

City of Keene
New Hampshire

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

Monday, May 11, 2020

6:30 PM

Remote Meeting via Zoom

Planning Board Members Present

Douglas Barrett, Chairman
Chris Cusack, Vice-Chair
Andrew Weglinski
Mayor George Hansel
Pamela Russell Slack
Gail Somers
David Orgaz
Councilor Michael Remy
Michael Burke

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

Councilor Kate Bosley
Councilor Phil Jones
Councilor Mitch Greenwald
Councilor Catherine Workman
Councilor Gladys Johnsen (arrived late)

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

Planning Board Members Not Present

Staff Present

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

1. Statement of Authority to Hold Remote Meeting

Chair Barrett began the meeting by reading the following statement with respect to holding remote meetings:

“In Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04, certain provisions of RSA 91-A regulating the operation of public body meetings have been waived during the declared COVID-19 State of Emergency.

Specifically:

- The requirement that a quorum of a public body be physically present except in an emergency requiring immediate action under RSA 91-A:2, III(b);
- The requirement that each part of a meeting of a public body be audible or otherwise discernible to the public at the location specified in the meeting notice as the location of the meeting under RSA 91-A:2, III(c).
- Provided, however that the public body must:
 - Provide access to the meeting by telephone, with additional access possibilities by video or other electronic means;
 - Provide public notice of the necessary information for accessing the meeting;
 - Provide a mechanism for the public to alert the public body during the meeting if there are problems with access; and
 - Adjourn the meeting if the public is unable to access the meeting.
- All votes are to be taken by roll call.

- All board participants shall identify the location from where they are participating and who is present in the room with them.”

Chair Barrett said the public may access the meeting online by visiting the Zoom website, www.zoom.us/join, and entering the Meeting ID. The Meeting ID also appeared on the Agenda for the meeting. The public can, listen, but not view, the meeting by calling the toll-free phone number (888) 475-4499 and entering the Meeting ID. He noted that if someone is unable to access the meeting, they should call 603-757-0622.

2. Roll Call

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

3. Approval of Meeting Minutes – March 9, 2020

A motion was made by Mayor George Hansel that the Joint Committee accept the March 9, 2020 meeting minutes. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

4. Public Workshop

Ordinance - O-2020-04 – Relating to Zone Change. Petitioner, AMERCO Real Estate Company, requests a zoning district change for the parcels at 472 Winchester St and 0 Krif Rd from Industrial to Commerce Limited. These two properties, which are owned by Clarke Realty Ltd. Partnership, total an area of 7.38-acres and are identified by the following Tax Map Parcel numbers: 0 Krif Rd (3.84-acres, TMP# 115-019-000-000) and 472 Winchester St (3.54-acres, TMP# 115-020-000-000).

Senior Planner Tara Kessler addressed the Committee first and began by explaining the process for amending the Zoning Ordinance. She stated this process started when the applicant submitted an application to amend the Zoning Ordinance to the City Clerk, which occurred a few months ago. The application was introduced to City Council as a proposed ordinance for its first reading. The next step is for the Joint Committee to hold a public workshop. If the Joint Committee is inclined to vote on this item, the vote from the Planning Board would be to indicate that this proposal complies with the Master Plan and the PLD Committee will vote to request the Mayor set a public hearing, which will happen at the Council meeting. It will then go to the City Council for a final vote.

Ms. Kessler stated staff has conducted an analysis of this item. She noted this public workshop is not a public hearing, but the Chair typically welcomes public comment. Ms. Kessler added that the focus of the Joint Committee in evaluating this proposal should be on whether the proposed zoning district, including the types of uses that are allowed in this district, would be suitable for the land in question. The focus should not be on a specific proposal for how the applicant/petitioner intends to use the subject parcels.

Applicant Chad Branon Civil Engineer with Field Stone land Consultants representing AMERCO Real Estate Company and the landowner Clark Realty Partnership addressed the committee. He noted Jeffrey Vane from AMERCO Real Estate Company was also present tonight.

