

City of Keene
New Hampshire

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

Monday, September 13, 2021

6:30 PM

Council Chambers

Planning Board

Members Present:

Pamela Russell Slack, Chair
Mayor George S. Hansel
David Orgaz
Councilor Michael Remy (via
Zoom)
Emily Lavigne-Bernier
Gail Somers
Roberta Mastrogiovanni
Harold Farrington, Alternate

Planning Board

Members Not Present:

Tammy Adams, Alternate
Andrew Weglinski

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

Kate M. Bosley, Chair
Philip M. Jones
Gladys Johnsen

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

Mitchell H. Greenwald
Catherine Workman

Staff Present:

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

I) Roll Call:

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

II) Approval of Meeting Minutes – February 8, 2021

A motion was made by Mayor George Hansel to approve the May 24, 2021 meeting minutes. The motion was seconded Councilor Phil Jones and was unanimously approved by roll call vote.

III) Public Workshop Ordinance O-2021-12 – Relating to amendments to the City of Keene Land Development Code. Petitioner, City of Keene Community Development Department, proposes to amend sections of Chapter 100 Land Development Code (LDC) of the City Code of Ordinances to address inconsistencies and issues identified by City staff during the period between the adoption of the LDC on May 20, 2021 and the effective date of September 1, 2021. Changes proposed generally include the re-categorization of “Day Care Center” from a Commercial Use to an Institutional Use; the removal of the requirement that onsite parking be provided for residential uses in the Downtown Core

District; amendments to Section 9.3 related to driveway standards; the minimum onsite parking requirement for self-storage facilities in Table 9-1 be amended to 1 space / 3,000 sf GFA; the removal of Sections 18.4 and 1.3.1.A.1 related to nonconforming lots; amendments to Article 25 related to the review of major site plans in the Historic District; the addition of definitions for the terms “awning” and “nonconforming lot”; and amendments to service connection fees in Appendix B of the City Code of Ordinances.

Rhett Lamb, the Assistant City Manager/Community Development Director addressed the Committee first. He noted that as the public notice states, staff intentionally created this period of time between the adoption date and the effective date of the land use development code to allow time for staff and the public to become familiar with the changes. He noted that during this time period staff applied the new land development code and the old regulations, and through this process, discovered that some sections of the Code should be amended. With that, Mr. Lamb turned the presentation over to Ms. Kessler.

Senior Planner Tara Kessler started her presentation on page 11 of the agenda packet, and noted that she would be briefly reviewing each of the changes proposed to the Code.

She began with the proposal to place the use “day care center” under the category of institutional uses instead of commercial uses. The reason is that daycare prior to September 1 was considered an institutional use and was permitted in areas listed on the institutional street list. With the land development code, daycare was categorized as a commercial use which would restrict where daycares could be located. This shift would bring it back under the category of institutional and provide the same opportunity for locating day care centers as was in the previous code.

Ms. Kessler moved on to address changes proposed to onsite parking in the downtown. She explained that prior to the land development code, there was no requirement for on-site parking in the Central Business District. The area where onsite parking is not required was expanded with the new code to the Downtown Core, Downtown Growth and Downtown Limited Districts with the exception of new residential uses, for which there is the requirement of one parking space provided per dwelling unit. Ms. Kessler noted that at the time, staff had not considered the impact this requirement of residential onsite parking would have on the conversion of existing units to residential in the downtown area, especially along Main Street. Ms. Kessler noted the downtown does not have too much land area and it is mostly full developed. If a few units within an existing building in the downtown were to be converted to residential units, the new code requires that the owner provide at least 1 parking space onsite per unit. While there is flexibility in the new code for reductions in this number and for offsite parking, staff feel it this requirement would be problematic for downtown properties. The edit being proposed is to exempt onsite parking for all uses in the Downtown Core Districts.

Councilor Jones clarified what is being proposed is to go back to what it was in the former Central Business District but with an expansion of the area. Ms. Kessler stated the footprint of the Downtown Core is smaller than the former Central Business District. Ms. Kessler referred to a map to illustrate this area. She added the area along Main Street is much more developed and there is not much room for on-site parking.

Chair Bosley asked whether there was any conversation about extending this exemption to Downtown Limited. Ms. Kessler stated the Downtown Limited District is a very small area and is filled with a mix of land uses, including some multifamily. She explained that staff did discuss this area, but did not consider extending the exemption for residential onsite parking to this district. Chair Bosley stated that if office buildings were to be converted to residential they would need to provide on-site parking. Mr. Lamb noted the scale of buildings along Mechanic Street and Vernon Street are much smaller and staff had set aside this area for future consideration. This area is different from Downtown Core and Growth. He felt by adding Downtown Limited, this item would need to be re-noticed as it is not listed in the notice today.

