



Joint Committee of the Planning Board and Planning, Licenses & Development Committee

Monday, June 10, 2024

6:30 PM

City Hall, 2nd Floor Council Chambers

A. AGENDA ITEMS

1. Roll Call
2. Approval of Meeting Minutes – May 13, 2024
3. **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.
4. **Neighborhood Parking Project** –Project Overview & Draft Zoning Recommendations. More information is available at [KeeneNH.gov/NeighborhoodParking](https://www.keene-nh.gov/NeighborhoodParking).
5. **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.
6. New Business
7. 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

1 City of Keene
2 New Hampshire

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5 JOINT PLANNING COMMITTEE/
6 PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
7 MEETING MINUTES
8

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

9
10 I) Roll Call

11
12 Chair Bosley called the meeting to order at 6:35 PM and roll call ensued.

13
14 Mayor Kahn and the Committee welcomed the Planning Committee's newest member, Stephon Mehu,
15 Assistant Town Planner in Swanzey, who had lived in Keene for five years.

16
17 II) Approval of Meeting Minutes – March 11, 2024

18
19 A motion by Mayor Kahn to adopt the March 11, 2024 minutes was duly seconded by Councilor Jones.
20 The motion carried unanimously.

21
22 III) Continued Public Workshop:

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

26 **Development Code (LDC) to add a definition for “Charitable Gaming Facility” and**
27 **amend Table 8-1, Table 4-1, and Table 5.1.5 to display “Charitable Gaming Facility”**
28 **as a permitted use in the Downtown Growth District and Commerce District. In**
29 **addition, the petitioner proposes to amend Section 8.4.2.C.2.a of Article 8 of the LDC**
30 **to remove drive-through uses as a permitted use by Special Exception in the Downtown**
31 **Core District.**
32

33 Chair Bosley recalled that the Committee had already discussed this Ordinance and sent a
34 recommendation to Council. The Council sent it back to this Joint Committee again for continued effort
35 to work out issues. She noted that this agenda item listed charitable gaming facilities in the Downtown
36 Growth District, but the Committee had asked staff for amendments to the original proposal. Chair Bosley
37 welcomed a presentation from Community Development Director, Jesse Rounds.
38

39 Mr. Rounds recalled that the draft Ordinance O-2023-16 included a definition of charitable gaming
40 facilities in the Downtown Growth and Commerce Districts and City Council asked staff to take a closer
41 look at those districts. The Council sent the Ordinance back to the Joint Committee for further
42 workshopping. He said that staff reviewed other ordinances across the State to determine whether there
43 could be more appropriate locations in the city. After working with the Joint Committee, the Ordinance
44 will move forward again as a “B” version. Mr. Rounds referred to the proposed definition of charitable
45 gaming facility, which is compatible with the definitions that already exist in the RSA. He recalled
46 questions about historic horse racing, which is a type of gambling, but staff felt that historic horse racing
47 was covered in the existing definition, as it is a subsidiary license to these two licenses.
48

49 Mr. Rounds said that the first proposed change to the draft ordinance is a location change. He displayed a
50 map demonstrating the proposed locations. Instead of placing all charitable gaming facilities in the
51 Commerce and Downtown Growth Districts, they would be located in three portions of the Commerce
52 District: (1) Properties with frontage on West Street, (2) Properties with frontage on upper Winchester
53 Street from Route 101 to Island Street, and (3) within Ashbrook Plaza. All of these locations are in the
54 Commerce District and have frontage on major roads and already have large spaces and buildings.
55

56 Next, Mr. Rounds discussed proposed use standards. The first proposed use standard is that only one
57 charitable gaming facility would be allowed per parcel. Further, this revision would disallow charitable
58 gaming facilities within 500 feet of any place of worship, child daycare center, or public or private school.
59 Charitable gaming facilities would also be disallowed within 500 feet of any single-family or two-family
60 dwelling and would not be allowed directly adjacent to any residential zoning district: Low Density, Low
61 Density 1, Medium Density, High Density, and High Density One.
62

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

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

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

79
80 With respect to parking and traffic, Mr. Rounds said this proposed use standard refers to parking standards
81 that exist already in the Land Development Code but includes additional standards based on the types of
82 uses and types of vehicles expected with charitable gaming facilities. For example, busses would be
83 anticipated, so there are requirements for screening busses from abutting residential properties. Mr.
84 Rounds also mentioned the City's goal for zero emissions and therefore the standard states that 2% of
85 required parking should be equipped with electric vehicle charging stations. This concluded Mr. Rounds'
86 presentation.

