

City of Keene
New Hampshire

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

Monday, June 10, 2024

6:30 PM

**Council Chambers,
City Hall**

Planning Board

Members Present:

Harold Farrington, Chair
Mayor Jay V. Kahn
Sarah Vezzani
Armando Rangel
Ryan Clancy
Randyn Markelon, Alternate
Michael Hoefler, Alternate

Planning Board

Members Not Present:

Roberta Mastrogiovanni, Vice Chair
Tammy Adams, Alternate
Councilor Michael Remy
Stephon Mehu, Alternate
Kenneth Kost

Planning, Licenses &

Development Committee

Members Present:

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

Planning, Licenses &

Development Committee

Members Not Present:

Staff Present:

Jesse Rounds, Community
Development Director
Mari Brunner, Senior Planner

A. Agenda Items

I) Roll Call:

Chair Farrington called the meeting to order at 6:30 PM and a roll call was taken. Randyn Markelon and Michael Hoefler were promoted to voting members.

II) Approval of Meeting Minutes – May 13, 2024

A motion was made by Councilor Jones that the Joint Committee approve the May 13, 2024 meeting minutes. The motion was approved by Councilor Robert Williams and was unanimously approved.

III) Continued Public Workshop:

- a. **Ordinance – O-2023-16B – 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.

Community Development Director Jesse Rounds addressed the Committee. Mr. Rounds stated this the fourth time this item has been brought before the committee and thanked the committee for their cooperation. Mr. Rounds referred to the definition for Charitable Gaming Facility – it is the same definition as what the State defines Gaming Facility under RSA 287-D and RSA 287-E. This definition includes various kinds of machines, Games of Chance, Lucky 7 and Bingo. He indicated two meetings ago the committee requested staff come up with use standards for gaming facilities. He proceeded to review proposed use standards.

The first proposed standard is “Only one charitable gaming facility shall be permitted per lot.” After the many conversations that were undertaken this is staff’s recommendation.

The next standard is about location. Mr. Rounds stated there was much conversation undertaken regarding the West Street location. What staff propose is that parcels 1.25 acres in size or greater in certain areas of the Commerce District would be able to house this use. The first area where this use would be allowed is lots west of Island Street. He noted that there are lots that are smaller than 1.25 acres in size and felt these lots could be merged to equal the 1.25 acres. Mr. Rounds stated the Colony Mill is a site that used to have a gaming facility but in reviewing minutes of past meetings it was understood that this is not a preferred site. The second area of Commerce is Key Road, Winchester Street and Kit Street – again, only the lots in this area that are 1.25 acres in size or greater would be eligible. The next area proposed are parcels with frontage on Ashbrook Road.

The third standard relates to distances from charitable gaming facilities to other uses. Mr. Rounds referred to a graphic and said this standard states all charitable gaming facilities shall be subject to the following distance requirements and measurement shall be from the property line of any site to the closest exterior wall of the facility; that is what this graphic is intended to show. He noted what staff heard is that there should not be a charitable gaming facility within 500 feet of another charitable gaming facility.

In addition, a charitable gaming facility shall be not permitted within 250 feet of any place of worship or childcare facility. No charitable gaming facility shall be permitted within 250 feet of a single- or two-family dwelling and no charitable gaming facility shall be permitted within 250 feet of any residential zoning district. The difference here is that single-family and two-family dwellings might not be in a residential district, for example there are some located in Commerce on West St.

Standard D - Minimum square footage – Mr. Rounds stated last time this item came before the committee it was a 20,000 square foot minimum and the language states the gaming floor does not include areas such as accounting, maintenance, surveillance etc. This has now been reduced to 10,000 square feet after the discussion at the last meeting. However, staff weren't clear as to whether the gaming floor should be all-inclusive or follow the language shown on the screen, which states it would not include certain areas for accessory uses, office space, etc.

Councilor Haas stated he was an advocate for no minimum requirement or including the other areas as he felt the city could be restricting the imagination of future gaming facilities. Councilor Williams stated he agrees with Councilor Haas and stated he does not want these facilities to be too big but on the other hand if there was an existing building, he did not want unnecessary construction being done to meet the minimum size requirements.

