

City of Keene
New Hampshire

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

Monday, December 14, 2020

6:30 PM

Remote Meeting via Zoom

Planning Board Members Present:

Douglas Barrett, Chair
Christopher Cusack, Vice Chair
Mayor George Hansel
Councilor Michael Remy
David Orgaz
Michael Burke
Pamela Russell Slack
Andrew Weglinski

Planning Board Members Not Present:

Tammy Adams, Alternate
Gail Somers
Emily Lavigne Bernier, Alternate

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

Councilor Kate Bosley, Chair
Councilor Mitch Greenwald
Councilor Philip Jones
Councilor Gladys Johnsen
Councilor Catherine Workman

Staff Present:

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

1. Statement of Authority to Hold Remote Meeting

Chair Barrett began the meeting by reading the following statement with respect to holding remote meetings: *“In Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04, certain provisions of RSA 91-A regulating the operation of public body meetings have been waived during the declared COVID-19 State of Emergency.*

Specifically:

- *The requirement that a quorum of a public body be physically present except in an emergency requiring immediate action under RSA 91-A:2, III(b);*
- *The requirement that each part of a meeting of a public body be audible or otherwise discernible to the public at the location specified in the meeting notice as the location of the meeting under RSA 91-A:2, III(c).*
- *Provided, however that the public body must:*
 - *Provide access to the meeting by telephone, with additional access possibilities by video or other electronic means;*
 - *Provide public notice of the necessary information for accessing the meeting;*
 - *Provide a mechanism for the public to alert the public body during the meeting if there are problems with access; and*
 - *Adjourn the meeting if the public is unable to access the meeting.*
- *All votes are to be taken by roll call.*

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

Chair Barrett said the public may access the meeting online by visiting the Zoom website, www.zoom.us/join, and entering the Meeting ID 893 8296 4232 or call (888) 475-4499, Enter Meeting ID: 893 8296 4232. View live on Cheshire TV channel 1302. For issues with access during the meeting call: (603) 209-4697. The agenda and supporting materials are available at: ci.keene.nh.us/joint-planning-board-planning-licenses-and-development-committee. Members of the public shall not be permitted to speak nor shall comments be taken until the Chair asks for public comment.

2. Call to Order & Roll Call

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

3. Minutes of November 9, 2020 & November 16, 2020

Chair Barrett offered the following correction to the November 16, 2020 minutes - page 19 should be Chair Barrett not Chair Bosley.

A motion was made by Councilor Jones to approve the November 9, 2020 and November 16, 2020 meeting minutes as amended. The motion was unanimously approved by roll call vote.

4. Adoption of 2021 Meeting Schedule

A motion was made by Councilor Mitch Greenwald to approve the 2021 meeting schedule. The motion was seconded Pamela Russell Slack and was unanimously approved by roll call vote.

5. Continued 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 proposed 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. The full text of the ordinances and the proposed Land Development Code is available at www.keenebuildingbetter.com/ldc, or by appointment at City Hall. To make an appointment, email communitydevelopment@ci.keene.nh.us or call (603) 352-5440.

Senior Planner Tara Kessler addressed the Committee first. Ms. Kessler stated this is the third meeting of the public workshop for these Ordinances. She then went over the schedule of upcoming meetings of this public workshop phase. Ms. Kessler added this session was intended to be an in person session but due to the trends with COVID19 the City's Emergency Management Director and Health Official strongly recommended that this session be in remote format.

Ms. Kessler then reminded the public of the multiple ways that they can participate in, view, or provide comment on these ordinances and meetings.

Ms. Kessler reviewed the articles in the proposed land development code that would be reviewed at tonight's meeting. She stated that before staff begin a presentation on this topics, they felt it was important to reserve time for the Joint Committee members to debrief and discuss any questions or comments they have on the materials covered to date. She noted at the last meeting there were a number of comments from the public regarding congregate living and social service uses and there was a question raised as to whether the proposed Ordinances would be in compliance with the federal Fair Housing Act. While staff considered the requirements of this Act in their development of the proposed ordinances, they have reached out to the consulting firm Camiros, who has experience working with cities on congregative living and social service ordinances, for their professional opinion on how the proposed Ordinances align with their understanding of the Fair Housing Act and their knowledge of how other communities have implemented regulations around congregate living. Staff is also consulting with the city attorney and will follow up with the Joint Committee on this item in January.

