

CITY OF KEENE
NEW HAMPSHIRE

JOINT PUBLIC WORKSHOP
PLANNING BOARD/
PLANNING, LICENSES, AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Tuesday, November 12, 2019

6:30 PM

Council Chambers

Planning Board Members Present

Douglas Barrett, Chairman
Gary Spykman
Councilor George Hansel
Martha Landry
Mayor Kendall Lane
Tammy Adams, Alternate

**Planning, Licenses and Development
Committee Members Present**

David Richards, Chairman
Councilor Philip Jones
Councilor Kate Bosely
Councilor Robert O'Connor
Councilor George Hansel

Planning Board Members Not Present

Chris Cusack, Vice-Chair
Michael Burke
Pamela Russell Slack
Andrew Weglinski

**Planning, Licenses and Development
Committee Members Not Present**

Staff Present

Rhett Lamb, Community Development Director
Tara Kessler, Senior Planner

1. Roll Call

Chair Richards called the meeting to order at 6:30 pm and a roll call was taken.

2. October 15, 2019 meeting minutes

A motion was made by Mayor Kendall Lane that the Joint Committee accept the October 15, 2019 meeting minutes as amended. The motion was seconded by Councilor Phil Jones and was unanimously approved.

3. Continued Public Workshop

Ordinances – O-2019-13 and O-2019-14 – Relating to Social Service and Congregate Living Uses. Petitioner, City of Keene, proposes changes to Chapter 102 – Zoning, Chapter 46 – Licenses and Permits, Chapter 18 – Building Regulations, and Appendix B – Fee Schedule of the City Code of Ordinances. The amendments proposed include the introduction of land uses categorized broadly as Social Service and Congregate Living uses as well as a conditional use permit and City operating license for some of these uses.

Senior Planner, Tara Kessler stated she was going to start the presentation with some of the edits that were suggested at the last meeting as well as additional edits staff is proposing to the draft ordinances based on feedback received from the public and the Committee members.

Currently, there are a number of uses not included in the zoning ordinance and the reason for introducing these new uses is to provide opportunity for these uses to occur in the city. Ms. Kessler then went over the existing definition and proposed definition for Social Service Center. She noted there was a question about characterizing social service centers as a nonprofit or charitable institution and staff is proposing to strike out this designation.

Staff is still proposing to remove the requirement for abutter notice for the proposed annual operating license but abutter notice will still be required for the conditional use permit. Staff is also proposing to remove the annual operating license fee of \$200. Councilor Jones asked for clarification on the abutter notice and whether this was for the initial application for the conditional use permit or for all following. Ms. Kessler stated staff's proposal is just for the initial application for the conditional use permit.

Ms. Kessler noted that staff received feedback from some Committee members and the public that the initial conditional use permit criteria was too broad and subjective. Staff have proposed edits to remove the first standard, which stated "The proposed use will not have a significant adverse impact on the general welfare, safety, and health of the neighborhood or community, including that of the client population being served by such uses." There was concern that the term "health" could be interpreted too broadly and is not measurable. Staff proposed the following edits to the second bullet, which states "The proposed use is compatible with the character of the surrounding area in terms of operational characteristics including hours of operation, outdoor lighting, noise, and traffic generation."

The following are working edits to the conditional use permit criteria proposed by staff:

- The proposed use is compatible with the character of the surrounding area in terms of operational characteristics including the following.
 - Proposed hours of operations.
 - Outdoor lighting, which shall comply with the Planning Board's Lighting Standard.
 - Proposed noise levels
 - Anticipated traffic generation
- The proposed use is located in proximity to pedestrian facilities (e.g. multiuse trails and sidewalks) and public transportation.
- All development, redevelopment, additions, and renovations in a residential zoning district shall maintain the look and feel of a residential zone or area.
- No parking and/or paving, except driveways, is permitted in the front setback or the area from the front lot line to the building front, whichever is greater. A 4' high fence and/or landscape screen between all paving/driveways/parking and directly abutting residential property.
- When a use is located directly adjacent to a residential zoning district there shall be:
 - A continuous solid screen at least 6' high along property line(s) directly abutting residential zoning districts.
 - A building setback of 50' from property line(s) directly abutting residential zoning districts.

Staff is suggesting edits that focus on operational characteristics such as hours of operation, lighting, noise and traffic generation. Ms. Kessler noted that there should be balance between crafting standards that are so specific they cannot be applied to a variety of sites/projects, and standards that are so broad they require too much subjective interpretation. Ms. Kessler added it

is difficult for instance to prescribe hours of operation because of the various zones a certain use could be located (commerce versus residential neighborhood). For an item such as lighting, staff is recommending using the Planning Board standards.

With reference to “Proximity to Pedestrian Facilities,” Ms. Kessler noted that there had been testimony at a previous public workshop that instead of imposing criteria of what should not occur, there should be criteria for what should occur, such as centrally locating these proposed uses. Ms. Kessler asked for committee feedback on this.

For some of the uses, such as group home and residential care facility, which could be located in a residential area, there is a requirement that they maintain the look and feel of a residential structure if located in a residential neighborhood.

