

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, June 22, 2020

6:30 PM

Remote Meeting via Zoom

Members Present:

Douglas Barrett, Chairman
Chris Cusack, Vice-Chair
Councilor George Hansel
Michael Burke
Andrew Weglinski
Mayor George Hansel
David Orgaz
Pamela Russell Slack
Councilor Michael Remy
Emily Lavigne Bernier, Alternate

Staff:

Rhett Lamb, Asst. City Manager/Community
Development Director
Tara Kessler, Senior Planner
Mari Brunner, Planner

Members Not Present:

Gail Sommers
Tammy Adams, Alternate

I. 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 18 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 20 discernible to the public at the location specified in the meeting notice as the location of the 21 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 24 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 27 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, which he stated. 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.

The Chairman called the meeting to order and a roll call was taken. All members present stated their location and who was in the room with them. Chair Barrett elevated Emily Lavigne-Bernier to a voting position for the meeting.

II. Minutes of Previous Meeting – May 26, 2020 Meeting

A motion was made by Mayor George Hansel to accept the May 26, 2020 minutes. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

III. Public Hearings:

SPR 108 Modification 2 –526 Main Street, VIP Tires & Service - Applicant John Quirk, on behalf of owner, Sandri Realty Inc., proposes to remove a bicycle rack and install parking in front of the building located at 526 Main Street (TMP# 114-001-000). Waivers are requested from Development Standards #12 – Traffic, and #19 – Architecture and Visual Appearance. The site is 1.85 acres and is located in the Commerce District.

A. Board Determination of Completeness.

Planner Mari Brunner stated the Applicant has requested exemptions from submitting a Lighting Plan and technical reports that are not relevant to this request. Staff has determined that exempting the applicant from submitting this information would have no bearing on the merits of this application and recommends that the Planning Board accept the application as complete. A motion was made by Mayor Hansel that the Board accept this application as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

B. Public Hearing

Mr. Michael Petrovich of Michael Petrovich Architects addressed the Board on behalf of Applicant, 522 Main Street LLC. He indicated since the May 2020 Planning Board meeting, 522 Main Street LLC has executed a Purchase and Sales Agreement to purchase both 522 and 526 Main Street. 526 Main Street is a 1.5-acre parcel of land located on Main Street south of Route 101. He noted his client received approval to redevelop this property at the May Planning Board meeting and rehabilitate the existing building for use as a VIP Tire & Auto Center.

Mr. Petrovich referred to the modification before the Board tonight which consists of adding five parking spaces; one at the northwest corner adjacent to the curb cut and four on the southwest corner of the site. He noted these parking spaces were left out of the original site plan, as the applicant was under the impression the location of these spaces required Zoning Board approval. However, the Zoning Administrator has deemed a variance was not necessary because this is a

rehabilitation and not a new site. Even though this decision came prior to the last meeting it was too late to modify the site plan. Hence, staff advised the applicant to come before the Board with a modification. This concluded the applicant's presentation.

Chair Barrett clarified the applicant was requesting a variance from installing a bike rack. Mr. Petrovich stated the applicant feels the nature of this business would require customers to arrive in cars for car repairs and tire purchase and they would not arrive at the site on a bicycle.

Staff comments were next. Ms. Brunner addressed the Board. She stated the request today is to modify the site plan approved at the May 26 Planning Board meeting. The first request is to add five parking spaces at the front of the building and the second is to remove the bicycle rack which is a condition of approval from the May 26 Planning Board meeting. She noted this application was sent for departmental review but no comments were received from City departments.

Ms. Brunner noted the first relevant standard for this application is Traffic - Sub-section c.2. of this standard states, "*For Commercial and Multi-Family residential developments, bicycle parking shall be provided in racks or other similar facility.*" Ms. Brunner said the Applicant has submitted a written waiver request from this standard, which is attached to this staff report on page 18. She indicated in determining whether to grant this waiver request, the Board should consider the Planning Board waiver criteria, which are included on page 14 of the Board's packet. She pointed out the May 26th site plan application did not have a location for the bike rack but this was a condition of approval to add it in and today's request is to remove the bike rack.

