

City of Keene
New Hampshire

MINOR PROJECT REVIEW COMMITTEE
MEETING MINUTES

Thursday, July 18, 2024

10:00 AM

**Council Chambers,
City Hall**

Members Present:

Jesse Rounds, Chair / Community
Development Director
Evan Clements, Vice Chair / Deputy Zoning
Administrator
Mari Brunner, Senior Planner
Richard Wood, Building Official / Fire
Marshal
Yelma Desseta, Civil Engineer

Other Staff Present:

Megan Fortson, Planner

1) Call to Order – Roll Call

Chair Rounds called the meeting to order at 10:00 AM. Roll call was conducted.

2) Election of Vice Chair

Mr. Wood nominated Evan Clements as Vice Chair. Chair Rounds seconded the motion, which passed by unanimous vote.

3) Minutes of Previous Meetings

A) Pre-submission Meeting – July 3, 2024

Mr. Clements made a motion to approve the Pre-submission Meeting minutes of July 3, 2024. Mr. Wood seconded the motion, which passed by unanimous vote.

B) Minor Project Review Committee Meeting – July 3, 2024

Mr. Clements made a motion to approve the MPRC Meeting minutes of July 3, 2024. Mr. Wood seconded the motion, which passed by unanimous vote.

4) Final Vote on Conditional Approvals

Chair Rounds asked if there were any conditional approvals in need of a final vote today. Ms. Fortson replied yes, SPR-644, Modification #2. She continued that this was for the expansion of

the parking lot at 426 to 428 Winchester St., as well as the installation of some lighting and landscaping related to the parking lot. The six conditions of approval the applicant needed to meet prior to final approval by the MPRC were as follows:

- The submittal of an updated narrative, note sheet, and proposed conditions plan to indicate the correct number of proposed parking spaces,
- Having the owner's signature appear on the title page and proposed conditions plan,
- The submittal of five paper copies and a digital copy of the final plan set,
- The submittal of a security to cover the cost of landscaping and sediment and erosion control,
- The submittal of an updated drainage report, clarifying the intent of the 4" orifice connection to the city drainage system, and
- The submittal by the property owner of a letter acknowledging that the City will not be responsible for the maintenance of any portion of the onsite drainage.

Ms. Fortson continued that all of the precedent conditions of approval have been met and staff recommends the MPRC issue final approval for the application.

Mr. Clements made a motion to grant final approval to SPR-644, Modification #2, for the project located at 426-428 Winchester St. Mr. Wood seconded the motion, which passed by unanimous vote.

5) **Staff Updates**

A) **MPRC Review Process Discussion**

Chair Rounds stated that staff (in the Community Development Department) have been discussing some updates to policies and procedures for the Minor Project Review Committee (MPRC). He continued that Ms. Fortson and Ms. Brunner have been working hard on this. He asked to hear from Ms. Brunner.

Mari Brunner, Senior Planner, stated that they are making changes both to the setting for the MPRC meetings and the process that the group follows. She continued that the intent of this Committee is to move closer to the goal of having a more expedited review for applicants, while also being sensitive to the amount of staff time and staff work that needs to happen ahead of time when an application is submitted. The first change, starting in August, is that the MPRC meetings will take place in the 2nd floor conference room. This means the meetings will no longer be broadcast online. The conference room is a more informal setting, with everyone seated around a conference table. City Staff hopes that this will help make the meeting feel more friendly to applicants and give them the sense that they are all (staff and applicants) working together. This setting change is intended to change the tone of the meetings, per the goal of being as customer-friendly as possible.

Ms. Brunner continued by stating that the second item is not so much a change that is taking place, but rather something Planning staff are asking of the MPRC. Planning staff do not have enough

time to fully review the submitted applications before they get to the MPRC. Megan Fortson, Planner, is the staff liaison. When an application is submitted, most of Ms. Fortson's time is spent on creating the physical application folder, getting everything setup in the software system, making sure everything is stamped and coded correctly, and making sure all of the submittal items have been submitted.

She does not have time to go through and evaluate the application to see if it meets all of the different criteria and standards. The intent is for the MPRC members, when they receive the agenda packet, to do that review themselves, ahead of the meeting. Staff understand that a week is not enough time to have a lot of back and forth with an applicant, which they are not asking the MPRC to do. They are asking the MPRC to review the application materials ahead of time, and if they have any questions, to come to the meeting with those prepared. Then they can have a productive meeting and ask those questions. It is great if the applicant can answer the questions during the meeting, but if more information is needed, that is what the second monthly MPRC meeting is for.

