



**PLANNING, LICENSES AND
DEVELOPMENT COMMITTEE
AGENDA**

Council Chambers A
March 9, 2016
7:00 PM

City of Keene
New Hampshire

David C. Richards
Philip M. Jones
Bettina A. Chadbourne
George S. Hansel
Robert B. Sutherland

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- | | |
|---------------------|---|
| 1. MORE TIME REPORT | Danielle Boudrand – Suggested Ban on Single Use Plastic Bags |
| 2. MEMORANDUM | Planner – Red Devil’s Soccer Club – Request to Use City Property – Spring Street |
| 3. COMMUNICATION | Susan Parke Sutherland/Farmer’s Market of Keene - Request to Use City Property – Gilbo Avenue and Commercial Street Parking Lot |
| 4. COMMUNICATION | Tim Zinn – Disruptive Behavior of Large Gatherings of Students |
| 5. COMMUNICATION | Councilor Richards – Marlboro Street Rezoning and Eastside of the City’s Revitalization |
| 6. MEMORANDUM | City Clerk – Significant Items of Legislation |

MORE TIME ITEMS:

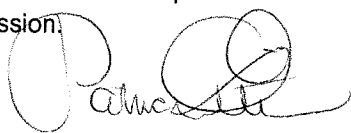
- A. Councilor Clark - Definition of “Historic Property” in terms of Demolition Review Process

More Time Awaiting Either Public Hearings/Planning Board Review/Joint Committee:

- A. Ordinance O-2016-01: Creation of Residential Preservation District, a Business Growth District and Re-Use District and a Neighborhood Business District
- B. Ordinance O-2016-02: Marlboro Street Rezoning
- C. Ordinance O-2016-03: Keene Public Library and Adjacent Parcels Rezoning

3A1

In City Council March 3, 2016.
Voted unanimously to refer the item back to the
Planning, Licenses and Development Committee
for further discussion.



City Clerk

City of Keene
NEW HAMPSHIRE

February 24, 2016

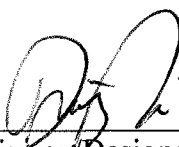
TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **COMMUNICATION: Danielle Boudrand – Suggested Ban on Single use Plastic Bags**

On a vote of 1-2, the Planning, Licenses and Development Committee recommends that City Council draft a letter supporting the concept of allowing local municipalities to create an Ordinance and design a framework for banning plastic bags. The motion failed with Councilors Jones and Hansel voting in opposition.

On a vote of 3-0 the Planning, Licenses and Development Committee recommends the communication from Ms. Boudrand be placed on “more time”.



Chairman/Designee

Background:

Danielle Boudrand, of 19 Bridge Court noted she has submitted a request for the ban of single use plastic bags in this city. In not having a ban we are adding to the ongoing problem of plastic bag pollution. This is unnecessary waste that continues to adversely affect wildlife, wildlife habitat and humans. There have been many studies, including the new proposal on what needs be done about this growing issue done by the World Economic Forum. Ms. Boudrand indicated she would also like to see a five cent tax on the use of paper bags with the retailer keeping one cent and the remaining four cents going into an environmental fund for educating the public. She continued the ultimate goal is to get businesses to think about being more sustainable by the

products they are offering their customers (paper and plastic bags should all be 100 per cent recyclable). She suggested this could be the starting place and would probably take two or three years to get going.

Chair Richards asked staff what our regulatory ability is on something like this. Mr. Lamb responded by noting the statutory ability does not exist within the state. SB-410 is currently in the Senate; this Bill would allow cities and towns to do what Ms. Boudrand is asking. The City Manager also pointed out the City has no authority to do the taxation portion of Ms. Boudrand's goals. If SB-410 does pass the City could only pass an Ordinance to ban the use of plastics. He continued New Hampshire is not a Home Rule state and authority must be granted from the Legislature.

Chair Richards asked Ms. Boudrand if she understood to which she replied in the affirmative. He noted he agrees with what she is trying to do and reiterated there is nothing the City can do at this time. Ms. Boudrand noted her conversations with local businesses and asked if the Committee could wait to see what happens on March 3rd before voting on this. The City Manager pointed out the legislative process and commented we wouldn't be safe voting on this until we know how the final Bill actually reads. Discussion continued with regards to the legislative timeframe.

Councilor Terry Clark suggested the Committee recommend to City Council that they could amend this communication into a Resolution supporting the adoption of SB-410. Chair Richards recommended continuing the legal discussion before moving onto the merits of the issue. Chair Richards continued he agrees with the merits but is unsure there is anything the Committee can do.

