

City of Keene
New Hampshire

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

Monday, July 10, 2023

6:30 PM

**Council Chambers,
City Hall**

Planning Board

Members Present:

Harold Farrington, Chair
David Orgaz, Vice-Chair
Mayor George S. Hansel
Armando Rangel
Ryan Clancey
Randyn Markelon, Alternate

Planning Board

Members Not Present:

Councilor Michael Remy
Emily Lavigne-Bernier
Roberta Mastrogiovanni
Tammy Adams, Alternate
Gail Somers, Alternate
Kenneth Kost, Alternate

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair
Michael Giacomo
Philip M. Jones
Raleigh C. Ormerod

Planning, Licenses &

Development Committee

Members Not Present:

Gladys Johnsen

Staff Present:

Mari Brunner, Senior Planner

I) Roll Call

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

II) Approval of Meeting Minutes – April 10, 2023

A motion was made by Mayor George Hansel that the Joint Committee approve the April 10, 2023 meeting minutes. The motion was seconded by David Orgaz and was unanimously approved.

III) Public Workshop

Ordinance – O-2023-12 – Relating to Zone Change. Petitioner and owner Monadnock Habitat for Humanity, Inc. proposes to amend the Zoning Map of the City of Keene by changing the zoning designation of the property located at 0 Old Walpole Rd (TMP 503-005-000) from Rural to Low Density. The total area of land that would be impacted by this request is 7.1 ac.

Michael Conway, volunteer for Habitat for Humanity, and Matthew Keenan, President of Monadnock Habitat for Humanity, addressed the Committee. Mr. Keenan stated they own property on Old Walpole Road which was donated for construction of affordable housing. He indicated the land is too big to construct just one house and make it affordable for their clientele and the feasible solution was to sub-divide the property and locate additional housing. The first step in that process is to request a zoning change from Rural to Low Density which would go along with the properties that surround the land with one exception.

He further stated in order to have more lots they would need access to City water and sewer and the applicant has an estimate of the cost to extend the water and sewer line. He added their construction would be a multi-year project.

Councilor Jones explained when the Joint Committee looks at a zone change it cannot be project specific. The Committee has to look at everything possible with that zone change and whether it is in keeping with surrounding properties. Mr. Conway stated their rationale for the zone change is that it is in keeping with the surrounding properties and the request is also in keeping with the goals of the master plan. Mr. Conway stated affordable housing is a huge issue for the City and felt this is one way to solve that problem.

Councilor Bosley asked for costs associated with extending the water and sewer line. Mr. Conway stated they have a rough budgetary figure of \$600,000. The Councilor asked whether the applicant has worked with the Community Development Department to see if LD-1 could be a possible zoning change which is a version of Low Density that does not require water but does require sewer. Mr. Conway stated sewer is the biggest issue, but they are also looking at the possibility of tying into the sewer on Butternut Drive via an easement. The Councilor asked whether the applicant had discussed with the City the possibility of expansion of those lines in the future which might benefit the applicant. Mr. Conway stated they have had a conversation and it was indicated there might be a possibility but there was no assurance.

Staff comments were next.

Ms. Brunner addressed the Committee and stated that, as was indicated by Councilor Jones, when considering this zoning change all uses in the area need to be considered and not just this one use. She indicated this request is to change one parcel of land in the Rural District to Low Density. The total impacted land area will be 7.1 acres. This parcel is located on Old Walpole Road and it is surrounded by the Rural District on three sides, including across the road, and the rear portion abuts the Low Density District.

Ms. Brunner went on to say, in terms of consistency with the master plan - looking at the community vision, she noted the master plan has six vision focus areas and the focus area that is probably most relevant to this application is Focus Area 1 - Quality Built Environment. Under this vision focus area, the community stated *“achieving a quality built environment includes providing quality housing and balancing growth and the provision of infrastructure.”*

Ms. Brunner noted this area of the City is close to City water and sewer but the City sewer is further away and would require extension of both those lines. However, it is definitely feasible to connect to both City water and sewer.