Staff have proposed criteria to reduce the impacts of parking lots on a residential area by requiring setbacks and screening. The current standard that exists in the Office District is that there needs to be a four-foot high fence or landscape along parking areas abutting residential properties. At the prior meeting there was comment received that not allowing some of these uses to be located directly adjacent to a residential zoning district is too restrictive. Hence, staff is suggesting a fence or a solid screen and/or a 50-foot setback from the property line around the perimeter when a use is located directly adjacent to a residential zoning district.

Ms. Kessler stated the City will be introducing new zoning subdistricts for the Downtown. These proposed uses will be associated with some of these proposed subdistricts. The conversation about where these uses would be allowed in the City will be included with the Downtown Zoning Update. Staff are recommending that the public workshop on this topic be continued to the January 13, 2020 meeting. There will be information sessions and community workshops in mid November and early December on the proposed Downtown Zoning Update, which the public is encouraged to attend. These dates are listed below and more info is available on www.keenebuildingbetter.com.

Building Together/Downtown Zoning Update Events:
Info Sessions on November 19&20
Joint Committee Presentation – December 9
Open Studio – December 10
Community Workshop – December 10

Mayor Lane stated in the conditional use permit under the general criteria there is nothing that indicates anything about specifics as it relates to things like hours of operation, parking etc. Ms. Kessler stated that bullet is meant to be replaced by the second slide which outlines the specific criteria. As far hours of operation, the Planning Board would look at whether the hours of operation are compatible with the hours of operation for a particular neighborhood. Mr. Lamb suggested adding the term neighborhood activity level to this criteria to accommodate residential setting. Mr. Lamb reminded the committee this is a zoning ordinance not Planning Board standards that are being applied and added some form of judgment is going to be required on part of the body handling the application.

Councilor Jones asked for clarification between the term “uses” and “licenses”. Ms. Kessler stated all but two uses will require an annual license issued by the Community Development Director and all but two uses will require a conditional use permit issued by the

Planning Board. A conditional use permit will require abutter notification. The Councilor asked whether a license was revocable – Mr. Lamb answered in the affirmative.

Mr. Spykman asked for clarification whether any other zoning requires the buffer and or setback as is being proposed here. Mr. Lamb stated the best example he could provide would be with Key Collision on lower Winchester Street, which is in the industrial district and is an industrial use that directly abuts a residential district and an additional setback in addition to the requirement was required for this site. The normal industrial setback back is about 15 feet but because of the activity an additional setback was required.

Councilor Hansel asked whether the requirement was that a 6-foot fence and a 50 foot setback was required. Ms. Kessler stated staff is struggling with whether to apply either. Mr. Lamb felt it should be “or.”

Councilor Bosely stated she appreciates the extra effort that is being put into creating the criteria and felt taking some of the subjectivity out of the conversation was important, which will help the Body approving these applications as well as the applicant making the request, especially because individuals on these Boards and Committees are going to change. She felt having specific criteria was important.

Chair Richards opened the session to public comment.

Mr. Steven Bragdon of 51 Railroad Street stated when he looks at these changes to the Conditional Use Permit criteria it appears as if this would allow for these uses to occur if an applicant meets these criteria. It removes any opportunity for the discretion of a Board. If someone was to screen, set it back and put some lighting on it, you can do what you want. He stated this is not what a zoning ordinance should be and there needs to be some discretion to prevent things that are not good for the community or for a neighborhood to be turned down, and noted he does not see that here.

Mr. Peter Mumma, President of Phoenix House addressed the committee and began by thanking the committee. He felt good fences make good neighbors and asked for a minimum of six feet for a fence to consider abutter needs.

Mr. Peter Espiefs of School Street was the next speaker and asked why the city would not create a dormitory type of arrangement in some part of the city. He indicated as he has stated in the past the city has all kinds of buildings in Ward 1 – Roxbury Street to Marlboro Street that could be used for these types of facilities instead of placing the proposed housing in various neighborhoods. Mr. Espiefs pointed out the services these individuals need also lie in the area he referred to.

A motion was made by Mayor Kendall Lane to continue the workshop to January 13, 2020. The motion was seconded by Phil Jones and was unanimously approved.

Ms. Kessler stated the draft ordinance will be released on Tuesday, November 19, 2019. On November 19 and 20 there will be two info sessions from 6:30 pm to 8 pm in Council Chambers. There will be a presentation from the consultant on December 9, 2019. On December 10 at the empty store front space on Main Street (former Brown Computer Solutions site) there would be the opportunity for people to stop in and ask questions from staff and the consultant. This

culminates with a community workshop at 6:30 pm on the same day. All items are available on keenebuildingtogether.com. Ms. Kessler noted 5,000 flyers have been circulated advertising the upcoming sessions and workshops.

Mr. Spykman encouraged everyone to share these sessions on social media.

4. Next Meeting – Monday, December 9, 2019

5. Adjourn

The meeting adjourned at 7:05 pm.

Respectfully submitted,
Krishni Pahl, Minute Taker

Reviewed and submitted by Tara Kessler, Senior Planner.