

City of Keene
New Hampshire

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

Monday, May 9, 2022

6:30 PM

**Council Chambers,
City Hall**

Planning Board

Members Present:

Pamela Russell Slack, Chair
Mayor George S. Hansel
Councilor Michael Remy (joined
via zoom)
Roberta Mastrogiovanni
Tammy Adams, Alternate
Armando Rangel

Planning Board

Members Not Present:

David Orgaz
Harold Farrington
Gail Somers, Alternate
Emily Lavigne-Bernier

**Planning, Licenses &
Development Committee**

Members Present:

Kate M. Bosley, Chair
Councilor Michael Giacomo
Councilor Gladys Johnsen

**Planning, Licenses &
Development Committee**

Members Not Present:

Councilor Philip M. Jones
Councilor Raleigh C. Ormerod

Staff Present:

Mari Brunner, Senior Planner
Rebecca Landry, IT Director/
Assistant City Manager
Med Kopczynski, Economic
Development Director

I) Roll Call

Chair Russell Slack called the meeting to order at 6:39 PM and roll call was taken.

II) Approval of Meeting Minutes – March 14, 2022

A motion was made by Mayor George Hansel to approve the March 14, meeting minutes. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved by roll call vote.

III) Public Workshop

Ordinance O-2022-04 – 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 of the City Code of Ordinances to add “Dwelling, Multi-family” as a permitted principal use with limitations to the Commerce District; amend the height requirements in the Commerce District to allow for additional stories or height – up to four

stories or 56 ft. – provided that additional building setback or building height stepback requirements are met; and, amend the use standards for “Dwelling Unit, Multi-family” in Section 8.3.1.C of Article 8 to require multi-family dwelling units in the Downtown Core, Downtown Growth, and Commerce Districts to be located above the ground floor.

Senior Planner Mari Brunner addressed the Joint Committee and stated this proposal is coming from the Community Development Department. It is a continuation of the Land Development Code project where mostly the downtown was the focus for change but the rest of the City was not changed as much. There were some changes made to permitted uses. Staff as a result has been looking outside of the downtown to see where housing can be encouraged. The reasoning behind this ordinance is to create housing opportunity in the Commerce District while being sensitive to the context of the area.

Ms. Brunner explained the Commerce District encompasses about 220 parcels along major corridors and are predominantly located in areas to the west and south of the downtown. This area is pretty auto-centric. She read the intent statement for the district: *“The intent of this district is to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district shall have city water and sewer service.”* Ms. Brunner stated this intent statement is right out of the Land Development Code.

Ms. Brunner stated there are a wide variety of uses permitted in this district but currently residential uses are not permitted in this district. In addition, this district does allow for mixed use as long as those principal uses are allowed in the district. Even though residential use is not allowed, there are number of parcels in the Commerce District where multifamily uses are occurring (stand alone or in a mixed used setting). Ms. Brunner noted these uses are listed on page 11 of the packet and there are about 12 multi-family units that have been identified.

Dimensional Requirements in this District appear to promote a medium to high intensity of development. Building heights are maxed at two stories or 35 feet by right or 3.5 stories or 50 feet with a Special Exception from the Zoning Board of Adjustment. The maximum impervious coverage is 80% and the minimum lot size is 15,000 sf. Setbacks are 20 feet; however, the rear setback is increased to 50 feet if the property abuts a residential district.

Ms. Brunner went on to say staff is proposing to add multi-family dwelling units as a permitted use to this district, with the limitation that all residential units must be located above the ground floor. She indicated this is to address a concern the Zoning Administrator had, in that this is a commercial district and that the City needs to make sure it is promoting commercial development in this district.

In addition, staff feels a requirement to obtain a Special Exception in order to increase the number of stories or height would be an undue burden and hence propose that a developer be allowed to go to three or four stories (maximum of 56 feet) as long as the above two stories are set back an additional ten feet to fit in with the surrounding properties.