Ms. Brunner stated this proposed zoning change would also provide the opportunity for more housing in that it would increase the density that would be allowed on the lot. Currently, in the Rural District with a subdivision you are allowed up to three units but in the Low Density district, if an applicant subdivided with using the Conservation Residential Development (CRD) option you can get as many as 30 units (not including site constraints).

With respect to the future land use plan in the master plan, the master plan identifies areas that are suitable for future growth and areas where growth should be constrained. This parcel is right on the edge of two of those areas. It is on the edge of what is referred to as Conservation Residential Development/Rural/Low Density Residential/Agriculture area (CRD category). The future land use and policy section notes that the CRD category includes areas for continued preservation of open space, agriculture and rural residential uses. It also states this area would be appropriate for conservation residential development type subdivisions.

The secondary growth areas are identified as consisting of single family with low to medium density development.

Ms. Brunner went on to say the proposed zoning change would allow for a single-family development or if the land is developed as a conservation residential development subdivision in the Low Density district, it could be developed as single family, 2-family or small multi-family with up to six units on each lot.

The final portion of the Master Plan relevant to this request is the Housing chapter. Ms. Brunner noted in the application narrative, the applicant states *“the purpose of this proposal is to create an opportunity for the development of affordable workforce housing. The Comprehensive Master Plan identifies housing as a fundamental challenge for the community as cost of community services continue to increase and Keene’s reliance on property taxes places a growing financial burden on its residents and businesses. The housing chapter discusses the importance of providing a balanced, and diverse housing stock.”*

Ms. Brunner stated this proposal would provide for the potential for higher density of housing development in an area that is on the edge of existing development (low to medium density). It is also on the edge of where City water and service could be provided.

Ms. Brunner then provided an overview of the two zoning districts. The current zoning is Rural which is intended to provide for areas of very low density development, predominantly of residential or agricultural nature. Generally, the properties in the Rural District are beyond the valley floor where City water and sewer service are not readily available.

The Low Density district is intended to provide for low intensity single family residential development and all uses in the Low Density district shall have City water and sewer service.

With respect to the district uses for those two zoning districts. Ms. Brunner stated the proposed change to go from Rural to Low Density would significantly decrease the number of permitted uses that are allowed on the site. She indicated she did not believe there are any uses that are allowed in Low Density that are not allowed in the Rural District. However, there are many that are allowed in the Rural District that are not allowed in Low Density. For example, manufactured housing, manufactured housing park, agriculture related education and recreational activities as a business, animal care facility, bed and breakfast, event venue, greenhouse/nursery kennel, recreation/entertainment facility - outdoors, cemetery, farming, golf course, gravel pit, and solar energy systems, including small scale, medium scale, and large scale.

However, the uses listed above are not allowed in Low Density and won't be permitted on this property if this request is approved.

Ms. Brunner went on to say that the dimensional requirements are fairly similar. The main difference will be minimum lot size that is allowed in the Rural District. Currently in the Rural District it is two acres whereas in the Low Density district it will be 10,000 square feet. The Rural District also has larger setback requirements and is more restrictive in terms of maximum building coverage and maximum impervious coverage that is permitted. However, the required road frontage in the Low Density district is slightly higher compared to the Rural District.

As far as the implications of the proposed change, there are two major items staff identified. As mentioned previously: first, one is potential density of development - under the current zoning the maximum number of dwelling units would be three because the parcel is less than 10 acres in size, and therefore not eligible for a CRD subdivision. If it is rezoned to Low Density, because it is more than five acres in size, it could be developed as a CRD subdivision within the Low Density District. This means the applicant could get significant density out of the parcel – the maximum number of dwelling units would be 30. However, whether the applicant could get that many units would depend on site constraints.

Ms. Brunner added if the applicant were to develop the property just doing front lots where their frontage is on Old Walpole Road, because of the frontage requirement in the Low Density District, the maximum number of units under that scenario would be 13. Hence, 13 to 30 would be the potential for development.

With respect to City water and sewer service. The zoning regulation states as follows: *all uses in the Low Density district shall have City water and sewer service.* Therefore, the property owner would be required to extend City water and sewer to the site at their own expense prior to any developments. Ms. Brunner stated she did reach out to City engineering staff, and they assured her there is sufficient volume and pressure available to connect to City water. However, the public main would need to be extended and depending on the nature of the development, they may be required to provide one or more hydrants.

