

**City of Keene  
New Hampshire**

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

**Friday, July 12, 2019**

**4:00 PM 2nd Floor Conference Room, City Hall**

**Members Present:**

Mayor Kendall Lane  
Councilor George Hansel  
Maggie Rice  
Jim Phippard  
Doug Barrett  
Katie Sutherland

**Staff Present:**

Med Kopczynski, Economic Development Director  
Tara Kessler, Senior Planner  
Mari Brunner, Planner Technician

**Members Not Present:**

Councilor David Richards  
Gary Spykman

**1) Call to Order**

Mayor Lane called the meeting to order at 4:03 PM.

**2) Minutes of June 21, 2019**

Councilor Hansel moved to approve the minutes of June 21, 2019, which Mr. Phippard 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 led a discussion of the draft subdistrict dimensional and form standards presented by the consultants at Camiros and included in the meeting packet. She sought Committee feedback on moving forward with the Camiros products. She recalled the project goal to move toward form based zoning and ensure greater predictability with more objective standards; predictability will provide a more efficient review process. Clearer standards will enhance the ability for administrative review by providing a checklist of standards to work through with applicants. Mr. Kopczynski said this might be the most crucial discussion in the Land Use Code update process. The intent is to streamline a process for administrative permitting to a certain degree from the front desk of the Community Development Department. Administrative review will still be too complicated for the 5-10% of projects that will require Planning Board (PB) approval. The discussion that would begin at this meeting is on what projects will still rise to needing PB approval, recognizing that projects not reaching that level will be handled administratively using a checklist format. The goal is to develop predictability that is flexible enough to accommodate good architecture, which is challenging; and it must be done in a manner that Council and the PB have confidence in what happens administratively.

Ms. Kessler referred to the table beginning on page 16 of the meeting packet. The Committee discussed the draft building orientation and entrance standards, for which the goal is pedestrian access and safe circulation through sites. Camiros drew largely from the 19 PB standards and the HDC standards. Ms. Kessler recalled that through

this process, review of new development in the Historic District is now the purview of the PB and not the HDC. The Committee provided the following feedback for the draft building orientation and entrance standards:

- More clarity is needed from Camiros about the purpose and importance of the first three design standards, and on what building orientation means more specifically from their perspective.
- If the goal of these standards is transparency, perhaps a simpler standard could require a percentage of open area to prevent long expanses of blank wall. Staff noted that is included within the dimensional standards proposed by Camiros.
- The Committee needs clarification on the location of primary entrances. What would happen if a business has its street address on a secondary street and the main entrance is located on the secondary street? Does it still need a primary entrance on the primary street?
  - Committee members agreed that currently many businesses in town have entrances on the Primary Street associated with their address, yet they direct patrons to secondary entrances off of parking lots. An example is the Vision Center on West Street. It is not ideal to require entrances that serve no purpose. Is the primary entrance requirement for access or aesthetics?
  - Requiring a primary entrance on the Primary Street might eliminate flexibility for corner lots with multistory office buildings.
- Where parking is required downtown, it must be at the side or rear. If the primary entrance must be at the front, pedestrians will not be required to walk around the building to the primary entrance; though as written, this last standard implies pedestrians must walk around. The intent, however, is to have a secondary side or rear entrance where there is parking and a walkway would also be required from the parking lot to the primary and secondary entrances.
  - A requirement for secondary entrances from parking lots felt too prescriptive for some Committee members. In situations like the new MOCO building, for example, a rear entrance at the parking lot would require additional staff for security, which is impractical. From another perspective, pedestrians/cyclists who experience downtown appreciate a requirement for entrances on primary streets. There are many things to balance.
- The fifth standard addresses setbacks and build-to percentages intended to provide flexibility for front elements like courtyards/gathering spaces off the sidewalk; examples today include the Colonial Theater and MoCo Arts. The Committee wants to provide flexibility for such elements but the draft standards do not address this possibility clearly.
- The Committee felt the sixth draft standard was too restrictive (e.g., mosaics and historic detailing) and would inhibit modern and contemporary architectural features. It was unclear how this standard would relate to provisions for building spacing. Staff clarified that this standard would only be applicable/required for one entrance on the building. Committee members said developers should not be required to add unnecessary and obscure architectural elements to fulfill a checklist and get approval; this is opposite of the project intent and will result in poor design.
- The need for/focus of primary entrances is unclear.
  - Are primary entrances just for architectural detail or to provide functional pedestrian access?

