

City of Keene
New Hampshire

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

Monday, May 13, 2024

6:30 PM

**Council Chambers,
City Hall**

Planning Committee

Members Present:

Harold Farrington, Chair
Roberta Mastrogiovanni, Vice Chair
Mayor Jay V. Kahn
Councilor Michael Remy
Armando Rangel
Ryan Clancy
Kenneth Kost
Michael Hoefler, Alternate
Randyn Markelon, Alternate
Stephon Mehu, Alternate

Planning Committee

Members Not Present:

Sarah Vezzani
Tammy Adams, 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:

Ward One Council seat
vacant

Staff Present:

Jesse Rounds, Community
Development Director
Mari Brunner, Senior Planner

I) Roll Call

Chair Bosley called the meeting to order at 6:35 PM and roll call ensued.

Mayor Kahn and the Committee welcomed the Planning Committee's newest member, Stephon Mehu, Assistant Town Planner in Swanzey, who had lived in Keene for five years.

II) Approval of Meeting Minutes – March 11, 2024

A motion by Mayor Kahn to adopt the March 11, 2024 minutes was duly seconded by Councilor Jones. The motion carried unanimously.

III) Continued Public Workshop:

- A) Ordinance – O-2023-16A – Relating to permitted uses in the Downtown Core, Downtown Growth, and Commerce Districts. Petitioner, City of Keene Community Development Department, proposes to amend Section 8.3.2 of Article 8 of the Land**

Development Code (LDC) to add a definition for “Charitable Gaming Facility” and amend Table 8-1, Table 4-1, and Table 5.1.5 to display “Charitable Gaming Facility” as a permitted use in the Downtown Growth District and Commerce District. In addition, the petitioner proposes to amend Section 8.4.2.C.2.a of Article 8 of the LDC to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District.

Chair Bosley recalled that the Committee had already discussed this Ordinance and sent a recommendation to Council. The Council sent it back to this Joint Committee again for continued effort to work out issues. She noted that this agenda item listed charitable gaming facilities in the Downtown Growth District, but the Committee had asked staff for amendments to the original proposal. Chair Bosley welcomed a presentation from Community Development Director, Jesse Rounds.

Mr. Rounds recalled that the draft Ordinance O-2023-16 included a definition of charitable gaming facilities in the Downtown Growth and Commerce Districts and City Council asked staff to take a closer look at those districts. The Council sent the Ordinance back to the Joint Committee for further workshopping. He said that staff reviewed other ordinances across the State to determine whether there could be more appropriate locations in the city. After working with the Joint Committee, the Ordinance will move forward again as a “B” version. Mr. Rounds referred to the proposed definition of charitable gaming facility, which is compatible with the definitions that already exist in the RSA. He recalled questions about historic horse racing, which is a type of gambling, but staff felt that historic horse racing was covered in the existing definition, as it is a subsidiary license to these two licenses.

Mr. Rounds said that the first proposed change to the draft ordinance is a location change. He displayed a map demonstrating the proposed locations. Instead of placing all charitable gaming facilities in the Commerce and Downtown Growth Districts, they would be located in three portions of the Commerce District: (1) Properties with frontage on West Street, (2) Properties with frontage on upper Winchester Street from Route 101 to Island Street, and (3) within Ashbrook Plaza. All of these locations are in the Commerce District and have frontage on major roads and already have large spaces and buildings.

Next, Mr. Rounds discussed proposed use standards. The first proposed use standard is that only one charitable gaming facility would be allowed per parcel. Further, this revision would disallow charitable gaming facilities within 500 feet of any place of worship, child daycare center, or public or private school. Charitable gaming facilities would also be disallowed within 500 feet of any single-family or two-family dwelling and would not be allowed directly adjacent to any residential zoning district: Low Density, Low Density 1, Medium Density, High Density, and High Density One.

Councilor Remy suggested keeping language disallowing charitable gaming facilities within 500 feet of each other to account for cases with two adjacent lots that could be subdivided. Chair Bosley agreed. Councilor Haas asked if this number could be increased to 1,000 feet. Mr. Rounds said the Committee could propose any number they like.

Councilor Haas continued, asking if Martell Court and Kit Street could be included. Mr. Rounds said it was possible given that they are zoned as Commerce. Councilor Haas mentioned that access to Martell Court is difficult.

