

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, December 13, 2023

6:00 PM

**Council Chambers,
City Hall**

Members Present:

Kate M. Bosley, Chair
Michael Giacomo, Vice Chair
Raleigh Ormerod

Members Not Present:

Philip M. Jones
Ward Four Council seat vacant

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Rebecca Landry, Communications &
Marketing Director/Assistant City Manager
David Hickling, Airport Director
Jesse Rounds, Community Development
Director

Chair Bosley called the meeting to order at 6:00 PM.

- 1) **Relating to Amendments to the Permitted Uses in the Downtown Core, Downtown Growth, and Commerce Districts Ordinance O-2023-16 – Joint PB/PLD Committee; & Memorandum – Community Development Director Ordinance – O-2023-16-A**

- 2) **Relating to Amendments to the City of Keene Land Development Code, Definition of Charitable Gaming Facility – Ordinance O-2023-17; & Memorandum – Community Development Director – Ordinance O-2023-17-A**

Jesse Rounds, Community Development Director, presented the first two agenda items together, explained how Staff moved forward with the “A” versions of Ordinances O-2023-16 and O-2023-17, and discussed how they differ. Some of his presentation was repeated from the Joint Planning Board-Planning, Licenses, and Development (PB-PLD) Committee workshop.

Mr. Rounds explained that per Keene’s Zoning Code, unless a use is specifically defined, then it is not allowed. However, there is a caveat that if a use is similar to the definition of another use, then it can be interpreted—or allowed—after interpretation by the Zoning Administrator. It is a best practice that if a new use needs to be defined, to define it as soon as possible and expand the Zoning Code. The City should try to define uses as they arise. The use definition in question was for indoor recreation and entertainment facilities. The definition is that these are “*spectator and participatory uses conducted within an enclosed building*”; this is the extent of the definition before example uses are listed, including: “*movie theaters, live performance venues, night clubs, indoor sports arenas, bowling alleys, skating centers, physical adventure game facilities, and pool halls.*”

Mr. Rounds explained that one use the City had interpreted—charitable gaming facilities or casinos—was currently permitted in the Downtown Core, Downtown Growth, Downtown Institutional, Commerce, Commerce Limited, and Business Growth & Reuse zones. Staff proposed a significantly different definition for this use—as defined by the State of NH—and specific areas where these would be located in the City.

Mr. Rounds read the definition of charitable gaming facilities from the original Ordinance O-2023-16 as first proposed: “*A facility 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. Does not include games licensed under RSA 287-E.*” There were public comments at the PB-PLD workshop on this Ordinance, and the PB-PLD Committee asked Staff to develop an “A” version that considered commercial bingo halls and Lucky 7.

Staff reviewed the existing statutes and developed a new definition to address the concern about these two uses. The new definition says that facilities licensed under RSA 287-D are not permitted except in the Commerce and Downtown Growth zones. The new definition allows charitable gaming facilities to offer Lucky 7 as defined in RSA 287-E, as long as all licenses are obtained, and operational requirements are met. The new definition also includes bingo-style games operated in commercial or host halls, which are allowed in the Downtown Growth and Commerce Districts. The new proposed definition of a charitable gaming facility in Ordinance O-2023-16-A is: “*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).*”

Before explaining Ordinance O-2023-17-A, Mr. Rounds took questions.

Chair Bosley asked if the State of NH had any specific definitions of charitable gaming facilities. Mr. Rounds said there was no statutory reference. Chair Bosley said that constituents asked her why this instance is being treated differently than a skating center, for example, and she wondered if the State defined some of these items. Mr. Rounds offered to investigate this question further before the next public hearing. He said this was the recommendation because the use is defined in the RSA, so the City treats these uses the way the State does.