87
88 Chair Bosley mentioned her understanding that this was an opportunity for the Committee to guide staff
89 through any minor changes desired. This process would not affect the definitions in the main Ordinance,
90 which the Committee had already agreed upon. The potential existed to move this draft forward to a new
91 public hearing if the Committee could reach consensus.

92
93 The Committee reviewed maps of where the proposed charitable gaming facilities would be allowed.
94 Chair Bosley asked whether all of Key Road was in the Commerce District and Mr. Rounds said yes.
95 Chair Bosley asked whether any Committee members were interested in extending the charitable gaming
96 facility possibility down Key Road. Mayor Kahn and Councilor Haas replied in the affirmative.

97
98 The Committee worked with the maps to visualize the 500-foot distance proposal. Ms. Brunner noted that
99 the Commerce District extends along the left side of Winchester Street, south of the roundabout. The
100 revision stated: "land with frontage along Winchester Street, south of Island St and north of Cornwall
101 Drive." Mr. Rounds noted that on Kit Street, there is Commerce, but there is also a daycare center and
102 residential properties. The Committee reviewed Keene vs. State properties around the Winchester
103 Street/Route 101 roundabout, some of which are zoned Industrial.

104
105 For the sake of zoning, Mr. Clancy said he did not see an issue with incorporating the parcel west of the
106 roundabout, noting that the daycare would prohibit a charitable gaming facility. He did not suggest
107 factoring in what existed at this time in order to prevent a charitable gaming facility. Chair Bosley thought
108 that made sense. She reiterated the language in the draft Ordinance: "land with frontage along Winchester
109 Street, south of Island St and north of Cornwall Drive. The storefront of such a business shall face
110 Winchester Street or be in a Plaza where the storefront faces the parking areas that have a common
111 boundary with Winchester Street." As such, Chair Bosley thought the draft accounted for Mr. Clancy's
112 point.

113

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

120
121 The Committee continued reviewing maps of where charitable gaming facilities would be allowed in the
122 draft Ordinance. Chair Bosley wondered whether this attempt to define the area would open the
123 opportunity elsewhere, whereas the intention of this Committee was to push this use into larger
124 commercial areas/structures. Councilor Remy thought the intent was for the language to zone charitable
125 gaming facilities similar to the standards for sexually oriented businesses.

126
127 Mayor Kahn returned to the topic of Key Road, mentioning the car dealership, a hotel, and commercial
128 land. There are adjacent residential areas. Mr. Rounds thought he heard the interest of the Committee to
129 include Key Road. As Mr. Clancy mentioned, the adjacent uses could change, despite the zoning not
130 changing for residential lots; changed uses could open areas that are not available currently. Chair Bosley
131 agreed, noting that there are large parking lots and commercial places that could potentially house this
132 type of use, which she thought was reasonable.

133
134 The Committee turned its attention to West Street, reviewing the map that showed single- and two-family
135 homes. The proposal included: Colony Mill, CVS plaza, the Keene Inn, West Street shopping center, and
136 Kohl’s plaza. Mr. Rounds noted that it would be difficult to fit a 20,000 square foot facility on these
137 parcels; it would require multi-floor structures. Discussion ensued about the Colony Mill being a
138 residential use in a district that is zoned as Commerce. As such, there could be a first-floor charitable
139 gaming facility with residential above. On the Colony Mill property, there could also be a charitable
140 gaming facility constructed separately in the parking lot.

