

City of Keene
New Hampshire

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

Tuesday, November 12, 2024

6:30 PM

Council Chambers,
City Hall

Planning Board

Members Present:

Harold Farrington, Chair
Roberta Mastrogiovanni, Vice
Chair
Mayor Jay V. Kahn
Armando Rangel
Councilor Michael Remy (joined
remotely)
Randyn Markelon, Alternate

Planning Board

Members Not Present:

Sarah Vezzani
Ryan Clancy
Kenneth Kost
Michael Hoefler, Alternate
Tammy Adams, Alternate
Stephon Mehu, Alternate

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair
Philip M. Jones, Vice Chair
Robert C. Williams
Edward J. Haas

Planning, Licenses &

Development Committee

Members Not Present:

Andrew Madison

Staff Present:

Mari Brunner, Senior Planner
Evan Clements, Planner

I) Roll Call

Chair Bosley called the meeting to order at 6:30 PM and a roll call was taken. Randyn Markelon was invited to join the session as a voting member.

II) Approval of Meeting Minutes – October 15, 2024

A motion was made by Councilor Jones that the Joint Committee approve the October 14, 2024 meeting minutes. The motion was seconded by Councilor Haas and was unanimously approved.

III) Public Workshops:

- A) **Ordinance – O-2024-17 – Relative to minimum lot sizes in the High Density, Medium Density, and Downtown Transition Districts.** Petitioner, City of Keene Community Development Department, proposes to amend Section 3.5.2,

Section 3.6.2, and Section 4.6.1 of the Land Development Code to remove the minimum lot area required for each dwelling unit after the first dwelling unit in the High Density, Medium Density and Downtown Transition Districts.

Senior Planner Mari Brunner addressed the Board and stated removing barriers to address incremental infill development in built-out areas in the city has been discussed a few times. In the past, the discussion addressed medium and high-density districts. When staff did a review and looked at areas with a density factor, they identified a third district, which is the Downtown Transition District.

She noted the proposal is to remove the density factor from these districts and referred to a map. The area in green is the High Density District, allowing multi-family residential. The area in orange is the Medium Density District, allowing up to three units on a single lot. The area in yellow is the Downtown Transition District. The intent of the Downtown Transition District is to transition from the uses downtown to residential neighborhoods, which are less intense than downtown uses. Downtown Transition allows a mix of uses, such as residential and office, open space, and other low intensity commercial uses.

In the Medium Density District, about 764 parcels of land were identified. Each parcel is limited to three dwelling units per lot. The minimum lot size in this district is 8,000 square feet for any use and for each additional residential unit you need an additional 5,400 square feet. This requirement applies even for an internal conversion that adds a unit to an existing structure. Ms. Brunner noted that, based on current lot size requirements, about 47% of the lots in this district are non-conforming with respect to the minimum lot size. If this proposed change is approved, and the density factor is removed but the minimum lot area is set at 8,000 square feet, the number of non-conforming lots in the Medium Density District would go down to 30%. She added however, some of these lots could be legally non-conforming.

With respect to land uses, the majority of uses in the Medium Density District are single family (61%), two family (25%), multi-family (8%), non-residential (1%) and about 5% are vacant.

The High Density District includes all of Keene State College and for this analysis the entire campus area was counted as one property. If you just look at parcels of land, High Density has 537 parcels of land. This district does not have a cap on the number of units, but the minimum lot size is 6,000 square feet, and each additional dwelling unit would require an additional 5,000 square feet. This is the most densely developed area for residential development. About 49% of the parcels in this district are non-conforming with respect to minimum lot size. However, if this proposal is approved and the minimum lot size is reduced to 6,000 square feet, that number would drop to 20%.

With respect to land uses, single family is the most common use (39%), next is two family (25%), multi-family (23%), non-residential, such as schools, college, municipal facilities and commercial uses (6%) and about 7% are vacant.

