

620 Councilor Bosley noted this is a difficult process because of the way the two Bodies meet at the
621 Joint Committee process. She noted that the two Bodies have very different roles. The Planning
622 Board ultimately is going look at this ordinance and decide if it meets the master plan. It is
623 Council's objective to try to craft language inside this ordinance that they feel will benefit the
624 community as a whole. She indicated she has seen the Joint Committee modify ordinances but it
625 goes to Council and gets lost because Council doesn't support something in it. She stated her
626 concern about the rural district is that this is an item that has come up before and could delete the
627 entire item.

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629 Mr. Clancy stated he has raised this at a previous Planning Board meeting – he stated the Board
630 is given something that works for what is being proposed and not looking at the entire plan. He
631 stated when he looks at the master plan he sees the need for affordable housing in this
632 community. From the Planning Board perspective, he felt this cottage court overlay district
633 should be open to the entire city to address all forms of housing. He stated he is willing to work
634 with those concerns that the city had when reducing the rural district size and his proposal is not
635 to allow it beyond the minimum lot size for the rural district.

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637 Councilor Jones stated from what Mr. Clancy and Councilor Bosley have stated, continuing this
638 item would be a much better process and moving it on to a public hearing.

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640 Councilor Williams stated he agrees with Councilor Bosley with respect to the concerns raised in
641 the past with the rural district. He added there was much public input when the lot size was
642 increased in the rural district and would be concerned about adding this type of density to the
643 rural district.

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645 Mr. Kost stated anything to not make this a longer process would be helpful.

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647 Mr. Eubanks stated he hears the concerns being raised and felt some of these things, such as
648 wanting to locate this where there is septic or locate it in a rural district might not be something
649 that comes up a lot. He stated he would hate to see this item getting tabled for a circumstance
650 that might never happen. He felt ordinances can always be amended, he felt it was good to keep
651 this momentum moving forward as there are developers waiting on this to happen. If it gets
652 delayed as the city's consultant he was not exactly sure what path the city would want him to go
653 as far as changes. He suggest Section 17.5.3, C. to add the word *building and fire code*.

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655 Section 17.5.3, A add the word *new* in front of *units*, then let this move forward and if the city
656 finds out there are developers in the rural area that are on septic who are interested in this – the
657 city looks at maybe revising the ordinance.

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659 Councilor Ormerod felt delaying one more month would be better rather than delaying it by four
660 months by going through the entire cycle and coming back. He stated he appreciated the
661 Chairman's list.

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663 Councilor Remy asked the Chairman to review his list again: Height of the building and number
664 of floors restriction. Councilor Remy asked what the discussion about height was. The Chair
665 stated the Mayor suggested we might be able to include another floor.

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667 Daycare as something that would be one of the permitted commercial uses with residential above
668 it. Councilor Williams clarified this item was in reference to whether housing should be required
669 above daycare uses.

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671 Councilor Remy asked the Mayor if he would be amendable to voting on this as is and go back
672 and adding a floor. The Mayor stated the change is clear enough to be voted on tonight. He felt it
673 would be big deal to a developer to be able to put parking underneath and still put three floors
674 above – but did not feel it was a huge change in this ordinance.

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676 Chair Bosley stated from what she has heard the City Attorney say in the past, at some point
677 when you make enough changes and they are substantial enough it automatically creates an A
678 version and the process needs to restart. Mr. Rounds stated his recollection of an A version is
679 that if there are concrete changes, continue the meeting and staff comes back to the next meeting
680 with those changes for the A version, then the process continues as the A version.

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682 The next time on the list was Setbacks – Councilor Haas clarified the concern was whether to
683 follow the existing zoning requirements. Councilor Remy asked whether this can be voted on as
684 is and changes made later is necessary. Councilor Haas responded that the setback was not a deal
685 breaker for him.

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687 Next item on the list is architectural standards – Councilor Remy stated this was an issue he
688 raised; he does not like the lists but it is not a roadblock for him. He rather just have a “good” or
689 a “bad” list. Ms. Markelon asked whether this list is something the Planning Board would use for
690 approval or whether it is something the developer would use. Mr. Clements stated they are just
691 guidelines; not hard yes’s or hard no’s’, but ultimately an element of the product that is going to
692 come before the Planning Board is whether this design would fit in within neighborhood
693 character. The list is designed to guide a developer to use things that promote a harmonious
694 citing into a neighborhood. If they choose to not do that and you choose to go outside of
695 neighborhood character, they may receive opposition from the neighborhood itself. They may
696 receive opposition from individual Planning Board members who want a more traditional New
697 England style as opposed to something more dramatic. Those lists are a guidance to a developer.
698 Ms. Markelon stated this is where she is stuck on – the list is for the developer while the Board
699 has its own guidelines. Mr. Clements stated there will be some give and take between the
700 developer and the Board when it comes to what is included in this list.