Mr. Branon referred to a plan, which represents the two properties, for which the applicant is requesting a change to. The properties are located on the south side of the city. 472 Winchester Street consists of 3.54 acres with frontage on Winchester Street and Krif Road. This property is currently developed and has a 30,172 square foot industrial warehouse building plus a 3,720 square foot service shop. The property on Krif Road consists of 3.84 acres of land, with frontage on Krif Road and is mostly a vacant lot with the exception of parking used by operations at 472 Winchester Street. Both properties were formerly used by Clark Distributors until about 2017 and since that time the properties have been on the market for sale.

Mr. Branon noted the subject premises are surrounded by businesses, which include Hamshaw Lumber to the southwest, Granite Glass to the west and to the north - vacant land, car dealerships and rental stores. To the east is Douglas Cuddle Toys. At the present time, the Industrial District does not allow for retail uses, restaurants, office, motor vehicle dealerships, nurseries, or funeral parlors. He stated most of these uses are prevalent along Winchester Street but they are not allowed. He noted when comparing the permitted uses in the Industrial and the Commerce Limited Districts, there are many similarities. Uses that are permitted in both districts include bulk storage, assembly and distribution, businesses with garages, health and fitness centers, manufacturing, repair shops, paint shops, childcare facilities, research facilities, wholesale facilities.

Mr. Branon stated they feel the subject premises will be better served if it is zoned in the Commerce Limited District. The Master Plan identifies Winchester Street as a key gateway corridor and the uses identified in Commerce Limited District would be better suited along this corridor than the more heavy impact uses in the Industrial District. If this property is rezoned as requested, the subject premises would not be able to be used for activities such as an asphalt plant, forge, tannery, bulk storage of flammable materials, or a recycling plant.

As the two subject parcels are along the Winchester Street gateway corridor, have close proximity to Ash Swamp Brook and the properties are partially located in the floodway, the applicant feels rezoning of the property would be consistent with goals of the Master Plan.

With reference to dimensional requirements, this change will have more stringent requirements regarding minimum lot width, setback requirements, and percentage of impervious surface and requires more lot frontage. The applicant as a result all of these issues combined will not have a negative impact due to the requested change on surrounding properties.

With respect to the parcel's compatibility with the proposed district, the applicant feels the site currently borders the Commerce Limited District, and is surrounded by uses that are allowed in this district.

Mr. Branon went on to say AMERCO Real Estate Company is affiliated with UHaul Moving Company and the plan is to move UHaul's current operations from 199 Marlboro Street to the subject premises with a full service facility. Under the Industrial District, this proposal would require a variance for retail service and truck rental and a special exception for self-storage use. In discussion with City staff, it was concluded the applicant's best option would be to seek a rezoning for the subject parcels, given the location of the zoning boundary and surrounding uses. This concluded Mr. Branon's presentation

Staff comments were next. Ms. Kessler addressed the committee. Ms. Kessler stated the applicant has done a good job with describing the subject premises and reiterated these premises are surrounded by a mixture of commercial, manufacturing and retail uses and to the north is an undeveloped cornfield. She indicated it was important to note that both parcels are within the 100-year floodplain and portions are in the floodway, which means any future development would require compliance with the Floodplain Ordinance regardless of whether there is a change in zoning.

Ms. Kessler stated her presentation will focus mostly on the difference between the Commerce Limited and Industrial Districts, with respect to the subject parcels. The intent of the Industrial District is primarily to provide for manufacturing, processing, assembling, wholesaling, transportation-oriented activities warehousing, and refueling depots. Retail sales and offices are intended to only be accessory to the main uses in this district. The intent of the Commerce Limited District is to provide an area intended for commercial uses that require larger land areas than the commerce district and do not have high turnover of customer vehicle traffic. This district is intended for light industrial and combined commercial and industrial uses. The intent statement for this District requires that curb cuts be a minimum of 150 feet from any intersection and at a minimum of 450 feet apart, the purpose of which is to limit the access points along Route 10. Currently, the parcel at 472 Winchester St today has three curb cut openings; two along Krif Road and one is along Route 10 (Winchester St). She noted that currently, these curb cut openings are not conforming with the distance requirements of the proposed district. She explained that the zoning is intended to guide a future state of development, and if these parcels are to become Commerce Limited, the curb cut distances would need to be adhered to if there are changes made to these existing curb cuts or future curb cuts are proposed .