The Downtown Transition District is by far the smallest district that would be impacted by this proposal. It only has about 96 parcels of land.

This district is adjacent to the downtown districts on one side and residential districts, including Low Density, Residential Preservation, and High Density. There is currently no limit to the number of dwelling units per lot. It has the same requirements as Medium Density District with respect to lot size (8,000 square foot minimum lot size). An additional 5,400 square feet for each additional unit beyond the first unit is required. About 60% of the parcels in this district are currently non-conforming with respect to lot size. If the density factor is removed, that number would go down to 30%.

Ms. Brunner noted the Downtown Transition District has the widest variety of uses, which is consistent with the fact that it is not technically a residential district. The mix of uses includes single family (15%), two family (19%), multifamily (28%), non-residential (31%), mixed-use (5%), and 2% is vacant.

Ms. Brunner stated staff did a rudimentary impact analysis of the data to determine what the development potential could be before and after this change in the Medium Density District. She indicated what they saw was doubling of the number of units that could be built in the Medium Density District (not accounting for other development constraints, such as topography and other dimensional requirements in the zoning code).

She added no other zoning requirements are being proposed to be changed such as impervious coverage, setbacks, height limitations which are some of the items that would control density should this proposal go through.

This concluded staff comments.

Councilor Jones noted some of these districts might have 79-E and some might have TIF Districts which could be incentives for development. He asked staff whether they know what those are. Ms. Brunner stated she wasn't sure exactly where those districts were, but there are some TIF Districts that are inactive. Ms. Brunner asked Med Kopczynski to weigh in on this issue. Mr. Kopczynski stated there are three or four TIF Districts, most of them are in the downtown. Mr. Kopczynski went on to say 79 E mostly is what we would consider the traditional downtown, and down Marlboro Street. There has been discussions about expanding it. He indicated he would be bringing forward very soon a change to the map with the 79 E Resolution; it still refers to the old downtown as opposed to the new downtown. He felt this would be an opportunity to begin a conversation about expanding the traditional 79 E district, which is related to what we consider downtown. There are also two other sections of 79 E that the city has never adopted. One of which is a rehabilitation use of 79 E. The other is a housing opportunity zone, for brand new housing. Councilor Jones stated he raised this as there might be an opportunity to combine these two items in the future.

Councilor Haas asked for explanation as to what 79E was. Ms. Brunner stated it is a tax incentive program where an applicant would apply for tax relief for a certain number of years. The municipality would freeze the tax assessment for that parcel before a project gets finalized. There is a certain amount of time the freeze is allowed to remain. Eventually the parcel will catch back up to current assessment based on the improvements, but that period of relief can be used as part of

a pro forma to make a project more viable. The Mayor noted 79E is a state statute and the period of time is five years. In some instances, it can be extended to 10 years.

Mayor Kahn referred to the Medium Density District and noted that, if the 5,400 square foot requirement was eliminated for each additional unit, this could apply within an existing footprint, where a third story is added to an existing two story unit. Another instance where this might apply is adding an ADU to a two-story building and asked for staff's clarification. Ms. Brunner stated that could be correct depending on the district; there might be a limitation on whether you can have more than one residential unit per lot in that district. Evan Clements, Planner, referred to the city definition for dwelling, multifamily: *a structure containing three or more dwelling units located on a single lot with dwelling units either stacked or attached horizontally, which is designed, occupied or intended for the occupancy of three or more separate families.*

He stated the definition for multifamily clearly states it has to be for one building. Hence, a duplex within a detached third unit would not meet the city's definition for dwelling, multifamily. Chair Bosley added even though the City allows for detached ADUs, you cannot add an ADU to a two family building. Mr. Clements agreed and added ADUs are exclusively for a single family.

Chair Bosley asked for public comment but noted this is not a formal public hearing.

