



Joint Planning Board & Planning, Licenses & Development Committee

AGENDA

June 8, 2020 at 6:30 PM

- This meeting will be conducted using the online meeting platform, Zoom. The public may view the meeting online by visiting www.zoom.us/join and enter the **Meeting ID: 884 0282 6218**.
- If you are unable to attend the meeting online, you may call the **toll-free # (888) 475-4499** and enter **Meeting ID: 884 0282 6218** to listen to the meeting.
- More info on how to access this meeting is available on the Planning Board webpage at ci.keene.nh.us/joint-planning-board-planning-licenses-and-development-committee
- If you encounter any issues accessing this meeting, please call 603-757-0622 during the meeting.

1. Statement of Authority to Hold Remote Meeting

2. Call to Order & Roll Call

3. Approval of Meeting Minutes – May 11, 2020

4. Building Better Together – Staff presentation on proposed schedule for review of draft Land Development Code, including public engagement opportunities and submission for adoption.

5. 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.

6. Next Meeting – Monday, July 13, 2020

7. Adjourn

**CITY OF KEENE
NEW HAMPSHIRE**

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

Monday, May 11, 2020, 6:30 PM Online Meeting
(Conducted on 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.

- 34 • All board participants shall identify the location from where they are participating and who is
35 present in the room with them.”
36

37 Chair Barrett said the public may access the meeting online by visiting the Zoom website,
38 www.zoom.us/join, and entering the Meeting ID. The Meeting ID also appeared on the Agenda
39 for the meeting. The public can, listen, but not view, the meeting by calling the toll-free phone
40 number (888) 475-4499 and entering the Meeting ID. He noted that if someone is unable to
41 access the meeting, they should call 603-757-0622.
42

43 **2. Roll Call**

44 Chair Barrett called the meeting to order at 6:30 pm and a roll call was taken.
45

46 **3. Approval of Meeting Minutes – March 9, 2020**

47 A motion was made by Mayor George Hansel that the Joint Committee accept the March 9, 2020
48 meeting minutes. The motion was seconded by Councilor Michael Remy and was unanimously
49 approved by roll call vote.
50

51 **4. Public Workshop Ordinance - O-2020-04** – Relating to Zone Change. Petitioner,

52 AMERCO Real Estate Company, requests a zoning district change for the parcels at 472
53 Winchester St and 0 Krif Rd from Industrial to Commerce Limited. These two properties, which
54 are owned by Clarke Realty Ltd. Partnership, total an area of 7.38-acres and are identified by the
55 following Tax Map Parcel numbers: 0 Krif Rd (3.84-acres, TMP# 115-019-000-000) and 472
56 Winchester St (3.54-acres, TMP# 115-020-000-000).
57

58 Senior Planner Tara Kessler addressed the Committee first and began by explaining the process
59 for amending the Zoning Ordinance. She stated this process started when the applicant submitted
60 an application to amend the Zoning Ordinance to the City Clerk, which occurred a few months
61 ago. The application was introduced to City Council as a proposed ordinance for its first reading.
62 The next step is for the Joint Committee to hold a public workshop. If the Joint Committee is
63 inclined to vote on this item, the vote from the Planning Board would be to indicate that this
64 proposal complies with the Master Plan and the PLD Committee will vote to request the Mayor
65 set a public hearing, which will happen at the Council meeting. It will then go to the City
66 Council for a final vote.
67

68 Ms. Kessler stated staff has conducted an analysis of this item. She noted this public workshop is
69 not a public hearing, but the Chair typically welcomes public comment. Ms. Kessler added that
70 the focus of the Joint Committee in evaluating this proposal should be on whether the proposed
71 zoning district, including the types of uses that are allowed in this district, would be suitable for
72 the land in question. The focus should not be on a specific proposal for how the applicant/
73 petitioner intends to use the subject parcels.
74

75 Applicant Chad Branon Civil Engineer with Field Stone land Consultants representing
76 AMERCO Real Estate Company and the landowner Clark Realty Partnership addressed the
77 committee. He noted Jeffrey Vane from AMERCO Real Estate Company was also present
78 tonight.
79

80 Mr. Branon referred to a plan, which represents the two properties, for which the applicant is
81 requesting a change to. The properties are located on the south side of the city. 472 Winchester
82 Street consists of 3.54 acres with frontage on Winchester Street and Krif Road. This property is
83 currently developed and has a 30,172 square foot industrial warehouse building plus a 3,720