141
142 Mr. Kost asked why the Colony Mill residences were not protected from a charitable gaming facility the
143 same way as someone in a neighborhood. Mr. Rounds said it was a good question, noting that in theory,
144 the residential use in the Colony Mill may not last forever, and the property owner has the right to use it
145 as they see fit. Mr. Rounds said the language could be altered to make it more difficult to locate a charitable
146 gaming facility adjacent to a multifamily residential use, recognizing the value of multi-family residential
147 developments. Mr. Kost said that a charitable gaming facility could be more lucrative to a developer, but
148 at this time, the City needed housing, and he worried that this change could encourage replacing housing
149 with gaming, which he did not think aligned with City values.

150
151 Chair Bosley mentioned that her understanding is that the Committee should not be distinguishing
152 between single-family, two-family, and multifamily housing when considering proximity to these
153 facilities. The City changed its Land Development Code to allow for commercial uses on the first floor. It
154 was possible for the Colony Mill to have businesses on the first floor and maintain the residences above
155 (up to four stories). The Council had deemed it appropriate to restrict this charitable gaming facility use,
156 and Chair Bosley questioned how far those restrictions should go. Did the Committee want to limit
157 restrictions for single-family and two-family, or restrict larger multifamily structures?

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

166
167 Councilor Williams said that multifamily homes are a feature of an urban environment and so, he thought
168 that more activity around them was to be expected. Conversely, the Councilor wanted to avoid landowners
169 choosing not to develop residential on the second floor of a commercial building due to the presence of a
170 charitable gaming facility on the first floor.

171
172 Mr. Kost agreed with Councilor Williams and noted that the downtown has a mixture of uses with a lot
173 of activity. Still, there had been several meetings of the Committee trying to exclude charitable gaming
174 facilities in the Downtown Growth and Downtown Core Districts because there are residences there.
175 While he understood the history of the Colony Mill site, he thought it was the same situation. He thought
176 something like a restaurant on the first floor would be nice and not sacrifice the residences above, whereas
177 a charitable gaming facility on that first floor might impact the residences above. Because this property
178 might be an outlier, the Ordinance could be specified to indicate that charitable gaming facilities are
179 allowed, “in the Commerce District along West Street, west of Island Street,” which would eliminate the
180 parcels on the north side that will never be developable because they are adjacent to residences. This
181 would eliminate the Colony Mill. This would not prohibit other areas being developed for residential uses.

182
183 Chair Bosley agreed with the change and asked who did not support allowing charitable gaming facilities
184 “in the Commerce District along West Street, west of Island Street.” Councilor Remy, Mr. Mehu, and Ms.
185 Markelon said no.

186
187 Councilor Haas thought that west of Island Street as well as the parcels south of West Street would be
188 eliminated because there are residences across the river. He asked about the Starbucks parcel and said it
189 would not be ideal to impinge on the adjacent Ashuelot River Park. Mr. Rounds confirmed how the
190 surrounding properties were zoned. South of West Street on other side of the river from Ashuelot River
191 Park is residential along Richardson Court, and those with frontage on West Street are mostly businesses.
192 Councilor Remy confirmed that the large lots on the north side of West Street (west of the river) are not
193 within 500 feet of residential properties.

194
195 Councilor Remy questioned whether at some point, charitable gaming facilities should just be disallowed.
196 He felt that the Committee was going down a path of only allowing charitable gaming facilities on two
197 lots in town. He recalled that there was a past charitable gaming facility on the Colony Mill property and
198 he did not recall any problems. He did not think that a charitable gaming facility on that property should
199 negate the possibility of residences in the Colony Mill. Mr. Kost and Chair Bosley did not think the
200 previous charitable gaming facility on the property was 20,000 square feet.

201

202 Discussion ensued as the Committee sought comparisons to imagine the size of a 20,000 square foot
203 building and Chair Bosley suggested the NH Housing building on Court Street. Mr. Kost said that would
204 not be a “mom and pop shop,” but a serious gaming facility, especially as the discussion was about a
205 20,000 square foot gaming floor, which would require other things to be viable (e.g., restaurants and
206 retail), and thus a much larger building.

207

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

214

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

218

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

222

223 Mayor Kahn agreed with the challenge of 20,000 square feet being a standard for these facilities. He
224 compared it to the Council Chambers, which he estimated as ~800 square feet in size. Thus, he said that
225 20,000 square feet would be a monstrous building and he reiterated that it would be a *minimum* of 20,000
226 square feet for just the gaming floor, in addition to the other potential amenities Committee members had
227 cited. To Mayor Kahn, that scale was hard to fathom in Keene.

