

City of Keene
New Hampshire

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

Monday, November 9, 2020

6:30 PM

Remote Meeting via Zoom

Planning Board Members Present:

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

Planning Board Members Not Present:

Michael Burke
Andrew Weglinski
Tammy Adams, Alternate

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

Councilor Kate Bosley, Chairman
Councilor Mitch Greenwald
Councilor Philip Jones
Councilor Catherine Workman

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

Councilor Gladys Johnsen

Staff Present:

Rhett Lamb, Community Development Director
Mari Brunner, Planner
Tara Kessler, Senior Planner

1. Statement of Authority to Hold Remote Meeting

Chair Bosley 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 Bosley said the public may access the meeting online by visiting the Zoom website, www.zoom.us/join, and entering the Meeting ID 893 8296 4232, or call (888) 475-4499 and enter the Meeting ID 893 8296 4232, or view live on Cheshire TV Channel 1302. She added if anyone had issues accessing the meeting to call 603-209-4697. She added the agenda and supporting materials are available at: ci.keene.nh.us/joint-planning-board-planning-licensesand-development-committee.

2. Call to Order & Roll Call

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

3. Approval of Meeting Minutes – September 14, 2020 Meeting Minutes

A motion was made by Councilor Jones that the Joint Committee accept the September 14, 2020 meeting minutes. The motion was seconded by Councilor Mitch Greenwald and was unanimously approved.

4. Public Workshop Ordinances O-2020-10 & O-2020-11 – Relating to the establishment of the City of Keene Land Development Code and changes to the City's downtown zoning districts. Petitioner, City of Keene Community Development Department, proposes to update and unite the City of Keene's regulations related to land use and development, including the Zoning Regulations, into the City of Keene Land Development Code; to establish 6 new zoning districts in Keene's downtown area (Downtown Core, Downtown Growth, Downtown Limited, Downtown Edge, Downtown Transition, Downtown Institutional Campus); to remove the Gilbo Avenue Design Overlay District and the Downtown Railroad Property Redevelopment Overlay District; and, to modify the SEED Overlay District. This proposeGd map change would affect 316 parcels, encompassing a total land area of approximately 220-acres, and would result in the removal of the Central Business and Central Business Limited Zoning Districts.

Community Development Director/Assistant City Manager Rhett Lamb addressed the Committee first and noted this is an item that has been worked on by many different departments in the City. He thanked the Joint Committee for their attendance today and their participation. Mr. Lamb stated this is a significant response to goals of the Comprehensive Master Plan and Economic Development Plan and has the potential to impact economic development in Keene for years to come.

Other members of the project team introduced themselves. These members included Senior Planner Tara Kessler, Building and Health Official John Rogers, Planner Mari Brunner, and Director of Economic Development, Initiatives and Special Projects Med Kopczynski. Mr. Kopczynski stated this journey started 15 years ago and what is before the Committee will shape what the community is and will become. He noted the purpose of this document is to make land use regulations easier to understand for its users. He noted this work essentially started in 1927 (with the initial adoption of zoning regulations in Keene), then again in 1970 (the last time the City's zoning regulations were comprehensively updated), and then more recently this project, which is an outcome of the Master Plan and the direction of the City Council.

Ms. Kessler addressed the Committee and stated that land use regulations can be a complicated to understand, and not many have the experience working with them directly.

Ms. Kessler explained that an ordinance is a law established at the municipal level, and in New Hampshire, towns and cities have only the powers that the State of New Hampshire grants to them. She noted that as a city, Keene follows a different process to adopting and creating land use regulations than towns in New Hampshire. Ms. Kessler went over that process.

The first step is an Ordinance Application submission to City Council (Ordinances O-2020-10 and O-2020-11 were introduced in October to the City Council). The City Council then refers the Ordinance to the Joint Committee for a public workshop. The Joint Committee is made up of the nine member Planning Board, which is appointed by the City Council, and five member Planning Licenses and Development Committee which is a subcommittee of the City Council. Ms. Kessler noted for this ordinance staff anticipates there will be at least seven public workshops. She noted this process is slightly different as a number of different regulations are being reviewed in addition to the Zoning Regulations. As a result, the Historic District Commission and Planning Board will also be holding public hearings on specific sections of the proposed Code, and ultimately the City Council will hold a public hearing to hear public comments on the Ordinance. Ms. Kessler noted there will be many opportunities for the public to make comments/ask questions, and it is likely amendments will be made to the proposed Code before it is finally adopted.

Ms. Kessler went over the proposed public workshop schedule next. The meeting dates and topics of focus are listed below.

- November 9, 2020 at 6:30 pm (remote meeting) today's focus would be on reviewing Articles 1 – 9 of proposed Land Development Code and address comments/questions from previous meeting.
- November 16, 2020 at 6:30 pm (remote meeting) to review Articles 10-18 of the proposed Land Development Code and address comments/questions from previous meeting.
- December 14, 2020 at 6:30 pm (Keene Recreation Center) and February 8, 2021 6:30 pm (Keene Recreation Center). Tentative in-person opportunity for public to provide comments/questions on proposed Ordinances. (If this session cannot happen due to COVID related safety concerns, it will take place remotely).
- January 11, 2021 at 6:30 pm (remote meeting) to review of Articles 19 – 22 of proposed Land Development Code and address comments/questions from previous meeting.
- January 19, 2021 at 6:30 pm (remote meeting) to review of Articles 23 - 28 of proposed Land Development Code and to address comments/questions from previous meeting.
- February 8, 2021 at 6:30 pm (Keene Recreation Center). Tentative in-person opportunity for public to provide comments/questions on proposed Ordinances. (If this session cannot happen due to COVID related safety concerns, it will take place remotely).