Mr. Josh Meehan of 65 Langley Road in Keene stated the housing crisis continues to be pretty profound for people at all income levels. He indicated he works for Keene Housing. He thanked city staff for working so hard to try and find ways for Keene Housing to be able to serve their population and to build more housing that is desperately needed in our community.

Mr. Tom Savastano of 75 Winter Street in Keene addressed the Committee and stated his property is located in the Downtown Transition District. Mr. Savastano stated his first concern is with the look and feel of ADUs within Keene's older neighborhoods. He referred to O-2023-06 which indicates that ADUs must be under the same ownership as the primary lot. They can be either attached or detached. They cannot exceed 1000 square feet of floor space. There is only one parking space required for an ADU and they are subject to the district's dimensions, siting, buildout and height restrictions, and cannot be closer than 10 feet to the property line.

Chair Bosley indicated to Mr. Savastano that the ordinance that they are talking about is not specific to ADUs. What is being discussed tonight could be a single-family home where a second unit is added. It would not need to be owner occupied, and the unit would need to be attached. She indicated some of the things that Mr. Savastano is outlining would not necessarily apply to the changes that could happen if this ordinance is adopted. What is being discussed tonight is potential addition of new units to current buildings or lots. An ADU would be an option for a single-family home that is owner occupied, allowing for a second unit, whether attached or detached, for additional income or a family member, etc.

The proposed ordinance would allow a single-family home to be converted to a two family home or a two family home to be converted to a multi-family home. It does not require that any of those units on that property be occupied by the owner.

Ms. Brunner added in the High Density and Medium Density Districts, because those are residential districts, the code allows only one primary use per lot. Downtown Transition is not categorized as a residential district, so in the instance of the Downtown Transition District, you can have multiple buildings on a lot. For example, two duplexes on a lot would be allowed.

Mr. Savastano stated another of his concerns the look of an ADU – would it fit within a historic district, especially in the Downtown Transition District, if it can be separate buildings and felt this should be considered. He stated he is also concerned about unintended results of changing the minimum lot size within the Downtown Transition District for ADUs. He noted Downtown Transition is considered a low intensity district that helps the city's appearance flow from downtown to residential. That low intensity is what its residents have advocated for years at council meetings and also before the PLD Committee. He went on to say the residents want to preserve the look and feel of the neighborhood and accordingly, maintain property values.

He noted in looking at the minutes for the last PLD Committee meeting, which were approved earlier, line 171 states *the Downtown Transition District, was described by staff as the same scheme as medium and High Density Districts* without any real justification, but stated he does not see it as the same scheme. What currently protects the Downtown Transition District low density usage is the minimum lot size requirements for additional dwelling units, which this proposal would drastically reduce.

He went on to say staff in their presentation had indicated the Medium Density District has a limit of three dwelling units per lot and that would remain in place with the proposed change. In the land use code, however, there is no similar stipulation for the Downtown Transition District, even though it also allows multifamily dwellings, but is a lower density district. Which means that while Medium Density is limited to three units, Downtown Transition does not have such a limitation, yet it is considered a low intensity usage rather than medium or high density.

Mr. Savastano stated enacting this change in lot sizes for ADUs could unintentionally position the low density Downtown Transition District, to actually become a higher density than the Medium Density District. He stated his request to Council is dropping the Downtown Transition District from this proposal so that the minimum lot sizes will remain in place there and the historic look and feel of the district is maintained. ADUs would still be permitted there, but under those guidelines. He added if the minimum lot sizes are changed, then he felt at the minimum the low density Downtown Transition District should have the same limitation of three dwelling units that the Medium Density currently has. This concluded Mr. Savastano's comments.

Mr. Peter Espiefs of Middle Street stated the city has a historic district and felt it should be left as is. He stated he agrees with everything Mr. Savastano said.