228

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

237

238 In NH law, Chair Bosley recalled that there were ratios for table games and historic horse racing, so most
239 of the profit for gaming facilities is made up with historic horse racing machines. To have historic horse
240 racing machines, there must be a specific square footage of gaming tables present, which helps to define
241 how large an area must be to be profitable. She agreed that a 20,000 square foot facility seemed monstrous.
242 She thought that the Council was essentially considering one entity coming to Keene and building a
243 charitable gaming facility to draw tourism; she could not imagine two or three of these facilities here, as

244 it would not feel like Keene anymore. She questioned whether the City should support small boutique
245 casinos instead, which might not be viable to their owners. Mayor Kahn said that someone could propose
246 a minimum 20,000 square foot space, but they could also propose something smaller. Chair Bosley then
247 said they could not due to the existing wording in the ordinance.
248

249 Chair Bosley cited some places that could accommodate a 5,000 square foot facility like Key Road, or the
250 areas near HomeGoods or Applebee's. She said that could lead to three gaming facilities in one zone, for
251 example, that are all 500 feet apart, which would be the rule. She said that this matter was sent back to
252 this Committee because the Council wanted this use and associated growth in the community, but it was
253 clear that the Council was not comfortable with how the last draft of the Ordinance was written and wanted
254 to see a lot more thought put into it. Chair Bosley thought that through this process of revisions from staff,
255 the Joint Committee public workshops, and hearing from the Lottery Commission, the Committee learned
256 a lot about the nuances of what makes these facilities work, the type of customers they draw, how they
257 impact communities, and some of the red/green flags.
258

259 Now, this Committee is tasked with recommending the best strategy for this use in the community. She
260 said the reality is that the Council is facing a decision about a current charitable gaming facility license
261 holder in Keene who expressed interest in expanding and moving their operation; there were no issues
262 with their current location. The Council needs to choose areas and create these standards so that the
263 Community gets what it wants, and the license holder does not get to expand anywhere in the City they
264 choose in the absence of rules. Having recapped the situation, Chair Bosley asked for the Committee's
265 opinions on the square footage allowed.
266

267 Councilor Remy said that most of the large lots the Committee had considered would be too close to
268 residential areas to be allowed and the area behind Hannaford was zoned Rural, for example. Ms. Brunner
269 said that the criteria could be changed so that the building would have to be a certain distance from the
270 zone boundary versus the whole lot being eliminated from housing a casino. Discussion ensued between
271 Councilor Remy and Mr. Rounds about the challenge of using the maps of these areas to determine exact
272 zoning boundaries. Councilor Remy clarified an earlier statement, noting that the back of the Melanson's
273 and Keene Inn properties were more than 500 feet from housing.
274

275 Discussion continued, and Chair Bosley felt the language should be changed to a buffer by feet vs. by
276 zone as Ms. Brunner suggested. Mr. Rounds clarified that a charitable gaming facility building would not
277 be allowed within 500 feet of a residential zone or residence.
278

279 Chair Bosley asked about the possibility of an overlay district as Councilor Jones recommended. Mr.
280 Rounds said it was possible. Councilor Remy asked how an overlay district would differ. Chair Bosley
281 said an overlay would only dictate a location without accompanying standards. Mr. Rounds said the 500-
282 foot boundary could be eliminated and the Ordinance could dictate that the use is only allowed on
283 particular parcels.
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285 Mr. Clancy asked the size of the existing charitable gaming facility. Councilor Haas estimated 9,800
286 square feet.

