



**Joint Committee of the
Planning Board &
Planning, Licenses & Development Committee**

AGENDA

August 10, 2020 at 6:30 PM

Zoom Meeting: <https://us02web.zoom.us/j/89382964232>

- This meeting will be conducted using the online meeting platform, Zoom.
- The public may **view the meeting online by visiting www.zoom.us/join** or call the toll-free # (888) 475-4499 and **enter the Meeting ID: 893 8296 4232.**
- *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 - July 13, 2020**
- 4. Petition – Objecting to Land Use Code Discussions over the Zoom Platform**
- 5. Review of Preliminary Draft Land Development Code**
 - Staff presentation on proposed changes in Draft Code
 - Questions and comments on Draft
 - Upcoming Public Info Sessions
- 6. Next Meeting – Monday, September 14, 2020**
- 7. Adjourn**

CITY OF KEENE
NEW HAMPSHIRE

**JOINT PLANNING BOARD/
PLANNING, LICENSES, AND DEVELOPMENT COMMITTEE
MEETING MINUTES**

Monday, July 13, 2020,

6:30 PM

Virtual Meeting on Zoom

Planning Board Members Present

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

Planning Board Members Not Present

Andrew Weglinski

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

Councilor Kate Bosley
Councilor Phil Jones
Councilor Mitch Greenwald
Councilor Catherine Workman
Councilor Gladys Johnsen

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

Staff Present

Rhett Lamb, Assistant City Manager /
Community Development Director
Mari Brunner, Planner
Tara Kessler, Senior Planner
Med Kopczynski, Director of Economic
Development and Special Projects

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 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.*

30 • *All board participants shall identify the location from where they are participating and who is*
31 *present in the room with them.*

32
33 Chair Barrett provided information to the public on the various options available for joining the
34 meeting.

35
36 **2. Roll Call**

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

38
39 **3. Approval of Meeting Minutes – June 8, 2020**

40 A motion was made by Councilor Phil Jones that the Joint Committee accept the June 8, 2020
41 meeting minutes. The motion was seconded by Councilor Kate Bosely and was unanimously
42 approved.

43
44 **4. Review of Preliminary Draft Land Development Code**

45
46 The focus of this agenda item was a presentation from City staff on the preliminary draft Land
47 Development Code (also known as Unified Development Ordinance), which was released for
48 public review on July 13, 2020.

49
50 Chair Barrett thanked staff for all the effort that has gone into this document. Senior Planner
51 Tara Kessler addressed the Committee and stated this is the first time this draft of the land
52 development code document has been made available to the public.

53
54 Ms. Kessler revisited and reviewed the schedule she had shared with the Committee last month,
55 which starts with the July 13 Joint Committee. She noted that there will be a number of
56 upcoming meeting scheduled for the public and the Joint Committee to continue to review, ask
57 questions, and share comments on this draft. It is anticipated that a final draft will be available at
58 the end of September to be submitted for adoption to City Council. Following submission of the
59 draft to City Council a series of public workshops will be held with the Joint Committee, as well
60 as public hearings with the City Council before the Council votes on the draft.

61
62 Ms. Kessler went over the project goals which are to make processes for review, approval and
63 issuing development permits in the city simple and more efficient; to combine all regulations
64 relating to the use and development of land into one document; to make it easier to navigate
65 regulations; and to reduce confusion.

66
67 Councilor Jones referred to the timeline that was shared and clarified that this draft will not be
68 codified until September 25, and changes can be made until that time. After that time, any
69 change would have to be in the form of an amendment. Ms. Kessler agreed that the current draft
70 is preliminary and is not a formal ordinance. Once the draft is submitted to the City Council it
71 will receive an ordinance number and will follow the path of a zoning ordinance amendment.
72 Mr. Kopczyński added that as many changes the Joint Committee could offer prior to the draft
73 being submitted as an ordinance for review would be the best option.

74
75 Ms. Kessler went on to say another objective with this process is to modernize zoning in the
76 downtown district, and to ensure the regulations promote the City's goals for development and
77 redevelopment in these areas.

78

79 She noted that the intent of the draft Land Development Code and its parent project, Building
80 Better Together, is to provide a more consistent and predictable process for developers, and
81 locate all information in one place for them to access. For residents and business owners, it is
82 viewed as a more user-friendly process. For city officials and city staff, by locating everything in
83 one place, this will make the review and approval process clearer and will allow time to better
84 serve constituents.

85
86 Ms. Kessler then reviewed the draft Land Development Code Table of Contents and explained
87 which regulations are existing and where they currently are located in the City Code, and which
88 regulations are newly proposed as part of this draft.

