

**City of Keene  
New Hampshire**

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

**Monday, July 8, 2024**

**6:30 PM**

**Council Chambers,  
City Hall**

**Planning Board**

**Members Present:**

Harold Farrington, Chair  
Mayor Jay V. Kahn  
Councilor Michael Remy  
Armando Rangel  
Kenneth Kost  
Michael Hoefler, Alternate  
Stephon Mehu, Alternate

**Planning Board**

**Members Not Present:**

Tammy Adams, Alternate  
Roberta Mastrogiovanni, Vice Chair  
Sarah Vezzani  
Ryan Clancy  
Randyn Markelon, Alternate

**Planning, Licenses &  
Development Committee**

**Members Present:**

Kate M. Bosley, Chair  
Edward J. Haas  
Andrew Madison

**Planning, Licenses &  
Development Committee**

**Members Not Present:**

Philip M. Jones, Vice Chair  
Robert C. Williams

**Staff Present:**

Jesse Rounds Community  
Development Director

**I) Roll Call**

PLD Chair Bosley called the meeting to order at 6:30 PM and a roll call was taken. Michael Hoefler and Stephon Mehu were invited to join the committee as voting members.

**II) Approval of Meeting Minutes – June 10, 2024**

Kenneth Kost offered the following correction: Page 5 of 15 – “all street” parking should be changed to off street parking.

A motion was made by Mayor Kahn to approve the June 10, 2024 meeting minutes as amended. The motion was seconded by Andrew Madison 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 noted there is agreement on the Proposed Definition for Charitable Gaming Facility under O-2023-16A, and this item has not been altered since then.

Use Standards were changed: Standard a: “Only one Charitable Gaming Facility shall be permitted per lot”

Standard b: He referred to altered areas on a map as discussed at the prior two meetings – like West Street.

Mr. Rounds referred to land along Kit Street, Winchester Street and Key Road – commercially zoned properties fronting on those streets. Chair Bosley referred to item ii. and noted she does not see Kit Street and it is not adjacent to Winchester Street and Island Street and has land with frontage on Kit Street under item vi.

Councilor Remy referred to a scrivener's error: Kit Street not Kit Road.

Mr. Rounds referred to land with frontage on Ashbrook Road – this is unchanged since it was presented the last time.

South Main Street – staff made a determination that the area stops at the area that cuts off to the left.

Chair Bosley stated for consistency to call out “north of” “south of” if there was a street.

Chair Bosley referred to Manchester Street and asked if the smaller lots on Manchester Street residential lots. Mr. Rounds answered in the affirmative. It was indicated a facility will be prohibited 250 feet from any residential use. The Mayor asked whether it was Mr. Rounds opinion that this eliminated any location in this area. Mr. Rounds stated these two parcels could be combined and created into a large enough lot that you could put a building which would meet all set back requirements. He stated he did not want to limit the possibility by saying a parcel is too small because once it is combined it could be large enough. He did not feel it was his place to make those limitations except through discussion.

The Mayor asked if the wording was sufficient to cover the commerce district in this location. Mr. Round stated this is their proposal; it is protecting the uses as they exist now, but allowing for future changes as they arise. Chair Bosley suggested adding “north of Silent Way”

Standard c: Mr. Rounds stated there was quite a bit of conversation on this item “.... no charitable gaming facility shall be located within 500 feet....” He stated this was the one question that existed last time whether it was going to be 250, 500 or 1000 feet and the committee decided on 500 feet.

Councilor Remy suggested another arrow that is labeled 500 feet between the “other charitable gaming facility” and the lines of this item.

Standard d: Minimum square footage question – The committee decided on 10,000 square feet inclusive of everything.

Standard e: It was agreed the existing code covered this item. The place where there was a lot of conversation was on the number of parking spaces per gaming position, as well as the number of electric vehicle charging stations. What was decided was .75 parking spaces for each gaming position and the change that was proposed is 2% or two of the required parking spaces, whichever is greater; originally it was five and 5%.

Mr. Kost noted if any one of these gaming facilities goes into an existing storefront that is vacant and is 10,000 square feet; there is already a lot of parking available from the prior use which parking was meant for probably retail and asked how the parking would be calculated for this use. Mr. Rounds felt it would be site specific because of the variety of parking regimes that have existed over time. He stated what the city would do is if you have a developer that has multiple tenants, during the planning process would note the number of parking spaces per use without impacting the other parking spaces. He stated there are ways to reduce this requirement either through the Zoning Board process or going before the Planning Board to get a parking reduction.

This concluded Mr. Rounds presentation.

