



**PLANNING, LICENSES AND
DEVELOPMENT COMMITTEE
AGENDA**

Council Chambers A
March 23, 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. REFERRAL BACK | Suggested Ban on Single Use Plastic Bags |
| 2. COMMUNICATION | Virginia Carter/Walpole Mountain View Winery –
Request to Sell Wine at Farmer’s Market |
| 3. COMMUNICATION | Weston Liu/New England Aerobatic Club –
Request to Use City Property – Dillant-Hopkins
Airport |
| 4. COMMUNICATION | Sarah Wilton, Skye Stephenson & Councilor
Clark – Requesting the City Council take a
Position on the Kinder Morgan Pipeline |
| 5. REPORT | Heritage Commission –Demolition Review
Ordinance |
| 6. MEMORANDUM | City Manager – Permission to Negotiate |

MORE TIME ITEMS:

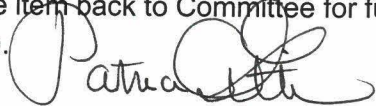
More Time Awaiting Either Public Hearings/Planning Board Review/Joint Committee:

- 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-A: Keene Public Library and Adjacent Parcels Rezoning (Public Hearing April 7)

Possible Non-Public Session

342

In City Council March 17, 2016.
Voted with 12 in favor and two opposed
to refer the item back to Committee for further
discussion.



City Clerk

City of Keene
NEW HAMPSHIRE

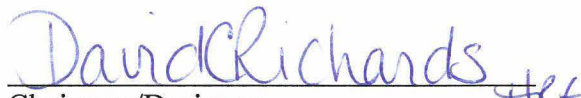
March 9, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **MORE TIME REPORT: Danielle Baudrand – Suggested Ban on Single use Plastic Bags**

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that Ms. Baudrand's letter regarding the banning of single use plastic bags be accepted as informational.


Chairman/Designee

Background:

Danielle Baudrand, 19 Bridge Court was present. Chair Richards reported that SB-410 failed in the Senate; and therefore the Council cannot write a letter favoring this initiative. Chair Richards advised the communication from Ms. Baudrand would be accepted as informational.

Chair Richards asked for Committee comments.

Councilor Sutherland noted he was not present at the last meeting, but did read the arguments. With this in mind he commented perhaps the City could review its litter laws and associated fines.

Councilor Jones commented he had previously pointed out some of the challenges that would accompany this issue, and he was in favor of supporting Ms. Baudrand's initiative though he was hopeful for a State-wide ban. He noted Hawaii is the only State with a ban on plastic bags; in

addition he noted Austin, Texas put a ban in place two years ago and they are now reversing the ban. Councilor Jones suggested perhaps the City could do more to expand its recycling program; such as making the Recycling Center more convenient and user friendly and accepting more products. Councilor Jones suggested there are things the City can do to help her cause; he reiterated at this time they are unable to recommend the ban. Councilor Jones also recommended contacting the Cities for Climate Protection Committee as a starting point.

Councilor Chadbourne reported she and former Councilor Emily Hague had previously addressed this issue. She noted Councilor Hague and Bridgett Hansel had been working on a proposal to bring forward. Councilor Chadbourne recommended Ms. Baudrand contact Ms. Hansel for an update. Councilor Chadbourne also noted she agreed with some of Councilor Jones' comments. In the meantime Councilor Chadbourne pointed out at least some of the local grocery stores do recycle the plastic bags.

Councilor Clark addressed the City's recycling policy and noted they are able to recycle high density polyethylene; but the problem is they don't have the storage space to store the bags until there was a sufficient quantity to recycle. Currently the plastic bags go into the landfill. On a different note, Councilor Clark suggested what the Legislature did in defeating SB 401 was unbelievable. He pointed out Keene imposed a smoking ban and the State followed suit. Councilor Clark continued what Ms. Baudrand brought forward is the right thing to do. He pointed out all the products that are killing the world; suggesting the City take whatever small steps they can. Councilor Clark continued that he was disappointed the Committee is falling in line with industry standards. Councilor Clark said he thinks the City needs to write a letter telling the State this is the wrong thing to do. He also raised the issue of Home Rule and the State not giving local governments the authority to do the right thing. Councilor Clark suggested the City Council needs to at least give the State the message that they would like to have the authority to do the right thing on the local level.

Chair Richards asked for public comments.

Mya Baudrand, of 19 Bridge Court asked why can't they just ban plastic bags here. Chair Richards explained that currently State law tells local government what they can and can't do; and this is one of the things they are saying local government can't enact laws on.

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 Councilor Jones.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that Ms. Baudrand's letter regarding the banning of single use plastic bags be accepted as informational.