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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. Hoefler 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. Hoefler: 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

- 330 ○ Let the market decide.
- 331 ■ Councilor Haas: no minimum
- 332 ○ He does not want to step on the feet of entrepreneurs who might find a way to make a
- 333 small-scale charitable gaming facility profitable. With the issue of State licenses aside, he
- 334 said the City could control this by selecting the zones and distances, rather than enforcing
- 335 a particular impediment upon somebody's imagination.
- 336

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

343
344 The Committee reviewed maps of three possible Commerce Districts for this use, where sexually oriented
345 businesses are currently allowed. Chair Bosley asked why there would be restrictions in the identified
346 Commerce zones. Mr. Rounds replied that the restrictions could be removed and the policy could just
347 limit the use to these specific, physical geographic areas, without the 500 square foot limit. Mr. Rounds
348 suggested that this use might not support the character of the City if placed near single-family, duplex,
349 and multifamily homes. Chair Bosley said the Ordinance was back before this Committee to ensure the
350 language prohibiting the use around residences remains clear. Chair Bosley asked if the Committee felt
351 comfortable eliminating some of the boundaries listed in the draft standards, while maintaining the 500-
352 foot setbacks from daycare centers, places of worship, and residences. This could provide more places for
353 smaller facilities in the City.

354
355 Discussion ensued as the Committee discussed whether a 500-foot boundary—from a gaming building to
356 the edge of a lot—was appropriate, or whether to lower it to 250 feet. Chair Bosley preferred 250 feet.
357 Ms. Brunner said the way that the language was in this draft could be read as building-to-building, so it
358 would be good to clarify that it should be from the edge of the gaming facility to the lot line, if that was
359 the Committee's choice.

360
361 Chair Bosley said that with the changes in this draft Ordinance, no charitable gaming facilities could be
362 located directly adjacent to a residential zoning district. Many of the acceptable Commercial lots abut
363 Residential Districts. She wondered if it would be better to strike that rule and change it to a lot-to-building
364 distance buffer. Mr. Kost thought that in the current draft, condominiums or multifamily buildings with
365 more than two units would be protected if in a residential zone. He did not understand why condominiums
366 and apartment buildings should be eliminated, and why single-family and duplexes seemed to be covered.
367 Chair Bosley thought it was a fair question.

368
369 Mayor Kahn thought it was useful to step back from the details to focus on the physical images to imagine
370 what a roadway/area would be like if, for example, a street was divided. He heard the Committee
371 considering allowing the use in the following Commerce Districts that would be suitable: Ash Brook
372 Road, Winchester Street, and West Street. The Mayor said he struggled with drawing lines on maps vs.
373 using the already established physical boundaries, like West Street and Route 101. Mr. Clancy agreed,

374 noting that he was in favor of the highlighted areas on the maps and editing the language to allow those
375 highlighted lots, with some amendments to West Street, west of Island Street.

376
377 Chair Bosley considered sending these suggestions back to City staff to have them workshop language
378 providing a buffer between a building that could be constructed for a charitable gaming facility and
379 existing residential lots. She thought this would capture the highlighted places west of Island Street.

380
381 Councilor Remy suggested defining the lots as the Committee reviewed them, he did not think there were
382 many more lots to account for. He referred back to the maps of West Street and noted that it would be
383 really hard to build a 10,000 square foot facility on the southern lots near the CVS Plaza. Thus, he thought
384 those areas should be ineligible because of adjacency to residences, as well as properties east of Island
385 Street.

386
387 Discussion continued about permitted areas along West Street. Chair Bosley suggested prohibiting
388 charitable gaming facilities on the Starbucks property because it abuts the Ashuelot River Park.

389
390 Chair Bosley recapped changes the Committee sought for the permitted areas on West Street:

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

394
395 Disagreement amongst Committee members remained about whether the Colony Mill should be permitted
396 or not. Mr. Mehu thought the use should be allowed in the Colony Mill, stating that it was a plausible
397 mixed-use space, and ideal for a charitable gaming facility. Chair Bosley thought it was a good point,
398 especially with the decision to allow much smaller facilities. She questioned the size of the previous casino
399 on that lot (in a separate building).

400
401 Ms. Brunner heard the Committee members discussing larger lots they thought would be appropriate. She
402 said they could consider another approach: a minimum lot size as the use standard vs. defining areas along
403 a road. Chair Bosley agreed but noted that she was unsure how to identify where 10,000 square feet would
404 be allowed without staff telling the Committee. Ms. Brunner said that if the Committee provided a list,
405 staff would return with a proposal.