- March 8, 2021 at 6:30 pm (remote meeting) for Committee to vote on consistency with Master Plan and to recommend the Mayor set a Public Hearing Date.

Ms. Kessler noted as the process moves forward there could be more meetings in the public workshop phase.

Ms. Kessler went over the ways in which the public can participate and provide comments. The public can view meetings live online or on Chehsire TV, or can view recorded meetings on the City Website. All meeting materials will be posted to the City website. The public can submit written comments via email to communitydevelopment@ci.keene.nh.us, mail, or hand deliver at City Hall by 3 pm on the day of the meeting. The public can also meet with city staff and city officials by appointment if they would like to review questions or provide comments to be shared with the Committee. Additional information is available by visiting www.keenebuildingbetter.com.

Ms. Kessler noted that the reason the city is updating its land use regulations now is because as mentioned earlier, the most recent comprehensive update was in 1970. There are uses the City wasn't anticipating today as compared to what was happening in 1970. The need for an update was identified as a top priority of the City's 2010 Comprehensive Master Plan. She explained that the current regulations are difficult to navigate, sometimes inconsistent or outdated. She referred to the many documents one would have to review to complete a commercial development including the Planning Board Subdivision and Site Plan Regulations, Zoning Ordinance, Historic District Regulations, and many other city code chapters. Ms. Kessler went on to say another reason for this update is to enhance economic opportunities while maintaining the City's unique character.

There were three guiding principles staff followed when working on the proposed Code, that it be simple and easy to read and understand, promoted an efficient process for review, and be thoughtful.

A major goal of this project is to have all land use regulations in one document. While staff was merging all information into one document, staff was also making sure all codes were up to date, and making it easy to understand by including graphics and changing language.

Another significant aspect of this proposed Code is proposed changes to the City's downtown zoning districts. The reason for updating Downtown Zoning is to allow for mixed uses and modern uses and to more closely align the dimensional standards with the existing pattern of development. In addition, the proposed changes address transition/buffer areas between the commercial downtown and adjacent residential areas. In the past there have been issues with residential areas that are located directly adjacent to the downtown.

Ms. Kessler noted that the process to update/consolidate the proposed Code has been going on for the last 2 ½ years. There has been a lot of outreach to the public over the course of this time. Presentations to community groups and organizations, meetings with individuals and small groups, public workshops and open houses, use of a downtown storefront, direct notices mailed to all property owners, use of local media, and the project website are some examples.

Ms. Kessler noted that many are wondering, how will this project impact me? For residents and business owners outside of downtown, there won't be much impact. The regulations will be

easier to understand and there will be some changes to permitted uses. For property owners / businesses in the downtown, there are more significant changes proposed that would mostly impact new development.

Ms. Kessler noted existing properties that are legally non-conforming, those uses and lots will continue to be allowed.

Ms. Kessler indicated staff have been working very closely with the development community and they feel this land use ordinance will create a clearer roadmap for development and will help to reduce confusion caused by the current regulations.

For City Boards and staff, this change will make the review and approval process clearer and easier to administer.

Ms. Kessler then explained what land use is; it is how a piece of property is used, including what activities are occurring on the land. For example, the land use most commonly seen in neighborhoods is single family residences. In the downtown, there are a variety of commercial land uses that are likely to be seen. In more rural areas, agricultural land uses may be more apparent.

Ms. Kessler reviewed what zoning is generally. Zoning is a tool used by communities to protect property rights and prevent against nuisances by making sure uses that are located near each other are compatible and the size and placement of buildings are appropriate for the areas they are located. Zoning does this through the establishment of districts. Some districts are focused on residential uses, while others are focused on commercial activity. Keene has had zoning in place since 1925 and the last comprehensive update to zoning happened in 1970. Each zoning district in Keene has different permitted uses and dimensional requirements. Ms. Kessler noted if a use is not listed as being permitted in that District, it would not be allowed to occur as the principal use of a lot. Uses that are accessory to a principal use may be allowed without being listed as a permitted use, however. Zoning regulations are a chapter of the City Code of Ordinances.

Ms. Kessler noted that commercial uses and multifamily dwellings are subject to the Planning Board's Site Plan Regulations. The Planning Board also oversees the Subdivision Regulations.

The City has a Historic District in the Downtown that has its own set of regulations. These regulations apply only to properties within the Historic District Boundaries.

The Zoning, Site Plan, Subdivision, Historic District regulations are proposed to be merged into one Code, as well as the Floodplain Regulations, Street Standards, and application procedures.

Ms. Kessler stated for tonight she will be focusing on the first nine Articles of the proposed Land Development Code.

Article 1 - Introductory Provisions:

Ms. Kessler noted that this section addresses the legal aspects related to the code, and is mostly introductory provisions for how to interpret the code which are present in the current regulation. It also has a section on Rules of Measurements and Exceptions which the current code does not have.

Article 2 – Establishment of Zoning Regulations & Districts:

Ms. Kessler noted that this section establishes the Zoning Map, the Zoning Districts, and the Zoning Overlay Districts. The city has four Overlay Zoning Districts that encompass the downtown area - Downtown Historic District, SEED District, Downtown Railroad Property Redevelopment District, and the Gilbo Avenue Design District. Ms. Kessler referred to a map which showed how these districts overlapped with each other. The proposed code is proposing to remove two of these districts – the Gilbo Avenue Design District and the Downtown Railroad Property Redevelopment District. The SEED District will be modified substantially (this will be discussed at the November 16 meeting).