2c

WALPOLE MOUNTAIN VIEW WINERY

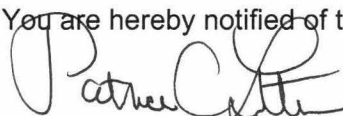
at Barnett Hill Vineyard LLC

March 14, 2016

Keene City Council
Attn: Patty Little
3 Washington St.
Keene, NH 03431

In City Council March 17, 2016.

Referred to the Planning, Licenses and Development Committee, who will meeting Wednesday, March 23, 2016 at 7:00 PM in Council Chambers, Keene City Hall. You are hereby notified of the meeting and requested to be present.



Dear Keene City Council Members:

City Clerk

I respectfully request your permission to sell the wine produced from my grapes at Barnett Hill Vineyard, 114 Barnett Hill Rd., Walpole, NH, at the Keene Farmers Market for calendar year 2016.

By N.H. Law, it is an annual requirement by the State of New Hampshire Liquor Commission that I formally request such permission of every town in which I participate in a Farmers Market.

The Keene Farmers Markets are scheduled for January through April, and November and December the second and fourth Saturdays from 10am to 2pm at the Colony Mill Marketplace, and May through October, every Tuesday and Saturday from 9am to 1pm in the parking lot off Main St. behind the Colonial Theater. There will also be an "Earth Day" celebration market in April and a "Farm Fest" event at Stonewall Farms, Chesterfield, NH, the weekend before Thanksgiving in November.

I hold current copies of both my Federal and State permits to manufacture/produce and sell.

In the State of New Hampshire, wine manufacturers are allowed to sell wine at bone fide Farmers Markets, of which Keene Farmers Market is one. Legally, sampling is not allowed; therefore, there are no open containers. It is my lawful duty and responsibility to ensure that all persons purchasing wine from me be of appropriate age and sobriety to make such purchases, a copy of my training card is already on file with your office.

My commercial winery liability insurance covers sales on and off my premises as well as product liability. For verification of said insurance you may contact: Clark-Mortensen Ins. Agency, Lisa A. Jackson, (603)352-2121. Ref: Central Mutual Ins. Policy #CLP 8628824.

Should you be willing to grant me permission to sell wine at the Keene Farmers Market during 2016, a letter would need to be sent by your Council directly to the State Liquor Commission, Bureau of Enforcement, Attn.: Mr. James Barbuti, 10 Commercial St., P. O. Box 1795, Concord, NH 03302, as soon as possible.

Thank you for your consideration and assistance with this matter. I am available to answer any questions or appear before your Council at your convenience.

Respectfully yours,



Virginia L. Carter, Owner/Vintner

Walpole Mountain View Winery

at Barnett Hill Vineyard, LLC

114 Barnett Hill Rd., Walpole, NH 03608 (603)756-3948

www.bhvineyard.com E-mail: walpoleanery@gmail.com

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

City of Keene
City Hall
3 Washington St.
Keene, NH 03431

To whom it may concern:

This is to confirm that Virginia Carter of Walpole Mountain View Winery at Barnett Hill is a member of the Farmers' Market of Keene. The market meets from the first Saturday in May to the end of October, Tuesdays and Saturdays from 9 a.m. to 1 p.m. in the parking spaces on Gilbo Avenue between Main Street and St. James Street. From November through April, the market meets Saturdays from 10 a.m. to 1 p.m. at the Colony Mill Marketplace on West Street.

Sincerely,



Susan Parke-Sutherland
Co-coordinator
Farmers Market of Keene

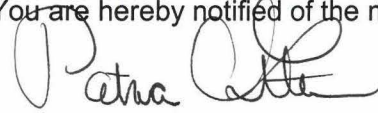
105 Mason Rd
Brookline, NH, 03033

February 21, 2016

City Council
City of Keene
3 Washington Street
Keene, New Hampshire
03431

In City Council March 17, 2016.

Referred to the Planning, Licenses and Development Committee, who will meeting Wednesday, March 23, 2016 at 7:00 PM in Council Chambers, Keene City Hall. You are hereby notified of the meeting and requested to be present.



Dear Keene City Council,

City Clerk

The New England Aerobatic Club (NEAC), International Aerobatic Club Chapter 35, and I, thank you for our flying at the Keene Dillant-Hopkins Airport. The last 8 years of practice flying days at Keene have greatly helped the development of our aerobatic competition pilots and I hope we have had a positive effect on the airport. I personally was able to go to the 2015 US National Aerobatic Championships and achieve a top-10 finish in my division. The practice flights at Keene were a part of that.

NEAC and I request that we renew our airport agreement with the City for 2016. We hope to be able to schedule the first Keene practice flying day of 2016 in May. We look forward to another successful year flying at the Keene Airport.