Mr. Rounds continued reviewing the proposed use standards, discussing the minimum square footage required for a charitable gaming facility. He noted that the proposed revisions were based on policies of another NH community. Staff propose a minimum area of 20,000 square feet for the gaming floor; this would not include backroom areas and accessory uses like restaurants or entertainment. The owners would have to meet any additional existing requirements in the Land Development Code for these accessory or related uses. The intent of this minimum size is to prevent many small charitable gaming facilities and encourage sizeable facilities. Mr. Rounds recalled a conversation with a representative from the NH Gaming Commission with the PLD Committee indicating that smaller establishments struggle with profitability.

With respect to parking and traffic, Mr. Rounds said this proposed use standard refers to parking standards that exist already in the Land Development Code but includes additional standards based on the types of uses and types of vehicles expected with charitable gaming facilities. For example, busses would be anticipated, so there are requirements for screening busses from abutting residential properties. Mr. Rounds also mentioned the City's goal for zero emissions and therefore the standard states that 2% of required parking should be equipped with electric vehicle charging stations. This concluded Mr. Rounds' presentation.

Chair Bosley mentioned her understanding that this was an opportunity for the Committee to guide staff through any minor changes desired. This process would not affect the definitions in the main Ordinance, which the Committee had already agreed upon. The potential existed to move this draft forward to a new public hearing if the Committee could reach consensus.

The Committee reviewed maps of where the proposed charitable gaming facilities would be allowed. Chair Bosley asked whether all of Key Road was in the Commerce District and Mr. Rounds said yes. Chair Bosley asked whether any Committee members were interested in extending the charitable gaming facility possibility down Key Road. Mayor Kahn and Councilor Haas replied in the affirmative.

The Committee worked with the maps to visualize the 500-foot distance proposal. Ms. Brunner noted that the Commerce District extends along the left side of Winchester Street, south of the roundabout. The revision stated: "land with frontage along Winchester Street, south of Island St and north of Cornwall Drive." Mr. Rounds noted that on Kit Street, there is Commerce, but there is also a daycare center and residential properties. The Committee reviewed Keene vs. State properties around the Winchester Street/Route 101 roundabout, some of which are zoned Industrial.

For the sake of zoning, Mr. Clancy said he did not see an issue with incorporating the parcel west of the roundabout, noting that the daycare would prohibit a charitable gaming facility. He did not suggest factoring in what existed at this time in order to prevent a charitable gaming facility. Chair Bosley thought that made sense. She reiterated the language in the draft Ordinance: "land with frontage along Winchester Street, south of Island St and north of Cornwall 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." As such, Chair Bosley thought the draft accounted for Mr. Clancy's point.

Councilor Jones questioned whether an overlay district with restrictions would better accomplish the goal of this proposed Ordinance. Mr. Rounds replied that as an overlay, it would essentially create a new zoning district, whereas this proposed Ordinance would create the use and associated restrictions. Ms. Brunner added that there was a precedent in the Zoning Ordinance that “sexually oriented” businesses are not allowed in certain areas of the Commerce District based on use standards, so staff are proposing a similar approach for this use.

The Committee continued reviewing maps of where charitable gaming facilities would be allowed in the draft Ordinance. Chair Bosley wondered whether this attempt to define the area would open the opportunity elsewhere, whereas the intention of this Committee was to push this use into larger commercial areas/structures. Councilor Remy thought the intent was for the language to zone charitable gaming facilities similar to the standards for sexually oriented businesses.

Mayor Kahn returned to the topic of Key Road, mentioning the car dealership, a hotel, and commercial land. There are adjacent residential areas. Mr. Rounds thought he heard the interest of the Committee to include Key Road. As Mr. Clancy mentioned, the adjacent uses could change, despite the zoning not changing for residential lots; changed uses could open areas that are not available currently. Chair Bosley agreed, noting that there are large parking lots and commercial places that could potentially house this type of use, which she thought was reasonable.

The Committee turned its attention to West Street, reviewing the map that showed single- and two-family homes. The proposal included: Colony Mill, CVS plaza, the Keene Inn, West Street shopping center, and Kohl’s plaza. Mr. Rounds noted that it would be difficult to fit a 20,000 square foot facility on these parcels; it would require multi-floor structures. Discussion ensued about the Colony Mill being a residential use in a district that is zoned as Commerce. As such, there could be a first-floor charitable gaming facility with residential above. On the Colony Mill property, there could also be a charitable gaming facility constructed separately in the parking lot.