Ms. Brunner stated staff is also proposing to modify the use standards for multi-family dwellings in the Downtown Core and Downtown Growth Districts. Multi-family dwellings are permitted in these districts at the present time by right. In Downtown Core, if there are less than four units all units have to be located above the ground floor.

With respect to consistency with the Master Plan – there is an entire chapter in the master plan that talks about the downtown, recognizing that it is the heart of Keene’s overall identity. There is a strategy within this chapter referred to as Downtown Vibrancy, which states *“As downtown businesses come and go, it is important that the community encourage an array of businesses that provide basic needs for the community and facilitate pedestrian activity, along with a variety of residential uses. The placement of those uses on first, second or higher floors within a building are also important to maintaining vibrancy. Retail and services businesses should continue to be placed on the first floor, with office and residential on the upper floors, in order to maintain walkability and support downtown as a destination.”* Ms. Brunner stated staff was looking at this section when proposing the limitation for multi family dwelling for Downtown Core and extending it to Downtown Growth.

Chair Bosley asked what the original setbacks that were set for Downtown Core and Downtown Growth. Ms. Brunner stated it depends on street type but for Downtown Core it is a built to line of zero if you are on a Type A Street and it is a Built to Zone of zero to five if you are on a Type B Street. Chair Bosley clarified in the downtown district how many stories you are permitted to go up and at what floor you have to step back – it is seven stories and step back is at five stories. The Chair stated she was trying to visualize these buildings – in the Commerce District if you are not mirroring what is set for downtown there could be these short four story buildings that are stepped in 20 feet and questioned whether the area would end up with these odd looking structures. Med Kopczynski, Economic Development Director stated his understanding is that in the Commerce District for instance if you went too high the street scape would be dominated too much. Chair Bosley felt it would not look attractive to have half the building stepped back and half not.

Councilor Giacomo felt in the commerce district four stories would not be considered to be too tall and if you looked closer you might already see this step back that exists.

Ms. Adams referred to the corner of Davis Street where the building was recently removed and asked whether a four to six story building could be constructed here. She stated she likes the idea of step back to avoid the high tunnel feeling.

Ms. Brunner indicated the idea for the building height setback was brought forward because this already exists in other districts. Chair Bosley stated her concern is without a visual presentation these could look like odd shaped buildings. Ms. Brunner clarified that the stepback option is meant to provide flexibility for properties where there is an existing building built at the 20-ft setback, and the developer wants to build an addition. However, the stepback is not required – developers can choose either the stepback option or the building setback option.

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

Mayor Hansel felt staff has done a good job in trying to look at ways incentivize multi use housing and encouraged staff to keep going as the City is in a desperate situation. The Chair agreed and felt keeping the ground floors for businesses was a good option.

A motion was made by Chair Bosley that the Planning Licenses and Development Committee request the Mayor set a public hearing on Ordinance O-2022-04. The motion was seconded by Councilor Gladys Johnsen and was unanimously approved.

A motion was made by Mayor George Hansel that the Planning Board find Ordinance O-2022-04 consistent with the City's Comprehensive Master Plan. The motion was seconded by Armando Rangel and was unanimously approved by a roll call vote.

IV) Discussion on the Rural District

Mr. Kopczynski stated following up on the prior discussion, the City is going to need to look at things like density and parking patterns to be able to change things to make housing possible. He indicated there is an RFP to hire a consultant to work at these underlying patterns and make some recommendations. At the same time staff is looking at existing properties to see how many are out of sync with the underlying zoning code in all districts.

Mr. Kopczynski stated in the Rural District currently the minimum lot size is five acres which was put in place in the 70's. This was supposed to have been a temporary solution and hence this is something else staff will be looking at as well to see what other options are available.

