

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, October 23, 2019

7:00 PM

Council Chambers

Members Present:

David C. Richards, Chair
Philip M. Jones, Vice-Chair
George S. Hansel
Kate M. Bosley

Staff Present:

Rhett Lamb, Community Development
Director
Rebecca Landry, Assistant City Manager
Thomas Mullins, City Attorney
Kürt Blomquist, Public Works Director

Members Not Present:

Robert J. O'Connor

Chair Richards called the meeting to order at 7:00 PM and explained the procedures of the meeting.

1) Mark Rebillard/Keene Downtown Group and Jim Narkiewicz/Keene Ice and Snow Festival Committee Chair – Request to Use City Property

Chair Richards asked the petitioners to speak. Mark Rebillard, of 64 Blackberry Lane, and Jim Narkiewicz, of 3 Ashbrook Road, introduced themselves. Mr. Narkiewicz stated that the Travel Council is phasing it out and handing it over to the Downtown Group to continue with the Ice and Snow Festival. Mr. Rebillard stated that the Travel Council has been the fiscal sponsor for about 10 years, and now the Downtown Group is taking over that responsibility. Mr. Narkiewicz added that the Keene Chamber of Commerce has also been the fiscal sponsor. Mr. Rebillard continued that he is Chair of the Downtown Group this year and will also take over as Coordinator of the festival. The group would like to see the festival changed a bit and offer an opportunity for sidewalk sales; that has changed in the application. Last year the event had shrunk to just Railroad Square and Central Square, and this year they want to expand it to the alley between Miller Brothers and the Colonial Theatre, and across the street.

Kürt Blomquist, Public Works Director/Emergency Management Director, stated that staff has had an opportunity to have their protocol discussions with Mr. Narkiewicz and Mr. Rebillard. He continued that Mr. Narkiewicz is owed a lot for the work he has done to keep this festival alive. When he (Mr. Blomquist) first came to Keene and started working on this, the festival was much larger. In the last couple years Mr. Narkiewicz and the Travel Council

have worked hard to get the carvers and to keep the event going. So, Mr. Narkiewicz and the Travel Council are owed a big thank you. Mr. Rebillard and the Downtown Group are excited to take this over and bring it back.

Mr. Blomquist continued that the recommended motion includes authorizing the festival the ability to have sidewalk sales if they so choose, and if that comes to fruition, that would be great. It also includes an increase in area, increased number of carving stations, and so on and so forth, as well as the fun things the festival have always had, like the train for kids and the kids' events on Railroad Square. Staff recommends the City Council give the Ice and Snow Festival the license.

Chair Richards asked if the downtown merchants would be the ones taking advantage of the opportunity to have sidewalk sales, or if others would be brought in. Mr. Blomquist replied that the recommended motion is to authorize this for the Downtown Group, and he expects that the intent is to give the downtown merchants the opportunity to have sidewalk sales. Mr. Rebillard replied that that is correct.

Councilor Hansel stated that this is one of his favorite events. He continued that he is really happy that it is moving to the Downtown Group and that the downtown merchants will be involved. He asked if the downtown merchants will sponsor the spaces in front of their businesses. Mr. Rebillard replied that that is how it has worked in the past, but they are trying something new for raising money this year. Councilor Hansel stated that he understands the Downtown Coordinator was involved in helping make this transition and has been lending a lot to help get this festival going again, which is nice to see. Mr. Rebillard replied that that is correct.

Councilor Jones stated that he wants to thank Mr. Narkiewicz for his years of doing this festival. He continued that it has been great, and no matter the weather, they have always pulled it off. He continued that he has a question for staff: the end of the recommended motion talks about funding allocated in the FY 20 Community Events Budget. If he remembers correctly, that money is not transferable and the request would have to go to the Finance, Organization, and Personnel (FOP) Committee for a waiver.

Mr. Blomquist replied no, within the FY 20, which they are currently in, there is already funding available. There are no City Council actions required. Councilor Jones replied that he is talking about a different licensing issue. He continued that for example, the Fourth of July Fireworks were always funded by the Rotary Club, and then when it switched over to the Swamp Bats, the City Council had to waive its policy which says that a group has to do it for three years before they can apply. He would like to see it waived for these people.