406
407 Mr. Clancy shared his rationale for excluding the Colony Mill property. He heard a lot in the City about
408 Gilbo Avenue redevelopment, so he saw that property as an anchor of the Downtown Core because of the
409 Mill's historic charm, even though it is not in that zone. He added that it might be appropriate to shift the
410 use out of the downtown.

411
412 Mr. Kost considered the setbacks from residences, and he imagined that a charitable gaming facility
413 building would contain the noise of that use. He thought the parking lots were the more likely areas for
414 noise to disturb abutters. He compared it to noise in the YMCA parking lot early in the morning that he
415 can hear from his home. He imagined that noise outside of a charitable gaming facility could be even more
416 disturbing than his example about the YMCA. Thus, Mr. Kost wondered if the Committee was too focused
417 on building setbacks, when the parking lots abutting neighborhoods could be the greater disturbance (other
418 than traffic).

419

420 Chair Bosley noted that in the Commerce District, there was already an expectation of vehicles and
421 activity. She thought the greater concern would be accessory activities and unintended consequences of
422 the charitable gaming facility; would there be increased Police activity? Chair Bosley was not necessarily
423 concerned with the amount of traffic, noting that if a nice store was developed, like Trader Joe's, there
424 could be traffic 10:00 PM, and she imagined there would be less concern about that traffic.
425

426 Councilor Williams said he was specifically worried about busses idling near residential neighborhoods,
427 so he wondered if that portion of the activity could be removed. Mr. Rounds mentioned that there was a
428 section on parking in the use standards, including screening bus and truck parking from public rights-of-
429 way and any abutting residential properties.
430

431 In response to the Chair, Councilor Remy confirmed that the former charitable gaming facility on the
432 Colony Mill property (separate building) was approximately 5,500 square feet (it was unclear whether
433 that accounted for only the first floor or the second floor too). While he was unsure it was necessary, he
434 questioned whether there should be a maximum size allowed.
435

436 Mayor Kahn noted that a visual representation would help the Committee decide some of these things—
437 to visualize the difference between 5,500 and 30,000 square foot facilities. He knew the Community
438 Development Department would help.
439

440 Chair Bosley agreed that this Committee was workshopping this Ordinance again because many did not
441 want charitable gaming facilities in downtown Keene, and the Colony Mill does act as a sort of downtown
442 boundary. She said the City was putting an incredible amount of money into the infrastructure on Gilbo
443 Avenue and the Council had talked a lot about the potential for the American Family properties along
444 Gilbo Avenue, which were going to be offered for sale, and could be redeveloped. She said Keene already
445 had great zoning set up for that area heading toward the Colony Mill. At some point, she thought the City
446 should consider attaching the Colony Mill's lot to the Downtown Growth District when Gilbo Avenue is
447 developed, creating that connection to the center of Keene, ideally with an ambiance similar to Main Street
448 (i.e., businesses on the first floor and residences above). She was comfortable excluding the Colony Mill
449 from the areas permitted for charitable gaming facilities.
450

451 Mayor Kahn stepped out of the room.
452

453 Chair Bosley summarized the consensus at this point:

- 454 ▪ Change the setback from building-to-building to building to lot edge.
- 455 ▪ Reduce the setbacks from 500 feet to 250 feet.
- 456 ▪ Reduce the minimum size of charitable gaming facilities from 20,000 square feet to 10,000 square
457 feet.
- 458 ▪ Buses screened and used away from the residential-adjacent sides of the building.
459

460 Councilor Haas stated his understanding is that, because of abutting residences, the intent was not to
461 reduce the distance to 250 feet for draft standard c.i., which stated that "*No Charitable Gaming Facility*
462 *shall be located within 500 feet of another Charitable Gaming Facility either existing or for which a*
463 *building permit has been applied.*" He thought the distance should be increased to 1,000 feet between
464 charitable gaming facilities to help limit the number.
465

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

- 468
- 469 • *Commercial loading zones shall be screened from public rights-of-way and abutting residential*
 - 470 *properties in accordance with Section 9.4.4 of this LDC.*
 - 471 • *A traffic study shall be required and must include the expectation of bus traffic.*
 - 472 • *Bus and truck parking is required to be screened from the public right-of-way and any abutting*
 - 473 *residential properties in accordance with Section 9.4.4 of this LDC.*
 - 474 • *Off-street parking shall be provided at a ratio of not less than .75 parking spaces for each gaming*
 - 475 *position. All parking shall comply with all parking requirements and standards of the Land*
 - 476 *Development Code.*
 - 477 • *Two percent of required parking spaces shall be equipped with electric vehicle charging stations.”*
 - 478

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

484
485 Mayor Kahn returned.