Another item addressed at the last meeting, which was raised by Councilor Clark is on solar energy systems. At the present time medium and large solar systems are proposed to be permitted in some zoning districts by a Conditional Use Permit. Staff would like to propose an edit to permit solar energy systems in industrial districts by right.

Ms. Kessler noted that staff would be looking for direction from the Joint Committee members on proposed edits. The public workshop phase is the time for the Joint Committee to make amendments to the proposed Ordinances.

Councilor Johnsen asked about the changes that the public had requested regarding the location of homeless shelters and asked for an update. Ms. Kessler stated this is an item staff will be looking to the Joint Committee for edits or changes.

Councilor Jones stated he was looking to discuss concerns raised by David Curran as to the buffers not being large for transition districts. Ms. Kessler noted that she thinks Mr. Curran was raising concern for areas where there is no transition district between the commercial districts and residential zoning districts. A specific geographic area where there is a gap in this transition is on Water Street where the proposed Downtown Growth District would be directly adjacent to the Residential Preservation District. Ms. Kessler stated staff is looking into this item but does not have a recommendation today.

Chair Bosley stated the suggestion by Councilor Clark regarding solar systems is important and felt it should be amended.

Councilor Johnsen addressed the homeless issue and stated she understands there is a lot of anger with respect to locating homeless shelters in certain neighborhoods and felt it is an important issue for her.

Councilor Workman stated she understands everyone one in every ward is not going to be happy with the changes being proposed and felt staff has done a good job differentiating between a large group home and a small group home. She felt a message needs to be sent to the community at large that everyone needs a place to live in the community, regardless of whether they are in

treatment or out of treatment and felt she would rather see as people in need of treatment getting help.

Mr. Kopczynski stated staff and the consultants have been very diligent in trying to satisfy the community needs from the standpoint of neighborhood desires and the need in the community. He noted the provision of these uses is an opportunity that does not currently exist in this community and how the intensity of these uses can have an impact on certain areas.

Chair Barrett agreed this was a difficult task and not everyone is going to be happy with the decisions this committee makes. He referred to the sober houses in his neighborhood and feels that staff has done a great job balancing the various community concerns.

Ms. Russell Slack stated she lives next to three sober homes and has lived next to them most of her life and agreed there can be issues but they can be easily resolved. She felt having shelters in specific areas will prevent people having to go before the Zoning Board for variances.

Ms. Kessler reviewed Article 19 - Subdivision Regulations of the proposed Land Development Code. Ms. Kessler explained a subdivision is when a property is divided into two or more parcels. She added a subdivision can also happen if there is a merger of two or more parcels of common ownership into one parcel or to shift boundary lines. Ms. Kessler noted that all regulations related to subdivisions, including boundary line adjustment and voluntary mergers have now been included into one place in the proposed Land Development Code. Today these regulations are included in the Planning Board Site Plan and Subdivision Regulations, and the Planning Board Development Standards, and regulations related to Conservation Residential Developments are in the Zoning Regulations. The standards being proposed that are specific to the review of subdivision applications are primarily related to consideration of important natural resources/features of a site (e.g. wetlands, steep slopes), conformance with zoning regulations, and whether the proposed lots would continue to be viable for development.

This chapter also includes standards related to conservation residential development subdivisions (these standards are in the Zoning Regulations and the Planning Board's Regulations). Ms. Kessler explained conservation residential development (CRD) is a type of residential subdivision in which 50-60% of the original parcel remains in permanently protected open space in exchange for greater flexibility in minimum lot sizes, setbacks, and placement of lots. It is permitted in the low density, low density 1 and rural districts. CRD is required for subdivisions with three or more lots and a road; however, there is the option for a waiver from requirement, which will still be retained. Staff has attempted to streamline the application process by reducing the number of steps required of the applicant for demonstrating the proposed subdivision.