Ms. Kessler then went over the uses that are currently permitted in both districts. These overlapping uses include: Assembling, Bulk storage excluding flammable materials, Garage as a business, Health & Fitness Center, Manufacturing, Motor Vehicle Repair Garage, Paint Shop, Noncommercial Outdoor Recreational Activity, Nursery or Child Care Facility, Processing, Research & Development, Storage Facility (Self-Storage - allowed by special exception in Industrial), Warehousing and Wholesaling. She then reviewed the uses in the Industrial District that are not allowed in Commerce Limited. They include: Asphalt plant, Smelter, Forge, Tannery, Explosive Manufacturing, Bulk storage & distribution of flammable materials, College, Historic Site Open to the Public, Institutional Use and Recycling plant. The uses that are allowed in the Commerce Limited District but are not allowed in the Industrial District include: Funeral parlor, Greenhouse or nursery, Motor vehicle dealership, Office, Parking area, Private club, lodge, or fraternal activity where primary function is indoors, Restaurant, and Retail sales/services.

Ms. Kessler then talked about the dimensional requirements for the two districts and the differences between them. For the most part, they align similarly, but there are some significant differences. In the Industrial District, there is no minimum lot size, whereas the Commerce Limited District requires a minimum of 20,000 square feet (both subject lots meet this requirement). In the Industrial District, there is no minimum lot width at building line, whereas, Commerce Limited requires 100 feet of minimum lot width at building line. In the Industrial District, there is a required minimum 20-foot front set back. In the Commerce Limited District, there is a required 100-foot front set back. She noted that some buildings currently in the Commerce Limited District do not meet this front setback requirement today. In the Industrial District, no more than 80 % of the lot may be occupied by structures; however, in the Commerce

Limited District no more than 40 % of the lot may be occupied by structures. The applicant has indicated that the future owners are proposing to merge the two lots, which would expand amount of area occupied by structures, but at the present time close to 40% of the lot at 472 Winchester St appears to be occupied by structures.

In the Industrial District, the required road frontage is 50-feet; however, in the Commerce Limited District the required road frontage is 100-feet. Today, 0 Krif Road only has 50 feet of frontage and 472 Winchester Street has over 100 feet.

Ms. Kessler then addressed how the proposal relates to the Comprehensive Master Plan. Ms. Kessler referred to that section of the plan included below:

- *“this area [south of NH Route 101 Roundabout and north of the Swanzey town line] should receive a high level of planning and focus as it is an economic redevelopment area for commercial, manufacturing and industrial uses. Focus on the provision of high quality, living-wage industries should prevail over expansion of low-wage retail and service development. The city and community should explore ways to create a mixed-use area for these industries, in conjunction with managing appropriate access and providing community connections via sidewalk, pathways, bridges and trails north towards downtown and south towards other regional trails or bicycle routes...Balancing development of this area with natural environmental features is also a high priority.”*

In addition, she noted that the Master Plan identifies Winchester Street as a major corridor to the Downtown as well as a Regional Gateway. It also encourages the promotion and recruitment of industry that can build the City’s manufacturing base and industrial economy, in the area of the proposed zoning change.

Ms. Kessler noted the proposal to transition this district from Industrial to Commerce Limited would limit the types of intense industrial activities that would be allowed along Winchester St. As the Master Plan is proposing this area to be more of a gateway corridor than an industrial corridor, it appears that this proposal is consistent with the Master Plan. She also noted that many industrial type uses such as manufacturing would still be allowed as a result of this proposal – it would only be the more intense/heavy impact uses that would no longer be allowed. However, whether this proposal is consistent with the Master Plan would need to be a determination of the Planning Board.

Ms. Kessler went on to say the reason staff is not including this proposed zoning change as part of Building Better Together / UDO project is because this area is outside of the downtown area where the proposed zoning changes are occurring. She noted that this proposal was not intended to be part of the UDO / Form Based Zoning. This concluded Ms. Kessler’s presentation.