89
90 Ms. Kessler provided an example of the process and regulations that a land owner would need to
91 navigate today for something as simple as a subdivision. She highlighted the value of locating
92 all of the regulations into one document. The proposed document has all these items in one
93 location. She added staff is also working with the consultant on graphics for this document

94
95 Ms. Kessler then referred to the updated Use Table. She noted that the some of the current
96 permitted uses are outdated and uses between districts are inconsistent as to how they are
97 described. There is proposal to use new terms to properly describe some of these uses. She noted
98 that there are also new categories of uses proposed in this draft such as for Congregate Living
99 and Social Services as well as for Solar Energy Systems.

100
101 The other big change is with parking standards. The current standards are outdated and limited.
102 She reviewed updates proposed to the minimum parking requirement table and noted that this
103 table now mirrors the proposed use table. She explained that changes are proposed that will
104 allow options for property owners to see reductions in the required minimum onsite parking.

105
106 Ms. Kessler noted one of the biggest changes being proposed related to park is with respect to
107 the current exemption from having to provide on-site parking in the Central Business District.
108 The draft code proposes to expand this area where onsite parking is not required to include the
109 proposed Downtown Core, Downtown Growth, and Downtown Limited Districts, which will
110 replace the Central Business and Central Business Limited Districts. However, parking for
111 residential uses would be required in this districts, where it is not required in some areas today.
112 This parking would be reduced from 2 space per dwelling unit to 1 space per unit.

113
114 Ms. Kessler noted that there are currently 19 development standards the Planning Board relies on
115 for site plan review. With this draft, this number has been reduced to eliminate redundancy or
116 overlap with other regulations. The draft proposes updates to the standards for screening
117 mechanical equipment, and to the noise standard. The architectural and visual appearance
118 standard today is fairly subjective and open ended. What staff learned through this process is that
119 there is not interest in having set design standards in the zoning ordinance. Instead, there is
120 support for more predictable standards that can applied as part of a discretionary review.

121
122 Ms. Kessler noted that this draft proposes separate subdivision regulations. Today these
123 regulations are the same for subdivision and site plan review.

124
125 Ms. Kessler stated staff has been trying to balance the need to protect the community, encourage
126 the goals of the master plan and look at the need for economic development in the city and have
127 been looking for ways to streamline processes without undermining city's goals.

128

129 With respect to the Historic District Regulations, the draft proposes to exempt buildings younger
130 than 50 years from review and for more opportunity of administrative review of projects.

131
132 Staff is also proposing another level of site plan review – a site plan review committee; an
133 intermediate step between major project review and administrative review. At the present, there
134 are thresholds that determine what projects require site plan review before the Planning Board
135 and what can be reviewed by the Community Development Director. She noted that more
136 discussion and review is needed regarding this proposal; however, the intent is to create more
137 opportunity to streamline the review process.

138
139 Ms. Kessler then reviewed the six new Downtown Zoning Districts. These districts have
140 dimensional requirements that are slightly different than other areas of the City, e.g. build to
141 percentages and zones. Ms. Kessler added this draft does not address the SEED District as staff
142 is still trying to figure out how to address this district. The new downtown districts allow for
143 more flexibility and density in some areas and this had been the goal of the SEED District. She
144 further stated staff is still working on the Definitions Section, but there are definitions for uses
145 and measurements built into this current draft. This concluded Ms. Kessler’s presentation.

146
147 Mr. Lamb stated he was excited to see this item finally get public review and noted this is
148 culmination of a lot of work. He stated he was looking forward to the next few months. Mr.
149 Kopczyński thanked Ms. Kessler for all the work she has put into this document.

150
151 Councilor Bosley stated for future meetings it would be helpful to have an outline as to when the
152 committee will be going through which sections so the committee can be prepared. Ms. Kessler
153 agreed and stated if the committee has questions or comments that arise when reviewing the
154 document to please reach out to staff.

155
156 Councilor Jones commended staff for their work but noted it was unfortunate new members
157 could not attend the workshop on Zoning 101 that staff held at Hannah Grimes two years ago. He
158 urged the committee to review the UDO completed by Buffalo, New York as a model.

159
160 Ms. Somers asked whether there is an abbreviated version of the workshop held at Hannah
161 Grimes which can be made available to members. Ms. Kessler stated Zoning 101 is something
162 that is available; however, she would have to brainstorm how to hold this workshop in a virtual
163 environment. She stated this is a role-playing exercise, where participants are placed in the
164 position of an applicant and they have to figure out how they would navigate regulations as to
165 how they would build something.