Staff has also proposed changes to dimensional requirements and density factors. Today a density factor calculation is required to understand how many dwelling units can be created in this type of subdivision. The applicant must divide the total acreage of the parcel to be subdivided by the density factor to identify how many units can be established. The proposal is to change the density factor from 5 acres per dwelling unit if 50% of the land area is permanently preserved as open space, to 4 acres per dwelling unit; and, from 4 acres per dwelling unit if 60% of the land area is conserved as open space to 3 acres per dwelling unit. There are also changes proposed to setbacks and minimum lot sizes. Ms. Kessler referred to a chart which illustrates these changes and noted the chart distinguishes between tract and lot and explained a tract is the existing parcel (before the subdivision). Lot is the parcels that would be create as a result of the subdivision.

Ms. Kessler noted everything highlighted in yellow on this chart is what is being proposed to change the rest is what exists right now. Staff is proposed a change to the required perimeter building setback, which is 100-feet in any zoning district from a road and 50-feet from tract boundaries. Staff propose to retrain this requirement for the rural district, where there is more land area, and to reduce this requirement in the Low Density and Low Density 1 districts. Staff is proposing 100-feet be reduced to 30-feet and 50-feet be reduced to 20-feet.

In the current regulations, the minimum lot area required in the Low Density 1 district is 16,000 square feet and in Low Density is 8,000 square feet. The proposal is to reduce the minimum lot size in Low Density 1, if city water is available, to 8,000 square feet and 6,000 square feet for Low Density.

Ms. Kessler went on to review Article 20 – Site Development Standards of the proposed Land Development Code. The Planning Board currently has 19 site development standards and this is what the Planning Board or staff looks at when reviewing site plan applications. Site plan review is required by either the Planning Board or the Community Development Department for any proposed development or redevelopment for commercial or multi-family uses. Single-family and Two-family properties/uses are exempt from site plan review.

Ms. Kessler reviewed the general changes being proposed to these development standards. She noted that staff have proposed to make changes to some of the standards that have presented issues in the past due to lack of specificity or clarity (e.g. screening). Changes are proposed to the landscaping, lighting, screening, noise and architecture and visual appearance standards, which will be reviewed in more detail. Some of the standards, which are similar in nature, are proposed to be merged into one standard. The proposed Code merges Traffic & Comprehensive Access Management into one standard; and Surface Water and Wetlands into one standard. The following standards were removed: floodplain (if there are regulations that apply, they will be adhered to, but there won't be a separate standard); air quality (there are restrictions as to how much can be applied locally, there are state standards for this item); and stump dump standards (will be reviewed if there are concerns but this standard is rarely applicable).

Ms. Kessler began a review of the proposed changes to standards.

With respect to landscaping, the proposed new standards include:

- Prohibiting invasive species (today it is just a guideline)
- Requiring that plant materials be hardy to regional climate conditions
- Providing clarity that all landscaping approved as part of a site plan shall be considered as elements of the site in the same manner as parking, building materials, and other site details.
- Parking lot landscaping/screening has been moved to the Zoning Regulations Parking Chapter.
- There is also language being proposed to address allowance for administrative approval for minor revisions to landscaping changes (today this is done on an ad hoc basis).

With respect to the screening standard, Ms. Kessler noted that changes were made to provide more specificity about screening requirements. She noted that the current standards are either very specific about certain screening requirements or are fairly open ended. Staff have proposed standards that are clearer as to what needs to be screened and how.

Ms. Kessler reviewed the current screening standards. She then when on to discuss the proposed changes. She noted that there are more specific screening standards proposed for service areas, drive-through uses, and mechanical equipment.

With respect to service areas, which would include waste storage/collection areas, the following standards are proposed:

- Must be located to the side or rear of buildings
- Must be screened from view from adjacent property or rights of way
- Dumpsters shall be fully screened by a solid enclosure (shall be at least 6-ft high or equal to height of container if higher than 6-ft)
- Screening must be compatible with principal building's material, color, texture

With respect to drive-through uses, the following standards are proposed:

- Requirement that drive-through windows and lanes shall be to the side and rear of building
- Shall be screened from adjacent rights of way, existing residential property, or residential zoning districts shall be compact, evergreen hedge not less than 4-ft at maturity (at a minimum) or a solid fence of wood or masonry at least 6-ft high (she noted that this is a current standard).

Ms. Kessler noted the Planning Board has a waiver process for these standards, which an applicant can seek if they cannot meet the above screening requirements.