Article 8 – Permitted Uses:

Ms. Kessler noted that this section talks about principal uses and where they are allowed and by what processes. There are two types of uses - Principal Uses and Accessory Uses. Principal uses are the main use of a lot. For example, a single family home may be the principal use of a particular lot and a chicken coop or solar array on that same lot may be considered an accessory uses. Accessory uses must be subordinate and incidental to the principal use.

Principal Uses in the city are allowed by one of the following processes:

- (1) By-right (Permitted without limitations).
- (2) Some uses are permitted with limitations – e.g. bed and breakfast has a limit to the number of guest rooms permitted.
- (3) Conditional Use Permit (CUP)
- (4) Special Exception

For Conditional Use Permit (CUP) there are standards specific to the proposed that apply, there is an application process and public hearing is required before the Planning Board. For a Special Exception (SE) it is same as above but the Zoning Board would review and act on these uses.

Some of the big changes being proposed with this Land Development Code are as follows:

- The principal uses are grouped by categories (e.g. residential, commercial, institutional, etc.).
- New terms/use types have been introduced to update clarify existing uses and to create more flexibility as to where a use may occur.
- The standards related to specific uses have been consolidated with the definitions for the use in one section.
- Greater guidance is provided on use determinations made by Zoning Administrator – the City cannot account for all uses that are likely to occur, and the Zoning Administrator has the authority to determine if a proposed use is similar in nature to an existing permitted use.
- It establishes a CUP for two new categories of uses, Congregate Living Social Service Uses and Solar Energy System Uses (will be discussed in length on November 16).
- It deletes the use “Institutional Use”, which is broadly defined today and some of these uses are duplicated under other use tables. Today the uses that fall under institutional use include: *health care facility, hospital, accessory (temporary) housing for families of patients admitted to a hospital, clinic, nursing home, sanitarium, convalescent home, home for the aged, private school, child care facility, place of worship, senior center, and museum.* Institutional Use is permitted today in many zoning districts by SE or by right. The proposal is to replace Institutional Use with the specific institutional uses including: Community Center, Cultural

Facility, Hospital, Senior Center, Place of Worship, and Private School. The proposed code designates where these uses would be permitted. These uses will continue to be permitted on the street list that exists in the current Zoning Regulations and no changes are proposed to this list. Overtime the City has determined a list of street these uses can be permitted regardless of the zoning district.

Ms. Kessler noted that the uses permitted in residential districts will remain mostly as they are currently but the major uses being proposed are the introduction of Solar Energy Systems, Congregate Living & Social Service Uses (e.g. group home, lodginghouse, homeless shelter, drug treatment facilities) to some of these districts. Only a few residential areas will be impacted by these uses.

There are some uses being proposed that will have low impact – staff is still seeking feedback and they are Conservation Areas, Community Gardens and Telecommunications Facilities. Telecommunications Facilities are not listed on a use table currently but by state and federal law the City cannot define where they can be located; however, there are standards that would still need to be adhered to. There are some uses proposed to be removed due to incompatibility with residential areas (e.g. noncommercial raising of farm animals).

For Downtown and Commercial Districts, the proposal is to add more retail uses such as Micro-brewery (not permitted the downtown today as there is no category for it).

The changes proposed to the Industrial District would not significantly alter what would be permitted. One change is that there would be two use types: Industrial, Light (doesn't have outside impacts) and Industrial, Heavy (has potential outdoor impacts), whereas today there are a number of different types of industrial uses listed.

Article 3 - Residential Zoning Districts:

Ms. Kessler noted that these districts encompass much of the land area in the City and include, Rural, Residential Preservation, Low Density, Low Density 1, Medium Density, Medium Density, High Density and High Density 1. She then reviewed the proposed changes to each district. These changes are summarized below.

Rural District - No changes are being proposed to dimensional requirements but changes are being proposed to permitted uses. There are some minor changes for the uses being permitted, including the addition of Animal Care Facility (already allowed as a veterinary clinic), Community Garden, Conservation Area, Telecommunication Facilities and the addition of Solar Energy System (Small-Scale), Solar Energy System (Medium-Scale) by CUP, Solar Energy System (Large-Scale) by CUP. Some uses are proposed to be removed including: Group Home, Historic Site, Institutional Use, Outdoor Recreational Activity as a Business. Some uses are proposed to be amended such as Harvesting of Forestry Products (would be allowed under farming) and Noncommercial Outdoor Recreation Activity (would continue to be allowed).

Residential Preservation District – Ms. Kessler noted this area is located between Marlboro Street and Main Street. No changes are being proposed to dimensional requirements but changes are proposed to the permitted uses. The uses proposed to be added include Community Garden, Conservation Area and Telecommunications Facilities. The uses proposed to be removed include

Child Care Center (would still be permitted as a home business) and Noncommercial Raising of Farm Animals.

Low Density District – This District focuses on single family homes. No changes are being proposed to dimensional requirements but changes are proposed to permitted uses. The uses proposed to be added include Community Garden, Telecommunications Facilities. The uses proposed to be removed include Group Home, Institutional Use, and Historic Sites. The Uses proposed to be amended include Harvesting of Forestry Products and Noncommercial Raising of Farm Animals.