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702 Mr. Eubanks stated it is really important to note that this list is a general guidance to the
703 developer of things he needs to be thinking about before he/she goes to the Planning Board. They
704 could ignore everything on the list and come up with a great building but the Board still has total
705 authority to make a ruling on this based on how they feel about it and if it fits the context or not.
706 He added this list works in the City of Charleston, South Carolina.

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708 Mr. Hoefler stated personally he does not have a concern with the architectural guidelines as
709 presented, although he may express concern about wall depth. He felt on the whole having the
710 concept of having some leeway back and forth is a good thing and felt the item should be moved
711 forward, should everyone agree to do so.

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Next item on the list was short term rentals – The Chair stated it was agreed this would be a citywide issue not just pertaining to this ordinance.

The next item – existing structure or unit on a lot – The Chair noted inserting the word “new” was going to be solution proposed and same was true with inserting the word building in the building and fire code sentence.

The next is whether city water and sewer would be a requirement for this project.

A motion was made by Councilor Remy that the Planning Board finds Ordinance O-2024-01 – adjusted for the two scrivener errors to add “building” in Section 17. 5.3 and add “new” in Section 17.5.3A in the appropriate locations consistent with the master plan. The motion was seconded Kenneth Kost.

Councilor Tobin asked with respect to building and fire code, is this something that would be maintained if it is a managed property. Chair Farrington stated the Planning Board would address the proposal and approve it or not approve it based on that language. Once it is built, the city has an enforcement department that would address those concerns. The Councilor asked if there is opportunity to include this language. Councilor Bosley stated similar to the Airbnb conversation, what needs to be discussed here tonight is the language inside the ordinance. The city has its own language for enforcement, and Council is working on that. She indicated staff is working on different housing standards in different areas in the land development code where those standards live and what the enforcement mechanisms are. Things outside of this ordinance need to get worked on for the whole city and not just for this one particular item. She indicated Councilor Tobin’s points are well taken and staff is aware of some issues that Council will like worked on.

Councilor Ormerod noted the proposed motion does not include items from the Chairman’s list, and would like to propose a way to deal with that. He indicated if it is amenable to Mayor Kahn on the height – it could be a citywide issue and could be beyond the scope of what we are trying to accomplish tonight.

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

The Mayor stated he would like to direct people to the map and notice how much of that map is in the light yellow and yellow are areas without water and sewer and hence cuts out a lot of territory in the city. He reiterated he wants to see this go forward but to note that there are significant territories in the city not being able to take advantage of the density this ordinance is proposing. He felt this is an item that needs to be reconsidered.

The motion made by Councilor Remy was approved 6-2 by the Planning Board.

A motion was made by Councilor Jones that the Planning Licenses and Development Committee request the Mayor set a public hearing for Ordinance O-2024-01. The motion was seconded by Councilor Williams and was unanimously approved.

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IV) New Business

- Councilor Jones noted the three commercial nodes previously noted. They are all in West Keene:
- (1) Upper Court Street where the American Legion, Dunkin Donuts and Savings Bank of Walpole are located
 - (2) Where Summit Road and Park Avenue fork off next to the Irving station, Laundromat, and a Chinese restaurant etc.
 - (3) Lower down on Park Avenue where Jack’s True Value hardware and Park Market Avenue Deli

He noted the new Licensing Board that was approved last year has the potential to approve certain things that could go into those areas. He suggested in the future looking at delineating those commercial areas.

