related to the HDC in one chapter.
- Thoughtful - in response to increased interest within the community to incorporate arts into the downtown, standards for artwork attached to historic structures have been developed and added to the regulations to make the standards and process for art installations transparent and clear.

Councilor Hansel asked if there are credits available for redeveloping a site and implementing traditional architectural features. He said there may be features to incentivize salvaging for an existing building being renovated or a new construction that maintains a similar design. Mr. Spykman said he thinks the core of form-based code is what Councilor Hansel described. Ms. Kessler said that depending on the demolition plans, the developer could come before the HDC for review and approval of demolition proposals in the downtown Historic District. Regarding an incentive to use a historical pattern in new construction, Mr. Lamb said staff will look into what incentives exist. Councilor Hansel said there will be necessary changes over time and the goal is to preserve those details, while allowing for change. Mr. Lamb said that HDC review seeks to maintain the character of a building being altered in a substantial way but the form-based code would apply to any new buildings. The Committee returned to Councilor Hansel's previous example about maintaining a historical façade, which Ms. Kessler referred to as a façade easement and an example includes the Colony House on West Street.

**5) Next Meeting – July 12, 2019**

**6) Adjournment**

Hearing no further business, Mayor Lane adjourned the meeting at 5:19 PM.

Respectfully submitted by,  
Katrinya Kibler, Minute Taker

Reviewed and edited by Tara Kessler, Senior Planner