



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
March 21, 2024
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- March 7, 2024 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Recognition - Keene Police Department - In Gratitude for Recent Public Safety Actions
2. Recognition - Union Leader 40 Under 40 Honorees:
Alexa Plewa
Cody Morrison

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation - Human Rights Committee
2. Nominations - Library Board of Trustees, Energy and Climate Committee

C. COMMUNICATIONS

1. Brewbakers Cafe - Request to Use City Property - Adjacent to Wilson Street - Outdoor Dining
2. Keene Pride - Request to Use City Property - Keene Pride Festival - September 15, 2024
3. Pathways for Keene - Request to Use City Property - 4 on the 4th Road Race - July 4, 2024
4. Councilor Madison - Potential Changes to Council Disciplinary Process
5. Farmers Market of Keene - Request to Use City Property - 2024 Farmer's Market

D. REPORTS - COUNCIL COMMITTEES

1. Jared Goodell – Issues Associated with Sidewalk Cafe Licenses
2. Councilor Williams – Consideration for Ordinance Amendment – Requiring Dogs with a Record of Vicious Dog Offenses to be Muzzled When in Public
3. Keene Swamp Bats – Request to Discharge Fireworks – Independence Eve Celebration – July 3, 2024, *and* Keene Swamp Bats – Request to Discharge Fireworks – June 5, 2024 & July 26, 2024
4. Charlotte and David Lesser – Noise Disturbance from a Commercial Vehicle Generator at 58 Grant Street
5. Let It Shine – Request to Use City Property – 2024 Pumpkin Festival
6. Luca Paris/Greater Monadnock Collaborative – Request to Use Parking Spaces – Classic Cars – May 5, 2024
7. Operating Rights Agreements with Monadnock Choppers - Flight Training; Operating Rights Agreement with Monadnock Choppers - Aircraft Maintenance Services; *and* Airport Land Leases with Monadnock Choppers Associated with their Operating Rights Agreement
8. Conan Salada - Concerns Regarding the Issuance of Fire Permits
9. The Reverend Elsa Worth - Saint James Episcopal Church - Request for Parking Passes - Gilbo Avenue Parking Lot Reverend Elsa Worth
10. Construction Engineering Change Order #2 - Upper Winchester Street Reconstruction Project
11. Capital Improvement Program - FY 2025-2031

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

1. Relating to an Amendment to the Zoning Code - Zoning Regulations - Cottage Court Overlay District Conditional Use Permit O-2024-01
2. Relating to Capital Improvement Program - FY 2025-2031 - Planning Board

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Water and Sewer Abatements
Ordinance O-2024-04

J. ORDINANCES FOR SECOND READING

1. Relating to Departments and Class Allocation
Ordinance O-2024-02
2. Relating to the Airport Development and Marketing Committee
Ordinance O-2024-03

K. RESOLUTIONS

1. Relating to the Appropriation of Funds and Use of Unassigned Fund Balance in the Amount of Nine-hundred Thousand Dollars (\$900,000) for the FY2024 Finance Department Operating Budget
Resolution R-2024-05
2. Sole Source - Martell Court Pump Station Motor and Pump Repair; Reallocation of Funds for the Martell Court Pump & Control Replacement Project; *and* Relating to the Reallocation of Unspent Bond Funds for the Martell Court Pump Control and Replacement Project
Resolution R-2024-07
3. In Appreciation of Colleen M. Swider Upon Her Retirement
Resolution R-2024-08
4. In Appreciation of Thomas P. Mullins Upon His Retirement
Resolution R-2024-09

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, March 7, 2024. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Andrew M. Madison, Kris E. Roberts, Raleigh C. Ormerod, Bryan J. Lake, Bettina A. Chadbourne, & Thomas F. Powers were present. Philip M. Jones arrived at 7:25 PM. Catherine I. Workman and Mitchell H. Greenwald were absent. Councilor Williams led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion Councilor Bosley to adopt the February 15, 2024 meeting minutes as presented was duly seconded by Councilor Powers. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Jones, Workman, and Greenwald were absent.