V) Next Meeting

There being no further business, Chair Farrington adjourned the meeting at 9:08 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Evan J. Clements, AICP, Planner
Jesse Rounds, Community Development Director

1 **City of Keene**
2 **New Hampshire**

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5 **JOINT PLANNING BOARD/**
6 **PLANNING, LICENSES AND DEVELOPMENT COMMITTEE**
7 **MEETING MINUTES**
8

Monday, April 8, 2024

6:30 PM

**Council Chambers,
City Hall**

Planning Board

Members Present:

Harold Farrington, Chair
Armando Rangel
Ryan Clancy
Kenneth Kost
Randyn Markelon, Alternate

Planning Board

Members Not Present:

Roberta Mastrogiovanni, Vice Chair
Mayor Jay V. Kahn
Councilor Michael Remy
Emily Lavigne-Bernier
Gail Somers, Alternate
Tammy Adams, Alternate

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair
Philip M. Jones, Vice Chair

Planning, Licenses &

Development Committee

Members Not Present:

Robert C. Williams
Edward J. Haas

Staff Present:

Evan J. Clements, Planner

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10 The meeting was canceled due to lack of quorum.

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12 Respectfully submitted by,
13 Krishni Pahl, Minute Taker

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15 Reviewed and edited by,
16 Evan J. Clements, AICP
17 Planner

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee
From: Jesse Rounds, Community Development Director
Date: May 6, 2024
Subject: O-2024-16-A Relating to Charitable Gaming Facilities

Background

At the March 11, 2024, Joint Planning Board and PLD Committee meeting, the Committee held a public workshop on ordinance O-2024-16-A and discussed potential revisions to the ordinance, which are summarized below:

- Removing “Charitable Gaming Facility” as an allowed use from the Downtown Growth District: There was general consensus that this use should not be allowed in the Downtown Growth District, which is intended to be an extension of Keene’s walkable and historic downtown area, because it does not fit with the intent of this district.
- Prohibit Charitable Gaming Facility uses adjacent to residential zoning districts and uses: There was consensus that this use is incompatible with residential uses and should be separated from them.
- Prohibit Charitable Gaming Facility uses in neighborhood nodes: The Committee discussed excluding this use from pockets of land zoned “Commerce” in otherwise residentially zoned areas (called “neighborhood nodes” in the future land use map).

The Committee asked staff to propose use standards for Charitable Gaming Facility uses and to revise the zoning districts where this use would be allowed to reflect the Committee’s discussion. Included below are proposed use standards for the Committee to consider.

Proposed Use Standards for Charitable Gaming Facilities

- a. Charitable Gaming Facilities, as defined, are permitted in the following areas of the Commerce District:
 - i. Land with frontage on West Street. The principal entrance of such businesses shall face West Street or be in a plaza where the storefront faces the parking areas that have a common boundary with West Street.
 - ii. Land with frontage on Winchester Street south of Island Street and north of Cornwell Drive. The storefront of such a business shall face Winchester Street or be in a plaza where the storefront faces the parking areas that have a common boundary with Winchester Street.
 - iii. Land with frontage on Ashbrook Road.
- b. Only one Charitable Gaming Facility shall be permitted per lot.

- c. All Charitable Gaming Facilities shall be subject to the following distance requirements, measured in a straight line, without regard to intervening structures from the property line of any site, to the closest exterior wall of the Charitable Gaming Facility.
 - i. No Charitable Gaming Facility shall be located within 500 feet of another Charitable Gaming Facility either existing or for which a building permit has been applied.
 - ii. No Charitable Gaming Facility shall be permitted within 500 feet of any place of worship, child daycare center, or public or private school.
 - iii. No Charitable Gaming Facility shall be permitted within 500 feet of any Single-Family or Two-Family dwelling.
 - iv. No Charitable Gaming Facility shall be located directly adjacent to a residential zoning district.

- d. Minimum Square Footage. The gaming floor of the facility, defined as the area within a gaming location authorized by the State of New Hampshire, shall have a minimum area of 20,000 square feet. The gaming floor does not include areas used for accounting, maintenance, surveillance, security, administrative offices, storage, cash or cash counting, and records.

- e. Parking and traffic.
 - o Parking lot design shall incorporate bus parking and bus loading zones.
 - o Commercial loading zones shall be screened from public rights-of-way and abutting residential properties in accordance with Section 9.4.4 of this LDC.
 - o A traffic study shall be required and must include the expectation of bus traffic.
 - o Bus and truck parking is required to be screened from the public right-of-way and any abutting residential properties in accordance with Section 9.4.4 of this LDC.
 - o Off-street parking shall be provided at a ratio of not less than .75 parking spaces for each gaming position. All parking shall comply with all parking requirements and standards of the Land Development Code.
 - o Two percent of required parking spaces shall be equipped with electric vehicle charging stations.