Vice Chair Giacomo referenced the NH RSA definition for bingo, which mentions Lucky 7. Discussion ensued on what Lucky 7 is and how it differs from bingo. However, the RSA does

not define Lucky 7. Mr. Rounds said that per the NH Lottery Commission, Lucky 7 is technically a card game played on a device meant to look like a slot machine (traditionally not allowed in NH). The Vice Chair quoted from the RSA: “*Bingo shall not include any game involving a slot machine.*” Based on this quote, Vice Chair Giacomo was shocked that Lucky 7—resembling a slot machine—would be allowed. He found it annoying that poker was disallowed because it is not a game of chance.

Chair Bosley agreed that in her research, she was surprised that something so closely resembling a slot machine would be allowed. Mr. Rounds offered to do more research on Lucky 7 to present at the public hearing. The Chair recalled that this was a new venture by the State, which might be creating some of these rules haphazardly. She thought it was important to define these charitable gaming facilities, so it is clear what is allowed in these specific zones.

The City Attorney, Tom Mullins, clarified that RSA 287 was focused on commercial facilities that host charitable gaming, which per Ordinance O-2023-16-A, would only be allowed in the Downtown Growth and Commerce zones. This rule does not exclude charitable organizations, like churches, from hosting bingo even outside of the Downtown Growth and Commerce zones. These had been normally considered as accessory uses of an entity like a church. The RSA limits those activities to 5 per year for commercial facilities. Essentially, a commercial hall and host hall are the same thing, but they appear in two different places in the RSA. RSA 287-D deals with charitable gaming facilities. However, RSA 287-E contains both bingo and Lucky 7, but the two do not intermix until the question of a host facility, which for all intents and purposes, is not the same as a charitable gaming facility.

Mr. Rounds continued his presentation and shifted to Ordinance O-2023-17 and the proposed “A” version. At the PB-PLD workshop, the issue of drive-throughs was introduced. Currently in the City, drive-throughs are permitted by special exception in the Downtown Core zone. Ordinance O-2023-17-A would eliminate that special exception, meaning that drive-throughs would no longer be allowed in the Downtown Core. However, caveats include that if a drive-through exists currently, it would be allowed in perpetuity, unless there is a significant change (e.g., cannot remove a drive-through and try to replace it many years later). Also, there is at least one drive-through that was approved by special exception in the last year that would be allowed to continue. Much of this Ordinance was to preserve the character of the Downtown Core, where drive-throughs seem out of character. Still, those with existing drive-throughs would not have their current uses changed.

Chair Bosley thought this was a reasonable change, particularly after a recent issue with a drive-through approved on West Street. She also mentioned challenges with some drive-throughs causing traffic jams, like on upper Court Street. There are challenges making them viable in the community. The Chair was comfortable with this alteration of the Ordinance.

In response to Councilor Ormerod, Mr. Rounds clarified that Ordinance O-2023-16-A included everything from the original Ordinance but had a revised definition of charitable gaming

facilities. Councilor Ormerod asked if charitable organizations other than churches could hold non-profit casino nights, for example. The City Attorney replied that if entities like the Elks or Rotary have such an accessory use, there is a specific definition for non-charitable entities in RSA 287. If it is something that an entity would do on occasion, it would be considered an accessory use.

Vice Chair Giacomo mentioned a limit of 5 times per year for these accessory uses, and noted some entities seem to do these more often. He went on to ask if the City has a formula for drive-through average queue time. Mr. Rounds said it exists but has a lot to do with perceived vs. actual demand of average drive-through queue length, which is often underestimated, and a lot depends on the level of service of the road in front of a drive through. Chair Bosley thought language could be included in future approvals indicating that modifications to a site could be required to accommodate the use in the future (e.g., take back the embankment or create a shoulder lane) if it becomes a problem. Mr. Rounds hoped more could be done in the future to keep drive-through uses from impacting roadway levels of service.

Discussion ensued further on what Lucky 7 is and how it is different than a slot machine. As defined by the State of NH, it is a bingo-type game.

There were no public comments.

Vice Chair Giacomo made the following motion, which was duly seconded by Councilor Ormerod.

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the City Council substitute the amended Ordinance O-2023-16-A for consideration at the continued public hearing scheduled for January 18, 2024.