Mr. Weglinski asked how side and rear of building is defined. Ms. Kessler noted that is a good question, as the language is not clear enough. Staff will revisit this language to make it more precise. The intent was to prevent the vehicles from queueing in front of the front of the building, which is typically the façade that faces the street.

With respect to mechanical equipment, standards are organized by roof-mounted, ground-mounted and wall-mounted, and the following changes are proposed:

- Roof-mounted Equipment:
 - Shall be set back from edge of roof at least 10-ft and screened from ground level view
 - New buildings shall provide a parapet wall or other architectural element to screen from view
 - For existing buildings with no or low parapet walls, equipment shall be screened on all sides by an opaque screen compatible with the principal building in terms of texture, materials and color.
- Wall-mounted Equipment:
 - If mounted on a surface visible to the public right of way shall be fully screened by landscaping or an opaque screen or covering compatible with the principal building.
 - New mechanical supply lines, pipes and ductwork shall be placed in inconspicuous locations or concealed with architectural elements or painted to blend in with wall surface.
- Ground-Mounted Equipment:
 - If visible from the public right of way or adjacent property shall be fully screened

-Screening shall be landscaping or opaque screen compatible with the building and as high as the highest point of the equipment

Chair Barrett asked about standards for screening solar systems. Ms. Kessler stated staff will discuss this issue and come back to the Board regarding this item. Mr. Lamb added that it is important to note these standards do not apply for single and two family dwellings; it is mostly a commercial development. Mr. Weglinski noted there was an item that came before the Historic District Commission regarding wall mounted equipment that was closer to the ground and felt clarification was required for screening with respect to height.

Ms. Kessler moved on to discuss changes proposed to the lighting development standard. At the present time flood lighting is prohibited unless the applicant can demonstrate to the Planning Board it will not have issue for abutters. Staff are proposing to grant the Community Development Director with the authority to approve whether floodlighting would be permitted. She noted that a minor change is the requirement that the color-corrected temperature of lighting shall not exceed 3,500 Kelvins, this is to address the whiteness of light emitted by LED lights. Another minor change is the proposal is to allow for security lighting to be on for not more than 1-hour before or after the activity occurs (currently it is only allowed for 1-hr after the activity ceases). Changes are proposed to the parking lot lighting levels. Rather than have a range of acceptable light levels for parking lots based on activity level, staff are proposing to have the following standards: Average illumination shall not exceed 3.5 foot candles and the Uniformity ratio shall not exceed 5:1 (currently 4:1). With respect to Gas Station Lighting, staff are proposing to change the allowed light levels. Currently there is a maximum illuminance permitted under canopies of 5.5 foot candles – staff did a field review of existing gas stations in Keene and found that the light levels under these canopies varied considerably and were between 8 and 50 fc. As a result staff is suggesting that the average illuminance under canopy lighting (including vehicle fueling station islands) may not exceed 12.5 foot candles. Ms. Kessler that the walkway lighting standards today are fairly restrictive. Today the standard is that the average illuminance cannot exceed 0.5 foot candles and the maximum lighting level is 2 foot candles. Staff is proposing average illuminance on a surface shall not be less than 0.5 foot candles and maximum would be 5 foot candles

Chair Barrett referred to the gas station canopy lighting and noted it has a significant increase and asked how staff came to that conclusion. Ms. Kessler stated this standard was based on a review conducted by staff of model guidelines published by the Illumination Engineers Society.

Ms. Kessler reviewed the proposed changes to the noise development standard. She noted that the current standard is that “All development shall comply with the City’s Noise Ordinance” which is vague and noted it is difficult to apply this standard to development review. As a result, the proposed standard references noise limits proposed in Anti-Nuisance standards in Zoning Regulations (reviewed at November 16 meeting). The current noise standard is a maximum of 70 dB(A) at the property line for property in all districts. What was reviewed at the November 16 is for residential districts the maximum noise level is 60 dB(A) at the property lines during daytime and 50 dB(A) at night. All other districts would be 70 dB(A) at the property lines during daytime and 55 dB(A) at night. She noted that the standard also describes a process for an applicant to demonstrate compliance with this standard to the Planning Board.