Councilor Hansel noted he would have trouble supporting a Bill without knowing its final form, regardless of the merits. He continued right now he doesn't have enough information. Chair Richards suggested putting the issue on "more time" and waiting to see what the Senate and House do. If they give us the ability then we are talking about something we can act on. If the legislation fails we'll probably take it off "more time" and report out as informational.

Chair Richards asked for Committee thoughts.

Councilor Jones recommended not moving too fast on this issue. If this happens he would like to see it happen statewide. If done locally there will be economic impacts to the local Mom and Pop stores. Councilor Jones pointed out paper bags cost more than plastic bags; adding some stores such as Kohl's use their bags as part of their marketing programs and is part of the reason they stay in certain communities. Councilor Jones pointed out we have a number of empty stores in the community adding it will make it more difficult to bring new stores here if we're adding this extra cost. He continued plastic is recyclable citing examples of closed-loop recycling. Councilor Jones suggested as a community we should promote more recycling. He recommended asking staff to look at starting a better recycling program for the plastic. Although he agrees with Ms. Boudrand's goals he feels a ban in one community is not the way to accomplish them.

Chair Richards commented we can't vote on a ban or even debate it until we hear what the State Legislature is going to do. Among other comments Ms. Boudrand suggested we could have businesses become more conscious of what they're handing out to consumers. Councilor Hansel suggested this will come down to a public education issue and he sees no place for government regulation on this issue right now.

Councilor Clark agreed we shouldn't debate this issue right now. He continued we could take a position SB-410 right now. Councilor Clark would at least like to see this issue out in front of City Council whether or not we support the State Legislature giving us the choice. He suggested City government is very frustrated about this because there is very little we can do without a State Statute behind it. He reiterated his suggestion to put this before City Council as a Resolution to support or not support SB-410. Councilor Clark pointed out Keene was the first city to pass a ban on smoking without a State Statute. Chair Richards agreed we should have more authority than the state gives us. Chair Richards asked Councilor Clark if it had to be a Resolution or could it simply be a letter, and what are we endorsing if we send the letter. Councilor Clark replied that the state allow us the authority to ban plastic bags in our community. Chair Richards clarified the letter would be in support of SB-410.

Councilor Hansel commented if the end goal is to support giving us the authority to manage some sort of ban on plastic bags can we act rather than referring to a Bill we don't have the specific details on yet. Chair Richards replied in the affirmative indicating he doesn't know how it would be worded. Councilor Jones agreed with Councilor Hansel; he would not vote to support legislation we don't have before us without seeing the wording. He clarified Councilor Hansel is just mentioning that we support the concept of it.

Chair Richards asked the City Manager who the letter would be sent to. The City Manager confirmed the letter would go to the Delegation and noted offering support for the concept is a good and wise thing.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion.

Councilor Hansel made the following motion which was seconded by Chair Richards.

Both Councilors Hansel and Jones noted they would not be voting in favor of this motion as more information was needed. Councilor Jones also noted he feels this should be a statewide ban. Chair Richards noted he would be supporting the motion.

On a vote of 1-2, the Planning, Licenses and Development Committee recommends that City Council draft a letter supporting the concept of allowing local municipalities to create an Ordinance and design a framework for banning plastic bags. The motion failed with Councilors Jones and Hansel voting in opposition.

Chair Richards noted this issue will still move forward to City Council for a full vote.

Chair Richards suggested another motion was needed on the letter and recommended it be put on “more time” until this is resolved.

Councilor Hansel made the following motion which was seconded by Chair Richards.

On a vote of 3-0 the Planning, Licenses and Development Committee recommends the communication from Ms. Boudrand be placed on “more time”.

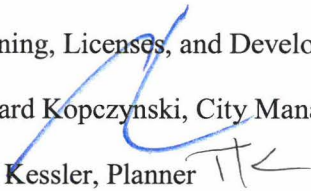
Chair Richards explained the “more time” process for Ms. Boudrand.