Low Density 1 District – This District affects three parcels in the City of Keene. No changes are being proposed to dimensional requirements but changes are proposed to permitted uses. The uses proposed to be added include Community Garden, Conservation Area, and Telecommunications Facilities. The uses proposed to be removed include Group Home, Historic Sites, Harvesting of Forestry Products, and Noncommercial Raising of Farm Animals.

Medium Density District – Includes single, two and multi-family homes. No changes are being proposed to dimensional requirements but changes are proposed to permitted uses. The uses proposed to be added include Community Garden, Conservation Area. Domestic Violence Shelter (with use limitations) and Telecommunications Facilities. The uses proposed to be removed include Institutional Use, Historic Site and Noncommercial Raising of Farm Animals. The uses proposed to be amended include Group Home, which would be allowed with up to eight residents by CUP.

High Density District – Promotes highest density and allows all types of residential settings with no limitations to number of units. No changes are being proposed to dimensional requirements but changes are proposed to permitted uses. The uses proposed to be added include Community Garden, Conservation Area, Domestic Violence Shelter with use limitations and Telecommunications Facilities. The uses proposed to be removed include Institutional Use, Historic Site, Fraternity / Sorority (currently allowed as lodginghouse. The uses proposed to be amended include Group Home, which would be allowed up to 16 residents by CUP, Lodginghouse, would be allowed up to 16 residents by CUP, Residential Care Facility to be allowed by CUP, and Senior Center to be allowed by Special Exception rather than by right.

High Density 1 District - Impacts only a few parcels in the city, oriented more towards apartment buildings. No changes are being proposed to dimensional requirements but changes are proposed to permitted uses. The uses proposed to be added include Community Garden, Conservation Area, Telecommunications Facilities. The uses proposed to be removed include Institutional Use. The uses proposed to be amended include Residential Care Facility to be allowed by CUP, which is currently allowed as SE as an institutional use

Article 5– Commercial Zoning Districts :

Ms. Kessler noted that the commercial zoning districts include Commerce, Commerce Limited, Neighborhood Business, Office, Business Growth and Reuse.

Commerce District - There are no changes proposed to dimensional requirements in this district but there are changes proposed to permitted uses. The uses proposed to be removed include Historic Site. The uses proposed to be amended include Outdoor Recreation as Business (it

would be allowed under a new use proposed - Recreational / Entertainment Facility – Indoor & Outdoor) and Institutional Use. Ms. Kessler listed uses that are proposed to be added to this District. She explained that uses with an * next to them may be allowed today but under a different use name in the current zoning. Uses proposed to be added include Animal Care Facility*, Art Gallery*, Art or Fitness Studio*, Bar* (currently falls under restaurant), Car Wash*, Event Venue*, Neighborhood Grocery Store* , Recreational / Entertainment Facility – Indoor & Outdoor*, Specialty Food Service*, Vehicle Rental Service*, Community Center*, Cultural Facility*, Place of Worship*, Senior Center*, Private School*, Drug Treatment Clinic by CUP*, Group Resource Center by CUP*, Residential Care Facility by CUP*, Residential Drug/Alcohol Treatment Facility by CUP*, Micro-Brewery/Micro-Distillery/MicroWinery, Food Pantry, Homeless Shelter by CUP, Lodginghouse by CUP, Artisanal Production, Data Center, Industrial Light by SE, Outdoor Storage Yard, Conservation Area, Solar Energy System (Small-Scale), Solar Energy System (Medium-Scale) by CUP and Telecommunications Facilities.

Commerce Limited District – This District encompasses a small number of parcels along Route 10 South of NH Route 101. No changes are proposed to dimensional requirements but changes are proposed to permitted uses. Ms. Kessler listed uses that are proposed to be added to this District. She explained that uses with an * next to them may be allowed today but under a different use name in the current zoning. Uses proposed to be added include Animal Care Facility*, Art Gallery*, Art or Fitness Studio*, Bar* (currently falls under restaurant), Car Wash*, Recreational / Entertainment Facility – Indoor & Outdoor*, Specialty Food Service*, Vehicle Fueling Station, Vehicle Rental Service*, Artisanal Production*, Data Center*, Industrial Light by SE*, Outdoor Storage Yard Conservation Area*, Conservation Area*, Community Garden Solar Energy System (Small-Scale)*, Solar Energy System (Medium-Scale) by CUP*, and Public Utility Facilities by SE. Uses that are not currently allowed but are proposed to be added to this district are Banking or Lending Institution, Clinic, Heavy Rental & Service Establishment, Micro-Brewery/Micro-Distillery/MicroWinery, Outdoor Storage Yard, Community Garden, Public Utility Facilities by SE, and Telecommunications Facilities.

Neighborhood Business District – This district was established in 2016 along Marlboro Street. The intent was to create pedestrian-oriented area like Main Street with smaller sized businesses. Changes proposed to the building height requirements in this District. Today there is an allowance of 4 stories in height if there is first floor parking, which is proposed to be removed. The maximum building height would be 2 stories.

Uses proposed to be added in this district include Art Gallery*, Art or Fitness Studio*, Banking or Lending Institution, Specialty Food Service, Residential Care Facility by CUP, Community Garden, Conservation Area, Telecommunications Facilities. Uses proposed to be removed include Greenhouse / Nursery, Health / Fitness Center, Historic Site. Uses proposed to be amended include Bed and Breakfast by SE, Day Care Center by SE.