ANNOUNCEMENTS

Mayor Kahn announced that to accommodate additional Municipal Services, Facilities, and Infrastructure (MSFI) Committee meetings that will focus on the downtown infrastructure project, special MSFI meeting dates were scheduled for March 13, April 10, and May 8. These meetings will start at 5:30 PM. The Planning, Licenses, and Development Committee's meeting time will shift to a 7:00 PM start on these dates. Mayor Kahn also announced that the Legislative Delegation meeting was scheduled for March 26 at 6:30 PM at Heberton Hall. Additionally, a Council Workshop was scheduled for June 11 at 6:00 PM in Council Chambers to discuss the downtown project. Lastly, Mayor Kahn announced that the Council's summer vacation is scheduled to start with cancellation of the August 15 Council meeting; the September 5 Council meeting is also canceled. The Council Standing Committee meetings of August 7–8 and August 21–22 are also canceled. The Committees will start meeting again on September 11–12. The Council will start meeting again on September 19.

PUBLIC HEARING – CAPITAL IMPROVEMENT PROGRAM (2024–2031)

Mayor Kahn opened the public hearing at 7:05 PM and the City Clerk read the public hearing notice. The Mayor noted that the draft Capital Improvement Program (CIP) was available on the City website for those that would like to reference the document. Mayor Kahn proceeded reviewing the list of 90 projects proposed for 2025–2026 in the CIP, totaling approximately \$64 million of budget authorization. Other years listed included placeholders as costs and scopes will change between now and then. The CIP is reconsidered by the City Council every two years.

The City Manager, Elizabeth Dragon, added that the CIP is a seven-year plan, which includes projections beyond those seven years in the appendix. The CIP includes projects with an estimated minimum cost of \$35,000 and an anticipated useful life of at least five years. Individual project requests are also consolidated and detailed in the CIP. The CIP helps the City with advanced planning to mitigate the challenges associated with large projects—such as the downtown project—by spreading the expenses over multiple years and using capital reserve funds and other financial tools (e.g., grants) to align with project timelines. Thus, funds are available when it is time to implement a project. The Council's review of the CIP aligns with

Staff beginning to prepare the Operating Budget. The Finance, Organization, and Personnel (FOP) Committee has reviewed the entirety of the CIP in detail. When the Council approves the Operating Budget in June, it will include the first year of the CIP, as amended and adopted by the Council. The CIP is strictly a planning tool, and projects therein do not become a cost to taxpayers until the City Council appropriates the Operating Budget.

Mayor Kahn proceeded listing the 90 projects in the first two years (2025–2026) of the CIP. There were no public comments on any portion of the CIP.

The City Manager commented on a few portions of the CIP. First, she noted that Comprehensive Master Plan Update’s award contract came early and required additional funds, so when the CIP is reviewed at the upcoming FOP meeting, the \$70,000 required (listed on page 3) would be removed. Further, regarding a parking garage, the City Manager said that the city would submit for an earmarked grant for the first year of the project (design) in FY 2026; at this time, a consultant was being selected to determine feasibility and funding options.

Councilor Jones arrived at 7:25 PM.

Upon hearing no further comments, Mayor Kahn closed the public hearing at 7:29 PM, except for written public comments, which would be accepted until 1:00 PM on Tuesday, March 12. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. Mayor Kahn referred this matter to the Finance, Organization, and Personnel Committee meeting on March 14, 2024.

A true record, attest:



Assistant City Clerk

CONFIRMATIONS

The following confirmations to serve on City boards and commissions were before the City Council for action. To the Airport Development and Marketing Committee, Councilor Greenwald as a regular member, with a term to expire December 31, 2025; and Colin (Bob) Lyle as a regular member, with a term to expire December 31, 2026. To the Energy and Climate Committee, Paul Roth as a regular member, with a term to expire December 31, 2026; Kenneth Swymer, Jr., as a regular member, with a term to expire December 31, 2026; and Jake Pipp as an alternate member, with a term to expire December 31, 2026. To the Human Rights Committee, Aja Davis as a regular member, with a term to expire December 31, 2024; and Debra Bowie as an alternate member, with a term to expire December 31, 2026.