Councilor Haas stated if the use standards are applied correctly the city could solve the problems of multiple small venues throughout the city.

Chair Bosley stated she did not want to see 20 of these facilities in the city. She felt if the floor size was reduced you could see multiple facilities in different areas in the city. She felt using the code is going to get to what we want to see in the community. Councilor Bosley stated she would like to see one successful facility rather than many struggling facilities with some of the baggage they might bring.

Councilor Haas stated he did not want to restrict free enterprise but would rather do it with distance separation.

Mr. Hoefler stated he was comfortable with 10,000 square feet.

Mr. Clancy asked whether staff knows the square footage of the current casino. Mr. Rounds answered in the negative. Mr. Clancy stated he supports what Councilors Williams and Haas stated and did not see this as an industry that is going to expand in Keene. He stated he did not want to limit competition and monopolize an industry in Keene.

Ms. Vezzani felt the current gaming facility was less than 10,000 square feet in size and noted if the area is just for where the games are located, she felt 10,000 square feet would be adequate space.

Chair Farrington stated he appreciates free enterprise but all zoning and land development codes are the city's attempt to restrict that free enterprise based on what we want to see as a community and as result stated he was comfortable with 10,000 square foot minimum.

Standard E - Traffic and Parking: Mr. Rounds stated staff had a lot of discussion on this topic and it was decided that parking would stay within the existing regulations. He referred to the following language: *Commercial loading zones shall be screened from public rights of way and abutting residential properties in accordance with existing regulations. A traffic study shall be required which demonstrates that the project will not diminish the capacity or safety of existing city streets, bridges or intersections. Proposed uses or development shall comply with the city's*

noise ordinance and the city code of ordinances and the noise limits in Article 18 of this land development code. Bus and truck loading and parking is required to be screened from the public right of way and any abutting residential properties as in accordance with existing regulations. Off street parking shall be provided at a ratio of not less than .75 parking spaces for each gaming position (gaming position definition will be added to the land development code).

Mayor Kahn asked whether staff obtained the definition for gaming position from other communities and their land use. Mr. Rounds stated gaming position came from one other community but it was also realized that it was a definition used across the country and noted .75 seems to be the number used in many communities. Ms. Brunner stated she had found an analysis done on parking ratios for different types of casinos tribal casinos vs. commercial casinos. She indicated .75 was at the lower end of what is seen. For example, a casino is .9 to 1.1 per position and hence staff felt .75 would make sense, and if they need more, they can always provide more parking. This is not putting a cap on it.

The Mayor stated the other question about parking is whether it was exclusive or shared use; if the casino is located in a Plaza, the Plaza has its peak hours until 6:00 PM and hence how rigid would this exclusive use be. Mr. Rounds stated at the present time parking has to be considered across the entire site. Ms. Brunner stated the city has in Article 9 of the Land Development Code – On Site Parking Requirements – If an applicant has a good case for having shared parking to reduce the overall parking requirement, they can request a parking reduction for up to 10% of the overall parking requirement. This could be requested administratively. The applicant can also go before the Zoning Board for a Special Exception for up to a 50% reduction.

Mr. Clancy asked what the requirement for parking for restaurants is in the commercial district. Ms. Brunner stated it is one space for every five seats.

Mr. Hoefler asked about parking requirements for movie theaters and recreational facilities. Ms. Brunner stated a recreational facility could also be considered a movie theater which is four spaces per 1,000 square feet of gross floor area or one space for every four seats.

Councilor Bosley stated what might not be considered is that there could be a different ratio of people travelling in a car to a casino versus to a restaurant. This would mean a casino would require more parking compared to a restaurant. The Councilor felt trying to calculate the parking needs of a casino would be a difficult task.

Mr. Clancy stated he sees a lot of pavement being required for this type of project which goes in the opposite direction to what the city is trying to achieve with trying to increase green space.

Mayor Kahn suggested perhaps using three different locations to collect examples might be a way to figure square footage and the parking ratio. Mr. Rounds agreed this is something that could be done. He referred to what Ms. Brunner had stated that an indoor facility requires four spaces for every 1,000 square feet – for a 10,000 square foot area it would not be a lot of spaces. He added he is confident with the numbers he has received from other communities. He stated he could reach back to these other communities to get more detail on the numbers.