Mr. Kopczyński stated he was not present to advocate for anything, he was just here to observe. He stated he has been asked to look at housing opportunities in general and is interested in anything that can be done to increase housing. He stated he has been involved with zoning since 1983. He stated in the zoning code when there are many non-conforming properties – there is a reason for it. He indicated this is common in older communities in New Hampshire and Massachusetts - there is

an imposition of zoning on top of existing land patterns. Many of these districts were settled with roadways and structures before zoning was effective or between zoning code changes.

Mr. Kopczynski stated the city has an opportunity at least with Medium and High Density to do something about its non-conformities, recognizing that the existing land pattern is different than what is in the text.

Ms. Hannah Maynard of 80 Roxbury Street in Keene addressed the committee and suggested that perhaps something to find a medium ground would be to go through with the proposal but add in a stipulation that you could not change the footprint of the dwelling which would still allow perhaps for an in law suite to be added to an attic which would prevent this proliferation of all these multifamily homes in neighborhoods that are used to having single family environment. She felt this would preserve for instance the look and feel of the historic district.

Chair Bosley addressed the comments raised about the historic district and clarified that her understanding is that any additional buildings or changes that were made in the historic district would meet some sort of historic district guideline. Ms. Brunner stated this was true in the past but with the Land Development Code new construction of free-standing building does not have to go through historic district review. Additions to an existing structure would go through historic district review. The Chair felt this might be a way for the city to address some of the concerns for the Downtown Transition District. Ms. Brunner stated the other concern she heard was about limiting the number of units. She indicated the review staff did indicate that approximately 20% of lots in the Transition District have more than three units. She felt getting rid of the density factor but placing a limit on the number of units could be reasonable.

Mr. Clements added in the historic district, the demolition of any building that is categorized as “Contributing” or “Primary” within the district is severely limited. This would require an applicant going to the Historic District Commission and providing an extraordinary reason for why the demolition of a Contributing or Primary Resource is necessary. He felt a developer coming into the historic district, purchasing an historic, character-defining home, and demolishing it would be difficult as there are significant barriers in place for that.

Councilor Williams, with reference to limits for the Transition District, stated as a Council they have to make sure that the burden of increasing density is spread out across the City, so that one neighborhood does not get the brunt of it. He referred to the recent minimum change in the rural area, five acres to two acres and there was concern from abutters. However, he noted there is a need for housing. He added in the interest of fairness, the entire city needs to be ready to accept some increased population and increase to density. He stated the city needs make sure that every neighborhood plays its part.

Chair Bosley agreed with the Councilor and stated when the Council was discussing other changes to density, neighborhoods were asking the Council to look at the downtown and try to concentrate development just in the downtown because that is where infrastructure is and that is where our services are. She felt each part of our city has a responsibility to play its part in this process of relieving some of the strain and the stress of the housing crisis that we have been experiencing since Covid. She stated she does not see this as causing an influx of development to add

apartments for relatives in the in the attic space because there is already an existing ordinance that allows people to do that by right. What this is hopefully going to do is provide housing for our working-class families in our community which is really needed right now. She added she was open to the idea in the Transition District making them (new units) attached and did not feel it was necessary to make the Transition District any different than it has been in the past as far as the number of units that have been allowed. This would preserve the historic component issue and added she does not see many lots in this district that would be allowed to build detached structures.

Mayor Kahn stated he wanted to make sure the City was identifying the kinds of housing that are involved in the increase of conforming uses. He felt by staying within the footprint as it exists begins placing more housing in these districts into a conforming use and places everyone on equal ground and articulates proper use within these zones and moves the city in a direction of valuable future planning.

Chair Bosley clarified from staff when properties are brought into conformity it gives property owners more opportunities to make changes and build on their own property. Ms. Brunner answered in the affirmative.

Councilor Haas clarified if the lots were to remain at 8,000 square feet and if the requirement of added lot size is removed for adding additional square footage – it increases conformity in those district to 30% and asked whether this also takes into accounts things like setback. Ms. Brunner stated the change only addresses lot size it does not take into consideration things like setback.

