

City of Keene
New Hampshire

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

Monday, August 14, 2023

6:30 PM

**Council Chambers,
City Hall**

Planning Board

Members Present:

Harold Farrington, Chair
David Orgaz
Mayor George S. Hansel
Councilor Michael Remy
Emily Lavigne-Bernier
Ryan Clancey
Armando Rangel

Planning Board

Members Not Present:

Roberta Mastrogiovanni
Gail Somers, Alternate
Tammy Adams, Alternate
Randyn Markelon, Alternate
Kenneth Kost, Alternate

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair
Michael Giacomo
Gladys Johnsen
Raleigh C. Ormerod

Planning, Licenses &

Development Committee

Members Not Present:

Philip M. Jones

Staff Present:

Jesse Rounds, Planning Director
Evan Clements, Planner

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 – July 10, 2023

A motion was made by Mayor George Hansel to approve the July 10, 2023 meeting minutes. The motion was seconded Councilor Remy and was unanimously approved.

III) Public Workshop

a. Ordinance – O-2023-13 – Relating to Zone Change. Petitioners JRR Properties LLC & the Monadnock Conservancy, on behalf of owner JRR Properties LLC, proposes to amend the Zoning Map of the City of Keene by changing the zoning designation of the property located at 0 Ashuelot St (TMP #567-001-000) from High Density to Commerce. The total area of land that would be impacted by this request is 3.53 ac.

Attorney Tom Hanna addressed the Committee on behalf of JRR Properties LLC & the Monadnock Conservancy. Attorney Hanna stated the proposed site was used for overflow parking when the Colony Mill was in operation. The site was also used for snow storage by the Mill. In 2007, the Mayo Group obtained approval for 83 condominium units on this site but the project did not come to fruition. In 2013, JRR Properties purchased this site with the intent of turning most of this site into a city park and an area to load kayaks and canoes. In 2021, the applicant tore up all the pavement and loamed and seeded the site. In 2022 the City Council accepted the offered donation of 2.5 acres of the parcel for use as a city park. After the lot is subdivided, the remaining parcel will be donated to the Monadnock Conservancy in order to construct an office building to be used as the organization's regional headquarters.

Attorney Hanna then turned the presentation over to Tara Kessler to address the land use issue. Ms. Kessler noted this parcel is located at 0 Ashuelot Street, and is a 3.5 acre parcel adjacent to the commerce district and is zoned high density. The site is surrounded by commercial uses to the south. To the north of the parcel is medium density and across the street is a low density with a pocket of high density. Ms. Kessler noted the expansion of the commerce district to include this parcel would provide for more opportunities for more sustainable development on this parcel as well as mixed use development. With the lot being in high density, those uses are not permitted; you can have one primary use on the lot and solar energy as a primary use is not permitted on a lot. This lot was historically zoned central business limited.

Ms. Kessler noted prior to the land use code update in 2021, this lot was in the central business limited district which is an expansion of the current downtown core. The central business limited district allowed for a variety of high intensity commercial uses, including residential. Ms. Kessler went on to say when the land use code happened in 2021, the City gave the property owner an option of whether they wanted it to be commerce or whether they wanted it to be high density. At the time the property owner wanted to maintain the right to have residential uses, since commerce did not allow for residential at that time. They did have the intention of making this land or part of this land a city park. However, it was not until 2022 the idea for use of an office space or regional headquarters for the Monadnock Conservancy came up.

Ms. Kessler stated high density district is limited in what uses can happen. However, this does not mean it doesn't allow for density to occur. This is a 3.5 acre parcel can provide for significant residential density. The commerce district designation would be more aligned with the master plan and the intent for that neighborhood, which is designated as the Court Street Ashuelot Street neighborhood, which is in the city's primary growth area.

She noted the master plan identifies this area *as a neighborhood being comprised of a mix of office and commercial uses that transition to residential uses combined with open space and trail amenities*. Ms. Kessler stated the proposed zoning will allow for these mixed uses to occur. The parcel will continue to be next to the Ashuelot River green space and would continue to provide a transition into those more residential uses that are on Ashuelot Street, but it would allow for this mixed use to occur on the parcel.

Ms. Kessler went on to say the zone change would not make the lot non-conforming. If it was to become commerce, the lot size meets the minimum requirements of zoning, which is 15,000

square feet in the commerce district (this lot has 3.5 acres). The existing use is currently undeveloped open space, which would be permitted in commerce. She noted as mentioned previously, if this zone change was permitted their client would pursue green space conservation area as well as office for an Environmental Conservation Education Center and a ground mounted solar energy system.

Councilor Giacomo asked Ms. Kessler what the rationale behind changing this parcel when the redistricting was completed. Ms. Kessler stated at the time there were five parcels in the Ashuelot Corridor that were zoned central business limited. This district was eliminated with the Land Development Code. Hence, there needed to be a zone change for those parcels and the property owners in that area were given a choice. This property owner chose high density.