Councilor Greenwald stated one of the rules a while ago for the city was no net loss of industrial land and commercial development south of the bypass and asked for staff comment and added he is not opposed to the project. Ms. Kessler stated there are currently ten properties in Commerce Limited District and this change would increase that number to 12. Whereas, the Industrial District has 104 parcels, and this change would reduce that number by two. She noted there will still be industrial uses but just not heavy industrial uses. Mr. Lamb added the two elements Councilor Greenwald mentioned are principals of prior master plans and did take some shape in the Comprehensive Master Plan from 2010 but they were not explicitly stated in the current plan

as they were stated in prior plans. He went on to say the Commerce Limited District was created to attract activities of commercial development that had a lot of outdoor storage such as car dealerships, lumber yards etc. which uses were previously located closer to downtown. He did not see that there will be a significant loss of industrial uses as there are still number of industrial activities that could still take place in this area even as Commerce Limited. As far as retail, this is not an area where large-scale retail was contemplated and did not feel this was a substantial change in that regard.

Councilor Remy referred to the language from the Master Plan and stated even though a specific use is not being contemplated – he asked how the reference to “*high-quality, living-wage industries should prevail over expansion of low-wage retail and service development*” fits in with the conversion from Industrial to Commerce Limited. Ms. Kessler stated it would be up to the Planning Board to determine whether the new uses proposed such as Funeral parlor, Greenhouse or nursery, Motor vehicle dealership, Office compared to uses that would be lost such as Asphalt plant, smelter, forge, tannery, explosive manufacturing, Bulk storage & distribution of flammable materials, College, Historic site open to the public, Institutional use and Recycling plant align with this objective or not. Mr. Lamb added as the City has been evaluating industrial uses in other locations including the Marlboro Street corridor, where the zoning changed from Industrial to Business Growth and Reuse) the City has tried to remove the traditional smoke-stack type of industrial activities while retaining the industrial activities that provide high value jobs without significant environmental impact.

Councilor Remy referred to Storage Facility (Self-Storage) – Allowed by special exception in Industrial and asked whether this use in Commerce Limited would not require a special exception. Ms. Kessler confirmed that it would be allowed by right in Commerce Limited.

Councilor Jones felt if industrial was going to be accommodated the proposed area is the best location. He added if this change was going to be made there are three parcels south of the location along Route 10 with very small area between the road and the river would fit in well as an add-on. Mr. Lamb responded to that suggestion and stated the uses on those parcels are industrial, motor vehicle repair and the other use, which is equipment rental, which would be consistent with Commerce Limited. He added if these parcels were to be added to the rezoning before the committee it will have to be re-noticed and a public workshop would need to be re-scheduled, as staff has not had the opportunity to perform a review of those parcels.

Mr. Branon pointed out that the Commerce Limited District does permit a lot of industrial uses and this change does not prevent this area to be used for industrial uses – all it removes is a handful of heavy industrial uses, which uses will not be suitable along a state highway on a gateway corridor.

Councilor Johnsen asked why the floodplain issue would not be addressed first before the zoning change is made. Ms. Kessler stated if there is substantial change made to this site; the applicant would need to comply with the City’s Floodplain Ordinance regardless of the zoning change. However, no development is proposed as part of this request.

Chair Barrett referred to the frontage issue and noted for Commerce Limited the required amount is 100 feet, but 0 Krif Road is only at 50 feet. The Chairman asked what would happen if this change is made and 0 Krif Road remains as a stand along property with a 50-foot front setback. Ms. Kessler stated it will then become a legally non-conforming lot.

Councilor Remy clarified for the Industrial District the permitted front setback is 50 feet but the proposed change to Commerce Limited is why this property will become legally non-conforming. Ms. Kessler replied in the affirmative.

The Chairman asked for public comment next. With no further comment, the Chairman closed the public hearing.

A motion was made by Mayor George Hansel that the Planning Board find that the proposed O-2020-04 is consistent with the community goals and comprehensive master plan, The motion was seconded by Councilor Michael Remy and was unanimously approved by a roll call vote.

A motion was made by Councilor Philip Jones that the Planning, Licenses and Development Committee request the Mayor set a public hearing on O-2020-02. The motion was seconded by Councilor Mitch Greenwald and was unanimously approved by a roll call vote.

5. **Next Meeting: Monday, June 8, 2020**
6. **Adjourn**

The meeting adjourned at 7:36 PM.

Respectfully submitted,
Krishni Pahl,
Minute Taker

Reviewed and edited by Tara Kessler, Senior Planner