A motion by Councilor Bosley to confirm the nominations was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Workman and Greenwald were absent.

NOMINATION – HUMAN RIGHTS COMMITTEE

Mayor Kahn nominated David Morrill to serve as an alternate member of the Human Rights Committee, with a term to expire December 31, 2026. The Mayor tabled the nomination until the next regular meeting.

COMMUNICATION – COUNCILOR ORMEROD – RESIGNATION – KEENE CITY COUNCIL

A communication was received from Councilor Raleigh Ormerod, resigning as the Ward One City Councilor effective April 1, 2024. Mayor Kahn tabled the resignation until the April 4 regular Council meeting.

COMMUNICATION – CONAN SALADA – CONCERNS REGARDING THE ISSUANCE OF FIRE PERMITS

A communication was received from Conan Salada, expressing his concern about the process involved with the issuance of fire/burn permits by the Fire Department. He suggests that the permit process is unnecessarily burdensome, and he questions its compliance with NHRSA 227-L:17, II. Mayor Kahn referred the communication to the Finance, Organization, and Personnel Committee.

COMMUNICATION – JARED GOODELL – ISSUES ASSOCIATED WITH SIDEWALK CAFE LICENSES

A communication was received from Jared Goodell, requesting to have the City Council look into the outdoor dining licenses on City Property. He feels that there are four areas of concern: outdoor patios that extend beyond the actual frontage of a restaurant, fees charged for using City Property for outdoor dining, outdoor patios that include audio and/or visual components, and enforcement of non-compliant licensees. Because these topics will be dealt with during the downtown improvement project, Mayor Kahn accepted the communication as informational.

Councilor Remy challenged the Mayor's decision to accept this communication as informational. The Councilor did not understand how the downtown project would resolve/address the outdoor patios that include audio/visual components, so he thought the communication should be preferred to the Planning, Licenses, and Development (PLD) Committee.

Mayor Kahn said that the day before this meeting, he attended the downtown project viewing opportunity. He said it was clear that the kind of transformations proposed for the downtown sidewalks (to include what the City Council recommended) would be completely redesigned relative to outdoor seating distances from storefronts. He thought all distances would be reconsidered in that process.

Councilor Remy understood the Mayor's points, but said that still did not address noncompliant licenses, outdoor patios with audio/visual, or fees charged for using City property. Thus, Councilor Remy challenged the Mayor's decision to send this to the City Manager in favor of referring it to the PLD Committee.

The City Manager noted that as a part of the downtown project, Staff anticipated revamping sidewalk licenses entirely—appearance, location, activities allowed, etc. She thought the Mayor was trying to initiate a broader conversation of sidewalk licenses for both restaurants and other commercial activities.

Councilor Madison agreed with Councilor Remy because this was about enforcement of existing City rules. Thus, Councilor Madison seconded the challenge of the Mayor’s decision.

Councilor Bosley briefly shared her support for the Mayor’s decision given that the downtown project would lead to a new ordinance for sidewalk cafés. She recalled being a proponent of the downtown project *not* inhibiting sidewalk cafés.

Councilor Filiault noted that—per the Council’s Rules of Order—there should not have been further conversation after the challenge and second.

On a roll call vote of 3 in support of the Mayor’s decision and 10 in opposition, the challenge carried. Councilors Bosley, Filiault, and Ormerod voted in the minority. The communication was thus referred to the Planning, Licenses, and Development Committee.

COMMUNICATION – PETER ESPIEFS – IN OPPOSITION OF THE CHARITABLE GAMING FACILITIES – ORDINANCE O-2023-16-A

A communication was received from Peter Espiefs, in opposition to Ordinance O-2023-16-A. He believes it would not support the beauty that is renowned and loved by most people who care about the jewel of a community within sight of Mt. Monadnock, and who want to keep it that way. Mayor Kahn accepted the communication as informational.