Sincerely,



Weston Liu
For the New England Aerobatic Club

2A

Keene council needs to take a stand on pipeline, by Sarah G. Wilton

Posted: Thursday, February 18, 2016 12:00 pm

~~Open letter to the Keene City Council:~~ TO MAYOR & COUNCIL:

Referring to Jeffrey Scott's Feb. 6 letter, "Keene Wrong to Shun Pipeline Concerns" and the Sentinel's Megan Foley Jan. 23 article "City Remains Mum on Pipeline," I respectfully request that the Keene City Council go on record to oppose or endorse the Northern Energy Direct (NED) pipeline. I also ask that the City Council vote to join the communities of Amherst, Brookline, Fitzwilliam, Greenville, Hollis, Hudson, Litchfield, Mason, Merrimack, Milford, New Ipswich, Pelham, Richmond, Rindge, Troy, Winchester and Windham, nine N.H. state agencies, and 2,000 individuals and businesses to seek intervenor status with the Federal Energy Regulatory Commission. Although the Jan. 15 deadline for claiming intervenor status has passed, the FERC reportedly accepts late motions to intervene. It is also requested that The Sentinel and the public receive advance notice about council deliberations on this vote.

The NED pipeline project has implications beyond our local community and represents a microcosm of national and planetary energy policies. Locally, the pipeline choice is about defining New Hampshire's economic future: whether it continues to be a national renewable energy leader (Sentinel article Feb. 8) and become a "landing place" for businesses, innovators and leaders in the green economic sector (Business Monadnock January-February 2016) or alternatively, regress to a future tied to dated fossil-fuel-dependent corporate interests under the false and dated argument of economics. Indeed, the classic economic models are out of place in 21st-century constructs because they fail to recognize and incorporate environmental and by extension health costs in their mathematical calculations.

While the 30-inch-diameter, high-pressure transmission pipeline pushes cheap fracked natural gas from the shale fields of northern Pennsylvania to a hub in Dracut, Mass., it cuts through New Hampshire Currier and Ives scenic towns and provides significant risks to natural resources and habitats. The NED pipeline isn't slated to pass through Keene but it is proposed to come within a 20-minute drive of Keene. Problematically, the air we breathe and water we use for drinking, recreation and sanitation that may be at risk from this project at its installation and fruition do not recognize this geographic boundary. As ecological challenges of clean water and air emerge, they create new paradigms of how social systems relate with nature.

That the world is recognizing this new social-nature relationship was recently evidenced in Paris this past year when nearly 200 countries reached agreement to participate in setting limits to global warming. While critics argue that the agreement doesn't go far enough, the agreement is

the first collective recognition that climate change is a threat. Besides contradicting the letter and spirit of this accord, the NED will additionally be susceptible to greenhouse gas phase-out targets and thus is almost certain to never become fully implemented. Thus the havoc wreaked on our pristine environment and picturesque towns and villages will be permanent while the economic savings, if any, will have a limited shelf life.

But Keene and New Hampshire do have alternatives. In "Power Play" (Sentinel, Feb. 8) New Hampshire is described as a national renewable energy leader. According to the Federal Energy Information Administration, New Hampshire ranked fourth in the nation in the categories of renewable energy generation and growth, per capita carbon emissions and solar energy incentives. According to Business Monadnock (January-February edition), "an integrated community approach with environmental progress at its heart" is the key to transforming the Monadnock Region into a green destination. Already paving the way for this transformation are Antioch University New England and other leaders in the locally grown food and renewable energy sectors of our community. Certainly having a toxin-free environment where nature is protected is also consistent with Vision 2020 of proactively promoting health and wellness.

The NED pipeline is not in the best interests of our global or local communities. It is hoped that the City Council will join with other community activists and communities that are resisting an intrusion into our region that can best be described as colonialist, a relationship that establishes and exploits territory of another through an unequal power relationship. The Keene City Council in going on record as opposing the establishment of this relationship, has an opportunity to play a vital role in our community's history and future.

SARAH G. WILTON

Sarah G. Wilton

127 School St.
603 352 9626
Keene

Shye Stephens
14 Barrett Ave
Keene, NH 03431
358-2379 / 762-1259

TERRY M CLARK
14 BARRETT AVE
KEENE NH
603-8347

[Signature]

In City Council March 17, 2016.

Referred to the Planning, Licenses and Development Committee, who will meeting Wednesday, March 23, 2016 at 7:00 PM in Council Chambers, Keene City Hall. You are hereby notified of the meeting and requested to be present.