CITY OF KEENE
NEW HAMPSHIRE

DATE: March 7, 2016

TO: Planning, Licenses, and Development Committee

THROUGH: Medard Kopczynski, City Manager

FROM: Tara Kessler, Planner 

SUBJECT: Red Devils Soccer Club, Inc. - Request to Use City Property – Spring Street

Recommendation:

Move that the Planning, Licenses, and Development Committee recommend that City Council approve the request from the Red Devils Soccer Club Inc. to pass/repass City property at 41 Spring Street for a period from the date of issuance to December 1, 2016, subject to the signing of a revocable license and indemnification agreement and receipt of a certificate of liability insurance in the amount of \$1,000,000 with the City of Keene listed as an additional insured, and subject to any recommendations of City staff, and that City Council place the request to use parking spaces in the City-owned lot at 41 Spring Street on more time.

Background:

Attached to this memorandum is additional information provided by Mr. Igor Monteiro, on behalf of the Red Devils Soccer Club Inc., regarding the request to use City property at 41 Spring Street.

Mr. Monteiro and his attorney, Jeremy Hockensmith, were present at the February 24, 2016 Planning, Licenses, and Development (PLD) Committee meeting to address a request to use the City-owned parking lot at 41 Spring Street. Mr. Monteiro represents the Red Devils Soccer Club, Inc, which is planning to use the recreation field and adjacent parking lot at 17 Washington Street, the site of the former Keene Middle School, for a youth soccer program. To access the lower parking lot adjacent to the field, vehicles must cross over the City-owned parking lot at 41 Spring Street.

In addition to seeking permission from the Council to cross over City property, Mr. Monteiro is also seeking permission to use parking spaces in the 41 Spring Street lot. At the February 24, 2016 meeting of the PLD Committee, City staff noted that more information is needed to further study this request. This request was placed on more time.

Dear Mayor and City Council,

Red Devils Soccer Club is a new Soccer club in Keene, NH, and will be located on 17 Washington Street (the old Keene Middle School). Based on our lease agreement, we will be using the parking lot off Spring Street behind the school and adjacent to the fields. A portion of that parking lot belongs to the City of Keene (please see attached parking lot diagram).

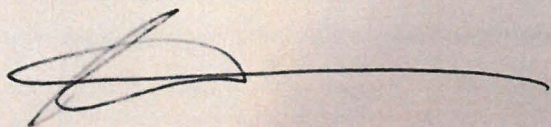
We ask for permission from the City Keene to use all the 26 parking space on the City part of the parking lot on 41 spring street and permission to let cars pass from one side of the parking lot to another, because the City's lot is between the entry and Red Devil's parking lot (please see diagram). We ask for this permission to be between the hours of 5:00 PM to 9:00 PM on weekdays, and from 8:00 AM to 9:00 PM during the weekend.

We are hoping to use the city parking with no cost, we are an organization that will be providing many of opportunity for the kids of Keene and many others local sports programs as well.

We will also have porta-potties and a dumpster on our side of the parking lot, to make sure that we keep our business and parking lot clean (see diagram).

Together with this e-mail I have sent you a copy of the parking lot site plan, to better describe what we as an organization are asking for. We appreciate your consideration and will do our best to maintain a well-respected local business.

Sincerely,

A handwritten signature in black ink, appearing to read 'Igor Monteiro', followed by a long horizontal line extending to the right.

Igor Monteiro
(978)726-3775

President & Director of Coaching
Red Devils Soccer Club, Inc.
www.reddevilssc.com

Red Devils Soccer club

City of Keene



COMMERCIAL PROPERTY RECORD CARD - CA329NHKEE

2016

CITY OF KEENE, NEW HAMPSHIRE

Situs : 41 SPRING ST.

Map ID: 017-07-030.0000

Class: CITY OF KEENE

Card: 1 of 1

Printed: November 23, 2015

CURRENT OWNER

CITY OF KEENE
3 WASHINGTON ST.
CITY MANAGER
KEENE NH 03431

GENERAL INFORMATION

Living Units 0
Neighborhood 311
Alternate Id 017070300000
LUC 903
District
Zoning CENTRAL BUSINESS DIS
Class EXEMPT



Property Notes

26 SPACE PARKING LOT

Land Information

Type	Size	Influence Factors	Influence %	Value
Primary Site	AC	0.2100		66,550

Total Acres: .21
Spot:

Location: 6 NEIGHBORHOOD OR SPOT

Assessment Information

	Assessed	Appraised	Cost	Income	Market
Land	66,600	66,600	66,600	0	0
Building	13,200	13,200	13,200	0	0
Total	79,800	79,800	79,800	0	0

Manual Override Reason

Base Date of Value

Effective Date of Value

Value Flag COST APPROACH
Gross Building:

