

**City of Keene
New Hampshire**

AD HOC LAND USE CODE UPDATE
MEETING MINUTES

Friday, August 2, 2019

4:00 PM

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

Members Present:

Mayor Kendall Lane
Councilor George Hansel
Gary Spykman
Katie Cassidy Sutherland
Maggie Rice
Jim Phippard (Arrived Late)

Staff Present:

John Rogers, Building and Code Official
Tara Kessler, Senior Planner
Mari Brunner, Planner
Kurt Blomquist, Public Works
Director/Emergency Management Director
Don Lussier, City Engineer

Members Not Present:

Councilor David Richards
Douglas Barrett

1. Call to Order

Mayor Lane called the meeting to order at 4:02 PM.

2. Approve Minutes of July 26, 2019

Councilor Hansel moved to approve the minutes of July 26, 2019, which Ms. Rice seconded and the Ad Hoc Land Use Code Steering Committee carried unanimously.

3. Review of Draft Sign Standards

Ms. Kessler stated that the current sign code is cumbersome and disorganized. Staff has tried to align these standards with the project goals by using a tabular format. However, the format displayed is not intended as the final version, but serves as an example of how staff generally proposes to display the information. Mayor Lane asked if staff reviewed the code in light of the Supreme Court Reed vs. Gilbert decision on the content of signs. Mr. Rogers said staff did so in 2018 and followed the process to remove a lot of content based rules and regulations. Staff also took the opportunity at that time to correct a few issues found with the definition of primary and secondary frontages based on ingress and egress from structures; to be more in line with some of the Planning Board (PB) standards where parking to rear of buildings makes the primary entrance and therefore primary signage illogically on the back of the building. Mr. Rogers agreed with Ms. Kessler that this effort was really about reorganization and pulling all of the codes together into one place.

Some of the more substantive changes staff made with this draft include an increase in the number of menu board signs (often seen at fast food establishments) from one to two per

lot to help businesses that would like to have two drive through travel aisles. Staff proposed removing the unified development sign, a sign very specific to a two-lot development with two separate owners and lots that are 10 acres or more in size that have a shared driveways and are located on a state highway in the Commerce District. Even Monadnock Marketplace today is not considered a unified development so she was unsure what the utility of that specific sign is anymore. Staff eliminated that rule and its two associated pages of standards.

Mayor Lane agreed to not get too detailed but said he thinks some substance in the sign code needs to be addressed here or somewhere else. He said sign technology has changed dramatically since the code was written and thus it does not promote current innovation or sign technology. The Mayor said such a code locks Keene into something from the 1970s. The Committee discussed modern sign technology, such as changeable copy signs, which are common at gas stations and movie theaters. An example in Keene is Kapiloff Insurance. Mayor Lane noted that gas stations had to seek a Variance from the Zoning Board of Adjustment (ZBA) to allow electronic changeable copy signs (prohibited currently) versus manual (allowed currently).

Mr. Rogers recalled the new code allows more accommodations, such as two menu boards at fast food restaurants. He knows one of the ZBA's concerns is how often something changes on an electronic sign or when signage becomes animated. Electronic changeable copy signs are prohibited in two places of the sign code; staff will consider possible revisions. Mayor Lane recalled animated signs on almost every building in Downtown Keene when he was a child, which he said created a wonderful amount of vitality and interest in the downtown. Ms. Rice asked if there is research on how those animated signs contribute to traffic issues and distractions. As an architect, Ms. Sutherland said clients might be interested in signage on the front of buildings that could be changeable, electronic, or LED; she thinks it makes sense to change that part of the code. Mr. Spykman said many businesses today just use TV screens as a form of signage, which could be completely prohibited when interpreting the current rules. He noted in all his time serving on the Planning Board (PB) or even professionally, he has not had to deal with signage. It seems complicated to him.

Ms. Sutherland noted the size requirements have been in the sign code for a long time and questioned how those rules originated and why signs cannot be bigger in some cases. Mr. Rogers noted different sized signs are allowed in different zones; smaller signs downtown for more pedestrian traffic and larger signs in commercial zones. Ms. Sutherland thought of building walls. Mr. Rogers said ratios for parallel signs would be based on the building itself, whereas the free standing signs have been based more on the lot size and the frontage of the lot compared to the building front.

Ms. Kessler said the goal was not to change the sign code content but make it easier to find the rules, for which you would have to read through the entire code currently. Staff will consider Committee feedback and look back at content of the sign code. Staff will research what other communities are doing about signs.