Councilor Haas further added that the building footprint is defined by the setbacks that exist now in the code and this won't change, so we are still going to have the same requirement for building footprints. Although someone who is constricted on their lot could utilize the space to the available footprint. He felt what is being proposed is a benefit and did not feel the ordinance change would change how we see the buildings as they exist now.

Councilor Remy joined the session via zoom and indicated he is in a warehouse but wasn't alone in the warehouse. Councilor Remy stated what is being proposed is a great idea and agrees with Councilor Williams that the city needs to make the increase to density spread throughout the city.

Ms. Brunner added in listening to the conversation regarding building footprint versus property footprint – she referred to a graphic from the land development code and referred to the dotted lines which refer to the outline of different parcels. She noted the hatched areas are the parking areas and the square ones are the building footprints. What she understands is that a member of the public had suggested is that developers be limited to staying within the existing building footprint. Councilor Bosley stated this is what she understood as well but what the Committee is saying is that as long as it is attached and meets the other guidelines by code, it is allowed.

The Mayor clarified when a building moves from non-conforming to conforming it would ease the process of adding to the footprints as long as they met the other guidelines. The Chair noted if there is a non-conforming lot it would prevent an applicant from obtaining a building permit for certain changes. Ms. Brunner agreed and added if you have a substandard lot that is only 4,000

square feet where you need at least 6,000 square feet, you wouldn't be able to necessarily build on that lot without getting relief from the Zoning Board.

The Mayor stated he was trying to understand attached versus existing footprint. Chair Bosley explained if you have an existing footprint of a home on a lot, this ordinance would not prevent you from constructing an addition to add a third unit. Someone could construct an addition to the back or side of the lot of their current building which would change the footprint of their home. This is not permission for people to be able to build to the edges of their lots – there will always be constraints in place. The constraints wouldn't be the underlying lot size, it would be other pieces of code that would be constraining the number of units that would be allowed.

Ms. Brunner asked whether the committee wanted to create an A version or move it forward the way it is. She also asked whether the committee wished to review the changes at the workshop phase before it is moved forward to a public hearing. The Chair did not feel moving this to another workshop process was necessary.

A motion was made by Chair Bosley to amend Ordinance O-2024-17 to create an A version which requires structures in the Downtown Transition District to be attached. The motion was seconded by Councilor Phil Jones and carried on a unanimous roll call vote by both bodies.

A motion was made by Harold Farrington that the Planning Board find that Ordinance O-2024-17-A is consistent with the Comprehensive Master Plan. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved by roll call vote.

A motion was made by Councilor Phil Jones that the Planning Licenses Development Committee recommend that the Mayor set a public hearing on Ordinance O-2024-17-A. The motion was seconded by Councilor Williams and was unanimously approved.

- B) Ordinance – O-2024-19 – Relative to Building Height in the Commerce District. Petitioner, City of Keene Community Development Department, proposes to amend Section 5.1.4 of the Land Development Code (LDC) to modify the allowed height within the Commerce District to be three stories or 42 feet, and amend Section 8.3.1 of the LDC to incentivize residential development in the Commerce District by permitting a height of up to six stories or 82 feet for “dwelling, multifamily” with limitations.**

Planner Evan Clements addressed the Committee. Mr. Clements stated before the Land Development Code was adopted, in the Commerce District, two stories or 35 feet, was allowed by right. With the adoption of the Land Development Code, some additional height allowances were granted within the district with certain conditions and limitations. How it is currently written is that you are allowed two stories or 35 feet by right, you can go up to three stories or 42 feet with the additional 10-foot front and side building setbacks or a building height step back of at least 10 feet and a step back must occur above the ground floor.