In addition, while there is sufficient capacity available in the existing sewer main on Old Walpole Road, this is located further away at the intersection of Hilltop Drive. Hence, the developer would need to install a pump in order to reach the property. The applicant did note they are seeking options to try and connect this sewer service on Butternut Drive, which is much

closer. The constraint with this option is that they would need to secure an easement to get that sewer line to run across private property. This concluded staff comments.

Councilor Bosley asked why the option for LD-1 has not been discussed, which she felt was a less restrictive option and asked whether there would be any restriction for CRD with LD-1. Ms. Brunner stated the applicant did consider LD-1; however, connection to City water was not a barrier for them, whereas connecting to City sewer was a bigger issue for the applicant. She added CRD would be an option with LD-1 as well, but this would limit the number of houses to seven (assuming they only connect to city sewer and not city water).

Councilor Bosley stated she was concerned with lot 4 being isolated with this zoning change and asked why this zoning change would not be extended to accommodate lot 4. Ms. Brunner stated the applicant did reach out to the owner of that parcel and the owner of that parcel was not interested in that parcel being rezoned.

Councilor Jones referred to page 22 – dimensional requirements – he noted Ms. Brunner had referred to three districts and asked for clarification. Ms. Brunner stated it should be just two districts: Rural and Low Density.

Chair Farrington stated this is not a public hearing but instead a public workshop. However, he invited the public to comment on this proposal as that is the Committee's practice.

Mr. Todd Palmer of 142 Old Walpole Road (lot 4) stated that by changing the zoning of his property (the lot 4 that was previously mentioned) he gains nothing by it and wanted to leave his property as is. He stated he did not have any further questions at this time but stated he did look forward to having Habitat for Humanity as his neighbors.

Mr. Jim Craig, an abutter across the street stated he own 33 acres of land which is entirely in the Rural District and has enjoyed his property as it exists for the past 47 years. He stated Rural District minimum lot size was recently changed from five acres to two acres and referred to the increase to density this has yielded and the request to further change the zoning to Low Density would increase that density. He also added if water and sewer are connected across the street, then that would that give him the opportunity to locate on his property as well – he did not feel that would be a good option.

Mr. Craig stated he is also concerned about the wildlife in this area. He also referred to the area of land across his property that slopes up and the water that comes down that slope that empties into three drains and felt it was important to keep this area as wooded as possible. He also indicated his driveway as recent as last week has washed out. Mr. Craig felt if this area is changed, then he would also have the right to change his property (or someone else who might acquire his property in the future) and questioned where this ends. He felt the Committee has done a good job in changing the minimum lot size in the Rural District from five acres to two acres and felt the change should end at that.

Mr. David Bergeron of 139 Old Walpole Road was the next speaker. He stated he likes the work Habitat for Humanity does but going from the ability to locate three lots versus up to 30 lots

concerns him. Mr. Bergeron referred to the map in the Committee's packet and stated this property is not surrounded by the Low Density district but rather by the Rural District, although it does have Low Density at the rear. The Rural District properties close to the applicant's property range from two acres to 30 acres. He stated he disagrees when it is said that changing to Low Density would be in keeping with the character of the neighborhood. Mr. Bergeron questioned what happens if Habitat for Humanity does not prevail in their fundraising to connect to sewer or acquire an easement to go down Butternut Drive. The property then gets sold and the new owner would do whatever they want to at that point and locate as many houses as they like.

Mr. Bergeron went on to say the character of the area is two acre lots and going to Low Density would increase to four lots per acre and would not be keeping with the area and could be a detriment to the area. He felt if Habitat for Humanity keeps the property as Rural they could get three lots and perhaps four with a variance.

Mr. Nick Leone of 178 Old Walpole Road stated he owns 2.1 acres and stated 30 units seem excessive for this property. He felt this type of development would disrupt the wildlife that exists in this area. Mr. Leone also expressed concern about excessive noise and traffic – traffic is already an issue.