Mr. Kost asked why the Colony Mill residences were not protected from a charitable gaming facility the same way as someone in a neighborhood. Mr. Rounds said it was a good question, noting that in theory, the residential use in the Colony Mill may not last forever, and the property owner has the right to use it as they see fit. Mr. Rounds said the language could be altered to make it more difficult to locate a charitable gaming facility adjacent to a multifamily residential use, recognizing the value of multifamily residential developments. Mr. Kost said that a charitable gaming facility could be more lucrative to a developer, but at this time, the City needed housing, and he worried that this change could encourage replacing housing with gaming, which he did not think aligned with City values.

Chair Bosley mentioned that her understanding is that the Committee should not be distinguishing between single-family, two-family, and multifamily housing when considering proximity to these facilities. The City changed its Land Development Code to allow for commercial uses on the first floor. It was possible for the Colony Mill to have businesses on the first floor and maintain the residences above (up to four stories). The Council had deemed it appropriate to restrict this charitable gaming facility use, and Chair Bosley questioned how far those restrictions should go. Did the Committee want to limit restrictions for single-family and two-family, or restrict larger multifamily structures?

Councilor Remy said that for the most part within the City, he thought this charitable gaming facility use would be limited by being prohibited directly adjacent to residential zones. He recalled the Colony Mill receiving a variance for the residential use. Ms. Brunner noted that single- and two-family homes were included in the proposed Ordinance because they are not allowed in the Commerce District. There are historic neighborhoods with single- and two-family homes that feel more like a neighborhood. Otherwise, she thought the adjacency to the Residential District would cover it. Chair Bosley countered that they had been reviewing an outlier property and the Committee had to decide whether they were comfortable allowing it.

Councilor Williams said that multifamily homes are a feature of an urban environment and so, he thought that more activity around them was to be expected. Conversely, the Councilor wanted to avoid landowners choosing not to develop residential on the second floor of a commercial building due to the presence of a charitable gaming facility on the first floor.

Mr. Kost agreed with Councilor Williams and noted that the downtown has a mixture of uses with a lot of activity. Still, there had been several meetings of the Committee trying to exclude charitable gaming facilities in the Downtown Growth and Downtown Core Districts because there are residences there. While he understood the history of the Colony Mill site, he thought it was the same situation. He thought something like a restaurant on the first floor would be nice and not sacrifice the residences above, whereas a charitable gaming facility on that first floor might impact the residences above. Because this property might be an outlier, the Ordinance could be specified to indicate that charitable gaming facilities are allowed, “in the Commerce District along West Street, west of Island Street,” which would eliminate the parcels on the north side that will never be developable because they are adjacent to residences. This would eliminate the Colony Mill. This would not prohibit other areas being developed for residential uses.

Chair Bosley agreed with the change and asked who did not support allowing charitable gaming facilities “in the Commerce District along West Street, west of Island Street.” Councilor Remy, Mr. Mehu, and Ms. Markelon said no.

Councilor Haas thought that west of Island Street as well as the parcels south of West Street would be eliminated because there are residences across the river. He asked about the Starbucks parcel and said it would not be ideal to impinge on the adjacent Ashuelot River Park. Mr. Rounds confirmed how the surrounding properties were zoned. South of West Street on other side of the river from Ashuelot River Park is residential along Richardson Court, and those with frontage on West Street are mostly businesses. Councilor Remy confirmed that the large lots on the north side of West Street (west of the river) are not within 500 feet of residential properties.

Councilor Remy questioned whether at some point, charitable gaming facilities should just be disallowed. He felt that the Committee was going down a path of only allowing charitable gaming facilities on two lots in town. He recalled that there was a past charitable gaming facility on the Colony Mill property and he did not recall any problems. He did not think that a charitable gaming facility on

that property should negate the possibility of residences in the Colony Mill. Mr. Kost and Chair Bosley did not think the previous charitable gaming facility on the property was 20,000 square feet.