Entrance Information

Date	ID	Entry Code	Source
05/15/01	SLD	Measured Only (Occ Not At Home)	Other

Permit Information

Date Issued	Number	Price	Purpose	% Complete
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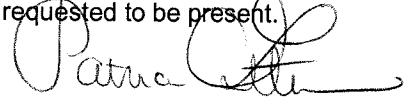
Sales/Ownership History

Transfer Date	Price	Type	Validity	Deed Reference	Deed Type	Grantee
12/01/73				0877/0229		CITY OF KEENE

Inspection Witnessed By _____

February 22, 2016
The Farmers Market of Keene
PO Box 425
Keene NH 03431

In City Council March 3, 2016.
Referred to the Planning, Licenses and Development
Committee whom will meet Wednesday, March 9, 2016 at 7:00 PM
in Council Chambers, Keene City Hall. You are hereby notified
of the meeting meeting and requested to be present.



City Clerk

Office of the Clerk
Keene City Hall
3 Washington St
Keene NH

Dear Mayor Lane and Members of the City Council,

I am writing on behalf of the Farmers Market of Keene NH to request permission to use city-owned space for the Farmers Market in 2016. We are a group of local farmers, artists, and food enthusiasts who are dedicated to providing healthy, delicious food and unique hand-made crafts to our community. We would like to use the 23 parking spaces on Gilbo Ave between Main St and St. James St as the site of our Summer Farmers Market. The Farmers Market is not only an opportunity for members of the community to engage with local agriculturalists and producers, but also adds to the general appeal of Downtown Keene.

The Farmers Market runs from May to October. We request exclusive use of the aforementioned space from 7am-3pm on every Saturday and Tuesday from May 5, 2016 until Nov 1, 2016.

The Farmers Market of Keene is in a time of transition and hopefully, growth. When the Market was in the Commercial St lot, we had access to 40 parking spaces and were in a position to take on new vendors. In order to add to our current line-up of approximately 20 vendors, we require additional space. It is possible for the market to use the parking spaces across the bike path for additional vendors? Without additional space we would be unable to accept any new vendors.

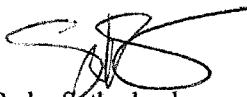
Also, would it be possible for the Market to utilize the median space in an appropriate, respectful way? It would be nice to bring some picnic tables or other seating options that could be enjoyed by our customers. There were two trash receptacles in the median in 2015, and we request use of them again for 2016.

Part of the growth we hope to facilitate within our market is to attract prepared food vendors to participate in the Keene Farmers Market. Electricity is a requirement of many food trucks/prepared food vendors. Is there any way the Market could have access to electricity via the power-box in the median?

As part of an effort to attract customers and foster a festive environment, we try to schedule musicians for several markets during the year. Hopefully this will continue to be a regular occurrence in 2016. This year, the Opening Day of the Market will be May 4. We'd like to make an event of that market with musicians and kids' activities. This is a great opportunity for the community to gather around the Farmers Market, and Downtown Keene as a whole.

Thank you for your consideration and I look forward to hearing back from you.

Best,



Susan Parke-Sutherland
Co-coordinator
Keene Farmers Market

Keene City Council,

My name is Tim Zinn; I have been a Keene resident since 1990 and live at 43 Grove St. in my two family residence.

I would like to offer a concern, possible solutions to that concern, and hopefully the opportunity to personally address the council at some stage in this process. I have actively participated in some of the College / City Commission Meetings, voiced my opinions in the Sentinel, and spoke at the open forum at KSC following the riot in 2015. I have also been active with Southeast Keene Neighborhood Group all in the hopes of affecting positive changes in student accountability.

After a somewhat shaky start in my neighborhood last fall, I am optimistic that culture change is beginning to take hold within KSC. The Off Campus Orientation and KSC policy changes appear to be arming students with the "Wisdom to make a difference". I was honored to be interviewed for a resident perspective as part of that program.

That said, my concern is specific to large gatherings of students that involve public drunkenness and a mob mentality. History has shown that this combination produces nothing but serious problems for both the City and College. I would encourage each of you to view the following video found on YouTube, as it goes to the heart of my concern. Keep in mind that this was only months after the Fall Riot of 2014 and Post KSC off campus policy changes.

<https://www.youtube.com/watch?v=dBYsY-iLHgY> "Keene State Spring Weekend 2015"

While not a "riot", the core ingredients are there with the potential for rioting, and are clearly no longer acceptable in the City of Keene. YouTube is loaded with these images of KSC and our City. No Keene resident should be subjected to "neighbors" like these. Addressing these parties is a matter of Student, Citizen, and Police safety. I personally walked through a party at Proctor Ct. Last Spring and was appalled at the size of the crowd, noise, the amount of alcohol, and the trashing of the property.

