

City of Keene
New Hampshire

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

Monday, July 13, 2020

6:30 PM

Remote Meeting via 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.*

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

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

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 – June 8, 2020**

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

4) **Review of Preliminary Draft Land Development Code**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This concluded Ms. Kessler's presentation.

The Chairman asked for committee questions. The Committee had no questions.
The Chairman asked for public comment next. There were no comments or questions from the public.

The meeting adjourned at 7:36 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by Tara Kessler, Senior Planner