Attorney Hanna stated when the decision to move forward with high density, there was already a commitment to gift 2.5 acres and hence it only affected an acre.

The Chair asked for staff comments next. Planner Evan Clements addressed the Committee and stated his comments are going to focus on master plan consistency. He indicated staff looked at this proposal as having an economic opportunity. The economic chapter of the Comprehensive Master Plan encapsulates some of that, “...*the need for a strong and diverse economy in order to grow and prosper and enhance Keene’s quality of life.*” *The Economic Development Chapter discusses that the community wants new businesses that support the City’s goals for social, financial, and environmental responsibility.* This proposal would increase the opportunity for economic diversity that is oriented to serving the neighborhood that the parcel is located in as well as the community at large considering its proximity to West Street.

Mr. Clements stated the environmental responsibility of that component is important considering that the majority of the parcel in question is located within the floodplain. Hence, any future development is going to have to balance the needs of the impact to what is more or less now a green site for new development.

With respect to community vision – staff feels the vision focus area that is most relevant is Focus Area 2: A Unique Natural Environment. *Achieving a unique natural environment includes adaptive reuse of existing developed parcels. This can include returning a developed parcel to a natural state in order to accommodate the natural, undisturbed environment surrounding the subject parcel.* Mr. Clements stated as indicated previously, this area is within the 100 year flood plain. Any future development of the area would require low impact development (LID) techniques such as green infrastructure and floodplain mitigation strategies, including compensatory storage. The proposed zoning change would provide the opportunity for commercial activity and housing above the ground floor for any future development.

Mr. Clements then reviewed the intent of the two zoning districts. The High Density District is intended to provide for high intensity residential development and associated uses. All uses in this district shall have city water and sewer service.

The Commerce District is intended 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.

Mr. Clements went on to say that there has been discussion about proposed future use of this property but would like to remind the committee that this might not be the end user for this parcel and there is an opportunity for a very intense commercial use of this parcel if it is rezoned as commerce.

He noted implications of the proposed change would create an area of commerce that is surrounded by residential districts to the north and east, conservation district to the west and commerce to the south and southeast. The change from high density to commerce would bring the parcel more in line with what was historically allowed on this parcel before it was changed to high density with the adoption of the Land Development Code.

Chair Bosley asked with the gift of 2.5 acres whether there would be a requirement for a subdivision. Mr. Clements answered in the affirmative. She asked whether there is indication as to what that division would look like and asked whether the remaining acre would be right next to the commerce district. Attorney Hanna stated the area to the north would be the acre; Monadnock Conservancy would locate their building in the northeast corner and to the west would be a solar array. Chair Bosley clarified the piece of land that is not green space will be next to the residential neighborhood. Attorney Hanna agreed. The Chair asked about access to the river. Attorney Hanna stated access to the river would be the city's decision; the access to the river would be in the middle with entrance in the southern part.

Chair Bosley stated she is trying to imagine the one acre without Monadnock Conservancy as the occupant; if for some reason there was a decision made that this plan did not come to fruition and that that one acre would be left to be developed into any one of the uses as listed on the page 16 of the committee's packet. The site might look a lot different if it was not Monadnock Conservancy. For example, a motor vehicle dealership, private club or lodge could be located here. She noted once the zoning is changed it does become permanent and the zoning would go along with the land.

Attorney Hanna noted one reason for the formulation of the subdivision in the way it has been identified is because a good portion of that one acre, at least in the northeast of the entire lot would be outside the floodplain.

Planning Chair Farrington asked about the existing rail trail. Attorney Hanna stated the trail would not be impacted and remain in its current state.

Chair Bosley referred to the map on page 13 and noted the lot does abut the river and the trail system runs along the river toward the hospital and asked whether the trail dissects this property. Community Development Director Jesse Rounds stated the trail is located entirely on city property.

Councilor Giacomo stated it was important to keep in mind that subdividing this property is completely out of the scope of anything that is being discussed tonight - there has been no proposal to subdivide the property yet. What is being discussed tonight is turning the entire property into commercial, regardless of what this petitioner or anyone else in the future decides to do with the property. Chair Bosley stated there has been a lot of conversation about this gift to the city of this green space but what has not been finalized at this point is once the zoning is changed the applicant at any point could decide to sell this property to a developer. Attorney Hanna stated that will not happen; it has been pledged, it has been voted, and an offer was made and there will be a contract. Chair Bosley agreed that this is something that been discussed for a while at the city level but felt it was prudent to make everyone aware that there is no signed contract at this point.

Chair Bosley went on to say this is not a formal public hearing but the committee will take public comment at this point.