Rebecca Landry, Assistant City Manager, stated that there are a couple options here. She continued that one option is staff can commit to the PLD Committee and the City Council that they will bring it back to the FOP Committee if necessary, so they could move forward with it tonight. Another option is for the PLD Committee to wait, but she recommends moving forward tonight and having it brought back if necessary.

Chair Richards replied that it makes sense to move forward tonight. He asked if there were further questions from the public or the committee. Hearing none, he 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 Keene Downtown Group be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Central Square and Main Street to conduct the Ice and Snow Festival on Saturday, February 1, 2020 from 10:00 AM to 4:00 PM. In addition, the applicant is permitted to close off a portion of Railroad Street from Main Street to the exit of the Wells Street Parking Garage. This permission is granted subject to the customary licensing requirements of the City Council, submittal of signed letters of permission from the owner for any use of private property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 20 Community Events Budget.

Chair Richards stated that they will get the waiver through the FOP Committee quickly, if such a waiver is necessary. He thanked Mr. Rebillard and Mr. Narkiewicz.

2) Rob Robbins/Keene SnoRiders – Request to Use City Rights of Way

Ron Robbins of Swanzey, NH, introduced himself and stated that he is the President of Keene SnoRiders and the trail administrator. He continued that the club is asking for the renewal of the license allowing crossings. There are no changes from last year's request.

Chair Richards asked if all of the City's requirements have been met.

Mr. Blomquist stated that this has been going on for at least eight years now. He continued that the SnoRiders are not changing anything regarding their request. There have not been any issues. Along with allowing them to cross Krif Road and Production Avenue, this license would give them permission to use the upper portion of the class 6 portion of Old Gilsum Road, which is closed to vehicle traffic but the City Council can authorize vehicle traffic when it wishes, and also two pieces of City property off of Krif Road, that they use to cross to get to Krif Road. Everything on the renewal request is the same. The PLD Committee has a recommended motion before them.

Chair Richard thanked Mr. Robbins and the club for taking care of the trails so well. He continued that the trails and the SnoRiders are a real asset.

Chair Richards asked if there were questions or comments from the public or the committee. Hearing none, he asked for a motion.

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

Move to recommend the Keene SnoRiders be granted permission to use the following locations on City property for a snowmobile trail: the right-of-way along the north side of Krif Road from Krif Court to Winchester Street; City property identified by tax map numbers 911-26-015, 909-05-012, 909-03-210 and 707-02-009; the crossing of Winchester Street at Krif Road; and, The crossing of Production Avenue approximately 200 +/- feet south of NH Route 9. As well as access to the Class VI Portion of the Old Gilsum Road starting approximately one mile from the Gilsum Town Line and going north, ("Premises") for the following purpose: for a snowmobile trail, and under the following conditions:

Said use shall commence on December 15, 2019, and expire on March 30, 2020, and is subject to the following conditions: the signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as an additional insured.

In addition, the Keene SnoRiders, Inc. will be responsible (including cost) for the installation and maintenance of all signage/markings, which will be in accordance with Snowmobile Trail Standards published by NH Business and Economic Affairs; that all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover, no structures, including buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road, snow windows shall be groomed to provide adequate sight distances and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that Keene SnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover.

Ms. Landry noted, for the minute-taker, that the motion mistakenly referenced an older title to a State department, in the third paragraph. She continued that it should be changed to "Business and Economic Affairs." Chair Richards noted the change. He asked if there were questions or comments from the public or the committee. Hearing none, he called for a vote. The motion passed on a vote of 4-0.

3) Tad Schrantz/The Colonial Theatre Group – Various Licenses Needed for the Renovation and Addition to the Colonial Theatre

Tad Schrantz, of Warren Street, Keene, stated that he is representing the Colonial Theatre as owner representative and chair of the Building Committee. He continued that they are undertaking a substantial renovation project, in the front of the house and also with an addition to the back. That is represented in the documents provided to the PLD Committee. They have been through all sorts of committee meetings trying to gain approvals and have been successful and they are making sure they are able to proceed with the design as intended. They need to talk with the PLD Committee about issues

specified in the document. In general, there are some licenses they want to request from the committee tonight. Those will allow them to proceed with the design as intended. They have a parcel of land behind the theatre they want to extend into. They have to provide access to the property and to the design itself. That is related to handicapped accessibility, ramps, and the dumpster location – currently the dumpster is right behind the theatre in the land they want to extend into. He asked if there were questions.