84 square foot service shop. The property on Krif Road consists of 3.84 acres of land, with frontage
85 on Krif Road and is mostly a vacant lot with the exception of parking used by operations at 472
86 Winchester Street. Both properties were formerly used by Clark Distributors until about
87 2017 and since that time the properties have been on the market for sale.
88

89 Mr. Branon noted the subject premises are surrounded by businesses, which include Hamshaw
90 Lumber to the southwest, Granite Glass to the west and to the north - vacant land, car dealerships
91 and rental stores. To the east is Douglas Cuddle Toys. At the present time, the Industrial District
92 does not allow for retail uses, restaurants, office, motor vehicle dealerships, nurseries, or funeral
93 parlors. He stated most of these uses are prevalent along Winchester Street but they are not
94 allowed. He noted when comparing the permitted uses in the Industrial and the Commerce
95 Limited Districts, there are many similarities. Uses that are permitted in both districts include
96 bulk storage, assembly and distribution, businesses with garages, health and fitness centers,
97 manufacturing, repair shops, paint shops, childcare facilities, research facilities, wholesale
98 facilities.
99

100 Mr. Branon stated they feel the subject premises will be better served if it is zoned in the
101 Commerce Limited District. The Master Plan identifies Winchester Street as a key gateway
102 corridor and the uses identified in Commerce Limited District would be better suited along this
103 corridor than the more heavy impact uses in the Industrial District. If this property is rezoned as
104 requested, the subject premises would not be able to be used for activities such as an asphalt
105 plant, forge, tannery, bulk storage of flammable materials, or a recycling plant.
106

107 As the two subject parcels are along the Winchester Street gateway corridor, have close
108 proximity to Ash Swamp Brook and the properties are partially located in the floodway, the
109 applicant feels rezoning of the property would be consistent with goals of the Master Plan.
110

111 With reference to dimensional requirements, this change will have more stringent requirements
112 regarding minimum lot width, setback requirements, and percentage of impervious surface and
113 requires more lot frontage. The applicant as a result all of these issues combined will not have a
114 negative impact due to the requested change on surrounding properties.
115

116 With respect to the parcel's compatibility with the proposed district, the applicant feels the site
117 currently borders the Commerce Limited District, and is surrounded by uses that are allowed in
118 this district.
119

120 Mr. Branon went on to say AMERCO Real Estate Company is affiliated with UHaul Moving
121 Company and the plan is to move UHaul's current operations from 199 Marlboro Street to the
122 subject premises with a full service facility. Under the Industrial District, this proposal would
123 require a variance for retail service and truck rental and a special exception for self-storage use.
124 In discussion with City staff, it was concluded the applicant's best option would be to seek a
125 rezoning for the subject parcels, given the location of the zoning boundary and surrounding uses.
126 This concluded Mr. Branon's presentation
127

128 Staff comments were next. Ms. Kessler addressed the committee. Ms. Kessler stated the
129 applicant has done a good job with describing the subject premises and reiterated these
130 premises are surrounded by a mixture of commercial, manufacturing and retail uses and to the
131 north is an undeveloped cornfield. She indicated it was important to note that both parcels are
132 within the 100-year floodplain and portions are in the floodway, which means any future

133 development would require compliance with the Floodplain Ordinance regardless of whether
134 there is a change in zoning.

135
136 Ms. Kessler stated her presentation will focus mostly on the difference between the Commerce
137 Limited and Industrial Districts, with respect to the subject parcels. The intent of the Industrial
138 District is primarily to provide for manufacturing, processing, assembling, wholesaling,
139 transportation-oriented activities warehousing, and refueling depots. Retail sales and offices are
140 intended to only be accessory to the main uses in this district. The intent of the Commerce
141 Limited District is to provide an area intended for commercial uses that require larger land areas
142 than the commerce district and do not have high turnover of customer vehicle traffic. This
143 district is intended for light industrial and combined commercial and industrial uses. The intent
144 statement for this District requires that curb cuts be a minimum of 150 feet from any intersection
145 and at a minimum of 450 feet apart, the purpose of which is to limit the access points along
146 Route 10. Currently, the parcel at 472 Winchester St today has three curb cut openings; two
147 along Krif Road and one is along Route 10 (Winchester St). She noted that currently, these curb
148 cut openings are not conforming with the distance requirements of the proposed district. She
149 explained that the zoning is intended to guide a future state of development, and if these parcels
150 are to become Commerce Limited, the curb cut distances would need to be adhered to if there are
151 changes made to these existing curb cuts or future curb cuts are proposed .

