

City of Keene
New Hampshire

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

Monday, September 12, 2022

6:30 PM

**Council Chambers,
City Hall**

Planning Board

Members Present:

Pamela Russell Slack, Chair
Councilor Michael Remy
David Orgaz
Armando Rangel
Roberta Mastrogiovanni
Kenneth Kost, Alternate

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair
Michael Giacomo – Via
Zoom
Philip M. Jones
Gladys Johnsen
Raleigh C. Ormerod

Staff Present:

Jesse Rounds, Community
Development Director

Planning Board

Members Not Present:

Mayor George S. Hansel
Emily Lavigne-Bernier
Harold Farrington
Randyn Markelon
Gail Somers, Alternate
Tammy Adams, Alternate

Planning, Licenses &

Development Committee

Members Not Present:

All Present

I) Roll Call

Chair called the meeting to order at 6:30 PM and a roll call was taken. Councilor Giacomo asked to join the session remotely as he was exposed to Covid.

II) Approval of Meeting Minutes – August 8, 2022

Chair Russell Slack offered the following corrections:

Page 2, line 36 delete the duplicate word “this”

Page 3, line 98 delete the word “as”

A motion was made by Councilor Phil Jones to approve the August 8, 2022 meeting minutes as amended. The motion was seconded David Orgaz and was unanimously approved by roll call vote.

III) Public Workshop

Ordinance O-2022-11 – Relating to amendments to the Business Growth & Reuse Zoning District. Petitioner, Randall Walter, proposes to amend Table 8-1 and Section 5.4.5 of Chapter 100 Land Development Code (LDC) of the City Code of Ordinances to permit “Recreation/Entertainment Facility - Indoor” as a principal permitted use in the Business Growth & Reuse Zoning District

Mr. Randall Walter Architect and Developer addressed the Committee and noted considerable amount of work has gone into the development of the BGR District. Mr. Walters stated he had made a similar application a while ago with reference to activities in the district. He noted there are 29 individual parcels in the BGR District of different varieties. However, there is one thing many have in common which has to do with scale. Mr. Walter stated he wanted to talk about the scale of buildings in this district relative to indoor activities as it pertains to both children and adults. Families are driving long distances to other communities for indoor activity.

Mr. Walter noted the City does have the rink which is located in this district but this pre-dates the BGR District. However, things like bowling allies, laser tag, puzzle based games, indoor golf, are seeking homes and felt the larger industrial buildings will be good fit for these types of activities. Mr. Walter noted the Kingsbury property which is the heart of BGR is a 15-acre indoor space located on a 21-acre parcel, which has a lot of opportunities. He further stated within the indoor entertainment sector there are a couple of uses that can be considered to be wholesome and others that could cause concern to the neighborhood. However, felt some of these uses overlap with each other; a restaurant is permitted in the BGR but not a Night Club.

Staff comments were next. Community Development Director Jesse Rounds addressed the Committee. Mr. Rounds stated this ordinance proposes to amend Chapter 100 Land Development Code of the City Code of Ordinances to permit “Recreation/Entertainment Facility - Indoor” as a principal permitted use in the Business Growth & Reuse Zoning District and also seeks to amend Table 8-1 and Section 5.4.5 permitted uses in Article 8.

Mr. Rounds stated the BGR District was established in 2017 as part of the Marlboro Street rezoning effort. The intent of the District is to serve as an additional downtown zoning district that provides opportunity for redevelopment and revitalization of this area in an environmentally sensitive manner that is sensitive to the scale of the surrounding neighborhoods.

Mr. Rounds stated BGR is a relatively small zoning district which contains 29 parcels which support a variety of commercial uses including warehousing, office space, a municipal complex, industrial uses, Keene Ice Arena, and some retail uses. The BGR District is surrounded by the Residential Preservation District to the west, which is largely limited to single family dwellings, the Neighborhood Business District is to the south along Marlboro Street, which promotes small-scale commercial development. The Medium Density District and a small portion of the Downtown Growth District are to the north. The Low Density District is to the east, which is a single family zoning district.