Ms. Brunner continued that at the Planning Board meetings, they try to get through (an application) in one meeting, but this was not the intent for the MPRC meetings, when the MPRC meetings were set up. Applications that come to the MPRC do not have as much staff review ahead of time, nor as much back and forth ahead of time, nor is a staff report prepared for the MPRC. The intent of these meetings was initially for the applicant to come to the first meeting, and potentially get their approval in one meeting if the application is simple and clear with no major questions raised. However, most applications will probably need a second meeting so that the applicant can answer the MPRC's questions or provide more materials as needed. She and Planning staff encourage the MPRC to use that second meeting more, if they need it, instead of creating a long list of conditions that may be difficult for staff and the applicant to understand and track.

Ms. Brunner continued that Planning staff, for their part, will try to be more up-front with applicants and make it clearer to them that going to the MPRC is a different path than going to the Planning Board, and that while it is a little bit faster, there are also risks associated with this path and limitations to it. They want applicants to fully understand that staff will not vet an application before it gets to the public hearing and that the applicant might have to go to a second MPRC meeting. Applicants will clearly understand this ahead of time and can decide ahead of time whether they would rather take the path of going to the Planning Board or to the MPRC.

Ms. Brunner asked if there were any questions or concerns about this approach. Chair Rounds stated that he has a practice question. During a public hearing, an application may still need to be continued to the next meeting, so at the end of the (first meeting), is he correct in his understanding that the MPRC will need to make a motion to continue the application. Ms. Brunner replied yes, if they do not make a decision at the first meeting, they would have to continue the public hearing and state the date, time, and location of the meeting that the application is being continued to. She continued that the MPRC has a 60-day timeframe to make a decision. They hope to never get anywhere close to that, but there might be times when the MPRC needs more information and it

takes the applicant more time to get it. In those hopefully rare instances, they would need a written agreement from the applicant to extend beyond that timeframe, or the MPRC would need to deny the application. The reason projects come to the MPRC is that they do not meet the threshold for major projects; they do not have any waiver requests associated with them, and so on and so forth. The hope is that (applications that come to the MPRC) are relatively simple ones that will not need that amount of time.

Mr. Wood asked if it is correct that if the MPRC receives an application with enough information for them to act on it at the first meeting, they can do so. Ms. Brunner replied yes. Mr. Wood replied that if that were not the case, it would beg the question of what the expedited difference would be between going to the Planning Board or to the MPRC. He continued that as long as the MPRC has the ability to act on an application at the first meeting, if there are not too many unanswered questions or information lacking, he thinks it is a good process. Ms. Brunner replied yes, that is a good point. She continued that if someone comes before the MPRC with a relatively simple application, the MPRC could definitely approve it in one meeting. They always have that ability.

Ms. Brunner continued that now that the MPRC has been operating for a couple of years, Planning staff have noticed some instances in which the MPRC's eagerness to get an application through in one meeting has backfired and actually extended the process. It was more money, more time, and more heartache for the applicant than it would have been if the MPRC had just continued the application two weeks and worked out the issues. A good example is that if the MPRC has a question about whether the application meets the Zoning Ordinance, that is a red flag. The MPRC approved a plan that did not meet the Zoning Ordinance, which invalidated the whole plan, and the applicant had to start from square one. She would rather the MPRC continue an application for two weeks than risk the whole application in an effort to rush it. Some mistakes and situations that were not ideal might have been caused by the process moving quicker than it should have in those instances. Another red flag, for example, would be if the MPRC thinks the applicant is not able to meet one of the standards. They should look out for these issues. Anytime a standard is not met, the applicant can ask for a waiver, but that requires going to the Planning Board.

Mr. Clements asked what the process is if the MPRC determines, while reviewing an application, that the applicant needs a waiver. He asked if the MPRC should deny the application, or if they could forward it, essentially saying that the MPRC no longer has jurisdiction over it and it has to go to the Planning Board. He asked if that would require a new public hearing notice.

Ms. Brunner replied yes, it would require a new public hearing notice before the Planning Board, which is another risk they will need to be clear about with the applicant. She continued that regarding the first question, her thought would be that if the applicant says they want to withdraw the application that would be the cleanest path. She will have to get back to the MPRC about whether they would have to deny the application, and what the exact protocol would be in those situations. If the MPRC took action on something they did not have jurisdiction over, that action would be void ab initio. If the MPRC notices something that requires the project to go to the

Zoning Board of Adjustment or the Planning Board, the MPRC cannot act on it. If an MPRC member notices this at any point in the process, they should raise this as an issue/

Mr. Desseta stated that he does not have any objection, if it simplifies the process.

Chair Rounds stated that something else they talked about, which he wanted to raise here in case he is not at a meeting and the Vice Chair or someone else is serving, is that maybe he can put something together that has the standard requirements and the standard conditions of approval that the MPRC always asks for, such as five copies (of needed documents). Then it would always be there and they could append it to everything at the beginning. Ms. Fortson replied that she is already working on preparing something like that, so the MPRC will have it to use.