Vice Chair Giacomo made the following motion, which was duly seconded by Councilor Ormerod.

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that Ordinance O-2023-17-A be placed on more time.

3) Execute Lease for Airport Hangar - Airport Director

Chair Bosley welcomed comments from the Airport Director, David Hickling, who explained this lease for the “Hex” Hangar, a very old building at the Dillant-Hopkins Airport. The City owns the hangar that is leased to the Hex Hangar Corporation. The lease expired, and this was to authorize the City Manager to renegotiate and execute a new lease. The Hex Hangar Corporation sought a longer lease than the City preferred. The City Manager negotiated a 3-year lease instead because this is a prime, valuable development spot. Terms were included in the lease to allow the City an opportunity to acquire the property if a larger corporation was interested in buying it;

there is a clause included that would allow the City to end the lease with 60 days' notice if an entity wanted to build something larger there. This negotiation followed the Airport Leasing Policy, which requires a 3% escalator that was not included in the previous lease. The lease value was also increased to market value.

Chair Bosley thought the increased terms seemed favorable to the City. Discussion ensued about how this request differed from another hangar lease renewal request this Committee heard recently from the Monadnock T-Hangar Corporation, whose lease had not yet ended. Councilor Ormerod was grateful for the City Manager's negotiations. Vice Chair Giacomo asked the size of the hangar, but that information was not readily available. Mr. Hickling did note that per this lease, the Hex Hangar Corporation would be liable for any repairs to the aging building, whereas the City was responsible for repairs in the past as is customary for City-owned buildings.

Councilor Ormerod made the following motion, which was duly seconded by Vice Chair Giacomo.

On a vote of 3–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to execute a lease agreement with Hexagon Hangar LLC. for land and associated hangar structure at the Keene Dillant-Hopkins Airport.

4) PowerPoint - Airport Brand Strategy and Marketing Plan

Chair Bosley welcomed Airport Director, David Hickling, again to present on the new Airport Brand Strategy and Marketing Plan. He explained that he worked closely with the Communications and Marketing Director, Rebecca Landry, on this plan. Together, they worked on this plan with Guide Studios, which also conducted the City's recent overall rebranding. This allowed the Airport's branding to complement and align with the City's brand. The Airport's older logo dated back to the 1950s, so it was due for an update. Mr. Hickling sought a new brand that was more unique, with an aviation focus. This effort was guided by a steering committee comprised of Mr. Hickling, Ms. Landry, Councilor Greenwald (long-time member of the Airport Development and Marketing Committee, and advocate for this Plan), Councilor Remy (provided representation for C&S), Beth Bendel (Monadnock Aviation FBO), Bill Hutwelker (Town of Swanzey), Jesse Rounds (Keene Community Development Director), and Cody Morrison (Monadnock Economic Development Corporation). The steering committee worked together on the final product, which was presented in October.

Mr. Hickling continued, showing images of the new branding, some of which was inspired by him noticing that the "K" in Keene's new logo could resemble an aircraft's wings. He demonstrated how the color palette, fonts, etc., align with and complement Keene's branding. The "K" is accompanied by "EEN" on some products, which happens to be an airport designator; these details would be evident to individuals experienced in aviation. New signage would help visitors' first impressions when landing in Keene.

Mr. Hickling continued, explaining that the first part of this effort was the branding and the second part was the actual Marketing and Communications Plan to ensure the best information is shared about the Airport. He shared the Plan's objectives:

1. Bring in businesses that are related to the aviation industry.
2. Better communicate the value of the Airport.
3. Attract more regional businesses to use this Airport.
4. Maintain the image and reputation of the Airport.
5. Identify the most appropriate communication tools for the Airport's audiences and goals.
6. Clear positioning to help all those with a stake in the success of the Airport to work toward the same vision.