The district as it exists right now allows for a number of uses such as Art Gallery, Art/Fitness Studio, Gym, Bed and Breakfast, Office, with a focus on smaller scale retail.

Mr. Rounds went on to say in terms of this proposal being consistent with Comprehensive Master Plan; the Plan states as follows:

“To the east side of Main Street, along Marlboro Street, there are similar opportunities to balance higher density housing with the existing single- and two-family residential neighborhoods. There is also the opportunity to extend light commercial uses from the Main Street roundabout to the Public Works Facility just before Optical Avenue. It also recommends inclusion of a higher density of industrial / manufacturing / business / office uses should be pursued with the provision of connections to adjacent neighborhoods, creating a walkable area.”

The plan reiterates on Page 118 that design details and sensitivity to surrounding neighborhoods should be considered. The BGR District was intended primarily as an area to attract industrial redevelopment and is surrounded by residential neighborhoods, hence, scale is important so as not to overwhelm those areas. However, “Recreation/Entertainment Facility – Indoor” is a commercial use that would support pedestrian traffic in the neighborhood, which is a positive aspect. Staff is concerned about specific uses such as a Night Club which is not a use defined in the code. This concluded staff comments.

Councilor Remy asked whether there was a different noise ordinance for downtown versus the BGR District. Mr. Rounds stated he wasn't sure – the Councilor stated he felt the BGR was 10 pm and the downtown was 11pm which would hence be a natural cutoff for the night club issue.

Mr. Kost noted to language which calls for the district to be oriented towards pedestrian and bicycle access and asked for explanation of that language as it pertains to the industrial district. Mr. Rounds felt the Comprehensive Master Plan was looking toward the extension of the Rail Trail being able to access these properties as well as slower speeds onto the main roads.

The Chair asked for public comment next. With no comments from the public Chair Russell Slack closed the public hearing.

Councilor Remy addressed the noise ordinance issue and stated the 11 pm noise ordinance is effective through Water Street. Looking at the BGR map 100 Nights property would be exempt from the 10 pm cut off and falls under the 11 pm cutoff. He added 163 Washington Street is the only property that is in the BGR District and in the 11 pm zone.

Chair Bosley stated she is excited the applicant brought this item forward and encouraged staff to review this list for acceptable uses for this area. She felt the entire community will benefit from seeing some development in this area especially in the Kingsbury property. She indicated she has young children who have limited indoor activity options and her family travels as far as Nashua to attend such activities. She applauded the applicant for thinking outside the box and added the term night club would not stop her from voting in favor of this item.

Councilor Jones with reference to the noise ordinance stated to tag off of what Mike said first, the Noise Ordinance is a complaint driven ordinance. Somebody could play music until 2am and if no one complains it just happens so I don't think it's a real issue, I think we've only had 2 complaints and that was a long time ago on Colorado Ave.

He further stated the Economic Development Plan that was complete a few years recommended more activities for young people in the community and felt this would be another way to attract young people to the community.

Chair Russell Slack stated she is in favor of this proposal as she supports anything that improves business growth and housing growth.

Councilor Giacomo noted the rail trail goes right through the middle of the BGR District which he felt was a positive aspect to commute people to various recreational opportunities. The Councilor also noted to the new Pat Russell Park and the new skate park both of which will be very close to the rail trail and continue right into the BGR District. He further stated he feels this proposed use is more in line with what this district is intended for versus some of the industrial uses which are part of its history not necessarily part of its future. Councilor Giacomo stated he was in favor of this proposal.

A motion was made by Councilor Michael Remy that the Planning Board recommends that Ordinance O-2022-11 is consistent with the Community Goals and Comprehensive Master Plan. The motion was seconded by David Orgaz and was unanimously approved.

A motion was made by Chair Kate Bosley that the Planning Licenses and Development Committee recommends that the Mayor set a public hearing on Ordinance O-2022-11. The motion was seconded by Councilor Philip Jones and was unanimously approved by roll call vote.

IV) Staff Updates Next Meeting – Tuesday, October 11, 2022

V) New Business

None

There being no further business, Chair Russell adjourned the meeting at 7:02 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Jesse Rounds, Community Development Director