486
487 Mr. Rounds said that the parking standard in the draft Ordinance was learned from another jurisdiction’s
488 policy, and it could go down by half. Chair Bosley asked what standard was used for the existing charitable
489 gaming facility. Ms. Brunner said the existing facility was treated as an indoor entertainment/recreation
490 facility, which requires .25 spaces for every four seats, so the draft standard could be reduced. She added
491 that it is often difficult to compare uses because their parking requirement calculations vary.

492
493 Since the indoor recreation facility designation seemed to be working for the existing charitable gaming
494 facility, Chair Bosley thought it could be an interesting comparison. Mr. Rounds noted that the existing
495 facility purchased parking across the street from the Center at Colony Mill. Chair Bosley asked if the
496 indoor recreation/entertainment center use required parking. Ms. Brunner said there was no parking
497 requirement for the existing location because it was in the Downtown Growth District, so they purchased
498 the parking for their need.

499
500 Mr. Farrington asked for the definition of a “gaming position.” Mr. Rounds replied that it is a seat at a
501 gaming table or machine.

502
503 Mr. Hoefler said he heard concerns about runoff and surface water associated with a charitable gaming
504 facility use’s larger parking lot. He thought a higher parking requirement could help control the locations
505 of the charitable gaming facilities.

506
507 Mr. Clancy said he wanted to keep the parking standards the same as the existing facility and ideally, he
508 wanted to increase the EV charging stations to 5%.

509
510 Ms. Mastrogiovanni hoped to keep many of the standards that existed for facilities like malls, movie
511 theaters, or restaurants. Ideally, there should be as few new standards written for this one use as possible.

512

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

522

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

528

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

535

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

540

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

542

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

545

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

548

549 **IV) New Business**

550

551 Mr. Rounds shared that soon, the Committee would hear about addressing short-term rentals in the Land
552 Development Code and addressing commerce nodes in an existing or different zoning district. Ms.
553 Brunner added a third item, noting that in some residential districts, there is a minimum lot area for the
554 first dwelling unit and additional lot area required for each additional dwelling unit. For example, in the
555 High Density District, 5,000 square feet is currently required for any additional dwelling units above the
556 minimum lot area; in Medium Density, the minimum lot size is 8,000 square feet and an additional 5,000
557 sf in lot area is required for each additional unit on a parcel. Ms. Brunner asked the Committee if it made

558 sense for the community to continue the extra lot size requirement per unit in the context of a housing
559 crunch, or to control the lot size through other types of zoning (e.g., dimensional standards).

560
561 Chair Bosley thought the Committee had been very progressive in trying to create growth opportunities
562 in the community and she welcomed staff bringing a suggestion to the Committee. Councilor Jones
563 recalled that if the City Council adopted the Cottage Court Ordinance, it would remove the ban on private
564 roads in the Land Development Code.

565
566 Chair Bosley noted that the City Council meeting agendas include the opportunity to place agenda items
567 on “more time.” She hoped to have the same option added to the Joint Committee’s agendas to help the
568 Committee remember the tasks assigned to staff. In this instance she said four items could be listed: New
569 American with Disabilities Act requirements, lifting the ban on private roads, short-term rentals, and
570 commerce nodes.

571
572 **V) Next Meeting: Monday, June 10, 2024**

573 **VI) Adjournment**

574
575 There being no further business, Chair Farrington adjourned the meeting at 8:25 PM.