152
153 Ms. Kessler then went over the uses that are currently permitted in both districts. These
154 overlapping uses include: Assembling, Bulk storage excluding flammable materials, Garage as a
155 business, Health & Fitness Center, Manufacturing, Motor Vehicle Repair Garage, Paint Shop,
156 Noncommercial Outdoor Recreational Activity, Nursery or Child Care Facility, Processing,
157 Research & Development, Storage Facility (Self-Storage - allowed by special exception in
158 Industrial), Warehousing and Wholesaling. She then reviewed the uses in the Industrial District
159 that are not allowed in Commerce Limited. They include: Asphalt plant, Smelter, Forge,
160 Tannery, Explosive Manufacturing, Bulk storage & distribution of flammable materials, College,
161 Historic Site Open to the Public, Institutional Use and Recycling plant. The uses that are allowed
162 in the Commerce Limited District but are not allowed in the Industrial District include: Funeral
163 parlor, Greenhouse or nursery, Motor vehicle dealership, Office, Parking area, Private club,
164 lodge, or fraternal activity where primary function is indoors, Restaurant, and Retail
165 sales/services.

166
167 Ms. Kessler then talked about the dimensional requirements for the two districts and the
168 differences between them. For the most part, they align similarly, but there are some significant
169 differences. In the Industrial District, there is no minimum lot size, whereas the Commerce
170 Limited District requires a minimum of 20,000 square feet (both subject lots meet this
171 requirement). In the Industrial District, there is no minimum lot width at building line, whereas,
172 Commerce Limited requires 100 feet of minimum lot width at building line. In the Industrial
173 District, there is a required minimum 20-foot front set back. In the Commerce Limited District,
174 there is a required 100-foot front set back. She noted that some buildings currently in the
175 Commerce Limited District do not meet this front setback requirement today. In the Industrial
176 District, no more than 80 % of the lot may be occupied by structures; however, in the Commerce
177 Limited District no more than 40 % of the lot may be occupied by structures. The applicant has
178 indicated that the future owners are proposing to merge the two lots, which would expand
179 amount of area occupied by structures, but at the present time close to 40% of the lot at 472
180 Winchester St appears to be occupied by structures.

181

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

185

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

188

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

198

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

203

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

212

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

217

218 Councilor Greenwald stated one of the rules a while ago for the city was no net loss of industrial
219 land and commercial development south of the bypass and asked for staff comment and added he
220 is not opposed to the project. Ms. Kessler stated there are currently ten properties in Commerce
221 Limited District and this change would increase that number to 12. Whereas, the Industrial
222 District has 104 parcels, and this change would reduce that number by two. She noted there will
223 still be industrial uses but just not heavy industrial uses. Mr. Lamb added the two elements
224 Councilor Greenwald mentioned are principals of prior master plans and did take some shape in
225 the Comprehensive Master Plan from 2010 but they were not explicitly stated in the current plan
226 as they were stated in prior plans. He went on to say the Commerce Limited District was created
227 to attract activities of commercial development that had a lot of outdoor storage such as car
228 dealerships, lumber yards etc. which uses were previously located closer to downtown. He did
229 not see that there will be a significant loss of industrial uses as there are still number of industrial
230 activities that could still take place in this area even as Commerce Limited. As far as retail, this is

231 not an area where large-scale retail was contemplated and did not feel this was a substantial
232 change in that regard.

233
234 Councilor Remy referred to the language from the Master Plan and stated even though a specific
235 use is not being contemplated – he asked how the reference to “*high-quality, living-wage*
236 *industries should prevail over expansion of low-wage retail and service development*” fits in
237 with the conversion from Industrial to Commerce Limited. Ms. Kessler stated it would be up to
238 the Planning Board to determine whether the new uses proposed such as Funeral parlor,
239 Greenhouse or nursery, Motor vehicle dealership, Office compared to uses that would be lost
240 such as Asphalt plant, smelter, forge, tannery, explosive manufacturing, Bulk storage &
241 distribution of flammable materials, College, Historic site open to the public, Institutional use
242 and Recycling plant align with this objective or not. Mr. Lamb added as the City has been
243 evaluating industrial uses in other locations including the Marlboro Street corridor, where the
244 zoning changed from Industrial to Business Growth and Reuse) the City has tried to remove the
245 traditional smoke-stack type of industrial activities while retaining the industrial activities that
246 provide high value jobs without significant environmental impact.

247
248 Councilor Remy referred to Storage Facility (Self-Storage) – Allowed by special exception in
249 Industrial and asked whether this use in Commerce Limited would not require a special
250 exception. Ms. Kessler confirmed that it would be allowed by right in Commerce Limited.