Ms. Kessler went on to review the proposed changes to the architecture and visual appearance standards. She noted that early on in this process there was an interest in making this standard more objective and predictable. There was an effort to try to build in more predictable standards

for visual appearance of buildings into the proposed form based zoning; however, it became clear from the stakeholders engaged that a checklist approach may not be appropriate for Keene. There was concern that making the standards too objective would either make development look too uniform, or be too restrictive, or potentially lead to haphazard design. In response to this concern, staff revisited the existing standards and proposed additional standards to provide greater clarity and objectivity while providing room for the Board interpretation. She reviewed this proposed standards, which would be in addition to the existing standards for architecture and visual appearance.

- New massing/scale standards:
 - For buildings of 150-ft in length or more, facades shall be divided into “modules” that are no wider than 50-feet expressed through significant architectural changes (e.g. change in materials, pattern elements, building setback).
 - Commercial storefronts to include traditional pedestrian-oriented elements (e.g. display windows, transoms, pilasters, etc.)
 - Additions to existing structures shall be compatible in size and scale with the principal building

- New visual interest standards
 - Facades shall express a traditional visual distinction between the ground floor and upper stories through architectural features or detailing, change in materials, or a change in pattern elements such as fenestration.
 - Buildings shall be designed with consistent building materials and treatments that wrap around all facades visible from the public right of way.
 - If parapet walls are used, they shall feature 3D cornice treatments or other shadow creating details along their tops.
 - Modifications and additions to existing structures shall be harmonious with the character of the existing structure.

- New site design and relationship to surrounding community standards:
 - All principal buildings located on lot shall be oriented toward a public right of way, unless it is determined that the primary façade cannot face the street due to site constraints, in which case, the elevation facing the street shall be designed with form, composition and details consistent with and appropriate to the primary façade.
 - A cohesive visual character shall be maintained within a development through the use of coordinated hardscape (e.g. paving materials, lighting, outdoor furniture, etc.) and landscape treatments.

Councilor Jones referred to noise – at one time decibel levels were used but there was an issue with a residence on Colorado Street where the downbeat of a Night Club located nearby was impacting this residence by causing vibrations/rattling of windows. The police could not enforce the standard because the decibel limits were not exceeded and the City ultimately changed the standard to remove reference to noise limits. Councilor Jones stated he did not recall what exactly the change was. Chair Barrett noted the Anti-Nuisance Standard now includes a vibration component and felt that would cover what Councilor Jones mentioned. Mr. Kopczynski felt after this code is adopted the noise ordinance would need to be revisited as the central business district will no longer exist. It will also need to be reviewed from the standpoint of policing.

Ms. Kessler moved on to review proposed changes related to the review of site plan applications. She indicated that the proposed Code establishes a Minor Project Review Committee, as allowed by NH RSA 674:43,III, to review minor site plan review applications. The Code also proposes

revisions to the thresholds for the types of development that would require either Planning Board review (Major Projects), Minor Project Review Committee review (Minor Projects) or administrative review by the Community Development Director.

She displayed two tables, showing the current and proposed thresholds for site plan reviews.

Ms. Kessler went on to say at the present time, the state statute only gives authority to the Planning Board to act on site plans or a technical committee designated by the Planning Board to act on minor site plan applications. Today a building that is greater than 1,000 square feet has to be reviewed by the Planning Board. The other thresholds to go before the Planning Board is if the proposed use/development would result in an increase of 100 new vehicle trips per day or 50 vehicle trips during the peak hour; if there is a change of use; if there is a change in site configuration that increases the potential for adverse impacts to drainage systems, surface waters, groundwater, floodplains, pedestrian/ vehicular safety; or if there are modifications proposed to the Site or Building (e.g. lighting, landscaping, driveways, visual appearance, etc.) that the Community Development Director determines warrants full Planning Board review.

The proposed changes to these thresholds are described below.