COMMUNICATION – CHARLOTTE AND DAVID LESSER – NOISE DISTURBANCE FROM A COMMERCIAL VEHICLE GENERATOR AT 58 GRANT STREET

A communication was received from Charlotte and David Lesser, raising their concern over a commercial vehicle generator that runs for extensive periods through the day and night and which is adjacent to their residence. Their understanding in speaking with the Police Department is that this disturbance is not addressed in the current noise ordinance. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – REQUEST TO DISCHARGE FIREWORKS – INDEPENDENCE EVE CELEBRATION – JULY 3, 2024

A communication was received from Kevin Watterson, President of the Keene Swamp Bats, requesting the annual license to discharge fireworks at Alumni Field as part of the Independence Eve Celebration held at that evening’s Swamp Bats Game. This is a Community Funded Event, and a request for funding in the next fiscal year has been received from the applicant. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

Councilor Jones asked that a rain date be determined during the protocol meetings. Staff indicated that this would be addressed with the applicant.

COMMUNICATION – KEENE SWAMP BATS – REQUEST TO DISCHARGE FIREWORKS
– JUNE 5, 2024 & JULY 30, 2024

A communication was received from Kevin Watterson, President of the Keene Swamp Bats, seeking permission to discharge fireworks on June 5, 2024, on the evening of their opening game, and again on July 30, 2024, at their last regular season game. These displays will occur at Alumni Field immediately after the Swamp Bats games scheduled for those evenings. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – SAINT JAMES EPISCOPAL CHURCH – REQUEST FOR PARKING
PASSES – GILBO AVENUE PARKING LOT

A communication was received from Reverend Elsa Worth of St. James Episcopal Church, requesting that the church office be provided with five parking passes for the use of public parking spaces in the Gilbo Avenue Parking Lot, which would be used as needed by Reverend Worth, the office staff, and their visitors. Mayor Kahn referred the communication to the Finance, Organization, and Personnel Committee.

MSFI REPORT – SUPPORT FOR DOWNTOWN IMPROVEMENT PROJECT –
MULTIMODAL DESIGN CONCEPTS – BICYCLE AND PEDESTRIAN PATH ADVISORY
COMMITTEE

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending accepting the letter as informational. Mayor Kahn accepted the report as informational.

CITY MANAGER COMMENTS

First, the City Manager reported on some positive media coverage of Keene. The cover story in the March/April issue of Yankee is “Best Places to Live,” and Keene is recommended (along with St. Albans, VT, and Salem, MA) in the “Revitalized Small City” category. See p. 67 in the issue: “*Keene is mentioned as an affordable option- “The splashy renovation of Keene’s historic Colonial Theater continues to draw attention to its re-energized downtown. Keene State college’s pretty little campus flows into a central district with what’s been touted as one of the worlds widest paved main streets, locally grown restaurants, and shops and one of the best art and music scenes in the state.”* The editors are planning a travel story about the Monadnock Region in the September/October 2025 issue, and Keene will likely figure prominently in that.

Keene was also highlighted on WorldAtlas.com as one of the Best Small Towns to Retire in New Hampshire: “*Nestled in Cheshire County in southern New Hampshire is the city of Keene. It lies in the heart of the Monadnock Region, home to the iconic Mount Monadnock, surrounded by natural beauty, and has several parks and conservation areas. The town has a vibrant cultural scene with several art galleries, museums, and theaters. The Keene State College offers various cultural and educational programs. Additionally, the town hosts several festivals and events throughout the year. Keene has a strong sense of community. The community offers many volunteer opportunities and civic organizations.”*

Next, the City Manager announced Green up Keene on Saturday, April 20. Again this year, there will be a drive through supply pick-up on Saturday, rather than having the usual sign-up table at Railroad Square. Pre-registration is encouraged. Volunteers may also arrange for a no contact pick-up of garbage bags and disposable gloves through Public Works prior to the event. Contact Andrea at Public Works for event details and to volunteer 603-352-6550.

REPORT – ACCEPTANCE OF LAND AND WATER CONSERVATION FUNDS GRANT 33 FOR THE SKATE PARK

A memorandum read from the Director of Parks, Recreation, and Facilities recommending that the City Council authorize the City Manager to accept and execute a Land and Water Conservation Fund Grant Round 33 award for \$225,000.00 for the Skate Park Project.