Discussion ensued as the Committee sought comparisons to imagine the size of a 20,000 square foot building and Chair Bosley suggested the NH Housing building on Court Street. Mr. Kost said that would not be a “mom and pop shop,” but a serious gaming facility, especially as the discussion was about a 20,000 square foot gaming floor, which would require other things to be viable (e.g., restaurants and retail), and thus a much larger building.

Ms. Mastrogiovanni said she struggled to imagine a 20,000 square foot building with parking and more in the West Street area. She maintained her opinion that a gaming facility located near other businesses that could benefit would not necessarily be a bad thing. She said that might work on West Street, but there was more space for a facility closer to the Target plaza. There were pros and cons with both. Still, she felt that a 20,000 square foot facility with parking and more on West Streets was a little scary to her (i.e., traffic and other factors).

Chair Bosley mentioned three commercial lots that were viable: the Hobby Lobby area, the area behind Hannaford, and the left side of the Kohl’s plaza. Ms. Mastrogiovanni noted that traffic in those areas is already unideal.

Mr. Rounds reminded the Committee that the West Street rebuild would hopefully be coming soon, at which time the City can work with property and business owners to discuss traffic flow through their entrances and exits.

Mayor Kahn agreed with the challenge of 20,000 square feet being a standard for these facilities. He compared it to the Council Chambers, which he estimated as ~800 square feet in size. Thus, he said that 20,000 square feet would be a monstrous building and he reiterated that it would be a *minimum* of 20,000 square feet for just the gaming floor, in addition to the other potential amenities Committee members had cited. To Mayor Kahn, that scale was hard to fathom in Keene.

Councilor Haas thought the 20,000 square foot number came from the Licensing Department. He thought that was the minimum for an establishment to be profitable. Mr. Rounds said that figure was taken from guidelines in other NH municipalities. Councilor Haas thought there were charitable gaming facilities in NH closer to 9,000 square feet. Chair Bosley thought those smaller facilities were typically owned by one entity with multiple facilities to make it up in volume. She recalled a presentation from the NH Gaming Commission, when the Council learned that slot machines (1–3) are common in gas stations, for example, because while a single slot machine will not be profitable, the person who owns them in 5,000 gas stations will make it up in volume.

In NH law, Chair Bosley recalled that there were ratios for table games and historic horse racing, so most of the profit for gaming facilities is made up with historic horse racing machines. To have historic horse racing machines, there must be a specific square footage of gaming tables present, which helps to define how large an area must be to be profitable. She agreed that a 20,000 square foot facility seemed

monstrous. She thought that the Council was essentially considering one entity coming to Keene and building a charitable gaming facility to draw tourism; she could not imagine two or three of these facilities here, as it would not feel like Keene anymore. She questioned whether the City should support small boutique casinos instead, which might not be viable to their owners. Mayor Kahn said that someone could propose a minimum 20,000 square foot space, but they could also propose something smaller. Chair Bosley then said they could not due to the existing wording in the ordinance.

Chair Bosley cited some places that could accommodate a 5,000 square foot facility like Key Road, or the areas near HomeGoods or Applebee's. She said that could lead to three gaming facilities in one zone, for example, that are all 500 feet apart, which would be the rule. She said that this matter was sent back to this Committee because the Council wanted this use and associated growth in the community, but it was clear that the Council was not comfortable with how the last draft of the Ordinance was written and wanted to see a lot more thought put into it. Chair Bosley thought that through this process of revisions from staff, the Joint Committee public workshops, and hearing from the Lottery Commission, the Committee learned a lot about the nuances of what makes these facilities work, the type of customers they draw, how they impact communities, and some of the red/green flags.

Now, this Committee is tasked with recommending the best strategy for this use in the community. She said the reality is that the Council is facing a decision about a current charitable gaming facility license holder in Keene who expressed interest in expanding and moving their operation; there were no issues with their current location. The Council needs to choose areas and create these standards so that the Community gets what it wants, and the license holder does not get to expand anywhere in the City they choose in the absence of rules. Having recapped the situation, Chair Bosley asked for the Committee's opinions on the square footage allowed.

Councilor Remy said that most of the large lots the Committee had considered would be too close to residential areas to be allowed and the area behind Hannaford was zoned Rural, for example. Ms. Brunner said that the criteria could be changed so that the building would have to be a certain distance from the zone boundary versus the whole lot being eliminated from housing a casino. Discussion ensued between Councilor Remy and Mr. Rounds about the challenge of using the maps of these areas to determine exact zoning boundaries. Councilor Remy clarified an earlier statement, noting that the back of the Melanson's and Keene Inn properties were more than 500 feet from housing.