4. Discussion on Public Right of Way and Access Chapter

Mayor Lane welcomed the Public Works Director and the City Engineer to discuss these standards currently included in Chapter 70 of the City Code of Ordinances related to streets and the public rights of way. A draft is underway internally and staff shared a change form for a draft they will share with the Committee in the near future. Staff knew there were some chapters of the land use code that need work but deserve their own attention and effort separate from the building better together project. However, staff brought in street standards into the Land Development Code because they are related to development. The Public Works Director and City Engineer have worked on a draft within the goals of the project to create a more thoughtful section of the code. They updated the current street standards, which are focused on new streets, to also address the replacement or improvement of existing streets and public utilities if required to support a proposed land development. They worked to streamline the text of the Ordinance to remove any technical specifications that would be better suited for a technical standards document overseen by Public Works Director. There is also an effort to build more flexibility into the regulations. For example, instead of promoting a minimum road width, promoting a maximum width.

The Public Works Director said staff has worked to continue providing flexibility without changing any policies in the current street standards. Currently, the code permits the Public Works Director to issue technical standards for certain things; however, these standards are outdated. He stressed that Chapters 70, 78, 82, and 98 of the City Code of Ordinances are all Public Works codes, which include water & sewer utilities, streets, and solid waste. Staff want this section of the code to remain succinct and reference back to other chapters in the general code of ordinances. The Public Works Director researched the number of new streets created in his tenure and found approximately 12 new streets, of which five were residential, and primarily extensions such as River Street, Darling Court, and Magnolia Way. Magnolia Way is still not accepted by the City because of incomplete developer work. He said when talking about these regulations, he does not foresee a huge uptick in new roads, but he does anticipate continued road extensions. The Public Works Director said that through the development process, something that deserves discussion is maintenance of current roads; many recent developments have taken a toll on City infrastructure. In some instances, developers are willing to work with the City to find road solutions.

The Public Works Director is working with the City Engineer to see what the impacts will be between new development activity and existing roads and infrastructure. For example, if a development uses the remaining capacity in the City's sewer pipes, the City will ultimately suffer. These issues still need to be addressed. The Public Works Director saw a common theme with the sign code of not making wholesale changes but really simplifying and streamlining what is there. Right now street standards are written into City code, such as how thick pavement and the gravel under it should be; staff propose to pull these details out of the code and move them into technical standards. The City Engineer said many proposed changes are motivated by an interest in keeping up with modern technology. He provided examples of proposed updates to accommodate for the newest technology, while

referring to best industry practices for the design of these technologies. For example, rather than calling for a street light every 400' on a new street, the City would like to see a lighting design when the new street is proposed. Additional changes to make the chapter more modern include a reference to accessibility, as well as references to where the developers work ends and the operator of a building's work begins.

Mr. Phippard said water and sewer services are straightforward and users know they will pay a fee based on usage. However, Keene has not adopted any other impact fees; staff agreed. Many communities Mr. Phippard works in do have impact fees, for example to connect drainage to an existing City system for a fee. Those fees then help promote the next development. The Public Works Director recalled several discussions in his tenure on whether the City should have impact fees. To date, the City has viewed impact fees as a negative discouragement to development. Internal talks at Public Works on how to address these issues are common, especially the capacity of City infrastructure to support development. Alternatively, the City Engineer said the City could say the cost of encouraging development is to expand infrastructure and the community would pay for that cost; he said it is a longer philosophical conversation.

Councilor Hansel referenced the technical standards the Public Works Director is developing and asked if this will be a new document. Mr. Blomquist has issued technical standards over the years, for example, on how residential services should be constructed. Because staff is pulling things out of the code, a larger document will be required than what exists today. Councilor Hansel asked what would be lost by putting these standards under the Public Works Director's sole authority; he asked if there is any liability of a Public Works Director putting something in technical standards that could, for example, give preferential treatment to a vendor. Mr. Blomquist said no, most specifications are things like thickness of asphalt. Councilor Hansel asked the process if a developer disagrees with the standards. In that instance, the developer would appeal administratively to the City Manager; if the City Manager supports staff's decision, then the developer can further appeal to City Council. The Committee discussed historical projects that led to the current code, such as the failed tank on Drummer Hill. Public Works staff has a vested interest in the operational and maintenance component of these cases when they come to staff. Ms. Kessler added staff discussion of making those technical standards more readily available to the public and Councilor Hansel agreed that is an important step. The Public Works Director agreed that ultimately most road or utility extensions are overseen by professionals who will most often access that information. The City Engineer said by publishing them separately, they can be adapted more easily and with more details. Councilor Hansel asked if staff is referring to state adopted and industry standards. The City Engineer confirmed.

5. Next Meeting – August 16, 2019

6. Adjournment

Hearing no further business, Mayor Lane adjourned the meeting at 4:43 PM.

Respectfully submitted by, Katryna Kibler, Minute Taker

Reviewed and edited by Tara Kessler, Senior Planner