Next, Mr. Hickling read the Plan's positioning statement: *"Keene Dillant-Hopkins airport connects the Monadnock region and its people to the world. Providing all facets of aviation from corporate to recreational aviators and everyone in between, the airport offers first-rate facilities and outstanding service in a prime location in New England. The airport is the key to unlocking the potential of the region and its people: it provides a vital transportation connection for residents and visitors alike, it puts the breathtaking southern New Hampshire on display for countless travelers, and it offers tremendous economic development opportunities to Keene, Swanzey, and the region."*

The Plan also includes the distinct advantages of using the Airport:

- Location
 - Strategic for Boston, Portland, NY City, and even parts of Canada.
- Service that Stands Out
 - At the top of their field, Monadnock Aviation provides most services to corporate aircraft.
- The Amenities You Need
- Approachability
- Opportunity

The key messages of the plan are:

- Keene Dillant-Hopkins Airport is for everyone.
 - Countering the perception of some that the Airport is only for rich people.
- The importance of Keene Dillant-Hopkins Airport to the Monadnock Region.
 - Many are not aware of the economic benefit of the Airport for the Region.
- Investments in the Keene Dillant-Hopkins Airport are an investment in Keene, Swanzey, and the Monadnock Region.

The recommendations from the Plan are:

1. Airport website landing page
2. Airport social media
 - a. Focused on Facebook instead of spreading resources amongst multiple platforms.
3. Airport email marketing
 - a. Not used before and could help to build a City-wide marketing list.

4. Airport prospectus
5. Community engagement
6. Networking and outreach

Ms. Landry said this was a fun project. While she did not envision this degree of branding for each City department, it was logical in this case because the Airport is unique, with unique stakeholders. The Airport prospectus will be important for drawing investors. This effort was well timed with the Airport Development Study and its recommendations for building new interest for new opportunities. Ms. Landry recalled how instrumental Councilor Greenwald was in urging for this Plan. Ms. Landry called this a big win that City Staff are happy about.

Councilor Ormerod recalled his vast experience in corporate marketing and branding, and complimented the success of this effort to create a very coherent brand for the Airport. He added that it would be important for the plan to be something the Council can budget for and execute. He wanted to better understand the impacts so the Airport's budget can be well designated; it had been a smaller budget in the past. Councilor Ormerod also wondered how long the City was obligated to have the Dillant-Hopkins name on the Airport. Mr. Hickling was unsure, but recalled that the Dillant-Hopkins family was recognized a few years ago when traveling through to honor the Pearl Harbor veteran. Mr. Hickling thought the name was one people knew well. The City Attorney noted that the Airport was originally a military location in 1942–1943. He thought the FAA recognized the name and did not see an issue with keeping it.

There was brief discussion and general agreement about the advantages of having well-branded merchandise. The Vice Chair imagined that Councilor Greenwald would be proud. Mr. Hickling reiterated what a help Guide Studios was. There was also agreement that the simplicity of the designs was nice and that they match the City's well, while clearly focused on aviation. The Chair mentioned the new survey process the City had been using (e.g., recently for Robin Hood Park), and wondered if that was a way to engage the community about the Airport and break down barriers. Ms. Landry agreed that FlashVote is a great survey tool, and she could look at surveys from other municipal airports. The Chair suggested a question like, "What brings you to the Airport," whether its dining, an airshow, or flying. Further discussion ensued on the value of the Airport, including how small charter flights can be a good way to reach the regional airports (e.g., can be more cost effective if multiple members of a company are flying charter together versus a limousine). Chair Bosley agreed about hearing complaints about the distance to regional airports and the lack of reliable phone service on those drives. Mr. Hickling thought many in the community would be surprised at how much corporate aviation comes through Keene.

There were no public comments.

Vice Chair Giacomo made the following motion, which was duly seconded by Councilor Ormerod.

On a vote of 3-0, the Planning, Licenses, and Development Committee recommends the acceptance of the Airport Brand Strategy and Marketing Plan Presentation as informational.

5) Adjournment

There being no further business, Chair Bosley adjourned the meeting at 7:52 PM.

Respectfully submitted by,
Katryna Kibler, Minute Taker
December 14, 2023

Edits submitted by,
Terri M. Hood, Assistant City Clerk