Discussion continued, and Chair Bosley felt the language should be changed to a buffer by feet vs. by zone as Ms. Brunner suggested. Mr. Rounds clarified that a charitable gaming facility building would not be allowed within 500 feet of a residential zone or residence.

Chair Bosley asked about the possibility of an overlay district as Councilor Jones recommended. Mr. Rounds said it was possible. Councilor Remy asked how an overlay district would differ. Chair Bosley said an overlay would only dictate a location without accompanying standards. Mr. Rounds said the 500-foot boundary could be eliminated and the Ordinance could dictate that the use is only allowed on particular parcels.

Mr. Clancy asked the size of the existing charitable gaming facility. Councilor Haas estimated 9,800 square feet.

Ms. Mastrogiovanni thought it was important to revisit the 20,000 square foot minimum, which would change where a facility would fit in the community. She said the current, smaller charitable gaming facility's size seemed to be doing well. Chair Bosley said that location was one of many holdings by that company.

Mr. Hoefer said the 20,000 square feet seemed to be the minimum in other NH communities, and he wondered if his fellow Committee members were leaning more toward a 10,000–15,000 square foot minimum or a 30,000–40,000 square foot minimum. He thought it was a balance between trying to contain the use, while not being so restrictive that there is only one available lot in the City. Mr. Rounds noted that most communities with standards were on the seacoast or central NH, with different planning and commercial environments than Keene.

Councilor Remy confirmed that the existing charitable gaming facility floor was approximately 10,000 square feet and that the whole building is 95,000 square feet. Chair Bosley said the owner sought to increase the charitable gaming facility size to 20,000 square feet.

Committee members shared their preferred square footage *minimum*:

- Mr. Hoefer: slightly less than 20,000
- Mr. Mehu: less than 20,000
- Ms. Markelon: 10,000
- Mr. Clancy: less than 20,000
- Mr. Kost: keep 20,000
 - He recalled the goal to attract or potentially have the existing owner expand to create what sounded to him like a really nice facility. Once there are additional attractions like restaurants and a hotel, he was not sure. Still, it sounded like a nice facility for the region, potentially rather than two smaller lower quality facilities.
- Councilor Remy: comfortable with 10,000
 - He did not mind the idea of one larger facility.
- Mr. Rangel: 10,000
- Ms. Mastrogiovanni: 10,000
 - While she understood that a business plan for a larger facility could be much better with a larger footprint, for the City's planning purposes, that size facility might not work in most of the community. The lower square footage would provide more location opportunities.
- Mr. Farrington: 20,000
- Chair Bosley: 20,000
 - She would rather see one facility that can be monitored vs. many smaller facilities that could create a different environment for the community.
- Mayor Kahn: 10,000
- Councilor Jones: 10,000

- He said that NH is not trying to attract high rollers. With a maximum bet of \$25 in NH, smaller casinos would work.
- Councilor Williams: no minimum
 - Let the market decide.
- Councilor Haas: no minimum
 - He does not want to step on the feet of entrepreneurs who might find a way to make a small-scale charitable gaming facility profitable. With the issue of State licenses aside, he said the City could control this by selecting the zones and distances, rather than enforcing a particular impediment upon somebody's imagination.

Chair Bosley said she heard 10,000 square feet as the average consensus. She asked how to create language that is appropriate for the locations, without restricting so many of them. If the decision was 10,000 square feet, Mr. Rounds recommended reducing the buffer distances or eliminating them. He added that an overlay district would be useful if there were many zoning districts where this might be appropriate, whereas if the Committee wants to contain the use only in certain Commerce zones, an overlay would not be appropriate.

The Committee reviewed maps of three possible Commerce Districts for this use, where sexually oriented businesses are currently allowed. Chair Bosley asked why there would be restrictions in the identified Commerce zones. Mr. Rounds replied that the restrictions could be removed and the policy could just limit the use to these specific, physical geographic areas, without the 500 square foot limit. Mr. Rounds suggested that this use might not support the character of the City if placed near single-family, duplex, and multifamily homes. Chair Bosley said the Ordinance was back before this Committee to ensure the language prohibiting the use around residences remains clear. Chair Bosley asked if the Committee felt comfortable eliminating some of the boundaries listed in the draft standards, while maintaining the 500-foot setbacks from daycare centers, places of worship, and residences. This could provide more places for smaller facilities in the City.