Business Growth & Reuse District - This district was created in 2016 and the intent was to change a predominantly industrial area to an area supporting light industrial and research and development uses. The changes proposed to the dimensional requirements include the removal of green building height and parking incentives. In its place, the maximum building height in this district would be 3 stories by right. If there is first floor parking, the maximum height may be 4 stories. This proposed change is not to discourage green building but more to encourage redevelopment in this area. Also, it is proposed to remove the requirement that all buildings be a minimum of two stories.

Uses proposed to be added in this district include Art Gallery*, Art or Fitness Studio*, Day Care Center Specialty Food Service*, Community Center by SE, Senior Center by SE, Artisanal Production*, Data Center*, Industrial, Light*, Community Garden Conservation, Area Solar Energy System (Small-Scale), Solar Energy System (Medium-Scale) by CUP, Solar Energy System (Large-Scale) by CUP, and Telecommunications Facilities. Uses proposed to be removed include Vehicle Repair Facility – Major and Minor. Ms. Kessler noted this use was originally not intended to be included in this district but it was allowed to accommodate an existing business but this business is no longer active.

Office District – This district is mostly along areas of Court and Washington Street with the intent of serving as a transition zone from downtown and to allow for lighter impact non-residential uses. It was also created to preserve historic residential structures by permitting mixed use buildings. No changes are proposed to dimensional requirements but changes are proposed to permitted uses.

Uses proposed to be added in this district include Group Home, Small by CUP (not more than 8 residents), and Telecommunications Facilities Uses. Uses proposed to be removed include Parking Lot (would still be permitted as an accessory use). Uses proposed to be amended include Community Center, Cultural Facility, Senior Center (which would be allowed by SE).

Article 6– Industrial Zoning Districts:

These districts include Corporate Park, Industrial and Industrial Park.

Corporate Park District - No changes are proposed to dimensional requirements but changes are proposed to permitted uses. The uses proposed to be added include Solar Energy System (Small-Scale), Solar Energy System (Medium-Scale) by CUP, Solar Energy System (Large-Scale) by CUP, and Telecommunications Facilities. The uses proposed to be removed include Recreational/Athletic Facilities (permitted as an accessory use). The uses proposed to be amended include Public Utility Facilities (change of use name)

Industrial District - No changes are proposed to dimensional requirements but changes are proposed to permitted uses. The uses proposed to be added include Art or Fitness Studio*, Car Wash, Greenhouse/Nursery, Heavy Rental & Service Establishment, Artisanal Production*, Data Center*, Outdoor Storage Yard*, Conservation Area*, Solar Energy System (Small-Scale)*, Solar Energy System (Medium-Scale) by CUP*, Solar Energy System (Large-Scale) by CUP*, Public Utility Facilities, and Telecommunications Facilities. The uses proposed to be removed include Institutional Use, Historic Site, and College. The uses proposed to be amended include Self Storage Facility to be allowed By Right instead of SE.

Industrial Park District –No changes are proposed to dimensional requirements but changes are proposed to permitted uses. The uses proposed to be added include Data Center*, Industrial, Light*, Conservation Area, Solar Energy System (Small-Scale)*, Solar Energy System (Medium-Scale) by CUP*, Solar Energy System (Large-Scale) by CUP*, and Telecommunications Facilities. The uses proposed to be removed include Institutional Use, and Bulk Storage & Distribution of Goods, Including Flammable Material as an accessory use. The uses proposed to be amended include Research and Development to be By-Right (instead of SE)

Article 7– Special Purpose Zoning Districts:

These include the Regional Healthcare District (Most all land area is owned by Cheshire Medical Center), Agriculture District (located in the outskirts of Keene) and Conservation District.

Health Care District - No changes are proposed to dimensional requirements but changes are proposed to permitted uses. The Uses Proposed to be Added include Research and Development, Drug Treatment Clinic by CUP, Group Resource Center by CUP Conservation Area Solar Energy System (Small-Scale), Solar Energy System (Medium-Scale) by CUP, and Telecommunications Facilities Parking Lot (Principal Use).

Agriculture District - No changes are proposed to dimensional requirements but changes are proposed to permitted uses. The uses proposed to be added include Animal Care Facility, Event Venue by SE, Kennel, Cemetery, Community Garden, Conservation Area, and Telecommunications Facilities. The uses proposed to be removed include Institutional Use, Historic Site, and Harvesting of Forestry Products. The uses proposed to be amended include Recreation / Entertainment Facility – Outdoor proposed to be by SE.

Conservation District - No changes are proposed to dimensional requirements but changes are proposed to permitted uses. The uses proposed to be added include Conservation Area, and Telecommunications Facilities. The uses proposed to be removed include Day Camp, Historic Site, and Harvesting of Forestry Products

Article 4– Downtown Zoning Districts

Ms. Kessler noted the biggest change proposed with this ordinance is the changes to zoning in the downtown area. She noted that the City work with a consultant with expertise in zoning of downtown areas to develop the proposed zoning districts and their associated dimensional standards. The consultant conducted a thorough site analysis of the city - measuring where buildings are placed on lots and building heights, evaluating similarities and differences in the built environment in areas of the downtown, and understanding existing regulations and the City's Master Plan goals. She displayed a map of the downtown area and referred to a section outlined in red and explained that all of the properties inside this line encompass the downtown area that would be subject to zoning changes. Ms. Kessler reviewed each of the proposed districts and displayed a map of the existing and proposed zoning for each district.