Councilor Bosley did not feel a 10,000 square foot retail space and a 10,000 square foot casino would look the same. She stated she is also concerned about protecting other uses within an area, such as a shopping plaza, where a gaming facility might be located. She felt many of these areas the city is looking at have shared parking spaces.

Mr. Rounds asked for the committee's input on EV Charging stations and whether they wanted to stay at 2% or 5%. Chair Farrington stated his recollection is the committee agreed to 2%. Mr. Clancy stated with respect to parking he would like to see if the minimum was 50 spots, two to four EV spots.

Mr. Rounds asked about the committee's input on the 500 or 1000 foot minimum between facilities. Mr. Clancy stated if it is going to be one facility per lot then 500 feet seems reasonable. Councilor Haas felt 1000 feet would further minimize the impact on the community.

Councilor Haas referred to the area south of Route 9 and Ash Brook Road where the car dealerships are located and asked whether this area is being covered in the discussion. Mr. Rounds stated this area is zoned industrial and hence is not included.

Mayor Kahn referred to Route 12 (lower Main Street) where there are a number of commercial areas and asked to consider this area. Councilor Williams expressed concern about the traffic in this area (Martell Court area). Councilor Bosley stated she is always in support of having these facilities set back from the main corridor. The Mayor asked whether Martell Court should be excluded, Mr. Rounds agreed it could be. Mr. Clancy clarified if a traffic study were required would not the city at that point indicate to the applicant that traffic flow in a particular area they are considering would need to be improved.

Mr. Rounds asked for clarification from the committee should this matter be concluded tonight: Commerce properties south of Route 101 and north of Silent Way, or would they need to front on Main Street or Martell Court. Councilor Bosley stated there are many large lots at the back of this commercial area that don't front on Main Street and felt those should also be considered.

It was agreed this item will be brought back to the committee next month with the changes proposed by the committee.

Mr. Hoefler felt the parking percentage needs to be clarified. The other item was the 500-foot distance, he felt 1000 feet would be more appropriate. In terms of parking .75 with other remedies to reduce that requirement is something he would be in favor of.

Ms. Brunner stated when staff was working on the use standard related to the floor area, what they heard at the previous meeting was a compromise on the 10,000 square feet. The question they wanted to ask tonight was whether the 10,000 square foot area should be all inclusive or not. She felt this should also be added to the list of questions.

Councilor Bosley felt the committee could not revisit every one of these questions each time they meet. The committee needs to make a decision and agree to move forward. She went on to say the committee spent a lot of time discussing reduction of 20,000 square feet to 10,000 square feet

and would like to stay with that. As far as parking is concerned, the Councilor stated she would like to stay with .75. She further stated she supports Mr. Clancy's suggestion for EV stations at a minimum of 2 spots.

Ms. Vezzani stated she is in agreement with 10,000 square feet all inclusive. She stated she was also comfortable with the 500 feet distance and the .75 parking spaces were adequate.

Councilor Williams stated he was comfortable with 10,000 square feet all inclusive. He stated he did not have strong opinion for distance. He stated he would like to see the space that is dedicated to asphalt reduced.

Councilor Haas asked whether the Chair would consider taking a poll to determine who was in favor of 500 feet and who was in favor of 1000 feet. Two members were in favor of 1000 feet and the rest were in favor of 500 feet.

Mr. Clancy stated he was in favor of 10,000 square feet all inclusive; he asked if the city could prohibit these facilities from charging a table fee. Chair Farrington stated this is outlined in the RSA now. The Mayor indicated it is not in the RSA yet but it is being debated in Concord and we won't know the outcome until the end of this week.

Mr. Rounds in conclusion stated what he has heard tonight is that the committee is in agreement with 10,000 square feet, all inclusive. With respect to parking, the committee is comfortable with .75 and 2% with a minimum of two spaces. Staff will also bring back a draft which defines the south Main Street area.

The Chair asked for public comments, with no comments from the public the Chair closed the public workshop.