Discussion ensued as the Committee discussed whether a 500-foot boundary—from a gaming building to the edge of a lot—was appropriate, or whether to lower it to 250 feet. Chair Bosley preferred 250 feet. Ms. Brunner said the way that the language was in this draft could be read as building-to-building, so it would be good to clarify that it should be from the edge of the gaming facility to the lot line, if that was the Committee's choice.

Chair Bosley said that with the changes in this draft Ordinance, no charitable gaming facilities could be located directly adjacent to a residential zoning district. Many of the acceptable Commercial lots abut Residential Districts. She wondered if it would be better to strike that rule and change it to a lot-to-building distance buffer. Mr. Kost thought that in the current draft, condominiums or multifamily buildings with more than two units would be protected if in a residential zone. He did not understand why condominiums and apartment buildings should be eliminated, and why single-family and duplexes seemed to be covered. Chair Bosley thought it was a fair question.

Mayor Kahn thought it was useful to step back from the details to focus on the physical images to imagine what a roadway/area would be like if, for example, a street was divided. He heard the Committee considering allowing the use in the following Commerce Districts that would be suitable:

Ash Brook Road, Winchester Street, and West Street. The Mayor said he struggled with drawing lines on maps vs. using the already established physical boundaries, like West Street and Route 101. Mr. Clancy agreed, noting that he was in favor of the highlighted areas on the maps and editing the language to allow those highlighted lots, with some amendments to West Street, west of Island Street.

Chair Bosley considered sending these suggestions back to City staff to have them workshop language providing a buffer between a building that could be constructed for a charitable gaming facility and existing residential lots. She thought this would capture the highlighted places west of Island Street.

Councilor Remy suggested defining the lots as the Committee reviewed them, he did not think there were many more lots to account for. He referred back to the maps of West Street and noted that it would be really hard to build a 10,000 square foot facility on the southern lots near the CVS Plaza. Thus, he thought those areas should be ineligible because of adjacency to residences, as well as properties east of Island Street.

Discussion continued about permitted areas along West Street. Chair Bosley suggested prohibiting charitable gaming facilities on the Starbucks property because it abuts the Ashuelot River Park.

Chair Bosley recapped changes the Committee sought for the permitted areas on West Street:

- Starbucks property is not permitted.
- Eliminate the north side of West Street, east of the river.
- Eliminate smaller parcels south of West Street, between Pearl Street and Avon Street.

Disagreement amongst Committee members remained about whether the Colony Mill should be permitted or not. Mr. Mehu thought the use should be allowed in the Colony Mill, stating that it was a plausible mixed-use space, and ideal for a charitable gaming facility. Chair Bosley thought it was a good point, especially with the decision to allow much smaller facilities. She questioned the size of the previous casino on that lot (in a separate building).

Ms. Brunner heard the Committee members discussing larger lots they thought would be appropriate. She said they could consider another approach: a minimum lot size as the use standard vs. defining areas along a road. Chair Bosley agreed but noted that she was unsure how to identify where 10,000 square feet would be allowed without staff telling the Committee. Ms. Brunner said that if the Committee provided a list, staff would return with a proposal.

Mr. Clancy shared his rationale for excluding the Colony Mill property. He heard a lot in the City about Gilbo Avenue redevelopment, so he saw that property as an anchor of the Downtown Core because of the Mill's historic charm, even though it is not in that zone. He added that it might be appropriate to shift the use out of the downtown.

Mr. Kost considered the setbacks from residences, and he imagined that a charitable gaming facility building would contain the noise of that use. He thought the parking lots were the more likely areas for noise to disturb abutters. He compared it to noise in the YMCA parking lot early in the morning that he can hear from his home. He imagined that noise outside of a charitable gaming facility could be even more disturbing than his example about the YMCA. Thus, Mr. Kost wondered if the Committee was too

focused on building setbacks, when the parking lots abutting neighborhoods could be the greater disturbance (other than traffic).