Ms. Laura Tobin of Keene referred to the various uses that could be located in the Rural District which are not residential in nature. She noted most people who have raised concern have talked about the many residential properties but have not raised concern about perhaps a school being built or the other uses that could be allowed. Ms. Tobin felt having houses close together preserves an area. She noted the master plan calls for development of a neighborhood and having houses close together does that.

Ms. Jessica Wright of 108 Butternut Drive addressed the Committee next. Ms. Wright stated she has lived in her property since 2007 and has enjoyed the privacy that comes along with her property and stated she is concerned about this application. She noted that Maple Acres, which is in this neighborhood, have sewer problems a lot and they fail very easily. Another individual who also resides at 108 Butternut Drive stated the proposed property today is a "pond" and when it gets developed the water would have to go somewhere which would impact everyone on Butternut Drive. He added neighbors on Butternut Drive already have problems with drainage and this development would only exasperate that problem. Ms. Wright stated she was approached by Habitat for Humanity looking for an easement across her property and based on the concerns expressed, she has declined.

Mr. Nick Bergman of 122 Butternut Drive stated currently they have no issues with water in their basement but many homes in the neighborhood do. Mr. Bergman stated he has concerns about existing wildlife that will be disrupted because of this development. Mr. Bergman indicated he has great concerns about rezoning this property from Rural to Low Density.

Mr. Steve Rennick of 26 Butternut Drive addressed the Committee next and stated the existing drains cannot handle the water that already comes from Autumn Hill and Apollo Avenue. He indicated there are already three drains very close to his property and when it rains like it has in the last few days, the drains cannot handle the water. Mr. Rennick stated in the 28 years he has

owned his property, he has replaced his basement three times. All sewer drains have been repaired except for the one at the corner of Kennedy Drive and Liberty Lane. Nothing has been replaced on Autumn Hill, Apollo Avenue and by adding more housing, there is no way the existing drains are going to be able to handle any more drainage. Mr. Resnick stated it cost him \$30,000 to replace the drains under his house because they keep collapsing and the same is true for all drains on Butternut Drive; adding more housing will make the existing situation even worse. Mr. Resnick added insurance does not cover such costs unless a homeowner has “special insurance”.

Todd Palmer of 142 Old Walpole Road addressed the Committee again and stated he supports Mr. Bergeron and Mr. Craig’s comments who have researched this item more than he has.

Chair Farrington noted four letters were received by the Planning Department in support of this application. The letters are from The Richards Group, Monadnock Interfaith Project, Cheshire Medical Center and Insurance Source. Copies of the letters were emailed to Committee members and hard copies are on their desks.

With no further comments, the Chairman closed public workshop.

Chair Bosley asked how many lots can be placed on a property if CRD was considered in the Rural District. Ms. Brunner stated CRD would not be permitted under the current zoning as the minimum lot size is ten acres. The applicant could request a variance but they would still be restricted to three units.

Mayor Hansel stated the committee is only looking at zoning, but he does hear the concerns raised with respect to flooding, runoff etc. He stated this, however, would need to be looked at as part of a development review process by the Planning Board. What the committee is looking at today is a zoning change against the master plan done in 2010. He added the public would have an opportunity to address these issues before the full Council.

Councilor Giacomo stated when he read the summary it felt like a good suggestion. He stated that after hearing testimony today, he has concerns about the drainage issue and any more intense development could cause serious issues for the neighborhood. He added the committee’s only recommendation today would be whether to send this item to a broader public hearing. He stated he would like this item to be reviewed by a larger group.

Councilor Jones agreed with Councilor Giacomo that this item needs to be sent to the full Council and this committee’s vote is just a formality. He added even if the PLD Committee voted no, the applicant has the right to be heard before the full Council.

Councilor Ormerod stated he is biased in finding sites for workforce housing, but this may not be an ideal site. However, he felt it needs to be reviewed by the full Council.

Mayor Hansel stated from the Planning Board perspective this is a difficult item to review as you can pick sentences out of the master plan that support this type of zoning change and ones that would be against it. He added from his perspective the master plan would be in support of this

zoning change but felt there should be a caveat to say it is not very clear – the master plan is at a high level intentionally, so to get specific can be challenging. The Chairman agreed and added if this item goes to site plan review, he can see many significant issues with water which would need to be addressed.