The goal of this project is a predictable, prescriptive code that does not limit creativity; when that is not possible the PB process will be triggered. Councilor Hansel said building form and façade composition are more important to him than orientation and entrances. Historically, the PB has provided developers valuable feedback about massing. Committee members agreed it is important for the draft standards to clearly articulate the importance of breaking up massing. Committee members thought this goal could be accomplished with a checklist in most instances. Materials used in development downtown are very important, which the PB does well determining. With a thoughtful checklist process first, however, the PB will only need to focus on three or four important

standards instead of the 19 the must consider currently. Staff could also develop a list of materials exempt from PB review (i.e., high quality materials desired downtown) to expedite the process as well.

The Committee continued providing feedback about the draft standards in general:

- Ms. Sutherland said standards need to be more form-based; they are too detailed currently. The word *traditional* appears too frequently and could be eliminated entirely because the concept is already reinforced in many ways.
- Mr. Barrett asked, if the important point is really form and façade composition, if it really matters if a door or window breaks-up massing.
  - Perhaps aesthetics and functionality need to be addressed separately.
  - Perhaps *primary* does not need to be defined architecturally because it is already addressed under building form and composition. If the goal is pedestrian access, perhaps the standard can just require an entrance from a primary street. If security is a challenge for buildings like the Courthouse, the PB can grant a Variance.
  - Perhaps entrances can focus on pedestrian access from parking lots and Main Street; and form and composition can focus on aesthetics.
- Ms. Rice agreed with Mr. Barrett and said her vision for downtown in 30 years is more people walking and biking, with less car traffic. The Committee should keep this goal of a walkable downtown in mind, which will require appealing pedestrian entrances. Ms. Sutherland agreed. Mr. Kopczynski said the idea is to make the buildings address the street.
- Mr. Phippard noted the draft standards are fairly clear for new construction. However, he said these draft standards are more challenging for renovations and asked when these standards will be imposed on redevelopment. Ms. Kessler said Camiros drafted these standards primarily for new development. She said the Committee can set those parameters.
- Mayor Lane posed a question about the Colony Mill as it shifts from commercial to residential and when/if it will have to comply with these standards; there are no (or minimal) external changes, but the interior is entirely new. Staff suggested there could be a threshold for changes to the exterior or use. Councilor Hansel recalled the goal to promote renovating existing structures when possible, rather than always building new. Process changes could present an opportunity to incentivize reuse.
- The Committee discussed examples of buildings downtown today (e.g., the old Post Office building on West Street), which are excellent aesthetically but would not comply with these draft standards. In this regard, Committee members questioned if the consultants really looked at Keene's existing downtown form and pattern of development. Staff reported that the consultants closely studied the form of buildings in the downtown and that they walked the downtown multiple times with staff.

Ms. Kessler addressed authority the HDC and PB will have when this new land use code is implemented. The HDC will still review demolition of existing buildings downtown and modifications to existing buildings; all new development will go to the PB. The Committee has not yet talked about the thresholds for site plan review, and for what will require full PB review and approval.

Staff acknowledged Committee concern about massing and materials; Mr. Kopczynski noted some projects will go to the PB based on size alone. The Committee will also need to consider how such projects are considerate of abutters. Mr. Phippard agreed that abutters can be very concerned about a new use effecting them and often have complaints, but they might not have an opportunity to voice those concerns if developers just fulfill a checklist. He asked if abutters will be notified when permits are granted. Ms. Kessler said that staff have been discussing the question of abutter notification as part of discussions around review thresholds. There is an option that staff are considering to have a technical review committee review and make decisions on minor projects. This process could require abutter notification. Mr. Barrett expressed concern about unclear public notice for abutters, particularly for

residential abutters; clarifying an approach in the administrative review process would ease Mr. Barrett's concerns. Councilor Hansel agreed there are times when abutters have substantive input that the PB should consider; he thinks it is logical to include abutters when a Variance is considered by staff as well.