A motion by Councilor Powers to suspend the Rules of Order to allow action on the acceptance of Land and Water Conservation Funds Grant 33 for the Skate Park was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Workman and Greenwald were absent.

A motion by Councilor Powers was duly seconded by Councilor Remy to authorize the City Manager to accept, execute, and expend a Land and Water Conservation Fund Grant Round 33 award for \$225,000.00 for the Skate Park.

The City Manager recalled that in October 2023, the City Council authorized her to accept, execute, and expend this grant. However, the City had been counting on an Invest NH grant to demolish the Findings building. The City received the grant, but when put out to bid for the demolition, it was double the cost anticipated. So, she had to ask the Land and Water Conservation Fund if demolition could be included in the use of this grant, and they agreed. To include the demolition, the City Manager needed the Council's approval to execute the new documents.

The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Workman and Greenwald were absent.

MORE TIME – MSFI REPORT – PETITION – EAST SIDE RESIDENTS – TRAFFIC CALMING ON EAST-SIDE KEENE STREETS; AND MSFI REPORT – LUCA PARIS/GREATER MONADNOCK COLLABORATIVE – REQUEST TO USE PARKING SPACES – CLASSIC CARS – MAY 5, 2024

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending placing the Petition – East Side Residents – Traffic Calming on East-Side Keene Streets on more time. Mayor Kahn granted more time.

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending placing Request to Use Parking Spaces – Classic Cars – May 5, 2024 on more time to allow protocol meetings to occur. Mayor Kahn granted more time.

ORDINANCE FOR FIRST READING – RELATING TO DEPARTMENTS AND CLASS ALLOCATION – ORDINANCE O-2024-02

03/07/2024

A memorandum read from the HR Director/Assistant City Manager, Elizabeth Fox, recommending that the Council refer Ordinance O-2024-02 Relating to Departments and Class Allocation to the Finance, Organization, and Personnel Committee. Mayor Kahn referred Ordinance O-2024-02 to the Finance, Organization, and Personnel Committee.

ORDINACNE FOR FIRST READING – RELATING TO THE AIRPORT DEVELOPMENT AND MARKETING COMMITTEE – ORDINANCE O-2024-03

A memorandum read from the Airport Director, David Hickling, recommending referring Ordinance O-2024-03 Relating to the Airport Development and Marketing Committee to the Finance, Organization, and Personnel Committee. Mayor Kahn referred Ordinance O-2024-03 to the Finance, Organization, and Personnel Committee.

RESOLUTION – IN APPRECIATION OF RAYMOND R. PHILLIPS UPON HIS RETIREMENT – RESOLUTION R-2024-06

A memorandum read from the HR Director/Assistant City Manager, Elizabeth Fox, recommending the adoption of resolution R-2024-06 in Appreciation of Raymond R. Phillips Upon His Retirement. A motion by Councilor Bosley to adopt Resolution R-2024-06 with regret and appreciation of service was duly seconded by Councilor Powers. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Workman and Greenwald were absent.

RESOLUTION – RELATING TO THE REALLOCATION OF UNSPENT BOND FUNDS FOR THE MARTELL COURT PUMP CONTROL AND REPLACEMENT PROJECT – RESOLUTION R-2024-07

A memorandum read from the Assistant Public Works Director/Operations Manager, Aaron Costa, recommending that Resolution R-2024-07 be referred to the Finance, Organization, and Personnel Committee. Mayor Kahn referred Resolution R-2024-07 to the Finance, Organization, and Personnel Committee.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 7:55 PM.

A true record, attest:



Assistant City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through:
Subject: Confirmation - Human Rights Committee

Council Action:
In City Council March 7, 2024.
Nomination tabled until the next regular meeting

Recommendation:

Attachments:

1. Morill, David_Redacted

Background:

I hereby nominate the following individual to serve on the designated Board or Commission:

Human Rights Committee

David Morrill, alternate, slot 14

Term to expire Dec. 31, 2026

72 Mechanic Street

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Thursday, February 22, 2024 3:49:37 PM
Attachments: [image001.png](#)

Please redact



Patricia Little
CITY CLERK

-  (603) 352-0133, ext. 2
-  plittle@KeeneNH.gov
-  3 Washington Street, Keene, NH 03431
-  KeeneNH.gov

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Thursday, February 22, 2024 3:45 PM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Thu, 02/22/2024 - 15:45</p>

<p>Submitted values are:</p>

First Name:

David

Last Name:

Morrill

Address

72 Mechanic St
Apt C
Keene NH 03431

How long have you resided in Keene?