I understand the College / City Commission may have gone through some challenges with personnel turnover and is in the process of regrouping. If they have proposed suggestions to this specific issue, I am open to whatever those might be. Absent that, I would like to propose the following.

First: Use whatever enforcement tools are available or needed, crowd control, permits, underage drinking, number of occupants per household, public drunkenness, fire codes, noise ordinances etc. to nip these issues in the bud before they escalate into potential "mob mentality" situations. No crowd should ever come close to becoming unmanageable in the future. These are not wedding parties or family reunions, they are very public drunk festivals.

Second: Hold Hosts of these parties financially and criminally accountable to the City and taxpayer for any costs, damages or injuries resulting from parties they host. There is a sad irony in that Organizers for the many events held throughout the year in our City do due diligence to coordinate a security presence, yet hosts of student drunk fests that draw large crowds are not held accountable to the same standard.

Third: Armed with concrete and defined enforcement tools, this "new normal" needs to be clearly communicated to the public and student population. I would suggest it becomes part of the City portion of the Off Campus orientation program.

The YouTube video shows we are clearly still vulnerable. I see this tool as a proactive deterrent to the possibility of a future riot. Were the students that invited and hosted Finna Rage in 2014 held accountable? Would they have had serious second thoughts about hosting Finna Rage and the social media frenzy that ensued if they knew they could be held financially and criminally liable to the City of Keene?

While I am a Pumpkin Festival supporter, I strongly feel this new tool is needed regardless of what the future holds for the Festival. As a citizen of our City, I want to be proactive in putting the right tools in place to prevent another riot from ever bringing shame to our City again. Whether a World Series, Spring Break, City Festival, or any other event, this tool sends a proactive message. Where large crowds, youth and alcohol are concerned, I fear it is only a matter of time before something tragic occurs.

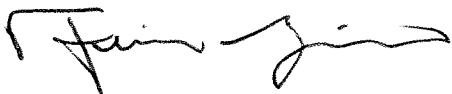
Thank you for your time. I am hopeful for an opportunity to share these thoughts personally with the City Council or appropriate Committee.

Sincerely,

Tim Zinn

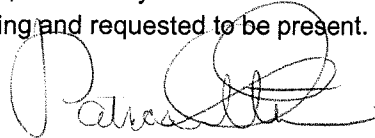
43 Grove St.

209-4179



In City Council March 3, 2016.

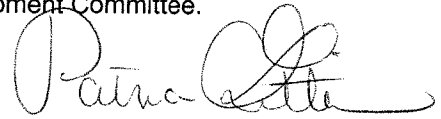
Referred to the Planning, Licenses and Development Committee whom will meet Wednesday, March 9, 2016 at 7:00 PM in Council Chambers, Keene City Hall. You are hereby notified of the meeting meeting and requested to be present.



City Clerk

To: The Mayor and City Council of Keene NH

Re: Marlboro St rezoning and the Eastside of the city's revitalization



City Clerk

Date: 03/01/16

From: Councilor David Richards

As we work on City Council to redistrict the zones adjacent to the Marlboro Street corridor with the intention of laying the ground work for creating economic and residential renewal potential, I believe we need to start planning for the redesign of both the street itself and the overall renewal of this side of the city.

The east side of the city has an interesting past where at one time this one of the main entry's to the city and was where everyone went to work; as such "industry" determined the needs of city infrastructure as well as its development. The changing nature of both what the workplace one was and where we would like to see economic development expand has changed and requires a longer term look at the potential for this side of the city.

Revitalization however will take more than simply creating a better street, with this said I would like the city to look at all relevant factors that will lay the ground work for both economic development and family housing that would make the east side of the city inviting to both business and families. As we know when the city makes capital improvements it does spur investment by land owners. The better the city does in this regard the better potential for equal investment.

With the amount of time and work this will take we should consider this potential effort be set on a course that will take the next several years to accomplish.