166
167 Councilor Johnson thanked staff and asked who in the city will be able to help someone in the
168 public understand this process. Ms. Kessler stated the Community Development Department
169 staff are working to make the process of inquiring about and applying for development permits
170 more accessible and user friendly.

171
172 Mr. Lamb referred to what Councilor Jones had stated and hoped the committee would find some
173 examples used in Buffalo, NY in this document as inspiration was taken from this document.

174
175 Ms. Kessler referred to the draft on the screen for the committee. She reviewed the document and
176 noted most items will have hyperlinks.

177
178 This concluded Ms. Kessler’s presentation.

179

180 The Chairman asked for committee questions. The Committee had no questions.

181 The Chairman asked for public comment next. There were no comments or questions from the
182 public.

183

184 The meeting adjourned at 7:36 PM.

185

186

187 Respectfully submitted,

188

189 Krishni Pahl,

190 Minute Taker

191

192 Reviewed and edited by Tara Kessler, Senior Planner



City of Keene, N.H.
Transmittal Form

August 4, 2020

TO: Mayor and Keene City Council

FROM: Peter S. Espiefs

THROUGH: Patricia A. Little, City Clerk

ITEM: C.3.

SUBJECT: Petition - Objecting to Land Use Code Discussions Over the Zoom Platform

COUNCIL ACTION:

In City Council August 6, 2020.

Mayor Hansel noted that he would be referring the petition to the Joint Planning Board and Planning, Licenses and Development Committee for their discussion. The Mayor added that the meetings being objected to are not part of the official adoption of the ordinance. The meetings are part of the public outreach that the City is doing.

ATTACHMENTS:

Description

Petition

BACKGROUND:

Peter Espiefs has submitted a petition signed by 11 property owners who are objecting to the Land Development Code process being conducted over the Zoom platform. The petition is requesting that any further review be postponed indefinitely until such time as the threats of COVID 19 pandemic are over and municipal government has returned back to its normal face-to-face meetings.

29 Middle St.
Keene, NH 03431
August 4, 2020

The Honorable Mayor and City Council
City Hall
Keene, NH 03431

Re: Petition containg Objection and Motion to Postpone ZOOM Hearings
and Sessions relating to proposed chnges to the LAND DEVELOPMENT CODE

Honorable Ladies and Gentlemen:

Attached for your consideration and action is the above Petition with separate copies of the same signed by local property owners who support the Petition . Please reserve us a copy of deliberations on the petition. Please notify us of your action and,if needed,any questions.

Respectfully,


Peter S. Espie

pse/sw
encl. - Attached Petition noted above

352-2770

Petition TO The City Of Keene, New Hampshire

Objection to and Motion To Postpone Hearings
on the Draft Land Development Code set for
Hearings at City Hall via a ZOOM process on
August 12 and August 13 at Keene City Hall

As a property owner in the sectors of the City that will probably be affected by Land Development Code, and as a citizen concerned about those vulnerable to the Covid 19 virus pandemic, I respectfully present my reasons for Objecting and Motion To Postpone:

The ZOOMed sessions being offered are not the equivalent of a "public" hearing for several reasons;

First, the public in general does not have access to the technology; second, the technology of Zoom has several limitations that prevent it from being a suitable substitute for a comprehensive "public" inquiry by those who have this technology; third, there is no law permitting the use of Zoom as and for the vehicle for a "public" inquiry. Finally, the ability to talk with City officials or representatives in person or by telephone, is no substitute.

The City's offer to conduct this proceeding through a ZOOM process shows it is aware of the possible public harm that would attend a conventional "Pre-Virus" hearing. However, a Zoom hearing is basically inadequate to fill the "public" requirement. No compelling urgency has been presented for this Draft Land Development Code process to proceed under the circumstances.

WHEREFORE, your petitioner moves that:

The said hearings on the Draft Land Development Code be postponed indefinitely until such time as the appropriate Government Authority decrees or rules that the public health and safety have been restored from the threats of the Covid 19 pandemic, and ~~municipal~~ business may return to normal.

Respectfully submitted,

Peter S. Espiers
Peter S. Espiers, ~~property~~ owner

29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

Thom Swastar 75 Winter St., Keene

Don Swastar 75 Winter St., Keene

11 signatures

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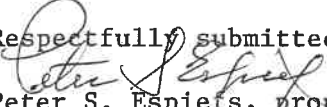
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Respectfully submitted,


Peter S. Espiers, property owner

29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

REV. Stavros Ballas, an out-of-state resident and owner of 31 Summer St., Keene, by his brother and authorized agent, Chris Ballas;

Rev Stavros Balla by Christopher Ballas

Petition TO The City Of Keene, New Hampshire

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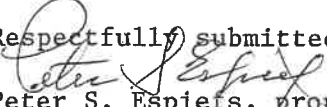
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Respectfully submitted,


Peter S. Espiers, property owner

29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

Michael Zoll 18 Summer St.

