



City of Keene
New Hampshire

**PLANNING, LICENSES AND
DEVELOPMENT COMMITTEE
AGENDA
Council Chambers A
September 21, 2016
7:00 PM**

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

-
1. Lisa Grauer - Request for Lodging House License - 85 Winchester Street
 2. Presentation - Agriculture in Cheshire County
 3. Relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care
 - Report - PLD COM
 - Ordinance O-2016-09

MORE TIME ITEMS:

- A. Ordinance O-2016-01: Creation of Residential Preservation District, a Business Growth District and Re-Use District
- B. Ordinance O-2016-02: Zone Change - Marlboro Street Project Area
- C. Ordinances O-2016-13, O-2016-14, and O-2016-15: Relating to the Establishment of the Main Street Historic Overlay District

Non Public Session
Adjournment



City of Keene, N.H.
Transmittal Form

September 12, 2016

TO: Mayor and Keene City Council

FROM:

THROUGH: Patricia A. Little, City Clerk

ITEM: 1.

SUBJECT: Lisa Grauer - Request for Lodging House License - 85 Winchester Street

COUNCIL ACTION:

In City Council September 15, 2016.

Referred to the Planning, Licenses and Development Committee.

RECOMMENDATION:

ATTACHMENTS:

Description

Application for Lodging House License

BACKGROUND:

Albert and Lisa Grauer are requesting a lodging house license for property located at 85 Winchester Street. The Ordinance which would transfer the responsibility for the licensing of a lodging house is currently on more time before the Planning, Licenses and Development Committee. The Grauers are aware of this pending change, but they would prefer not to wait until the ordinance is acted upon.



APPLICATION FOR OPERATION OF A LODGINGHOUSE

(Please print or type)

Date 9/13/16 Location of Lodginghouse 85 Winchester St.

Identify local or national Fraternity or Sorority
that members are pledged to (if applicable) n/a

Property Owner Albert & Lisa Graver Business Phone 203-444-8058

Address 268 Rowland Rd. Fairfield
CT 06824 Home Phone 203-444-8058

Operator/Resident Agent Trevor Graver Business Phone 203-444-8058

Address 25 Winchester Ct Keene
NH 03431 Home Phone ↓

Number of Persons Authorized to reside on premises 6

I hereby certify that the information listed above is complete and accurate:

[Signature]
Signature of Property Owner

Lisa S. Graver
Name (Printed or Typed)

[Signature]
Signature of Operator/Resident Agent

Trevor Graver
Name (Printed or Typed)

I hereby certify that the above named Sorority or Fraternity is duly recognized by Keene State College, and is in good standing with the College:

n/a
Signature of College Representative

Name and Title (Printed or Typed)

(For Office Use Only)

Date Received 9/13/16 Action Taken _____

Recommendations/Requirements

Police _____

Fire _____

Code Enforcement _____

City Clerk



City of Keene, N.H.
Transmittal Form

September 8, 2016

TO: Planning, Licenses and Development Committee

FROM: The Agriculture Commission

ITEM: 2.

SUBJECT: Presentation - Agriculture in Cheshire County

RECOMMENDATION:

Informational

BACKGROUND:

The Agriculture Commission, created in 2010, noticing the paucity of references to local agriculture in the 2010 Keene Comprehensive Master Plan, wishes to share with the committee their vision of Keene's agricultural priorities.



City of Keene, N.H.
Transmittal Form

September 16, 2016

TO: Planning, Licenses and Development Committee

FROM: Mayor and City Council

ITEM: 3.

SUBJECT: Relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care

COUNCIL ACTION:

In City Council July 21, 2016.

Referred back to the Planning, Licenses and Development Committee.

RECOMMENDATION:

On a vote of 3-2, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2016-09 relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care. Councilors Jones and Sutherland voted in opposition.

ATTACHMENTS:

Description

Ordinance O-2016-09

BACKGROUND:

The City Clerk provided the background information noting as part of the continuing effort to shift licensing requirements from the City Council to the administrative staff; discussions have taken place between several departments to determine which department was the most appropriate to administer a lodging house license. Because it was determined that compliance with fire and life safety codes was the most important consideration for the licensing of a lodging house, the Fire Department was selected as the most appropriate department to administer the process.