With this in mind I would suggest the following:

- Choose reasonable target dates to complete renovation for Marlboro Street and any other streets needing improvement in the corridor.
- Request staff review the CIP for and funds that could be redirected to the streets in need on the eastside of the city
- Begin the process of obtaining grants for redesign and reconstruction of Marlboro Street. There are currently interesting grant options that staff is aware of and should be directed to pursue.
- As part of potential grant funding the "Victoria Street connector" should be of primary concern as the eastside of the city is essentially divided like no other part of the city, causing a loss of neighborhood and business connections.
- Have the Planning Department take the lead in the redesign of streets with the intention of following the City Masterplan recommendations for other than engineering considerations. I believe that we have not used the expertise of the Planning Department to its fullest ability in this area. Of course Planning would have to work with Public Works to determine what can and cannot be done, but they should be the primary entity for incorporating what the citizens have

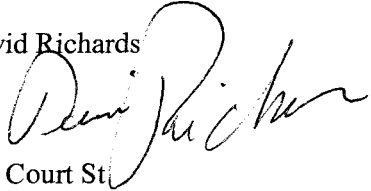
requested the city council provide in the Masterplan. Additionally we will have to ensure that Planning can handle this additional work-load.

In conclusion I believe much of this work can be done with long term planning and new direction. We can make the eastside of the city a great place for work and home for our citizens and in following the direction given to us from the Masterplan, make this side of the city could be what the 21st century should look like.

Thank you for your consideration

David Richards

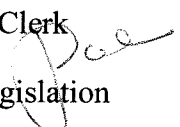
201 Court St

A handwritten signature in black ink, appearing to read "David Richards", written over the printed name and address.

City of Keene
NEW HAMPSHIRE

March 7, 2016

TO: Planning, Licenses and Development Committee

FROM: Patricia A. Little, City Clerk 

SUBJECT: Significant Items of Legislation

Each year City staff reviews legislation in an effort to identify which proposals impact their departmental operations. This effort is directed by a City Council policy adopted in 2009 that recognizes a community's effectiveness at influencing legislation is dependent upon identifying issues which are important and then communicating positions in a timely fashion.

For the convenience of the staff and the City Council, web pages are maintained that lists bills by specific departments. These legislative web pages link to the State of New Hampshire legislative pages where information regarding the bill text, docket information and proposed recommendations of the Committees can be found.

While departments have been given the discretion without seeking direct authorization from the City Council to testify on specific bills; there is always a role for the Council as the governing body. Of all the pieces of legislation that are being tracked by City staff, there are certain ones that are considered *significant enough* to be brought to the attention of the Keene City Council for an official position of the City. The staff considered the following criteria in determining whether a piece of legislation is significant:

- * Results in a Budgetary Impact
- * Results in Significant Operational Impacts or Service Delivery
- * Validates or contradicts a statement in the Comprehensive Master Plan

The significant items of legislation are referred to the Standing Committee that has responsibility for the underlying issue. City staff will be present to explain the legislation and the basis of their recommendation. A typical motion for the Committee would be to endorse the position of the City staff.

HB 1180: An Act relative to the authority of towns to issue bonds for the expansion of Internet Service

HB 1180 is enabling legislation that provides municipalities the option to bond for broadband infrastructure projects. The available broadband services in the Monadnock Region today falls short of meeting the federal definition of broadband and are insufficient to attract new businesses which need both high speed internet services and employees who are satisfied with residential broadband services. Ubiquitous high speed internet service is a critical component of economic development. Fastroads has initiated the buildout of a very capable fiber network in our community, however further investment will be required to complete the network. As broadband has become vital infrastructure along with other traditional utilities, bonding for these project should be an option.

The full House is expected to vote on March 9 with a majority committee recommendation of Inexpedient to Legislate and a minority committee recommendation of Ought to Pass.

Staff recommends supporting HB 1180.

HB 1417: An Act relative to records of convening of public bodies

This bill requires certain information be recorded in the minutes of a public body when it convenes for the purposes of discussing strategy or negotiations with respect to collective bargaining or when it meets in consultation with legal counsel.

There is already an exemption from RSA 91-A when a public body meets to discuss strategy or negotiations with respect to collective bargaining or consultation with legal counsel. Because these meetings are not considered public “meetings” minutes are not kept. HB 1417 fails to recognize this distinction. In addition, the bill does not provide for an opportunity to otherwise keep the minutes sealed, which could render the action ineffective. Collective bargaining sessions and legal advice are seldom matters that are resolved in 72 hours.

The full House is expected to vote on March 9 with a majority recommendation of Inexpedient of Legislate and a minority recommendation for Ought to Pass with an amendment. The amendment removes an inadvertent reference to “persons in attendance.”

Staff recommendation: Oppose