IV) Neighborhood Parking Project –Project Overview & Draft Zoning Recommendations. More information is available at [KeeneNH.gov/Neighborhood Parking](https://www.keene-nh.gov/Neighborhood-Parking)

Ms. Brunner introduced Greg Strangeways of Walker Consultants who was joining the Committee on Teams. Ms. Brunner stated that about a year ago, the City Council accepted a housing report that documented housing needs in Keene. Following the report, the next step was for the City to start working on two implementation grants. One already wrapped up, which was for the creation of the Cottage Court Overlay District. The other grant is for the Neighborhood Parking Project, which was created to assess parking needs. Walker Consultants was hired to help the City with this project.

Mr. Greg Strangeways addressed the Committee next. Mr. Strangeways stated that he would be focusing on the zoning portion of this project. The idea is to facilitate where housing developments can be placed and he noted that at the present time, off-street parking can be barrier when trying to construct housing. He indicated that their study area was not the downtown, but rather the neighborhoods adjacent to downtown.

Mr. Strangeways stated the City has already taken steps to relax parking regulations to encourage more housing to be built, including by eliminating the minimum parking requirements in the Downtown Core District and offering various options to reduce the amount of required on-site parking.

Parking requirements are lower for senior housing and affordable housing developments, hence creating a separate reduced minimum in these areas would make sense. In the Downtown Growth and Downtown Limited Districts, the proposal for senior housing is to require 0.7 parking spaces per unit. For affordable housing developments, the number of parking spaces is proposed to be calculated based on the number of bedrooms. The parking requirements in the Downtown Growth and Downtown Limited Districts will also be a little lower than what is required at the present time and the same would be true for the other districts as well. The Downtown Core District would continue to have no parking minimum. Studios and one-bedroom units would have a reduced parking requirement compared to other units.

In terms of transportation, another recommendation is that when possible, the City should try to negotiate the installation of bicycle infrastructure with developers as part of a project. The City could encourage the creation of transit stops and bicycle parking as part of new developments.

In conclusion, Mr. Strangeways stated that they will be before the MSFI Committee on June 26th. They will be submitting a draft ordinance to update the winter snow emergency system and the residential parking permit process. He stated they would like the committee's feedback on the issues that were addressed.

Councilor Bosley stated the Council has been discussing the winter parking ban for at least the last five years and hoped the consultant would bring positive changes to that program.

Ms. Vezzani stated she too would be interested in learning about the winter parking ban. She further questioned how the number of bedrooms works with a City like Keene, where units are rented out per bedroom (for example, for Keene State College students) and many individuals don't come with vehicles. Ms. Vezzani asked whether it has been Mr. Strangeways' experience that the number of bedrooms has been the best way to figure out how much parking a development should have. Mr. Strangeways stated this is how data is collected - all that is known is land use and the parking occupancy for residences is calculated based on overnight need.

Councilor Haas asked whether the consultant, in addition to providing guidance as to what parking is needed in neighborhoods, could also provide guidance as to how it can be arranged – curb sizes, sidewalk location, etc. Mr. Strangeways answered in the affirmative and added that for Keene it would be helpful to incorporate these measures into roads that are going to be reconstructed.

Mayor Kahn stated he did not hear one-way streets mentioned. He stated that in order to accommodate on-street parking, the widths of some of those streets could be obtained using GIS software. He asked whether consideration could be given to this issue or if it needs to be introduced. Mr. Strangeways stated that given the width of a street, they would look at whether it could accommodate two-way traffic plus parking or one-way traffic plus parking. In the end,

every potential street that could have on-street parking is not likely going to have it, but overall the assumption is 1/3 of all areas that have the potential for on-street parking would get it within a ten-year planning horizon. The Mayor noted that the community impact, which could be significant depending on the potential consideration.

V) Residential Lot Size Discussion – Staff will lead a discussion about residential lot sizes in the Medium Density and High Density districts, specifically the “Minimum lot area for each additional dwelling unit” specified in tables 3.5.2 and 3.6.2 of the Land Development Code.

Ms. Brunner addressed the committee and stated that staff has an idea that they would like to review with the committee to see if they would like staff to put more time and effort into it.