Chief Howard addressed the Committee noting the City Clerk provided a good summary; Chief Howard then listed the City staff that was involved in the discussions. As a result of these discussions Article X of Sec. 46 has been moved to Sec. 42 Fire Prevention Code and Ordinances. Chief Howard explained it establishes a permit process which shortens that process by two weeks. He noted the facilities will be tracked within the database; the database generates inspection lists one and a half months in advance of the inspection date. The permitting process as far as the Fire Department's internal requirements hasn't changed; the license is changing. Chief Howard referred to Sec. 42-135 – Definitions noting we wanted to make it very clear there were no inconsistencies with how these facilities were defined. Chief Howard explained to comply with NFPA1 Fire Code and the NFPA 101 Life Safety Code, lodging houses will be referred to in the Ordinance as a "residence house." A "residence House" will also include dormitory, rooming houses, and residential board and care. Chief Howard indicated one step would be eliminated in this process. He also suggested the remaining sections are self-explanatory.

self-explanatory.

Chief Howard reported the fees were not adjusted with the Ordinance (Attachment B); this will be coming back to the Committee with a recommendation to accept the 2015 NFPA standards. He advised we are currently operating within the 2009 standards.

Chair Richards clarified this is the last step in streamlining these processes so that the public has a much easier time.

Chair Richards asked for Committee questions.

Councilor Jones asked if staff has the same authority as Council to set conditions; he used the United Church of Christ/Hundred Nights as an example. After additional comments Chief Howard said from the Fire Chief's standpoint if they have a permit to have a shelter it is irrelevant to us what hours they operate. Councilor Jones noted this was not the part he was getting at. The City Attorney interjected noting the short answer to Councilor Jones' question is no. Discussion ensued with regards to whether or not conditions were set for the above license. The City Clerk verified conditions were set that will terminate at the end of the license (one year).

Councilor Hansel asked how many Lodging House licenses the City has out right now. Chief Howard indicated there are possibly two; we only know about those that have followed the City's permitting process. Chief Howard suggested more may be uncovered while conducting the occupancy inspections. Owners will be made aware and they will have to comply with the permitting process. Chief Howard explained the previous process and the Fire Department's involvement. Councilor Hansel then agreed the new process provides a huge benefit. Chief Howard summarized it is not about enforcement, it is all about compliance and life safety.

Councilor Sutherland referred to Sec. 42-138 Resident Agent and asked for clarification this means the resident agent has to reside on the premises. Attorney Mullins noted his understanding is that the person needs to reside at the location.

There being no additional questions/comments from the Committee or members of the public Chair Richards asked for a motion.

Councilor Chadbourne made the following motion which was seconded by Councilor Hansel. The Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2016-09 relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care.

Councilor Jones indicated he was opposed to the motion because it is taking away the transparency and public participation. Councilor Sutherland noted his agreement with Councilor Jones and suggested the matter should be given more consideration.

Chair Richards noted he understands the comments made by Councilors Jones and Sutherland, but is leaning in favor of this pointing out all the other processes that have been streamlined. Councilor Hansel noted his agreement with Chair Richards noting if a new lodging house were to be erected they would have to go through the site plan review process. Speaking for the Fire Department, Chief Howard noted if the public raises a complaint about a property it is investigated whether it's the Fire or Police Department.

Noting her favor of streamlining the processes Councilor Chadbourne and referred to Sec. 42-136 Enforcement Officer. She asked if there will still be a process for Code to go through those houses. Chief Howard advised the Fire and Code Enforcement Departments work together daily. Councilor Chadbourne added she agrees with the Chair's comments and supports this.

On a vote of 3-2, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2016-09 relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care. Councilors

Jones and Sutherland voted in opposition.



CITY OF KEENE

O-2016-09

Sixteen

In the Year of Our Lord Two Thousand and

RELATING TO DORMITORY, LODGING OR ROOMING HOUSES

AN ORDINANCEAND RESIDENTIAL BOARD AND CARE.....