Staff will continue considering the importance of abutter notice and opportunity for comment in the administrative review process. Mr. Phippard said he intentionally approaches abutters to try to mitigate any concerns, which is usually appreciated. He asked if there will be a letter to notify property owners who are rezoned. Ms. Kessler said that because this a significant change to downtown, there will be a certified mailing when an Ordinance is presented to Council. While developing an approach for abutters, Mr. Phippard suggested staff consider something efficient, knowing people will not realize or go out of their way to understand changes. Ms. Sutherland agreed and added that as a design professional representing clients, she would be uncomfortable with staff inviting abutters to meetings to discuss concerns that the developer is not invited to. She said sometimes abutters have serious concerns and other times they are unnecessary. Ms. Kessler said any such interaction will likely fall under the rules of procedure for a regular public meeting; these details are in progress to streamline the process and keep public transparency and decision making. This goes back to the question of thresholds for PB review. Ms. Sutherland asked if abutters are currently notified of minor projects and Ms. Kessler said no; however, every six months staff update the PB on minor project approvals.

Mr. Kopczynski cautioned getting to a point where no one can do anything, ever. He recalled that right now, the PB looks at 19 standards and a whole project subjectively. He and Councilor Hansel agreed the focus of most PB meeting are massing, materials, impact, and exemptions. Councilor Hansel suggested there could be checklist standards for massing and premium materials that do not need PB input; Mr. Phippard and Mr. Barrett cautioned it is not always that simple with new materials. Mr. Kopczynski and Mayor Lane agreed that massing is about how a building itself fits on a lot, how it contributes to a diverse roofline, and minimizing long blank walls.

Staff will continue working on the checklist of standards or another system the Committee identifies as best. Ms. Kessler summarized staff's next steps based on Committee feedback:

- Staff will continue working on an approach to build predictability and streamline where possible with massing, material type, and abutters in mind. Staff heard Committee concerns about a clear point at which PB review is triggered, with an ultimate goal to foster creativity.
- Staff will minimize standards that refer to architectural features and options for visual distinction; Camiros provided this draft knowing the Committee will help scale it back.
- Staff will ensure the draft includes a design builder's perspective because not all projects have an architect looking at the project holistically.

Mr. Phippard noted he receives questions about whether the form based zoning will be expanded into other zones. Ms. Kessler recalled that in phase one, this Committee and consultants tested different approaches with Council and landed on a hybrid approach to form based zoning only in the downtown, to see how it works there first before considering expansion. Mr. Kopczynski envisions challenges expanding form based zoning outside the downtown. Most of the City is not downtown and he is unsure these standards would have a role in those environments. Ms. Kessler agreed staff has hesitated to talk about form based in traditional residential zones.

#### **4) Review of Draft Land Development Code Chapters** **a. Site Plan Development Standards**

This conversation will continue at the next meeting but Ms. Kessler noted how the draft site plan development standards align with the overall project goals:

- **Simple:** The text of each standard has been streamlined and modified to make the regulations easier to read and navigate. Language that was advisory or not specific to the Board's review authority has been removed.

- Efficient: The number of standards have been reduced from 19 to 11, while maintaining those standards that are most relevant to the Board's review of applications.
- Thoughtful: Staff have proposed changes to some of the standards in response to feedback received from the development community and in an effort to keep the standards up to date with current technology and development practices.

5) **Next Meeting July 26, 2019**

6) **Adjournment**

Hearing no further business, Mayor Lane adjourned the meeting at 5:31 PM.

Respectfully submitted by,  
Katie Kibler, Minute Taker  
July 19, 2019

Reviewed and edited by Tara Kessler, Senior Planner