Chair Richards asked Mr. Lamb why this comes to City Council instead of the Planning Board and how the process works.

Mr. Lamb stated that a component of the Planning Board site plan review has already received conditional approval by the Planning Board. He continued that the Planning Board anticipated that the Colonial Theatre would need some assistance, some rights to use City property for the accessibility ramps and trash removal. Tonight Mr. Schrantz is following up on the conditions set in place by the Planning Board, regarding the awning, the ramp, and the dumpster, which were intended to be dealt with through the City Council after the Planning Board review.

Mr. Lamb continued that staff's recommendation is to place this on more time. During the Planning Board review, it became clear that the design that the theatre is pursuing may require other rights as well as the licenses they are asking for tonight in order to be successfully constructed. There is not a lot of room for the contractor to stage construction equipment, except on City land, so there might need to be temporary construction rights for that on City land. There may be a necessity for permanent rights because the footings of the pilings that will be installed may need more room than they currently own on their pieces of land, so there are other things to work out. Staff spoke with Mr. Schrantz and the Public Works Department about how there is more work to do to determine how these issues would be resolved. Staff is recommending for this to be placed on more time so that staff can work with the Colonial Theatre and sort all of this out, instead of addressing issues one by one.

Chair Richards replied yes, they understand the recommendation to place this on more time, but that said, if the Colonial needs easements and whatnot, as long as they are within reasonable parameters, the Colonial is "the jewel of downtown" and they should do everything they can to make sure the Colonial can do what they need to do. He assumes the City will say yes, if the Colonial needs, for instance, ten feet here or there or room to stage construction, and there will not be any issue.

Mr. Schrantz stated that just for clarification, the Colonial Theatre sees it as two phases: the first is the design phase so they can figure out what they want to build, and tonight's requests were related to design. He continued that he and Mr. Lamb have been talking about various issues, including the Colonial using City property temporarily for staging, and that was considered part of the second, construction phase. The Colonial planned on coming back with a second round of requests for that second phase. First they needed to make sure their requests were considered so they could confirm the design they are proposing and estimating, and make sure the costs were going to be acceptable. Then

they could make adjustments, if necessary, based on the requests. They saw it as two phases, design and construction. Now that they have engaged DEW as a construction manager, they were going to come back to the City Council with him to ask for temporary access to use some parking spaces to put down materials for building. The Colonial is happy to work with the City however they need to; he just wanted to provide clarification on the process the Colonial was going through.

Chair Richards asked if the Colonial Theatre is a non-profit. Mr. Schrantz replied yes. Chair Richards stated that in that case, perhaps the City should be looking at not charging the Colonial for their temporary use of City property/parking spaces, as is typical for non-profits. Mr. Lamb replied that they can keep that in mind as they move forward.

Councilor Jones stated that the only other time he remembers when the City Council allowed someone to put their dumpster on City property, the property owner was surprised to learn that he had to meet all of the City's standards for that at his own cost, such as having the dumpster screened. Mr. Schrantz replied that the Colonial understands and they are happy to comply with the City's requirements.

Mr. Lamb replied that Councilor Jones is correct. He continued that in the Commercial Street parking lot, directly adjacent to the theatre, the City built a small area for businesses to deal with their dumpster needs. So yes, the City has this in mind and he is sure Mr. Schrantz does, too. Mr. Schrantz agreed. He stated that if they need to figure out an enclosure or the next steps, they are happy to work with the City on that.

Chair Richards asked if anyone from the committee or public had further questions or comments. Hearing none, he asked for a motion.

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

On a vote of 4-0, the Planning, Licenses and Development Committee placed the communication on more time to allow staff to work with the Colonial Theatre Group to determine the impacts of the construction on City infrastructure.

The meeting adjourned at 7:25 PM.

Respectfully submitted by,
Britta Reida, Minute-taker