Ms. Brunner stated that something else Planning staff talked about was that when the MPRC is making a decision on an application, because they are doing the review in the meeting, the staff liaison will no longer provide the MPRC with recommended motion language. Planning staff provides the Planning Board with sample language for motions so they have a place to start from, because the Planning Board gets an application through in one meeting. When staff does that for the Planning Board, there has been a rather thorough review completed; an application has been sent for departmental review, and they have already identified the issues.

Since Planning staff is not doing that review for the MPRC's applications, they do not want to give recommended language for a motion. They can give them the standard beginning of the motion, such as the title of the application and the name of the applicant, but the MPRC members will need to place their own conditions of approval. This is because staff is not doing the review, and they do not want the MPRC to just read what is on the paper, thinking that the (sample motion) has everything captured in it that is needed. However, the MPRC could lean on staff if they ever have questions about conditions and how to word a motion. For example, if the MPRC determines the need for a condition related to drainage when a building permit is submitted, they could ask staff for advice on how to word that condition. They hope that having the meetings in the conference room around a conference table will help encourage more of that type of discussion.

Mr. Wood stated that it might be helpful to have a list of potential conditions that they could check off as they are reviewing the applications in the meetings. For example, the list could have the standard conditions that Chair Rounds mentioned, and the additional things that the MPRC foresees coming up from time to time, so they are not trying to wordsmith on the fly. Ms. Brunner replied yes, that is a good point, and she thinks Ms. Fortson is working on that. She continued that some standard conditions would probably be required for every application, and the list could probably include some that are not needed for every application but are common. Planning staff mainly wants to emphasize the importance of the MPRC doing a review in the meeting and making sure to identify issues that need to be captured in a condition. If something is not on the list from Planning staff, it does not mean it cannot be included as a condition of approval. That is the point Planning staff wants to make. They want the MPRC to be comfortable with placing conditions they think are needed.

Chair Rounds asked if there were any other questions. Hearing none, he thanked Ms. Brunner and Ms. Fortson.

Mr. Wood stated that he thinks the MPRC members agree that this makes sense. He asked if there is a sense of when this might be enacted. He asked if they need time to build the elements, or if they will just jump right in at the next meeting. Chair Rounds replied that they will jump right in for the first August meeting, and figure it out as they go. Ms. Fortson replied that they have not received any applications for the August meeting, so it will be whenever they receive the next application for the MPRC to review.

Mr. Clements stated that this path is not used very often, unfortunately, so there will be some “brushing the rust off” and figuring it out as they go, since they do not do it very often. Chair Rounds replied yes, they will figure it out as they go, and they might get rusty if it is three months between applications, for example. The reason they are pursuing this path, and the beauty of having the MPRC, is that the members are all professionals who work for the City and are used to seeing these applications, and thus have many of the concerns in their heads already. Something he has appreciated with the MPRC is that even when they have had the support of Planning staff members who have written out (suggested language), issues have still come up in the meetings and the MPRC has dealt with them. There is evidence that (this process) will work. He appreciates this opportunity and appreciates the MPRC members’ willingness to try this.

6) New Business

Ms. Brunner stated that the Land Development Code (LDC) was recently updated with a new Article, which changed all of the Article references past Article 17. She continued that anyone who uses a printed, physical copy of the LDC will probably want to reprint it. The LDC is updated/correct online.

7) Upcoming Meeting Dates

- **August – Pre-submission Meeting - August 1, 2024, at 9:00 AM**
- **August – 1st Monthly MPRC Meeting - August 1, 2024, at 10:00 AM**
- **August – 2nd Monthly MPRC Meeting - August 15, 2024, at 10:00 AM (*if needed*)**

Discussion ensued about the August meeting dates. Ms. Fortson stated that they will not cancel the August 1st meeting at this point, in case something is ready for final approval. Mr. Clements stated that he and Chair Rounds will both be absent on August 1. Mr. Desseta replied that he will be, too. Discussion continued about the possibility of quorum. Ms. Brunner stated that the appointee can change from meeting to meeting, so it could be possible to have other staff members attend, in case there are applications in need of final approval and they are in a rush. They could probably work something out. Chair Rounds replied that is true of Pre-submission meetings, too, and they might want to hold the Pre-submission meeting regardless, because many applications

are time-sensitive and applicants want to have a chance. He continued he will reach out to the MPRC members and figure out who could be stand-ins, which would be very helpful.

Mr. Wood asked for clarification about the Pre-Submission meeting start time. Ms. Fortson replied 9:00 AM.

8) Adjourn

There being no further business, Chair Rounds adjourned the meeting at 10:27 AM.

Respectfully submitted by,
Britta Reida, Minute Taker

Reviewed and edited by,
Megan Fortson, Planner