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting Article X, Lodginghouses, of Chapter 46, Licenses and Permits, in its entirety, and adding a new Article VI, Dormitory, Lodging or Rooming Houses and Residential Board and Care, to Chapter 42, Fire Prevention and Protection, as follows:

ARTICLE VI. DORMITORY, LODGING OR ROOMING HOUSES, and RESIDENTIAL BOARD and CARE.

DIVISION 1. - GENERALLY

Sec. 42-135. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Permitting Authority shall mean the Fire Chief or his duly authorized designee.

Dormitory, Lodging, or Rooming Houses and Residential Board and Care (collectively “Residence House”) shall be as defined in the adopted NFPA1 Fire Code and NFPA 101 Life Safety Code.

Sec. 42-136. – Enforcement officer.

For the purposes of this article, the enforcement officer shall be the Fire Chief for Fire and Life Safety Codes; provided, however, that where compliance with building, plumbing, wiring and housing codes is concerned, the enforcement officer shall be the Health Director (collectively “Enforcement Officer”).

Sec. 42-137. – Fraternity and sorority houses.

Fraternity and sorority house shall mean a place of residence, with or without meals, for more than four persons attending a college or university, who are all members of, or pledged to, a local or national fraternity or sorority that is recognized by a college or university with a Keene campus. For purposes of this article, a fraternity or sorority shall be treated as a Residence House.

Sec. 42-138. – Resident agent.

Resident agent shall mean the owner or operator of a Residence House and/or his or her agent who resides on the premises. Each Residence House operator shall cause his resident agent to be readily available and shall authorize such agent to be responsible for the day-to-day operation of the Residence House, to receive notices in his name and to be responsible for the conduct of persons therein.

Sec. 42-139. – Penalties.

Any person who owns and/or operates a Residence House without having first obtained a permit in accordance with this article shall be fined \$275.00 for each day that such operation continues in violation of this article.

DIVISION 2. - PERMIT

Sec. 42-140. – Required.

From and after the effective date of the ordinance from which this article derives and notification by the city, no person shall keep, permit or suffer to continue a Residence House without first having filed an application with, and having obtained a permit from, the Permitting Authority. Such permit shall list the following:

- (1) The owner of the property;
- (2) The address of the property;
- (3) The operator of the Residence House;
- (4) The resident agent of the Residence House
- (5) The addresses and business and home telephone numbers of each;
- (6) The number of persons authorized to reside on the premises; and
- (7) The effective and expiration dates.

Sec. 42-141. – Certificates of compliance.

Prior to the issuance of an initial permit under this division, and any permit renewal, the Enforcement Officer shall make or cause to be made an inspection to determine if applicable laws, ordinances, codes and rules and regulations have been complied with.

Sec. 42-142. – Expiration.

Each permit issued under this division shall expire one year from its effective date, subject to inspection and renewal for the ensuing year. An issued permit that is eligible for renewal shall not require a new permit application.

Sec. 42-143. – Display.

The permit issued pursuant to this division shall be displayed in a prominent place on the ground floor near the front door of the Residence House.

Sec. 42-144. – Suspension or revocation.

A Residence House permit may either be suspended for a stated period of time, or revoked by the Permitting Authority, on complaint of the Enforcement Officer of violation of this article. Notice shall be sufficient if sent by certified mail to the owner of the premises and the Resident Agent of the Residence House at their addresses listed on the permit. A party aggrieved by the decision of the Permitting Authority may appeal the decision of the Permitting Authority to the Board of Appeal established under City Code Chapter 2, Article V, Division 6, if an appeal of the fire/life safety code, or to the Housing Standards Board of Appeal established under Chapter 2, Article V, Division 21, if an appeal of the housing code.

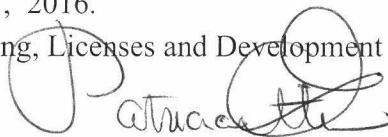
Sec. 42-145. – Fee.

The fee for each Residence House permit issued shall be set forth in the schedule of fees in Appendix B to this Code.

Kendall W. Lane, Mayor

In City Council July 7, 2016.

Referred to the Planning, Licenses and Development Committee.

A handwritten signature in dark ink, appearing to read "Patricia", is written over a faint circular stamp.

City Clerk