Ms. Kessler went on to address other edits related to parking. She noted that the minimum onsite parking requirement for self-storage units was changed from one space per 3,000 square feet to one space per 10 units. However, what staff has realized is that indoor storage units can be quite small and there could be hundreds of units within a building. Having a parking ratio based on parking spaces per unit could become quite punitive. As a result staff is suggesting reverting this minimum back to one space per 3,000 square feet.

Ms. Kessler noted that some standards related to driveways were included in both Article 9 Parking and Article 22 which relates to public improvement standards. Staff recommend removing these standards from Article 9 and keeping them in Article 22.

Ms. Kessler noted that staff are recommending that a section of Article 18 addressing non conforming lots be deleted as it is inconsistent with current policies.

Ms. Kessler noted that staff recommend the addition of two definitions to Article 28 the definition section. These definitions are for the terms: "Awning" and "Non-Conforming lots"

Ms. Kessler noted that a fee schedule was adopted with the land development code, but since the adoption, the City Engineer has proposed updates to the fees for service connections.

Ms. Kessler noted that during the adoption process for the land development code there was an ordinance adopted that removed a section from Chapter 18 "Building Regulations" to provide more flexibility for building permit applicants during the timeframe between the first public hearing held on the Land Development Code and its effective date. The section that was removed precludes the issuance of any building permit applications made after the posting of the first legal notice of proposed changes in the building code or zoning ordinance that would not be permitted if the proposed changes were adopted. Staff are proposing that the language that was removed in Chapter 18 be reinstated.

Ms. Kessler noted that the final amendment that was proposed related to the review process for Major Site Plan applications. When the land development update process was moving forward the Planning Board and Historic District Commission held their own public hearings on their respective regulations. The Historic District Commission during their public hearing raised concerns about exempting buildings that are younger than 50 years old from the regulations. As a compromise the Historic District Commission requested the opportunity to provide advisory comments on new construction of a significant scale in the Downtown Historic District to the

Planning Board as part of its site plan review. Staff was asked to introduce this amendment to the Planning Board Regulations at a future date, since the adoption process for the Land Development Code was past the public hearing phase. When this issue was brought before the Planning Board, the Board denied the amendment. Without the approval of the Planning Board, this amendment cannot be voted on by City Council and will need to be removed from the Ordinance. An amended version of the Ordinance will need to be voted on by the Joint Committee.

Mayor Hansel stated he was the one who had suggested denying the amendment and indicated he wanted this to be a more streamline process; to make it more predicable for the public and developers and felt adding this extra step goes against intent of the land use code update. He added he understands the concern of the Historic District Commission but felt if they had concerns about a particular project they can always come before the Planning Board during the review process.

Councilor Jones stated he agrees with the Mayor Hansel and noted denying the amendment goes along with one of the goals of the land use code update.

Chair Bosley asked for public comment, with no comments from the public the Chair closed the public hearing.

Mr. Lamb explained if the committee has concluded its discussion and is ready to move forward with a motions; one from the Planning Board as to whether the land development code is consistent with the City's Master Plan. The PLD would recommend the Mayor set a public hearing.

Councilor Remy referred to the parking issue and noted to the area in the Downtown Core on the map referred to by Ms. Kessler (the new adopted section) – if an existing business was to put in an application to remove some of their existing parking, whether there might be any restriction to that. Mr. Lamb stated they could remove this parking. Councilor Remy stated this concerns him regarding certain businesses that exist downtown. Councilor Bosley stated this parking issue would need to be addressed by the Council and hoped it would come up for discussion.

A motion was made by Mayor George Hansel made a motion to amend Ordinance O-2021-12 in accordance with the amendments discussed by the committee at this meeting including the removal of language for major site plan review process. The motion was seconded by Councilor Phil Jones. The motion carried on a unanimous roll call vote.

A motion was made by Pamela Russell Slack that the Planning Board Ordinance recommend that Ordinance O-2021-12-A is consistent with the City's Comprehensive Master Plan. The motion was seconded by Mayor George Hansel and carried on a unanimous roll call vote.

A motion was made by Chair Kate Bosley that the PLD Committee request a public hearing on Ordinance O-2021-12-A. The motion was seconded by Councilor Phil Jones and carried on a unanimous roll call vote.

- IV) **Next Meeting – Tuesday, October 12, 2021**
- V) **Adjourn**

There being no further business, Chair Bosley adjourned the meeting at 7:10 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Tara Kessler, Senior Planner