Mr. Peter Hansel who is on the Board of the Monadnock Conservancy addressed the committee and stated he was before the committee as his role on the Energy and Climate Committee (ECC) of the City. A few years ago ECC started looking for sites that could accommodate solar arrays. One of the sites that came up was this site. Mr. Hansel stated he contacted the city who had advised him the city was in conversation with the owner of the site regarding this issue. He indicated from the point of view of ECC this has been a prime site for a solar array.

Mr. Ryan Owens, Executive Director of Monadnock Conservancy was the next speaker. Mr. Owens stated Monadnock Conservancy is a nonprofit land conservation trust about 33 years old. Most of that history has been based in Keene and over that time Monadnock Conservancy has conserved over 23,000 acres most of which land is in Keene. Mr. Owens indicated this conservation is done for the benefit of nature, but ultimately for the benefit of people and the quality of life enjoyed by people in Keene and the greater Monadnock region. Whether that is open space as places to recreate, forests to help clean the air and water, forest to help mitigate flooding in Keene, farmland to provide food to our local food system, etc. Monadnock Conservancy is involved in all this type of work and are looking forward to a major effort to expand that impact.

Mr. Owens stated they are launching a campaign to expand their staff from 10 to 14 people to be able to do more of that conservation work and this new building as proposed is part of that vision. He indicated they could have chosen to locate their headquarters somewhere deep in the woods or perhaps adjacent to a nature preserve but have chosen to stay in Keene to be close to where people are. He stated they hope that through that connection, proximity and visibility they will be building the relevance of open space, conservation, and the benefits of nature to more and more people.

Mr. Owens stated in the interest of building relationships with the abutters, they did reach out by letter to all abutters of this lot and invited them to a gathering two weeks ago. Only one couple attended the gathering and were supportive of this proposal.

Ms. Jacqueline Headings of Ashuelot Court stated she has a visual of this site from her home. She stated she likes the green space that exists here at the present time. Ms. Headings felt if this site was to be zoned high density and a condominium was located it would change the feel of this area and what abutters are used to. She indicated this is a cut through area for people in the neighborhood to get to the park or the commercial area. Ms. Headings stated she supports switching the zoning to commerce.

With no further comment, the Chair closed the public hearing.

Councilor Giacomo stated there was an intent to have this area be rezoned as high density to increase housing, which is also allowed in the commerce district. Hence, the request before the committee is to go back to what the previous use was – which was commerce. He felt if the intended plan came to fruition that would be good but if not the city would not be any worse off than it was.

Chair Bosley stated she agrees with Councilor Giacomo in that this is not a departure from what the original intent would have been in the prior zoning before the land development code. She added now that residential has been added into commerce, it is an added benefit. However, if the current proposal did not move forward and some mixed use was to be added to this site that would also be a benefit to the city. As a result, stated she did not have a problem seeing this item move forward.

Councilor Ormerod stated there is a benefit to the solar array being visible in that spot, demonstrating what the city is doing. He felt commercial zoning is beneficial not just for commercial development but for economic and social development as well and hence would support this proposal wholeheartedly.

Mr. Orgaz stated he has confidence in the Conservancy's pledge and looks forward to the future of what will be constructed on this site and hence supports this proposal.

Mr. Clancy stated as much as he is in favor of the intended purpose he is concerned about what the zoning would do to that property. He used the example of a car dealership being located on this site. The Chair stated she feels it is her responsibility to make sure that everyone has complete information before a decision is made; to point out the sorts of potential unintended consequences.

She noted what she has read in the committee's packet is that you cannot have a secondary use in a high density district. If this site was to be left as high density and there was housing constructed on this site, you would not be allowed to have a solar array associated with that as a secondary use. She indicated this does not lend itself to the city's energy and climate goals and the reason she is comfortable with this particular zoning change which gives the city more flexibility in reaching some of its goals.

Mayor Hansel stated the committee needs to keep in mind what it is looking at tonight. As a Planning Board to determine whether this proposal is consistent with the master plan. He indicated ultimately this will need to be debated by the City Council; they are ultimately going to

have to approve this ordinance change and the PLD Committee will be recommending that the Mayor set a public hearing which he stated he will be doing.

A motion was made by Mayor George Hansel that the Planning Board finds Ordinance O-2023-13 consistent with the City's Comprehensive Master Plan. The motion was seconded by David Orgaz and was unanimously approved.

A motion was made by Councilor Giacomo that the Planning Licenses and Development Committee request the Mayor set a public hearing on Ordinance O-2023-13. The motion was seconded by Councilor Johnson and was unanimously approved.

IV) New Business

None.

V) Adjournment

There being no further business, Chair Bosley adjourned the meeting at 7:18 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Evan J. Clements, AICP – Planner

Additional minor edits by,
Katrnya Kibler, Clerk's Office
December 8, 2023