Mayor Hansel asked what staff is hearing from developers; what is preventing them from creating new development. Mr. Kopczynski stated for multi-family it is lack of available land. When it comes to existing stock the two most common issues are the sprinkler requirement in the third unit and, for Keene, it is also the availability of parking. Chair Russell Slack asked whether there was anything in place for on street parking. Mr. Kopczynski stated there is a residential parking district which requires residents in the district to petition the City Council to allow parking. There is also a less than 90 day process for undesignated streets.

Chair Bosley stated parking is an issue that has been discussed at the PLD Committee level. She indicated there has been a lot of discussion at Council level about creating affordable housing, and work force housing. She noted at the last Joint Committee there was discussion about wells and septic systems, and in the Rural District one of the limitations is to be able to safely locate a well and septic system is the five acre limit and felt five acres was not necessary for that.

Chair Russell Slack referred to the first plan brought forward by the Governor which was denied as it did not have any options for affordable housing. The second plan however, has this item included in it and asked whether staff is aware of how communities can access funding for affordable housing. Mr. Kopczynski stated there is no set plan in place yet but indicated he would get information for the committee.

Ms. Brunner stated staff has begun its initial review of the conservation residential development (CRD) regulations and the Rural District. There are 1,118 parcels in the Rural District of which 56% are non-conforming with respect to lot size. These parcels are all less than 5 acres in size. She indicated one of the reasons for this is the fact that historically, the minimum lot size was two acres. That was changed in the 70's due to the intense development that was seen in the City at the time, much of which was done as "planned unit developments" (PUDs). Even if the lot size in the Rural District were reduced to two acres, over 35% of the parcels would remain non-conforming due to lot size. Staff is also looking at the land itself using GIS mapping as to where steep slopes are, where wetlands are, the extent of City sewer and water and what opportunities are available for development in the Rural District. Staff has also been looking at other communities to see what they are doing to promote housing.

In New Hampshire, incentive zoning is an option. With the CRD subdivision option you receive a density bonus in return for placing 50% of land in conservation and you also get greater flexibility for housing options. Additional incentives can also be added such as added density if workforce housing is added. Ms. Brunner stated this option is not as easy as it sounds – long term tracking and enforcement can be an issue and this is something staff is looking into. Ms. Brunner stated staff does not have concrete proposals as of yet but are looking at varying options. Ms. Brunner added approximately 86.7% of properties in the Rural District are owner occupied which she felt was a rather high number. This number is most likely an under-counting of the number of owner-occupied properties due to the limitations in the data.

Chair Russell Slack thanked staff for getting this process started.

Chair Bosley stated she has heard Councilor Jones talk a lot about the City's dead end road policy and stated she would like to see a copy of this policy. The Chair went on to note if someone owned a 50 acre parcel of land with limited road frontage, what would the opportunities be to develop housing for instance with a cul-de-sac and asked if the dead end policy would prohibit such a development. Mr. Kopczynski stated staff will come back with information on this for the committee. Chair Bosley also raised the issue about the requirement for sprinkler system for a third unit.

Mayor Hansel asked staff to keep in mind those items that would have the most immediate impact. He referred to the CRD subdivision which has been an option in the City for many years, but not one has been built so far. Ms. Brunner noted there is an application that has been brought forward recently. He asked that changing the five acre zoning requirement be prioritized.

Councilor Remy agreed with what Mayor Hansel said. He indicated he loves the green space the City owns and there is a lot of land already in conservation and would like to see some of the larger land areas developed. He felt moving to the two acre zoning would be a step in the right direction.

Councilor Johnsen clarified whether the proposal is to construct these newer additions on top of the already existing two story buildings. She indicated her concern is that the existing two story buildings would be structurally sound to be built on. Ms. Brunner noted this is in reference to the proposed changes to the Commerce District, and stated that the developer would be required to

demonstrate the building is structurally sound and capable of supporting an addition during the building permit process.

V) **Next Meeting – June 13, 2022**

VI) **Adjourn**

There being no further business, Chair Russell Slack adjourned the meeting at 7:39 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Mari Brunner, Senior Planner