- New Buildings:
 - New buildings proposed to be over 5,000 square feet in gross floor area would need to go before the Planning Board as a Major Site Plan.
 - Proposed buildings between 1,000 and 5,000 square feet in gross floor area would be reviewed by the Minor Project Review Committee as a Minor Site Plan.
 - Proposed buildings less than 1,000 square feet in gross floor area would be reviewed administratively for conformance with the Site Development Standards and other land development regulations prior to the issuance of a building permit.
- Additions:
 - For additions greater than 15% of the gross floor area of the principal building would need to go before the Planning Board as a Major Site Plan.
 - Additions between 10% and 15% of the gross floor area of the principal building would go before the Minor Project Review Committee as a Minor Site Plan.
 - Anything less than that can be reviewed administratively.
- Vehicle Trips:
 - An increase of greater than 100 vehicle trips per day or 50 vehicle trips in the peak hour would need to go before the Planning Board as a Major Site Plan.
- Impervious Surface
 - Proposals that involve more than 10,000 square feet of contiguous impervious surface would need to go before the Planning Board as a Major Site Plan.
 - Anything less would be at the discretion of the community development director as to whether it requires review as a Minor Site Plan or Administrative Review.
- Land Disturbance:
 - An acre or more of land disturbance would need to go before the Planning Board as a Major Site Plan.

- Anything less would be at the discretion of the community development director as to whether it requires review as a Minor Site Plan or Administrative Review.
- Change of Use:
 - Language is proposed to allow for the discretion of the community development director as to what entity would review the proposed change, based on the impact the change would have on the site or the exterior of the neighborhood.

The same thresholds as Change of Use would be true for modifications to the site.

Ms. Kessler went on to review the role of the proposed Minor Project Review Committee. She noted that it would be composed of City staff (e.g. Community Development Director, Zoning Administrator, City Engineer, etc.). The Planning Board would designate authority to this Committee to review and decide on Minor Site Plans. Public hearings will still be required, and legal notice and abutter notice would be required as well. The benefit of this Committee is that it would provide a faster timeline for review than the Planning Board review process. Applications would be due 9 business days prior to Committee meeting versus the 26 business day deadline for Major Projects to the Planning Board. This committee would meet twice a month versus the Planning Board which meets once a month. The Committee would be required to decide on application within 60-days, and there is an appeal timeframe of 20-calendar days after decision is issued. Appeals would be to the Planning Board. She noted that this Committee would not be permitted to act on site plan applications where a waiver is requested from the standards or a conditional use permit is required.

Ms. Kessler explained that for projects that would require Administrative Review, the Community Development Director would review work that is being proposed and would have to decide within 14 days of submission of a complete application whether the development standards are being met prior to the issuance of a building permit. Formal site plans would not be required for this type of review and the submission requirements be less onerous.

Councilor Greenwald asked whether a member of the public will be included in the Minor Project Review Committee to provide some balance. Mr. Kopczynski stated the reason staff is involved with the committee is to make sure technical items are considered such as drainage, fire connections/service, zoning, etc. Ms. Kessler responded to Councilor Greenwald that the statute calls for qualified administrative staff only to serve on this committee (such as staff from Public Works, Engineering, Community Development, Planning). Mayor Hansel felt this is the most important item for the land use code update. He felt shortening the time for approval was critical for some businesses, especially coming out of the pandemic. He hoped city staff will push through these applications whenever possible. The Mayor asked if an applicant was requesting a waiver from a lighting study, whether this will move onto Planning Board review. He felt this was a common waiver request. Ms. Kessler noted that requests for exemptions from providing application materials like a lighting study could be reviewed and granted by the Minor Project Review Committee. However, she noted that waivers from the site development standards would need to be approved by the Planning Board as staff felt it was similar to the variance process. However, if the city sees a significant amount of waivers are being submitted from similar standards and are being granted by the Board, then this standard may need to be revisited. Mayor Hansel asked whether the Minor Project Review Committee could move an item up to the Planning Board for review. Ms. Kessler answered in the affirmative and added the applicant would also have the choice to request to go before the Planning Board.

Vice Chair Cusack asked whether something like a boundary line adjustment could go before the

Minor Project Review Committee, which he felt was something that could be easily done by this committee. Ms. Kessler stated this is something she has thought about and will investigate further. The statute currently requires that the Planning Board act on Boundary Line Adjustments; however, she has not confirmed whether they can delegate this authority to the Minor Project Review Committee.

Mr. Lamb added this is the biggest item of process change in the proposed ordinances and is a way to meet an important goal but lessening the time applications are approved while also making sure the standards are met.