Chair Bosley noted that in the Commerce District, there was already an expectation of vehicles and activity. She thought the greater concern would be accessory activities and unintended consequences of the charitable gaming facility; would there be increased Police activity? Chair Bosley was not necessarily concerned with the amount of traffic, noting that if a nice store was developed, like Trader Joe's, there could be traffic 10:00 PM, and she imagined there would be less concern about that traffic.

Councilor Williams said he was specifically worried about busses idling near residential neighborhoods, so he wondered if that portion of the activity could be removed. Mr. Rounds mentioned that there was a section on parking in the use standards, including screening bus and truck parking from public rights-of-way and any abutting residential properties.

In response to the Chair, Councilor Remy confirmed that the former charitable gaming facility on the Colony Mill property (separate building) was approximately 5,500 square feet (it was unclear whether that accounted for only the first floor or the second floor too). While he was unsure it was necessary, he questioned whether there should be a maximum size allowed.

Mayor Kahn noted that a visual representation would help the Committee decide some of these things—to visualize the difference between 5,500 and 30,000 square foot facilities. He knew the Community Development Department would help.

Chair Bosley agreed that this Committee was workshopping this Ordinance again because many did not want charitable gaming facilities in downtown Keene, and the Colony Mill does act as a sort of downtown boundary. She said the City was putting an incredible amount of money into the infrastructure on Gilbo Avenue and the Council had talked a lot about the potential for the American Family properties along Gilbo Avenue, which were going to be offered for sale, and could be redeveloped. She said Keene already had great zoning set up for that area heading toward the Colony Mill. At some point, she thought the City should consider attaching the Colony Mill's lot to the Downtown Growth District when Gilbo Avenue is developed, creating that connection to the center of Keene, ideally with an ambiance similar to Main Street (i.e., businesses on the first floor and residences above). She was comfortable excluding the Colony Mill from the areas permitted for charitable gaming facilities.

Mayor Kahn stepped out of the room.

Chair Bosley summarized the consensus at this point:

- Change the setback from building-to-building to building to lot edge.
- Reduce the setbacks from 500 feet to 250 feet.
- Reduce the minimum size of charitable gaming facilities from 20,000 square feet to 10,000 square feet.
- Buses screened and used away from the residential-adjacent sides of the building.

Councilor Haas stated his understanding is that, because of abutting residences, the intent was not to reduce the distance to 250 feet for draft standard c.i., which stated that *"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.” He thought the distance should be increased to 1,000 feet between charitable gaming facilities to help limit the number.

The Committee proceeded discussing the final section: Parking & Traffic. Chair Bosley quoted: *“Parking lot design shall incorporate bus parking and bus loading zones.*

- *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.*
- *A traffic study shall be required and must include the expectation of bus traffic.*
- *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.*
- *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.*
- *Two percent of required parking spaces shall be equipped with electric vehicle charging stations.”*

As the Committee had already discussed busses and screening, they proceeded with the .75 parking spaces for each gaming position and the electric vehicle (EV) charging stations. Mr. Kost recalled the NH Gaming Commission representative explaining that some visit these facilities alone, some carpool, and others use busses (e.g., each with 40 plus people) to arrive at these facilities. In that case, he wondered if such a large parking area would be necessary.

Mayor Kahn returned.

Mr. Rounds said that the parking standard in the draft Ordinance was learned from another jurisdiction’s policy, and it could go down by half. Chair Bosley asked what standard was used for the existing charitable gaming facility. Ms. Brunner said the existing facility was treated as an indoor entertainment/recreation facility, which requires .25 spaces for every four seats, so the draft standard could be reduced. She added that it is often difficult to compare uses because their parking requirement calculations vary.

Since the indoor recreation facility designation seemed to be working for the existing charitable gaming facility, Chair Bosley thought it could be an interesting comparison. Mr. Rounds noted that the existing facility purchased parking across the street from the Center at Colony Mill. Chair Bosley asked if the indoor recreation/entertainment center use required parking. Ms. Brunner said there was no parking requirement for the existing location because it was in the Downtown Growth District, so they purchased the parking for their need.

Mr. Farrington asked for the definition of a “gaming position.” Mr. Rounds replied that it is a seat at a gaming table or machine.