Ms. Brunner stated that staff has identified in the zoning code (especially in the High Density and Medium Density Zoning Districts, which are both residential districts) that there is a minimum size requirement for each lot as well as a minimum lot area for each additional dwelling unit on a property. Staff wanted to look at the second part and do some research to see how much of a barrier that is to housing and whether or not we should consider reducing or removing that requirement from the zoning code.

Ms. Brunner provided a couple of examples: In the Medium Density District, the minimum lot area is 8,000 square feet. If someone wanted to have a single-family home, they would need an 8,000 square foot lot. If they wanted to have a two-family home or a duplex, they would need to have an additional 5,400 square feet for the next unit, so that would require a 13,400 square foot lot. If they wanted to have a triplex or three units, it would have to be 18,800 square feet, and that would be to achieve the maximum number of dwelling units allowed in the Medium Density District. The reason staff is raising this as a potential issue is because there could be a larger building that already exists and someone may want to potentially split that into two units. In this case, the size of the property is not being increased, but because they don't have the additional lot area, they are not able to accomplish this without having to obtain a variance from the Zoning Board of Adjustment.

In the High Density District, there is currently a regulation stating that the minimum lot area is 6,000 square feet and the minimum lot area for each additional dwelling unit is 5,000 square feet. For a four-family building, the limit increases. Staff feel this is not an efficient way to use land.

What staff have heard from the community is that this is a barrier to allowing for additional housing developments in already developed areas.

Ms. Vezzani felt this was a great idea. For example, to be able to turn an 8,000 square foot single-family home into a duplex could be a great solution for many people.

Mr. Clancy stated that last week he went before the Zoning Board to provide public comment on a variance application submitted by his neighbor, which was to request a reduction in the side setback from ten feet to three feet to add an additional unit. Mr. Clancy noted that his neighbor wasn't granted the variance because of safety concerns. He went on to say many lots in his

neighborhood could not even support a single-family home, but there are dwellings there that are grandfathered in because of the history of the neighborhood. He felt in the east side, the residents are limited to building an ADU, constructing a Cottage Court development, or adding an additional unit. He suggested staff look at reducing the setback requirement in East Keene.

Councilor Haas stated the City is always concerned about the character of neighborhoods and this is defined but lot size, setbacks, etc. He felt most people would agree to changing a one-family into a two-family without changing the size of the building. He felt, instead of making additional land area a function of the number of units, instead staff should come up with a different metric based on the proposed increase in building size and limit how large a building can be based on the existing size. That way the character of the neighborhood is being preserved.

Councilor Bosley referred to a property she owns on Spruce Street (in the Medium Density District), which is three-family building sitting on .33 acres and is 14,000 square feet. Based on the number staff just provided, this building would not be permitted to exist at the present time. She felt this a great property for Cottage Court developments because of the large green space and parking that is available. The Councilor stated she is open to looking at the density that is required to move forward and stated she would appreciate some visuals. She stated there are also some vacant lots where currently only a single-family home would be permitted on the lot.

Councilor Jones stated that over the years, the city has been talking about moving away from a Euclidian Base and getting into form-based development. He felt that what is being presented by staff supports this concept. Ms. Brunner stated the City has a form-based code in the downtown and there has not been a lot of development happening in that area since that Land Development Code was instituted. She agreed that this gets the City a little bit closer to more of a form-based code, but would not call it form-based code.

Mr. Clancy asked why High Density 1 (HD-1) is not included in this discussion. Ms. Brunner stated only a few lots exist in HD-1 and a very specific type of development was considered for HD-1. She stated staff could always add this to the list for consideration.

Mr. Rounds added staff felt what was being proposed was a small change that could have a large impact. He further stated reason HD-1 is not being considered for this plan is because HD-1 does not have lot area for additional units.

Councilor Bosley stated from her perspective what is being suggested is the quickest way to get momentum going. However, she would like staff to also look at the items listed under “More Time Items”. With respect to private roads, those would definitely have the biggest impact on the Rural, Downtown Core, and higher density districts.

VI) New Business

VII) Next Meeting – Monday, July 8, 2024

B. MORE TIME ITEMS

1. Short Term Rental (STR) Properties
2. Neighborhood / Activity Core areas
3. Private Roads

C. Adjournment

There being no further business, Chair Farrington adjourned the meeting at 8:21 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

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