Ms. Kessler reviewed Article 21 - Historic District Regulations of the proposed land development code. She noted that not many changes are being proposed to these regulations and that City staff have consulted the Historic District Commission on the changes that are being proposed. She noted that about 190 properties fall within Keene's Downtown Historic District and displayed a map of the district boundary. She explained that currently these regulations are located in three areas - Chapter 18 of City Code, the Zoning Regulations in Chapter 102 of City Code, and the Historic District Regulations. This Code proposes to consolidate these standards in one place, and to remove the reference to the Historic District from the Zoning Ordinance. She explained that the bulk of changes proposed is the reorganization of the standards and edits to the make the language easier to read and more straightforward. She noted that the most significant change is to exempt buildings younger than 50 years from the Historic District Regulations. These properties will still be subject site plan review and zoning. There is also an effort to increase the types of works that can be reviewed administratively.

Councilor Greenwald did not think there were buildings in the downtown that were 50 years old. Ms. Kessler noted this was for buildings that are 50 years or younger and noted some of the newer development in the Downtown, including the Coop Buildings and the Moco Arts building. Once a building becomes 50 years old, it will become subject to these regulations. Planner Mari Brunner, stated the when the Historic District was originally established it was centered around Main Street and in 2011 there was an extension of the district to Gilbo Avenue and there are buildings on Gilbo Avenue nearing the 50 year mark but are not yet that old.

Ms. Kessler reviewed Article 22 – Public Infrastructure Standards. She noted that the standards included in this article currently exist under Chapter 70 of the Keene City Code of Ordinances. This section relates to standards for the development of new infrastructure as it relates to the city's public right of way. It addresses standards for new roads, utility service connections, street access (i.e. driveway connection). The changes being proposed to these regulations are to streamline language to be easier to read and to update definitions of certain terms. More specific changes include removing technical specifications (e.g. size and types of materials) have been removed to give both staff and applicants more flexibility with respect to the construction of new roads/public infrastructure. These specifications would be maintained in Technical Standards published by the Public Works Department. This article proposes to include standards related to utility connection permit, including the new requirement that a connection permit be required for water service and stormwater infrastructure connecting into the City system. She noted that the most significant change is the proposed requirement that "any person who proposes to develop a new public street or to replace 500-ft or more of existing City-owned utilities shall also install telecommunications infrastructure, which shall become the property of the City" This infrastructure would be limited to conduit, vaults, and service conduit to vaults. This requirement is consistent with recommendations in the 2017 Economic Development Plan for the City to adopt a dig once policy.

This concluded Ms. Kessler's presentation.

Maurice Rosenthal of North Hampton, MA addressed the committee first. Mr. Rosenthal asked for clarification about non-conforming properties not being brought to a conforming use based on this new zoning code, which was addressed at a previous meeting. Ms. Kessler stated the rationale for removing this is because there is a variance process available for such an instance, and it did not seem to be fair to allow for a less stringent process for existing nonconforming uses to switch to another use not permitted in the district than others seeking to establish a nonconforming use in an area.

Mr. Thomas Lacey of 241 Daniels Hill Road was the next speaker. Mr. Lacey stated the surface water ordinance – Article 11 had problems when it was first introduced in 2012 and continues have issues. It applies to random property owners and places a higher burden on those with the lowest risk. It is advertised as an overlay district but felt it is not based on all the exceptions it provides. Mr. Lacey noted the discussion in 2012 should have been about width of the buffer in the rural zone versus areas where no buffers were required along brooks and streams in the Keene valley. He also noted the maps provided to the public did not resemble how surface waters actually worked. Mr. Lacey offered a solution to align Keene's definitions to state definitions and this can be done by removing Item D – Tax Ditches, this will have no effect on man-made ditches. This will move streams that are actually streams into the ordinance which is what was promised originally. He stated he would also like to see the same buffer width of 30 feet for all districts and could not see why the rural zone would have a larger buffer especially because this is an area that has the least risk for pollution and high volume of runoff.

Mr. Lacey recalled his time on the Conservation Commission in 2016 when they appeared before the Joint Committee and raised the issues with the ordinance and it was around the tax ditches – and how Beaver Brook has now become man made because it has been dredged. Mr. Lacey felt it was time to fix the disparities in this ordinance.