Councilor Remy asked if there was a very large application that came forward - over 20,000 square feet; would the city want that application to go through some additional review or would it be allowed by right. Chair Bosley asked in the Form Based zoning style in the commerce district whether there were height requirements for buildings. Mr. Rounds stated the commerce district has the same height restriction as the rest of Keene outside of the downtown which he felt was three stories. In terms of review it would have to go through site plan, any of these would have to go through site plan; it is not specific to this use. At that point the planning board has the ability to add conditions and the Planning Board has a lot of leeway in terms of those conditions. The Chair asked whether the Joint Committee wanted to discuss restricting what Councilor Remy is raising or is this a scenario the committee wanted to see play out if someone was interested in building.

Chair Farrington noted a Las Vegas based casino is building a site in Nashua 180,000 square feet in size and what the committee is discussing now is not beyond possibility. Chair Bosley stated

she is not sure what the state had in mind when it created this opportunity for charitable gaming and what actually is happening. In their mind they thought that one facility might get built, instead what we are see is this widespread smaller boutique style facilities. Keene is one of the few major cities in the state where there is a license issued for this type of use. She further stated she had had a discussion with Director Rounds earlier regarding the House Bill that has been passed and signed and the moratorium on historic horse racing has been extended indefinitely. New applications are not being accepted for historic horse racing and in order to get a facility of that size you have to have that license. Chair Bosley added Keene already has someone who is licensed here and they can sell that license and this large conglomerate could certainly try to build something like that. Hence, felt this is our opportunity if the city wanted to put some sort of restriction.

Mr. Kost stated he is envisioning something of that scale - 180,000 square feet of gaming floor but he sees restaurants, maybe hotel space, other kind of things that are all tied to that project. A mixed use development.

Mr. Hoefler asked whether Keene has other uses with upper limits for example a 100,000 square foot grocery store etc. Chair Bosley and Mr. Rounds stated they could not think of any such use.

Councilor Madison stated Keene has enough safeguards in place already. Keene is not Nashua. Keene is very far from Nashua and something like that happening in Keene is exceptionally miniscule. He stated his is eager to move this ordinance forward.

Chair Bosley stated her desire tonight would be to find a way to vote on this project.

Councilor Haas compared an 180,000 square foot building to two Home Depot sites and that is what a facility would look like. He did not feel such a site could happen for instance on Manchester Street where the area is too constrained.

Chair Bosley asked for public comments next.

Mr. Jacob Favolise of 229 Main Street addressed the committee and stated he supports the original thrust of this ordinance which was keeping casinos out of the downtown, largely because he did not want parking downtown to be monopolized as a result of a business where people spend long hours inside. He stated he has become a little more skeptical of supporting the overall ordinance because of the additional restrictions placed on charitable gaming facilities beyond just where they can be located. He stated he is also particularly skeptical about the 10,000 square foot minimum. He stated he would also like to have some explanation as to the need to impose an electric vehicle charging station mandate. He stated he agrees with Councilor Madison that this item needs to be moved forward. Mr. Favolise in closing stated the more restrictive this ordinance has become the less supportive he is of this ordinance.

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

Councilor Remy stated he just did some calculation; Target and Dick Sporting Goods sites together are 170,000 square feet, Home Depot is 150,000 square feet in size.

A motion was made by Councilor Madison that the Planning Licenses Development Committee recommend that the Mayor set a public hearing on Ordinance – O-2023-16B. The motion was seconded by Councilor Haas and was unanimously approved.

A motion was made by Councilor Michael Remy that the Planning Board find that Ordinance – O-2023-16B is consistent with the Comprehensive Master Plan. The motion was seconded by Kenneth Kost and was unanimously approved.

#### **IV. New Business**

Mr. Rounds stated HB 1400 has been passed which would affect the City's parking regulations throughout the city. He indicated these are a complicated set of regulations and the City would be under those regulations. He stated the city would eventually need to change its regulations to come into compliance. Staff would be back before the Joint Committee with those proposed changes.

Chair Bosley stated there is another Bill going before the Committee regarding fire regulations which she would like to get an update on.

Councilor Haas asked whether this new Bill regarding parking would tie into the parking study that was just completed. Mr. Rounds stated this is a grant funded study which grant closed out as of June 30<sup>th</sup> and the Bill is a change to any future parking requirements and the City would have to assess on street parking requirements at some point.

Councilor Haas complimented Mayor's Kahn's performance at the 4 on the 4<sup>th</sup> event.

The Chair noted the August meeting will be canceled due to Council vacation and the Joint session will resume on September 9<sup>th</sup>.

There being no further business, Chair Bosley adjourned the meeting at 7:10 PM.

Respectfully submitted by,  
Krishni Pahl, Minute Taker

Reviewed and edited by,  
Jesse Rounds, Community Development Director