[Signature]

City Clerk

CITY OF KEENE
NEW HAMPSHIRE

MEMORANDUM

DATE: March 18, 2016

TO: Planning, Licenses, and Development Committee

FROM: Tara Kessler, Planner, on behalf of the Heritage Commission *TK*

SUBJECT: Demolition Review Ordinance

Recommendation:

At its March 9, 2016 meeting, a motion was made by Ms. Katherine Snow that the Heritage Commission recommend that no changes be made to the Demolition Review Ordinance at this time. The motion was seconded by Councilor O'Connor and was unanimously approved.

Background:

On November 3, 2015, Councilor Clark submitted a letter to the Mayor and City Council requesting that the City's Demolition Review Ordinance (Chapter 18, Article IV of Keene City Code) be modified to more aptly describe a historic property. The provisions of this Ordinance currently apply to proposed demolition of a building or part of a building that is greater than 500 square feet of gross floor area and was constructed more than 50 years before the date of application for a demolition permit, and/or is listed/eligible for listing in the National Register of Historic Places, and/or is located in an established historic district. Councilor Clark's request came out of concern that a large portion of existing structures in the City are now or will soon become fifty years or greater in age, and will be subject to this Ordinance.

As the Heritage Commission is responsible for reviewing demolition permits for structures that fall under the jurisdiction of this Ordinance, the Commission reviewed and discussed Councilor Clark's request at its November, December, January, and March meetings. Following a thorough review of the City's existing building stock, other communities' Demolition Review Ordinances, and the current level of demolition permit review, the Commission determined that, at this time, no changes should be made to the Ordinance.

The purpose of a Demolition Review Ordinance is to establish a review process to ensure that structures deemed worthy of preservation are not inadvertently demolished. Once a permit application for a qualifying structure is submitted to the City, the Heritage Commission's Demolition Review Subcommittee has five days to make a determination as to whether this building is historically significant. To make this determination the Subcommittee uses the following criteria:

- Building or structure is of such interest or quality that it would meet national, state or local criteria for designation as a historic, cultural or architectural landmark
- The building or structure is of such unusual or uncommon design, texture or materials that it could not be reproduced or could be reproduced only with great difficulty and expense.
- The building or structure is of such architectural or historic interest that its removal would be to the detriment of the public interest.
- Retention of the building or structure would help preserve and protect a historic place or area of historic interest in the city.

If the Subcommittee determines that the structure is not historically significant, the Code Enforcement Department can conclude its review of the application. If there is a determination that the structure is historically significant a delay period of 30-days is initiated. During this time, the Subcommittee and the applicant can meet to discuss alternatives to demolition and a public hearing could be conducted. If no alternatives are identified and agreed to by the applicant in this time period, the applicant is free to proceed with demolition, provided a permit is issued by the Code Enforcement department.

As part of its research, the Commission found that there is a total of 4,466 residential and commercial buildings that were built in Keene in 1966 or earlier. The vast majority of these buildings are currently subject to the Demolition Review Ordinance. Over the next 8 years, approximately 825 commercial and residential buildings in Keene will become 50 years or older. Many of the buildings built between 1967 and 1975 (approximately 252 of the 825) are located in the area of Maple Acres.

Between December 2014 and November 2015, the Demolition Review Subcommittee reviewed approximately 7 demolition permit applications. Of this number, the Subcommittee determined that 2 structures were historically significant; however, a delay period was never initiated. One application was for a building in the Historic District and was reviewed by the Historic District Commission. Given this moderate to low level of review activity, the Commission felt that the increase of 825 buildings subject to the Demolition Review Ordinance over an 8-year period would not have a significant impact on the review process.

The Commission reviewed Demolition Review Ordinances adopted by other communities to see how other places address the questions of what structures qualify for review and how historic significance is determined. Most of the Ordinances reviewed apply to structures that are 50 years or older or are located in a historic district or are eligible/listed on the National Register of Historic Places. Some Ordinances use 75 years or older as a threshold, one community uses 100 years or older, and another applies only to buildings built before the year 1940. The criteria used by other communities to determine historic significance are very similar and in many cases identical to those used in Keene's Ordinance.

The Heritage Commission feels that the threshold of 50 years or older and the criteria used to determine historic significance in Keene's current Demolition Review Ordinance are sufficient and should not be altered at this moment in time. If at some point, there is a significant rise in demolition permits that are subject to review by the Demolition Review Subcommittee, then further review and modification may be warranted.

City of Keene
New Hampshire

Date: March 14, 2016
To: The Honorable Mayor Lane and City Council
From: Medard Kopczynski, City Manager
Subject: Permission to Negotiate

The City Manager is requesting permission from the Planning, Licenses and Development Committee to seek out, market, direct, plan, negotiate and execute any leases or sales of land, or leases of buildings, other than the Green Hanger or the Terminal Restaurant at the Dillant-Hopkins Airport. The Green Hanger and the Terminal Restaurant leases have been previously approved for the City Manager to negotiate and execute.