Mr. Lamb in response stated a presentation on this item happened two meetings ago. Ms. Kessler added staff has been carrying the recommendation of the subcommittee of the Conservation Committee from 2016 forward. At the September meeting staff did note, after consultation with the Conservation Commission and direction from this committee it was agreed to keep the ordinance as is, especially as it relates to the exemption of tax ditches.

Mr. Lacey stated what he took away from the Conservation Commission minutes is that they rendered no opinion on this topic. He added the tax ditch issue is an item the Planning Department has championed and disagreed the Conservation Commission was in favor as no vote was taken. Mr. Lamb who is the staff liaison for the Conservation Commission stated the item was presented to the Commission and they agreed.

Mayor Hansel stated he too was a member of the Conservation Commission in 2016 and recognize the problems Mr. Lacey is bringing up. He noted the land use code is a big document and many changes are being made. He added tax ditch is an issue that has been on his radar but wasn't sure it can be reviewed as part of this process as it takes a lot of review. However, noted he wanted to acknowledge Mr. Lacey's concerns as they are valid.

Ms. Jen Knight of Prospect Street addressed the committee next. Ms. Knight addressed the issue with respect to Group Homes. Ms. Knight asked whether the city will be looking at services that

are already established in the community before making a decision as to whether or not a group home will go into that particular neighborhood. She explained two blocks North of Court Street there is the Harmony Lane apartments, there is also the low income housing at the end of North Street, sober living on 361 Court Street and there have concerns raised by the neighbors about the home across from 361 Court Street regarding the number of police calls and the number of people living there. At the end of Prospect Street near Harmony Lane a home was turned into a Habitat for Humanity Home.

Ms. Knight noted they keep losing more and more of their open spaces, the area is getting crowded, and traffic is increasing. She asked whether there would be any sort of process that would happen for an entity like a group home to be located in a neighborhood such as this. Ms. Kessler responded by saying there are three categories of group homes being proposed. Today the definition of family is four or fewer unrelated people and a family under current zoning can occupy a single family home. This would be the case for an established group home or a new one and they will be allowed wherever a single family home is permitted and this is consistent with the Fair Housing Act. There are two types of groups being proposed for this code – small (maxed at 8 unrelated persons) and large (maxed at 16 unrelated persons). Today there is no cap on the number of people who can live in a group home and it is permitted in any zoning district except in Residential Preservation either by right or by special exception.

Ms. Kessler stated concerns from this neighborhood, which is in the Medium Density were heard. Staff is proposing that group homes in this district would be permitted by Conditional Use Permit for up to eight people. She noted there will be a review process under the conditional permit process and the review criteria will look at things like whether this use will be harmonious with surrounding neighborhood, whether outdoor activity will be properly screened, no excessive burden on public utilities, no increase to traffic. The ordinance also indicates there will only be one group home permitted per lot. Ms. Kessler added separation distances is not something that has been addressed. Ms. Knight asked the committee to consider this issue, she felt their neighborhood is already bearing the brunt for these types of uses. Chair Barrett asked for clarification on separation distances raised by Ms. Knight. He noted this is something that has been addressed in other districts for other uses. Ms. Kessler stated staff did look at separation distances as a way to mitigate density impact, but the proposal to place caps on the number of unrelated individuals and limiting the number of homes per lot is a way staff addressed density for other uses like Homeless Shelter.

Councilor Johnsen stated she was at one of the meetings Ms. Knight is referring to and stated she shares the concerns raised by her based on some of the issues the Councilor observed. Ms. Knight asked for clarification on the number of parking spaces for instance for a group home consisting of 8 individuals. Ms. Kessler stated the standard would be one parking space per bed.

This concluded the public comment.

A motion was made by Councilor Kate Bosley to continue the public Workshop for Ordinances O-2020-10 & O-2020-11 to January 11, 2021. The motion was seconded by Councilor Phil Jones. Councilor Johnsen encouraged others in the neighborhood to also voice their concerns. The motion was unanimously approved by roll call vote.

Ms. Kessler recognized Chair Barrett whose term ends at the end of this year. She thanked him for his service to this Committee. She also recognized Vice Chair Cusack and Michael Burke

who will also be stepping down. She thanked them for their service as well.

6. Adjourn

The meeting adjourned at 9:30 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by Tara Kessler, Senior Planner