The second relevant standard is Standard 19 - Architecture and Visual Appearance. Sub-section c.2. of this standard states, "*Off-street parking and traffic flow shall not interfere with the flow of pedestrian travel or otherwise detract from the aesthetic character of a development or redevelopment. All required off-street parking shall be to the side and/or rear of buildings on the proposed site, and such parking shall be screened or aligned so that headlights do not adversely impact abutting properties.*" The Applicant proposes to add four parking spaces in the southwest corner of the parking lot facing Main Street, and one parking space in the northwest corner of the parking lot facing the 522 Main Street property to the north. Ms. Brunner noted the applicant has submitted a written waiver request to allow for parking in front of the building, which is attached to page 19 of the Board's packet. This concluded staff comments.

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

Chair Barrett stated as far as the parking is concerned, based on the uses in the area he has no issue with the request. With respect to the bike rack, he stated he understands what the applicant indicated with respect to customers arriving at the site in cars but felt there could be employees who might ride a bike to work. He further stated the location of a bike rack is consistent with the city's energy goals adopted by the Council last year. He stated he was not inclined to approving this waiver.

Councilor Remy thanked the Chairman for raising the issue with employees arriving at the site in cars and agreed with the Chairman.

Ms. Russel-Slack stated she would vote in favor of this request and asked because the Chairman is in favor of the first request – whether the vote could be split. Community Development Director, Rhett Lamb stated if the Board wished to separate the two requests, he would suggest a motion be made to approve the plan and then an amended motion could be made to add or remove the bicycle rack.

Ms. Russel-Slack asked for the cost of a bike rack. The Chairman forwarded this question to the applicant. Mr. Petrovich stated a bike rack is not that expensive and added if the Board feels strongly about it, it can be added.

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board approve SPR-108 Modification #2, including granting a waiver from Development Standard 19, Architecture and Visual Appearance, as shown on the plan set identified as "VIP Tires & Service, 526 Main Street, Keene, New Hampshire" prepared by SVE Associates at varying scales on April 17, 2020 and last revised on May 12, 2020 with the following conditions prior to signature by Planning Board chair:

1. Owner's Signature appears on Plan

The motion was seconded by Councilor Remy.

Mr. Lamb stated this would be the time for someone to make an amendment to add the bike rack in if that is the choice the Board wished to make. Councilor Remy questioned how often the City has offered to exempt a bike rack with prior applications. He added if this is an exemption that has been offered in the past he did not wish to unduly place that restriction on this applicant – he asked for staff clarification. The Chairman recalled this is the first time he has seen an applicant asking for the removal of a bike rack.

Councilor Remy amended the motion to include a bike rack to this site plan. The amended motion was seconded by Chair Barrett.

Mayor Hansel stated without better reason why there should not be a bike rack he would agree with the amended motion.

Ms. Russell-Slack asked for clarification from staff whether this was a requirement for all new businesses. Chair Barrett recalled there have been applications that came before the Board with no bike racks included and the Board asked those applications to provide a bike rack but could not recall any applicant requesting a waiver not to include a bike rack. Mr. Lamb stated he could not recall in the past few years where an applicant requested a waiver from not installing a bike rack – he asked Ms. Kessler and Ms. Brunner for their comments as well. Ms. Kessler agreed with Mr. Lamb and so did Ms. Brunner who could not recall anyone asking for a waiver to not provide a bike rack.

The amendment to the motion carried on a unanimous roll call vote.

The original motion also carried on a unanimous roll call vote.

IV. Community Development Director Report

Mr. Lamb stated that the Board has two significant retirements at the end of 2020; the Chair and Vice-Chair will be done with their second term and will not be eligible to return to the Board as regular members. He stated in the next six months he would like to suggest members take a look at perhaps taking on a leadership role, and encouraged members to reach out to staff and the Chair and Vice-Chair to learn more about this.

Ms. Kessler addressed the Board next and referred to the schedule for the Land Development Code which the Joint Committee reviewed at its last meeting. The top half is the schedule for the next three months to review a preliminary draft through the Joint Committee setting. Over the next three months there are also various public hearings sessions being scheduled. The plan is to submit the document for Council approval on September 25 and this will begin a series of Joint Committee workshops in the fall.

She noted the next Joint Committee meeting is scheduled for July 13 where the draft will be reviewed. At the August and September meetings, more education and changes will be reviewed and public comment will be taken at that time as well.

VI. New Business

None

VII. Upcoming Dates of Interest – July 2020

Joint PB/PLD Committee – July 13; 6:30 PM

Planning Board Steering Committee – July 14; 11:00 AM

Planning Board Site Visits – July 22; 8:00 AM – To Be Confirmed

Planning Board Meeting – July 27; 6:30 PM

The meeting adjourned at 7:08 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Review and edits by Mari Brunner, Planner