8 years most recently but I've lived here most of my life

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Badger Balm

Occupation:

Manufacturing

Retired

No

Have you ever served on a public body before?

Yes

Please select the Boards or Commissions you would be most interested in serving on.

Human Rights Committee

Please let us know the Board or Commission that you are most interested in serving on.

Human Rights Committee

Please share what your interests are and your background or any skill sets that may apply.

I have an MBA in sustainability and I sit on the DEI Employee Resource Group at work.

Please provide 2 personal references:

Katie Schwerin

[Redacted]

References #2:

Rowland Russell

[Redacted]



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through:
Subject: **Nominations - Library Board of Trustees, Energy and Climate Committee**

Recommendation:

I hereby nominate the following individuals to serve on the designated board or commission:

Library Board of Trustees

Hollie Seiler, slot 6

123 Meadow Road

Term to expire June 30, 2025

Energy and Climate Committee

Gordon Leverage, slot 2

667 Roxbury Road

Term to expire Dec. 31, 2026

Attachments:

1. Seiler, Hollie_Redacted
2. Leverage, Gordon_Redacted

Background:

From: [Heather Fitz-Simon](mailto:Heather.Fitz-Simon)
To: [Heather Fitz-Simon](mailto:Heather.Fitz-Simon)
Subject: FW: Interested in serving on a City Board or Commission
Date: Wednesday, March 13, 2024 2:00:43 PM

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Wednesday, January 3, 2024 2:12 PM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 01/03/2024 - 14:12</p>

<p>Submitted values are:</p>

First Name:

Hollie

Last Name:

Seiler

Address

123 Meadow Road
Keene, NH 03431

How long have you resided in Keene?

Since June 2023

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Dartmouth

Occupation:

Fundraising

Retired

No

Please list any organizations, groups, or other committees you are involved in

n/a

Have you ever served on a public body before?

No

Please select the Boards or Commissions you would be most interested in serving on.

Library Board of Trustees, Planning Board

Please let us know the Board or Commission that you are most interested in serving on.

Planning Board

Optional - Please select your second choice of which Board or Commission you would like to serve on.

Library Board

Optional - Please select your third choice of which Board or Commission you would like to serve on.

n/a

Please share what your interests are and your background or any skill sets that may apply.

I recently moved to the area and would like to establish roots through Keene's local government. For the past 10 years I have worked in philanthropy where I have supported higher education and public media. While I am interested in supporting the city in a variety of ways outside of this skillset, I would be happy to explore conversations where my background would make the most sense.

Suggest other public bodies of interest

If there are opportunities outside of board service, such as volunteering, please don't hesitate to let me know. I noticed the call for volunteers for the upcoming primary, but I unfortunately already have a prior commitment.

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Friday, March 8, 2024 12:42:12 PM
Attachments: [image001.png](#)

Please redact



Patricia Little
CITY CLERK

- (603) 352-0133, ext. 2
- plittle@KeeneNH.gov
- 3 Washington Street, Keene, NH 03431
- KeeneNH.gov

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Thursday, March 7, 2024 3:20 PM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Thu, 03/07/2024 - 15:20</p>

<p>Submitted values are:</p>

First Name:

GORDON

Last Name:

LEVERSEE

Address

667 Roxbury Road

How long have you resided in Keene?

Since 1981

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Retired from Keene State

Occupation:

Formerly Dean of Sciences and Social Sciences

Retired

Yes

Please list any organizations, groups, or other committees you are involved in

Have done some volunteer work with Keene Community Kitchen. Also active in Appalachian Mountain Club.

Have you ever served on a public body before?

Yes

Please select the Boards or Commissions you would be most interested in serving on.