Mr. Hoefler said he heard concerns about runoff and surface water associated with a charitable gaming facility use’s larger parking lot. He thought a higher parking requirement could help control the locations of the charitable gaming facilities.

Mr. Clancy said he wanted to keep the parking standards the same as the existing facility and ideally, he wanted to increase the EV charging stations to 5%.

Ms. Mastrogiovanni hoped to keep many of the standards that existed for facilities like malls, movie theaters, or restaurants. Ideally, there should be as few new standards written for this one use as possible.

Councilor Williams thought that one parking space for every four seats was reasonable, and if the business owner decides they need more parking spaces, they can build them. He agreed that there were existing parking standards for establishments like malls, and 99% of the time, most of the required parking is empty. He wanted the market to decide how many spaces are needed. For environmental reasons, he did not think the Committee should be forcing parking that is unneeded, when there could be paid parking nearby. On the topic of busses idling, Councilor Williams, said that in addition to screening from the public right-of-way and abutting residential properties, there should be screening from land zoned as Conservation due to pollution, like the properties on the other side of the Ashuelot River from Starbucks. Chair Bosley was comfortable with that addition.

Mr. Mehu asked if the EV charging stations must be a certain level. Mr. Rounds replied that a level was not included, but Ms. Brunner said it should remain level 2 or higher because level 2 exists everywhere and the trend was toward level 2 or higher. Level 2 means that for every 100 parking spaces, there should be 2 EV stations. Chair Bosley asked for this to be clarified in the revision. She also asked for input on the percentage of EV charging stations required.

Mr. Kost said this would not be built for a long time, and there should be more electric vehicles and associated infrastructure in the future, so he thought it was best to require more EV stations than less. He said the market should dictate it: patrons will come if there are EV stations, and they will not if there are not. He asked whether the existing draft language allowed a charitable gaming facility developer to charge for parking. Chair Bosley believed so. Mr. Kost said that most casinos do. The Chair said it would depend on who owns the parking lot.

Mr. Mehu advised keeping a level 2 EV station requirement because the infrastructure is expensive, and then a developer can request to install more. There was consensus toward a maximum level 2 EV charging station requirement. Councilor Remy agreed with Mr. Kost's point that too much EV infrastructure could be wasteful if there is a shift away from that technology in the future.

The public workshop would continue, and staff would bring revisions for the Committee's consideration.

Councilor Remy asked if anyone wanted to include a stipulation about a maximum charitable gaming facility size and there were no responses.

A motion by Mayor Kahn to continue the workshop for staff to bring back revisions at the June 10, 2024 meeting was duly seconded by Mr. Farrington. The motion carried unanimously.

IV) New Business

Mr. Rounds shared that soon, the Committee would hear about addressing short-term rentals in the Land Development Code and addressing commerce nodes in an existing or different zoning district. Ms. Brunner added a third item, noting that in some residential districts, there is a minimum lot area for the first dwelling unit and additional lot area required for each additional dwelling unit. For example, in the High Density District, 5,000 square feet is currently required for any additional dwelling units above the minimum lot area; in Medium Density, the minimum lot size is 8,000 square feet and an additional 5,000 sf in lot area is required for each additional unit on a parcel. Ms. Brunner asked the Committee if it made sense for the community to continue the extra lot size requirement per unit in the context of a housing crunch, or to control the lot size through other types of zoning (e.g., dimensional standards).

Chair Bosley thought the Committee had been very progressive in trying to create growth opportunities in the community and she welcomed staff bringing a suggestion to the Committee. Councilor Jones recalled that if the City Council adopted the Cottage Court Ordinance, it would remove the ban on private roads in the Land Development Code.

Chair Bosley noted that the City Council meeting agendas include the opportunity to place agenda items on “more time.” She hoped to have the same option added to the Joint Committee’s agendas to help the Committee remember the tasks assigned to staff. In this instance she said four items could be listed: New American with Disabilities Act requirements, lifting the ban on private roads, short-term rentals, and commerce nodes.

V) **Next Meeting: Monday, June 10, 2024**

VI) **Adjournment**

There being no further business, Chair Farrington adjourned the meeting at 8:25 PM.

Respectfully submitted by,
Katie Kibler, Minute Taker
May 16, 2024

Reviewed and edited by,
Mari Brunner, Senior Planner
Megan Fortson, Planning Technician