Mr. Clements stated the building setback is your basic dimensional limitations on a lot. There are front yard setbacks, side yard setbacks and rear yard setbacks. A building step back is the staircase

effect you see in some buildings. A building would go up, maybe one or two stories, then the third story will be offset farther away from the front of the primary facade of the building. It is kind of an architectural technique that reduces the looming intensity of a large building. Mr. Clements noted the proposal is to increase the number of stories by right to three stories or 42 feet across the board. Any permitted use within the Commerce District will now be able to go up to three stories.

Staff is also proposing an amendment to the use standards for “dwelling, multifamily,” which is Article 8 of the Land Development Code to carve out additional height allowances for multifamily residential. The city already allows multifamily residential in the Commerce District, with the caveat that the dwelling units have to be above the ground floor; acknowledging that the Commerce District is still for commercial activity.

He stated it is worth noting that after that change he just described earlier, which is currently on the books, this has never been taken advantage of in the almost three years that it has been allowed. The proposal allows up to three stories and then up to six for multifamily. Also, without the entire ground floor being commercial, it has also been specified that the front part of that project needs to be tenantable commercial space. The city wants to see commercial activity in this space but also want to supply flexibility to a potential developer to define what that is.

Mr. Clements further stated the constraints for this six story or 82 foot residential project is including that step back of 15 feet – which is a minimum. The proposal is also making it location specific. If this parcel is adjacent to a residential use, that increases the building setback to 50 feet from that shared property line. This is something new in the code. Currently, there are certain restrictions that are related to properties that are adjacent to a residential zoning district. However, staff wanted to be a little more conscientious. There are residential uses within the Commerce District at the present time but staff did not want to inadvertently locate a six-story building next to single family residences. Staff wanted to provide some additional protection to those situations by separating with additional distance.

Mr. Clements stated many in the community have talked about densifying downtown – they want to see more intense tall buildings in the downtown, but he noted there is only so much development potential available in downtown. There is also the existing historic buildings that are at their structural limits and going taller is not feasible. There are also certain areas in the downtown with some limited opportunity that city staff is constantly trying to activate, but there are also parts of the urban compact that may be appropriate for taller, more intense development for residential. While there is no density limit, there are other limitations within the zoning ordinance that create density limits and height is one of them.

Mr. Clements stated at the present time, return on new construction is not very high; hence, allowing height with limitations just creates more opportunity. Mr. Clements stated the other thing staff is hearing a lot about is the availability of commercial space in the city at a rate that the commercial market in the city will tolerate. The price per square foot for new commercial is about \$25 per square foot, which is not what commercial tenants can afford at this time. He felt a greater amount of residential units will actually offset that cost for new commercial space. So the city hopefully won't just get more housing units but will also create more commercial spaces for businesses. This concluded staff comments.

The Mayor clarified parking is an allowable first floor use and when we define commerce, whether parking is a part of commerce. Mr. Clements stated parking would not be considered tenantable commercial space. As it is allowed now, to have the six stories, you would have to provide the tenantable commercial space on that ground floor. This doesn't mean you couldn't do parking behind the tenantable commercial space (on the ground floor of the building) instead of additional residential. There is a limitation in the Commerce District that says you can't have residential units on the ground floor. With this change, if you wanted six stories, you would have to do the tenantable commercial space on the ground floor, and then it would be the developer's choice what they did with the rest of the ground floor.

The Mayor raised the issue about the 15 foot setback for commercial space, whether the developer has the option of having greater than 15 feet of setback for the entire building; to stay within one common footprint all the way. The Mayor asked in an instance like that is there a different setback than 15 feet. Ms. Clements stated instead of a building step back, they could instead take the entire building and push it back that additional 15 feet and then they could go flush all the way up. The standard front set back is 20 feet – so with a front set back of 35 feet (20 ft plus the additional 15 feet required), they can go all the way up six stories.

The Mayor asked for clarification on parking. Mr. Clements explained with a six story multifamily building, a developer would be able to locate tenantable commercial space that is maybe like 20 feet deep into the building, they would then be allowed to put parking in the remaining like 30 or 40 feet of depth on that ground floor. Then they could go residential all the way up.