Downtown Core – Ms. Kessler described the geographic area that is district will cover. The district is primarily along Main Street between Central Square and north of the Main/Winchester/Marlboro roundabout. This area will switch from Central Business (CB) to Downtown Core and will have dimensional requirements that are different than what exist today. Similar to what exists in the current Central Business District, there will be no minimum lot area required. Today in the Central Business District, there are no setback requirements.

In Downtown Core, a new building would need to be located right at the property line this is to preserve the pedestrian friendly development pattern of buildings lining the sidewalks along Main Street. There would also be a requirement that between 60-80% of the front building line be at the property line, depending on what street it is located. There would be a requirement for how long buildings can be – maximum of 250 feet. There would be a minimum building height of 18 feet and a maximum of 85 feet (up to seven stories, which is a recommendation in the

master plan). Today there is no minimum building height, and maximum height is 55 feet or 75 feet with a special exception. If a building was to be over 65 feet tall, height stepback would be required. Ms. Kessler went on review other dimensional standards including: a minimum ground floor height of 14 feet, a maximum blank wall area of 20 feet, a maximum building entry spacing is being proposed to be 50 feet for property on Type A streets, and minimum ground floor transparency is proposed at 50% to encourage connection between pedestrian and store front.

Ms. Kessler then reviewed Type A and Type B streets. Type A streets are the portions of Main Street, Central Square, and Gilbo Avenue in the Downtown Core and Downtown Growth Districts, which require a different dimensional requirements due to the development pattern in these areas. Type B streets include all other streets in the Downtown Core and Downtown Growth Districts.

Downtown Growth District – Ms. Kessler reviewed the proposed boundaries of this district. She reviewed the types of uses that would be permitted in this district, which includes Multi-family residences. Single and two-family uses would not be permitted. Institutional uses such as place of worship, school, community center, will also be allowed. There are also industrial uses such as data center, artisanal production and industrial light that would be permitted in addition to a wide array of commercial uses. Parking structure or lots as a principal use would also be permitted as well as community gardens.

There is no minimum lot size requirement proposed for this District. For Type A streets, new buildings would need to be placed between 0 and 5 feet from the property line. For Type B streets, buildings would need to be placed between 5 and 15 feet from the property line. There are no side setbacks required. The maximum building length would be 350 feet unless there is pedestrian passage provided, then it can be up to 500 feet. For new buildings, 80% of the front building line must be along the front property line on Type A streets and 60% for Type B streets. There would be a minimum building height of 24 feet being proposed for this district (no minimum in current code), with a maximum of 85 feet or seven stories. The minimum ground floor height requirement would be 14 feet.

Downtown Edge District – Ms. Kessler stated today there are pocket of smaller scale commercial development on the outskirts of the commerce and central business districts that are a transition area from the downtown core to residential areas. Many have of these businesses have parking in front and are mixed use establishments. The City is proposed to zone these pockets as Downtown Edge. These areas are located along sections of Marlboro Street, Roxbury Street and Foundry Street. The intent of the Downtown Edge District to continue to support these businesses and to provide more flexibility than what would be required in the Downtown Core and Growth Districts. It is also intended to provide a transition district from the more intense commercial uses to neighborhoods.

There are a number of commercial uses proposed to be permitted in this district, but not as many as the Core and Growth Districts. Some of these uses include data center, artisanal production, small-scale solar, parking structure or lots as a principal use, Institutional uses such as place of worship, school, and community center. Congregate living and social service uses are also permitted. Residential uses that would be permitted are multi-family or two-family duplex.

Downtown Edge has different dimensional requirements compared to Downtown Core and Growth Districts. There would be a minimum lot area of 10,000 square feet and a minimum lot

width of 50 feet. The front setback would be between 0 and 20 feet. There would be no side setback requirement unless a lot is next to a residential zoning district – in which case the setback requirement would be 20 feet. The maximum building height would be 40 feet or three stories.

Downtown Limited District – Ms. Kessler noted that this is a small area of the city. Today all of this area is in the central business district. It is located north of Vernon Street and south of Elm Street. Most of the buildings are old mill buildings and multi-family homes that supported the mills. The proposed uses include single family dwelling, limited commercial uses, such as funeral homes, day care centers, bed and breakfast, office. Some Institutional uses such as senior center, community center, and cultural center would be permitted, as well as some congregate uses such as group homes and community gardens. There would be no minimum lot size requirement. New buildings would need to be placed between 0 and 15 feet from property line. There would be no side setback requirement unless a lot is next to a residential zoning district – in which case the setback requirement would be 10 - 15 feet.

The area of a lot covered by buildings would be limited to 65% or less, and the total maximum impervious lot coverage would be 80% or less. The maximum building height would be 35 feet or 2.5 stories. There would be a requirement for minimum 30% ground floor transparency and 15% upper floor transparency. The maximum height of the building threshold would not be able to be higher than four feet from sidewalk.

Downtown Transition District – Today areas of the office district serves as a transition area from the Central Business District to residential areas. Some of the office district is being proposed to be changed to downtown transition district. The areas proposed to be changed to downtown transition district are near School Street, a pocket on Washington Street near Vernon Street and a pocket across from Keene State College. The Downtown Transition District is proposed for other areas of the downtown, including Spring St, Roxbury Court, Davis St, and Dunbar St.