Councilor Giacomo stated if this site was accessed off Butternut Drive it might seem to be more in line as opposed to access off Old Walpole Road which is not a residential road.

Councilor Bosley explained to the public that the Planning Licenses and Development Committee would vote tonight to request the Mayor set a public hearing, which is a formality and encouraged the public to make their voices heard, in support or against this item at that public hearing. After that public hearing the Council will decide as to whether this zoning change should be approved or not.

A motion was made by Mayor George Hansel that the Planning Board finds Ordinance O-2023-12 consistent with the Comprehensive Master Plan of 2010. The motion was seconded by David Orgaz and was unanimously approved.

A motion was made by Councilor Giacomo that the Mayor set a public hearing on this item. The motion was seconded by Councilor Jones and was unanimously approved.

IV) Invest NH - Housing Academy Lessons Learned Presentation – As part of the Invest NH Housing Opportunity Grant Program, Councilor Raleigh Ormerod and Pamela Russel-Slack attended a statewide Housing Academy. They will present on lessons learned from the program.

Ms. Pamela Russel-Slack addressed the Committee first and stated she and Councilor Ormerod have attended five statewide Housing Academy workshops attended by nearly 60 or 70 other individuals. Ms. Russell Slack stated the goal for the future is to invite other towns to attend a session to see what other ideas can be shared with this committee.

Councilor Ormerod started the presentation and stated these workshops were funded by the New Hampshire Housing Opportunity Planning Grant underwritten by the New Hampshire Finance Authority. This is a joint program of NH Housing and UNH Extension. The councilor noted this seems like a massive coordination at the state level to move things forward and to educate the towns and communities to help solve the housing crisis that we are seeing.

Councilor Ormerod shared Session 1 - Community Engagement:

- Do we have the right information?
- Does the community know and have the right information?
- How can the community participate in workforce housing and other housing solutions?
- How can they be sure that their voices are being to solve this crisis?

Ms. Russell-Slack stated she wanted to go over the definition for “workforce housing”

For a family of four with an income of \$80,000 - this family will meet the requirements for workforce housing. Ms. Russell-Slack stated many don't think that workforce housing can go as high as \$80,000.

Councilor Ormerod continued -

What is the right type of information?

One of the right types of information is what are the types of housing that should be considered and does the City have the right mix. The types of housing to be considered are: Mixed use; Single-Family; Multi Family; Manufactured Housing; Co-Housing; Senior and Age Restricted Housing; and Accessory Dwelling Units.

Councilor Ormerod stressed how important it was to plan for good community engagement. Education of the public of what the issues are, what the solutions are and what the various definitions are. Such as workforce housing, median income etc.

At another session, storytelling was a method they used for engagement. Councilor Ormerod stated he had Josh Meehan, Executive Director of Keene Housing on his radio show recently who told the story of logjam in workforce housing and how there is no market rate housing available in Keene for people coming off low income vouchers, so they are retained in low income housing. Mr. Meehan also indicated the housing vouchers waiting list is up to 7 years; The number is about 40 families. Mr. Meehan also indicated reducing the two parking space requirement would also help. Ms. Russell-Slack stated a good example of that is the new project that is being constructed on upper Washington Street. More apartments can be added if the parking requirements were different.

Councilor Ormerod referred to another storytelling item. A key informant and community member Beth Daniels, CEO of Southwest Community Services was also a guest on the radio show. Ms. Daniels had stated the rent increases and low apartment stock impacts everyone. Ms. Daniels stated she has heard people say that they have a home and others not having a home should not be their problem. One of the response to such a comment is that the community needs a diverse workforce. Ms. Daniels also indicated home ownership at all income levels is being impacted.

Ms. Russell-Slack stated she did notice on the housing assessment some of the issues that were brought up is that senior citizens don't have money for housing repairs and maintenance. She stated there is money available, the key is educating people to access these resources.

Councilor Ormerod stated the focus of another session was key informant interviews - one on ones with community leaders and people who have access to information and influence. There are tools and independent personal communication tactics that were presented. New Hampshire Listens was the consulting firm that taught some of these very interesting techniques.