The Chair questioned if it would create a negative burden on the community to have parking on some of these streets in the downtown on the first level? Or do you want that commercial facade? Does it detract from that area to have these parking garages on the 1st floor? Or do we want continuity of some commercial storefront view? She added as the committee is talking about changing the look and feel of some of these streets, for example on Avon Street it would be ok not to have tenantable commercial space, but on West Street, it might feel different to have a parking garage sitting right on West Street.

Ms. Brunner stated staff has been hearing from a lot of businesses in the city who are either expanding or they are moving from their current location are struggling to find a place to relocate. As was mentioned by Mr. Clements, at the present time there is a lot of value in residential development compared to commercial development, so staff did not want to allow multi-family residential in the commercial district in a way that it could take over all the commercial property. She indicated there are only certain areas in the city where commercial uses are allowed.

Chair Bosley stated for instance she would hate to see the ground floor of Gilbo Avenue turned into a parking garage; it would be great loss to the community. She stated her hope someday would be for Main Street to the Colony Mill to feel connected and walkable. She referred to a presentation she had attended regarding walkable communities and what was indicated in that session is for example the Athens Pizza site, the building is not built to the sidewalk and this is a design flaw as people don't like to walk past parking lots – it is not a site meant for window shopping. She stated she agrees with staff we also don't want to cancel out commercial space that

the city has by developers who are trying to make more money building residential, and then the city reduces the opportunity for our businesses to be able to remain here because we don't have a lot of space for them.

Councilor Haas stated he likes the idea of requiring commercial on the 1st floor. This provides for small commercial spots which are much more usable than any large commercial entities. He referred to the Courtyard site which has five stories, the Colony Mill has 4.5 stories, and asked for the height of these buildings –whether they were ten or twelve foot floors. Mr. Clements stated they are about ten-foot floors. Average is about eight to ten feet per floor height.

Councilor Jones referred to the comment about Gilbo Avenue and asked staff whether there was a way around that – there might be times when you don't want parking on the first floor. Ms. Brunner stated this ordinance is specific to the Commerce District and although it does not talk specifically about parking on the ground floor, it would be allowed. In the downtown districts there are pretty specific regulations around parking. Gilbo Avenue up to School Street is in downtown growth or downtown core, so they would have to comply with the form-based code standards and parking isn't allowed on the ground floor there today. Outside of the downtown districts, parking on the ground floor is allowed. In some districts if you locate parking on the ground floor, you can go up an extra story.

With that the Chair asked for public comment on this ordinance.

Mr. Kopczyński stated he has been working right now with two specific projects that are outside of the Commerce District which are in the downtown where the regulations have caused the project to cease. He stated he will be discussing this issue with staff to see what can be done to make those things more amenable. He stated what is being discussed today is actually opening the door for more opportunity for a specific purpose, which is housing. He stated the more opportunity we give people (design direction) without being locked in, the more actual development would occur.

Ms. Hannah Maynard of 80 Roxbury Street addressed the committee next. She stated she lived in New York City for a long time and would welcome tall buildings in the downtown. Parking is not pretty but is something that you need. She stated she likes the idea of keeping the tenantable space which could add another element of walkability to the city.

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

Councilor Jones stated he has always been an advocate of smart growth principles which is referenced in the master plan. He stated this ordinance addresses smart growth principles. He added he also likes that it helps incentivize by creating a return on the investment for builders. The Councilor added if the city approves going up 82 feet this would also incentivize more of electronic infrastructure to be placed on top of these buildings which increases assessed value.

Councilor Williams stated one aspect he likes about this ordinance is that it allows residential on the ground floor because these would be apartments you could access by a wheelchair.

Councilor Haas stated he likes that this ordinance focuses on the Commerce District which would create a growth effect in the immediate area.

Chair Farrington felt this is a smart approach to address some of the housing requirements.