251
252 Councilor Jones felt if industrial was going to be accommodated the proposed area is the best
253 location. He added if this change was going to be made there are three parcels south of the
254 location along Route 10 with very small area between the road and the river would fit in well as
255 an add-on. Mr. Lamb responded to that suggestion and stated the uses on those parcels are
256 industrial, motor vehicle repair and the other use, which is equipment rental, which would be
257 consistent with Commerce Limited. He added if these parcels were to be added to the rezoning
258 before the committee it will have to be re-noticed and a public workshop would need to be re-
259 scheduled, as staff has not had the opportunity to perform a review of those parcels.

260
261 Mr. Branon pointed out that the Commerce Limited District does permit a lot of industrial uses
262 and this change does not prevent this area to be used for industrial uses – all it removes is a
263 handful of heavy industrial uses, which uses will not be suitable along a state highway on a
264 gateway corridor.

265
266 Councilor Johnsen asked why the floodplain issue would not be addressed first before the zoning
267 change is made. Ms. Kessler stated if there is substantial change made to this site; the applicant
268 would need to comply with the City’s Floodplain Ordinance regardless of the zoning change.
269 However, no development is proposed as part of this request.

270
271 Chair Barrett referred to the frontage issue and noted for Commerce Limited the required amount
272 is 100 feet, but 0 Krif Road is only at 50 feet. The Chairman asked what would happen if this
273 change is made and 0 Krif Road remains as a stand along property with a 50-foot front setback.
274 Ms. Kessler stated it will then become a legally non-conforming lot.

275
276 Councilor Remy clarified for the Industrial District the permitted front setback is 50 feet but the
277 proposed change to Commerce Limited is why this property will become legally non-
278 conforming. Ms. Kessler replied in the affirmative.

279

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

282

283 A motion was made by Mayor George Hansel that the Planning Board find that the proposed O-
284 2020-04 is consistent with the community goals and comprehensive master plan,

285 The motion was seconded by Councilor Michael Remy and was unanimously approved by a roll
286 call vote.

287

288 A motion was made by Councilor Philip Jones that the Planning, Licenses and Development
289 Committee request the Mayor set a public hearing on O-2020-02.

290 The motion was seconded by Councilor Mitch Greenwald and was unanimously approved by a
291 roll call vote.

292

293 **5. Next Meeting: June 8, 2020 6:30 pm**

294

295 **6. Adjourn**

296 The meeting adjourned at 7:36 PM.

297

298

299 Respectfully submitted,

300

301 Krishni Pahl,

302 Minute Taker

303

304 Reviewed and edited by Tara Kessler, Senior Planner

CITY OF KEENE
NEW HAMPSHIRE

MEMORANDUM

Date: June 1, 2020

To: Joint Committee of the Planning Board and the Planning, Licenses and Development Committee

From: Tara Kessler, Senior Planner

Re: Building Better Together / Draft Congregate Living & Social Service Ordinance Update

At the June 8, 2020 Joint Committee meeting, staff will be presenting a proposed schedule for reviewing the draft Land Development Code and beginning the process for adoption. Due to the COVID-19 State of Emergency, and the associated transition to a remote meeting format, the timeframe anticipated for submitting the draft Land Development Code (also referred to as Unified Development Ordinance or UDO) for adoption has had to shift. Staff had anticipated a late Spring release of a draft Ordinance with the process for adoption initiating in the summer months. The revised schedule anticipates a release of a preliminary draft this summer for review before the Joint Committee and the public, with the process for adoption beginning in the early fall, when it is expected that in-person meetings can resume.

The schedule that staff plan to review at the June meeting will provide an overview of proposed timeframes and formats for how the draft Land Development Code will be reviewed with the Joint Committee, as well as the with the public and development community.

Incorporated within the draft Land Development Code is the language of the Congregate Living / Social Services draft Ordinance, which the Joint Committee spent the months of September 2019 through March 2020 reviewing through the public workshop process. At the March meeting, the Committee continued this public workshop to June, with the expectation that staff would bring the draft Congregate Living / Social Service Ordinance into the Land Development Code. Staff do not have any new information or edits to share with the Joint Committee on this draft Ordinance at the June meeting. Further discussion on the draft Congregate Living / Social Service Ordinance will occur through the review of the preliminary draft Land Development Code and through the process for its adoption. Staff will provide the Joint Committee with further guidance on the process for moving this draft Ordinance forward through the City Council.