Ms. Russell-Slack stated this is her 8th year on the Keene Housing Board and has been dealing with housing issues for a long time. She noted Keene does have a great housing program. She added that Josh Meehan is probably one of the best housing directors in all of New England.

Councilor Ormerod went over how to respond to opposing views; acknowledging uncomfortable information and realizing at times anxiety causes such feelings and often people feel there is an imbalance in power. The Councilor stated they had 12 or 14 different techniques they were able to role play on how to deal with and talk about important things.

Councilor Ormerod stated they also did a deep dive into reference and updating of data. For example, the US Census Bureau – the last update was in 2020 (update every ten years). The City's master plan is referencing old census data. The American Community Survey comes out every year. There is also the New England Real Estate Network, The Warren Group which provides property deeds and mortgage information. The New Hampshire Housing's Annual Residential Rental Cost Survey, which is done annually looks at median gross rent and vacancy rates.

The fourth session discussed how to engage the whole community. How do we know who to talk to? How do we get people together? Key informant interviews were one issue that was raised. There needs to be a broader audience, we need input from different stakeholder groups.

Councilor Ormerod referred to a flower diagram – who are the constituent groups: young professionals, builder groups, senior citizens, people who have lived in the area for a long time, school alumni etc. Ms. Russell-Slack stated when housing assessment was discussed at council level the topic about seniors who live alone was discussed. She felt bringing seniors together to discuss this topic was important and referred to the Keene Senior Center as a great place to have such a discussion; they are a group of people that need to be included in the housing discussion. Ms. Russell-Slack added the baby boomer generation (which she is part of) is not going away for at least another 10 years. They will be aging out but prefer to stay in their homes.

Councilor Ormerod then talked about some of the insights that the City might want to look at:

- Be current with Keene's housing data – what is the real situation.
- Update land use and zoning – Keene has a very good start, but it probably needs to be publicized so contractors and developers could take advantage of the new standards.
- Price of utilities is increasing faster than cost of living. Keene is promoting more local production of solar and other such items.
- How do we encourage housing trusts – get employers involved in this process.
- Where to build and what type of housing should be built. Councilor Ormerod suggested cluster housing.
- Explore City and county fees and controls in certain sectors.

Ms. Russell-Slack added when she purchased her home 25 years ago she lived in a joint land trust with her neighbor which was a 99 year renewable lease but she was responsible for paying property taxes. She noted Linda Mangones from Cheshire Housing Trust would be a good

contact for information on land trusts. She added Cheshire Housing Trust has liquidated all its land trusts.

Councilor Ormerod provided an example of a cluster community.

Ms. Russell-Slack encouraged the City to update its master plan, especially the housing chapter which goes back to 2007.

Councilor Bosley thanked Councilor Ormerod and Ms. Russell-Slack for all their work. The Councilor agreed the City needs a parking revision. She also felt the City could have on its website a housing tool to provide the community with housing information.

Councilor Jones thanked Councilor Ormerod and Ms. Russell-Slack for their effort. He indicated what he has learned is Keene needs attainable housing. Most individuals who are renting and are ready to purchase a home can't find anything they can afford. The Councilor talked about Airbnb's – this is not an issue that can be regulated by Council it is something that needs to be addressed at the state level. He felt the City needs more control over Airbnb's – there are no homes for sale but there are plenty of Airbnb's that are available. Ms. Russell-Slack stated she would look into the Airbnb issue for the Committee.

Councilor Bosley stated there is a lot of information coming out about Airbnb's and many cities are reporting 50% loss in revenue and there is an expectation many of these rentals will be sold and added back into the housing stock. The Councilor also felt the City should look into tax incentives for buildings that are appropriate for seniors – one story living (not nursing homes or 55 plus living).

Councilor Giacomo asked whether there were housing swap programs. Vice-Chair Orgaz stated the only item he could think of is someone assuming another person's mortgage.

V) New Business

Ms. Brunner stated she has been in contact with JB Mack from Southwest Region Planning Commission to review the regional housing needs assessment. Mr. Mack could be available for the September Joint meeting.

VI) Next Meeting – Monday, August 14, 2023

VII) Adjourn

There being no further business, the Chairman adjourned the meeting at 8:17 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Mari Brunner, Senior Planner