The Mayor stated there are ground floor uses for parking spaces. He felt on Gilbo Avenue, parking could be placed on the first floor at 20 foot setback. He felt this language is closing out that possibility. He stated he did not want developers to be constrained. Chair Bosley noted the ordinance does not prohibit on-site parking behind the building. She stated she might have confused things by including Gilbo Avenue in this conversation and noted Gilbo Avenue does sort of abut and turn the corner at commercial. But the lots that are primed for development on Gilbo Avenue are not in this district and fall under a different set of rules. However, the lots that would be impacted are all of West Street, Key Road, Ashbrook Court and then a lot of residential looking streets like Richardson Court, Pearl Street and Avon Street.

The Chair stated she does not want to wipe out our commercial zone and make it a residential zone. She noted when you tip the scales so heavily and decide that residential is going to pay for a project to be viable, you then start to incentivize people to tear down commercial structures and replace them with these residential structures.

The Mayor as an example referred to properties located on Richardson Court – he indicated wording in the first paragraph says “...*The increased height allowance for multifamily dwellings would only be allowed where the ground floor of the building along the street frontage is tenable commercial space.*” Chair Bosley referred to the car wash on West Street - someone could buy that car wash and tear it down and build a residential building – consisting of six stories. She used another example of a commercial space which could be torn down and turned into residential space and the owner could make a higher profit compared to its use as a commercial space. The Chair felt what the city doing is it is creating an unintended consequence and at some point there is going to be a line of businesses at City Hall wondering what happened to all the commercial properties as they have been turned into six story residential buildings with parking garages on the first floor. She stated she agrees with Mr. Kopczynski that the city should not create constraints on developers but it is also not the city’s job to create laws that have unintended consequences that could harm the city in the long run.

Ms. Brunner referred to proposed language in the ordinance - Section 8. 3.1. - Residential Uses of Article 8, Subsection C2, would have a Use Standard which states that in the *Commerce District up to six stories or 82 feet of heights permitted so long as the ground floor along the street frontage shall be tenantable commercial space.*

Ms. Brunner stated to address the Mayor’s concern perhaps inserting the phrase – instead of *along the street frontage*, it could say *along the primary frontage* - this would address a corner lot or a lot that has streets on three sides. The Mayor was in agreement to this amendment.

A motion was made by Mayor Jay Kahn that the Joint Committee amend Ordinance O-2024-19 to an A version to replace *along the street frontage* with *along the primary frontage*. The motion was seconded by Councilor Phil Jones and was unanimously approved by roll call vote.

Councilor Haas stated often these buildings are built in a podium style where the first couple floors might all be parking or with the commercial grade level frontage and then apartments above. He asked whether there is anything that prohibits parking above the first floor. Ms. Brunner stated parking structures are allowed in this district by right as a principal use.

A motion was made by Harold Farrington that the Planning Board find that Ordinance O-2024-19-A is consistent with the Comprehensive Master Plan. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved by roll call vote.

A motion was made by Councilor Phil Jones that the Planning Licenses Development Committee recommend that the Mayor set a public hearing on Ordinance O-2024-19-A. The motion was seconded by Councilor Williams and was unanimously approved.

IV) Potential Sign Code Modifications

Ms. Brunner stated in discussing this with the City Attorney, he advised that this committee does not have jurisdiction over this item yet because it was submitted as a letter requesting an ordinance. The way it is laid out in the regulations is that an ordinance has to be submitted and go to City Council for first reading before it comes to this public body. He recommended that the item go back to City Council and go through the process outlined in the LDC.

A motion was made by Councilor Phil Jones that the Joint Committee send the item regarding Sign Code Modifications to City Council. The motion was seconded by Councilor Kate Bosley and was unanimously approved by roll call vote.

V) New Business

None

VI) Next Meeting – December 9, 2024

There being no further business, Chair Bosley adjourned the meeting at 8:29 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Mari Brunner, Senior Planner