576
577 Respectfully submitted by,
578 Katie Kibler, Minute Taker
579 May 16, 2024

580
581 Reviewed and edited by,
582 Mari Brunner, Senior Planner
583 Megan Fortson, Planning Technician

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee
From: Jesse Rounds, Community Development Director
Date: June 4, 2024
Subject: O-2024-16-B Relating to Charitable Gaming Facilities

Background

At the May 13, 2024 Joint Planning Board and PLD Committee meeting, the Committee held a continued public workshop on ordinance O-2024-16-A. Based on the discussion regarding proposed use standards, staff have prepared draft language for a “B” version of the ordinance, which is included as an attachment to this memo.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty-Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Permitted Uses in the Downtown Core and Commerce Districts

Be it ordained by the City Council of the City of Keene, as follows:

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded and underlined text, as follows.

1. Amend Section 8.3.2. of Article 8 to add a definition for “Charitable Gaming Facility” under the category of Commercial Uses, as follows:

I. Charitable Gaming Facility

1. **Defined. Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D, and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Charitable Gaming Facilities may offer Lucky 7, as defined in RSA 287-E, as long as their use complies with all licensure and operation requirements under RSA 287-E and rules published by the New Hampshire Lottery Commission. This use includes facilities licensed to operate Bingo or bingo style games as Commercial Halls (287-E:1, V-a) or as Host Halls (RSA 287-E:1, X). Does not include games licensed under RSA 287-E.**

2. Use Standards

- a. **Only one Charitable Gaming Facility shall be permitted per lot.**

- b. **Charitable Gaming Facilities, as defined, are permitted on parcels greater than 1.25 acres in the following areas of the Commerce District:**

- i. **Land with frontage on West Street west of Island Street. The principal entrance of such businesses shall face West Street or be in a plaza where the storefront faces the parking areas that have a common boundary with West Street.**
- ii. **Land with frontage on Winchester Street south of Island Street and north of Cornwell 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.
- iii. Land with frontage on Key Road.
 - iv. Land with frontage on Ashbrook Road.
 - v. Land with frontage on Kit Road.
- c. All Charitable Gaming Facilities shall be subject to the following distance requirements, measured in a straight line, without regard to intervening structures from the property line of any site, to the closest exterior wall of the Charitable Gaming Facility.
- i. 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.
 - ii. No Charitable Gaming Facility shall be permitted within 250 feet of any place of worship, child daycare center, or public or private school.
 - iii. No Charitable Gaming Facility shall be permitted within 250 feet of any Single-Family or Two-Family dwelling.
 - iv. No Charitable Gaming Facility shall be permitted within 250 of a residential zoning district.
- d. Minimum Square Footage. The gaming floor of the facility, defined as the area within a gaming location authorized by the State of New Hampshire, shall have a minimum area of 10,000 square feet. The gaming floor does not include areas used for accounting, maintenance, surveillance, security, administrative offices, storage, cash or cash counting, and records.
- e. Parking and traffic.
- i. 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.
 - ii. 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.
 - iii. Proposed uses or development shall comply with the City's Noise Ordinance in the City Code of Ordinances and the Noise Limits in Article 18 of this LDC.
 - iv. Bus and truck loading and 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.
 - v. Off-street parking shall be provided at a ratio of not less than .75 parking spaces for each gaming position.
 - vi. Five percent of the required parking spaces shall be equipped with electric vehicle charging stations.

2. Amend Section 8.4.2.C.2.a, “Specific Use Standards” of Article 8 to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District, as follows:
 - a. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts and by special exception from the Zoning Board of Adjustment in the Downtown-Growth and ~~Downtown-Core~~ Districts.
3. Update Table 8-1 “Permitted Principal Uses By Zoning District” in Article 8, Table 4-1 “Downtown Districts Permitted Uses” in Article 4, and Table 5.1.5 “Permitted Uses” in Article 5 to display “Charitable Gaming Facility” **as permitted with limitations in the Commerce Zoning District.**
4. **Amend Table 9-1 “Minimum On-Site Parking Requirements” in Article 9 to display “Charitable Gaming Facility” under Commercial Uses with a minimum on-site parking requirement of 0.75 spaces per gaming position.**

Jay Kahn, Mayor