The uses proposed for this district would be identical to what is proposed for the Office District. The dimensional requirements would be very similar to the Office District except the maximum building height would be 40 feet (3 stories) instead of 35 feet (2 stories). In addition, commercial uses in this district would require minimum ground floor transparency of 25% and the maximum height of the building threshold cannot be higher than 5 feet from sidewalk.

Downtown Institutional Campus District – This District encompasses a portion of the Keene State College campus (at the corner of Winchester Street along Main Street to Wyman Way).

The proposed permitted uses in this district include Clinic, Bank and Lending Institution, Art or Fitness Studio, Art Gallery, Hotel/Motel, Event Venue, Health Center/Gym, Office, Restaurant, Specialty Food Service, Personal Service Establishment, Recreation Facility (indoor and outdoor), Retail, Community Center, Cultural Facility, Place of Worship, Private School, Fraternity/Sorority, Group Resource Center, Artisanal Production, Solar Energy System Small and Medium Scale, and Parking Lot/Structure as a principal use.

New buildings would need to be placed no closer than 30 ft from the front property line. There would be a corner side setback of 15 feet. Buildings would be a maximum of 350 feet long, unless there is a pedestrian passage and then it could be 500 feet. The maximum building

coverage would be 50% and the maximum impervious surface coverage would be 75%. There would be no minimum building height but the maximum building height would be 50 feet.

Councilor Greenwald referred to the Rural District and asked whether farm animals will still be allowed. Ms. Kessler replied in the affirmative. The Councilor referred to recreational use in the Rural District and asked whether ATVs would be permitted with SE. Ms. Kessler replied that this use would not be allowed if it is a commercial enterprise and the primary use on a lot. With respect to outdoor recreational uses, it was proposed to be removed because of concern that the category was broad. Ms. Kessler stated this is something the Committee could discuss. Walking trails and riding trails would be permitted by right.

The Councilor asked where auto repair facilities will be permitted. Ms. Kessler noted that there would be two types of this use. Vehicle Repair Facility Minor would be permitted in Commerce, Commerce Limited, Industrial, Downtown Edge and Downtown Growth Districts. Vehicle Repair Facility Major would be permitted in Commerce, Commerce Limited, and Industrial District.

The Councilor asked whether educational use or hotel will be permitted on Gilbo Avenue / Emerald Street area. Ms. Kessler noted that hotel and educational use would be permitted on Gilbo Avenue as well as in the Downtown Core District.

Article 9– Parking & Driveway Standards

Ms. Kessler stated the current zoning standards call for minimum onsite parking requirements for properties. She provided the example of a residential dwelling unit, there is a requirement that two parking spaces be provided on a site. For commercial uses this parking requirement is often based on square footage of a building. She noted the current standards are outdated and are based on the 1970 zoning ordinance. The Zoning Administrator does not have guidelines on how to determine parking standards for some of the newer uses, which are not listed in the current regulations. Parking standards are also currently listed in eight different areas.

With this new ordinance the parking and driveway standards have been consolidated into one chapter and staff have removed overlapping standards. It also proposes new minimum onsite parking requirements and where onsite parking is not required. Central Business is the only district today that does not require onsite parking. The reason for this is to recognize that much of Keene's downtown around Main Street is composed of historic buildings that were developed well before the zoning regulations required parking onsite. There is not available space on these lots for parking to be provided, and requiring parking on these properties might mean that historic buildings would need to be demolished to provide space for vehicles, which is not aligned with the City's Master Plan goals. This ordinance proposes to enlarge the area where parking onsite is not required beyond the current boundaries of the Central Business District. Onsite parking would not be required in the proposed Downtown Growth, Downtown Core, and Downtown Limited Districts. However, residential dwelling units in these districts would be required to provide 1 space per unit. Ms. Kessler stated staff worked with a parking consultant to look at parking in the downtown and to establish this standard.

Ms. Kessler noted that there are updates proposed to the screening standards for parking lots. In addition, there are options built into these proposed parking standards to obtain relief from the requirement to provide a minimum amount of parking onsite based on certain conditions. A property owner can seek a reduction of up to 10% of required minimum parking from the Zoning

Administrator, or up to 50% from the Zoning Board of Adjustment. The area where remote parking may be provided is proposed to expand from 300-ft to 1,000-ft. This would provide more options for property owners to satisfy their minimum parking requirements on another parcel. Ms. Kessler also drew attention to the proposal to allow for property owners to carry any existing parking deficits on a site to a new use proposed. For example, if a site does not currently have enough parking to meet the parking requirements for a use, and a new use is proposed, the deficit from the previous use may be applied to the new parking requirement.

This concluded Ms. Kessler's presentation.

Ms. Sommers commended Ms. Kessler's presentation. Chair Bosley agreed. Councilor Jones commended Ms. Kessler's presentation and noted he was part of this process 13 years ago. He noted Planning, Zoning and Code Enforcement is now under one umbrella referred to as Community Development which is the start of what is before the Committee today. He noted smart growth is what is being envisioned with this ordinance. The proposed ordinance outlines all regulations under one document and makes the process a lot easier for the development community and makes it user friendly for everyone. Mayor Hansel stated he too agreed with what the two councilors just stated. He felt this initiative is a priority for not only for the development community but for everyone else in the city and felt it will serve the community for many decades.

Chair Bosley noted the items regarding congregate living and social services and the solar portions of the land development, those will be discussed at the next meeting on November 16 in Chapters 15 and 16.

The Chair asked for public comment next.