Petition TO The City Of Keene, New Hampshire

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Respectfully submitted,

Peter S. Espiers
Peter S. Espiers, property owner

29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

Anthony M Tremblay 67 Summer St, Keene
Barbara S. Tremblay 67 Summer St, Keene

Petition TO The City Of Keene, New Hampshire

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Peter S. Espiers
Peter S. Espiers, property owner

29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

J-R D Jonathan Patavis 61 Summer St.

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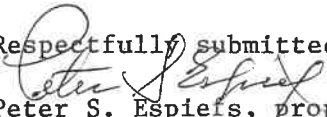
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Respectfully submitted,


Peter S. Espiers, property owner

29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

 _____ 69 School St.

 _____

Petition TO The City Of Keene, New Hampshire

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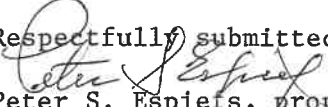
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Respectfully submitted,

Peter S. Espiers, property owner
29 Middle St., Keene, NH

The undersigned agree and join in this Petition:

- Robert W. Farnan 59 School St. Keene, NH
- Jeanne Marie Farnan 59 School St Keene NH
- _____
- _____
- _____
- _____
- _____
- _____

CITY OF KEENE
NEW HAMPSHIRE

MEMORANDUM

Date: July 30, 2020

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

From: Tara Kessler, Senior Planner

Re: Review of Preliminary Draft Land Development Code

At the August 10, 2020 Joint Committee meeting, staff will be reviewing the following topics as part of Agenda Item #4 – Review of Preliminary Draft Land Development Code. Topics that are not addressed due to time, will be revisited at the September 14, 2020 Joint Committee meeting. Please come prepared to this meeting having reviewed the article/section of the draft code referenced next to each topic below. A copy of the draft code is available at www.keenebuildingbetter.com/draftcode.

- **Introduction:** Staff will provide a brief overview of the structure of the Code and how it differs from the current regulatory structure. An emphasis will be placed on the format of the Administration Chapter (Article 25).
- **Principal Permitted Uses:** Staff will review major changes proposed to the principal permitted uses in zoning districts (Article 8).
- **Congregate Living / Social Service Uses:** Staff will provide an overview of the remaining questions / outstanding concerns related to these newly introduced uses (Article 16, see definitions in Section 8.3.4).
- **Proposed Downtown Districts / Zoning Update:** Staff will provide a brief overview of the changes proposed to the Downtown zoning districts (Article 4).
- **SEED & BGR Incentive:** Staff will discuss proposed changes to the SEED District and to the BGR District's green building incentive (Article 15).
- **Site Plan Review Process:** Staff will present on proposed changes to the thresholds and review processes for site plan review (Article 25, Section 25.10)
- **Surface Water Protection Ordinance:** Staff will revisit questions on proposed changes to this Ordinance, which were recommended by the Conservation Commission (Article 11).
- **Solar Energy System Uses & Conditional Use Permit:** Solar Energy System is a new/proposed use to the Zoning Regulations, and staff will provide a review of the proposed uses and related conditional use permit criteria/standards for these uses (Article 17).
- **Parking:** Staff will review the proposed minimum parking requirements, and process for seeking in a reduction in these requirements, as well as other major changes to these regulations (Article 9).
- **Conservation Residential Developments** – Staff will address proposed changes to regulations on this type of subdivision (Article 20).

KEENE LAND DEVELOPMENT CODE

VIRTUAL PUBLIC INFO & COMMENT SESSIONS

Ask questions, share comments, or learn more about the **first draft** of the Land Development Code (including downtown zoning updates) at one of these upcoming virtual sessions.

No access to a computer or smart device? Call: 877 853 5257 (Toll Free) & Enter the meeting ID #

Session 1:

Wed., Aug 12

12:00-1:00 pm

Visit: zoom.com/join

Enter ID: **898 5275 4454**

Session 2:

Thu., Aug 13

6:30-7:30 pm

Visit: zoom.com/join

Enter ID: **817 7743 7927**



For more info & to review the draft Code visit:

keenebuildingbetter.com

Phone: 603-352-5440