Mr. Peter Espiefs of Middle Street addressed the committee and referred to a letter he had written which is part of the committee's packet. Mr. Espiefs felt the density proposed for District entitled DT-T (Downtown Transition) will be too burdensome for their neighborhood. He noted this was an office type district and felt the zoning should remain as is – he was not in favor of the institutional uses being proposed. He felt uses such as group homes should not be mixed in with the rest of the city and should be segregated in a park type environment. Chair Bosley noted these comments are related to congregate living and social services and this will be addressed at the next meeting. She indicated Mr. Espiefs' letter does address a proposal regarding community services and care planning board and will address that item at the end of the meeting.

Mr. Espiefs questioned whether institutional use proposed for his neighborhood is limited to community center, cultural center and senior center. Ms. Kessler stated the area being referred is currently zoned as the Office District and is proposed to become the Downtown Transition District. In the current Office District the broad category of institutional use is allowed by SE. In the new district, the following are the only institutional uses that would be permitted: cultural facilities by SE, group home small, senior centers by SE (currently allowed by right), community center by SE.

Mr. Espiefs clarified group home in this district will permit eight people and asked whether this means eight families. Ms. Kessler stated it is no more than eight unrelated people and it will be through a conditional use permit – a process that will come before the Planning Board for their approval and the appropriate standards need to be met and the Board will determine whether that

use is compatible with the neighborhood based on specific criteria. She further added that approval would carry with the property not the owner as long as the standards that were placed by the Board are adhered to. An annual operating license will also be required from the City Council. Mr. Espiefs noted the housing crisis in New Hampshire is causing zoning problems. He stated he was also opposed to the increase in vibrancy that is being envisioned for downtown – he noted to pages 38 and 39 of the master plan.

Mr. Morris Rosenthal of North Hampton, MA addressed the committee next. Mr. Rosenthal stated he is interested in purchasing a home on 27-29 Center Street, which is currently zoned Office District. He noted there is a single driveway but the parking is not sufficient for the full use of the building. He asked how someone would go about utilizing the reduction up to 50% of required minimum. Ms. Kessler stated this would go before the Zoning Board through a public hearing as a Special Exception. Chair Bosley encouraged Mr. Rosenthal to reach out to the Community Development Department to discuss the specifics of this property. Mr. Rosenthal noted according to the Historic District Regulations, that body also evaluates the interior of a property and asked for clarification. Ms. Kessler stated the Historic District Regulations are limited to the exterior of the building and the site and stated she would appreciate to learn more from Mr. Rosenthal about what language or sections of the regulations may have caused this confusion. Mr. Lamb noted the new regulations are looking at providing more flexibility for someone like Mr. Rosenthal for the reuse of this building either through an administrative approval or by going before the ZBA. Chair Bosley asked whether remote parking could be used to satisfy parking requirements. Mr. Lamb stated this is something that would need to be reviewed by the Zoning Administrator. Mr. Kopczynski noted the change to parking regulations also expands the distance and felt this was a timely discussion.

Mr. David Curran of 16 Prescott Street referred to a letter he submitted to the Committee and stated he was concerned about buffer zones between the Residential Preservation District and the proposed Downtown activities. He encouraged the Committee to review these transition areas.

Mr. Gary Kinyon of Chapman Road asked Ms. Kessler to explain to him about the interplay in the proposed ordinance between mixed uses, one primary use on a lot and primary and accessory use on a lot. Ms. Kessler noted the current code has a difference between primary and accessory use on a lot – primary use is the main activity on a lot and accessory use is the incidental use of a lot. Mixed use is the allowance of more than one primary use on one lot. She noted in the proposed ordinance mixed use is proposed to be allowed on any lot except in residential zoning districts. If mixed uses are proposed, all uses occurring as primary uses on a lot must be permitted in that particular district, and the dimensional requirements of that district shall apply. These standards are described in Article 8.

Mr. Kinyon noted the criteria for obtaining a variance as opposed to a special exception from the ZBA is more stringent and asked why the CUP now is being approved by the Planning Board. Ms. Kessler stated RSA 674:21 gives the municipality the right to choose which public body would issue the CUP and the City of Keene has chosen the Planning Board as that body to grant CUP's for solar uses, and congregate living and social service uses because the Planning Board has experience evaluating land use impacts and looking at projects on a site by site basis and evaluating the nature of these uses. Mr. Lamb added by saying the first time the CUP was applied in the city was for Telecommunication Facilities, the ordinance for which was adopted in the early 2000s. He noted this is another instance to streamline the process and if the CUP was going to be combined with a Site Plan application it could all be done under one public hearing.

Mr. Kinyon noted it was mentioned the CUP was similar to the SE in many ways and noted the CUP is a good item for the Planning Board when there are technical aspects attached to them. When it comes to more community issues, he felt the CUP should perhaps go before the ZBA.

With no further comment, the Chair closed the public hearing.

A motion was made by Councilor Mitch Greenwald to continue this public hearing to November 16. The motion was seconded by Mayor George Hansel and was unanimously approved by roll call vote.

5. Letter from Mr. Espiefs Regarding Community Services and Care Planning Board

Chair Bosley referred to the letter from Mr. Espiefs which refers to a Community Services and Care Planning Board and noted the Joint Committee does not have authority to act on this. She stated she will accept this letter as information and requested Mr. Espiefs to direct the letter to the Mayor and City Council

6. Adjourn

The meeting adjourned at 9:45 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Tara Kessler,
Senior Planner