College City Commission, Conservation Commission, Energy and Climate Committee

Please let us know the Board or Commission that you are most interested in serving on.

Energy and Climate Committee

Optional - Please select your second choice of which Board or Commission you would like to serve on.

Conservation Commission

Optional - Please select your third choice of which Board or Commission you would like to serve on.

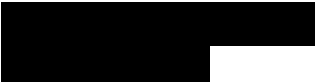
College City Commission

Please share what your interests are and your background or any skill sets that may apply.

Knowledge and awareness of environmental and education policy and issues. I served for many years on The Council for a Healthy Community and more recently on the Board of the Harris Center for Conservation Education.

Please provide 2 personal references:

Melinda Treadwell, President, Keene State College



References #2:

Jeremy



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Jeff Murphy/Brewbakers Cafe
Through: Patricia Little, City Clerk
Subject: **Brewbakers Cafe - Request to Use City Property - Adjacent to Wilson Street - Outdoor Dining**

Recommendation:

Attachments:

1. Communication_Murphy

Background:

Mr. Murphy is requesting permission to have outdoor dining on the Wilson Street side of his business located at 48 Emerald Street. This activity was permitted as an extension to Mr. Murphy's seating during the COVID-19 emergency order. The City Clerk has used her discretion under the City Code to refer this request to the City Council for consideration.

March 14, 2024

Dear Mayor Kahn and City Council Members,

I am writing to petition for use of the City of Keene's Right of Way, as it abuts my business's property on the corner of Emerald Street and Wilson Street. In 2020, we renovated our building and created outdoor cafe seating in the front (Emerald Street) and side (Wilson Street). During the first 2 years, the licensing for both fell under the COVID emergency guidelines. We were unaware at the time that this was a special exemption for COVID protocols. We invested in beautifying the Willson Street seating area last year (2023) with Village Roots Permaculture. We have beautiful planters growing native flowers and herbs, and use rain water through a rain catchment system to water the units. It is quite a beautiful enhancement to an otherwise drab part of the building.

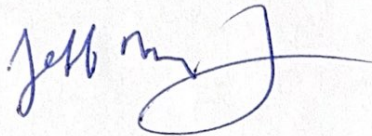
When we applied for the sidewalk license last year, we were informed that we'd have to apply for special exemption for use. The City Clerk's office and Department of Public Works were very helpful in helping us find a temporary solution to the permitting by using temporary jersey barriers from DPW.

We have worked with these folks to help us build a seasonal solution that addresses the issues brought forth primarily; safety and access to the right of way. With guidance from the City Clerk's office and DPW, and reference to the Parklet guidelines we have worked out a beautiful, safe, and seasonal/temporary build out with Village Roots Permaculture, that I trust will meet and exceed your expectations. We are fully insured and licensed for outdoor beverage service (the City Clerk has all of our current information on file. The outdoor seating is only open during daylight hours (we close at 5pm daily), and be taken down at the end of the season and can be taken down if the city ever needs access to the right of way. We have been in this building since 2017, and have never had any safety issues as it pertains to outdoor seating. This new design will be rigid and anchored with 1000 lb weights at the end units. No customer can walk through the fencing to the road, no parking spaces are encumbered and the parameters will be very obvious.

We have already begun the planning and building, so I am hoping that we can work through this in a timely manner. As with most dining establishments, the warm seasons where we can expand to outdoor seating has a huge impact on our business- so the use of these 16 seats is very important to us.

If you or any counselors are interested in meeting with my and my builders to walk the space and see in-person what we are looking to get approved, I would welcome the opportunity.

Thank you in advance for your consideration,

A handwritten signature in blue ink that reads "Jeff Murphy". The signature is stylized with a large, sweeping flourish at the end of the name.

Jeff Murphy
Brewbakers Cafe/ Terra Nova Coffee
603-313-8632
brewbakerskeene@gmail.com
48 Emerald Street
Keene NH 03431

BREWMAKERS OUTDOOR SEATING

WALL OF BUILDING

EXISTING RAISED GARDEN BED

TOP VIEW



ROAD DRAINAGE
WILSON STREET

1000 LB
and planting
units

2 Sided benches
w/ planters

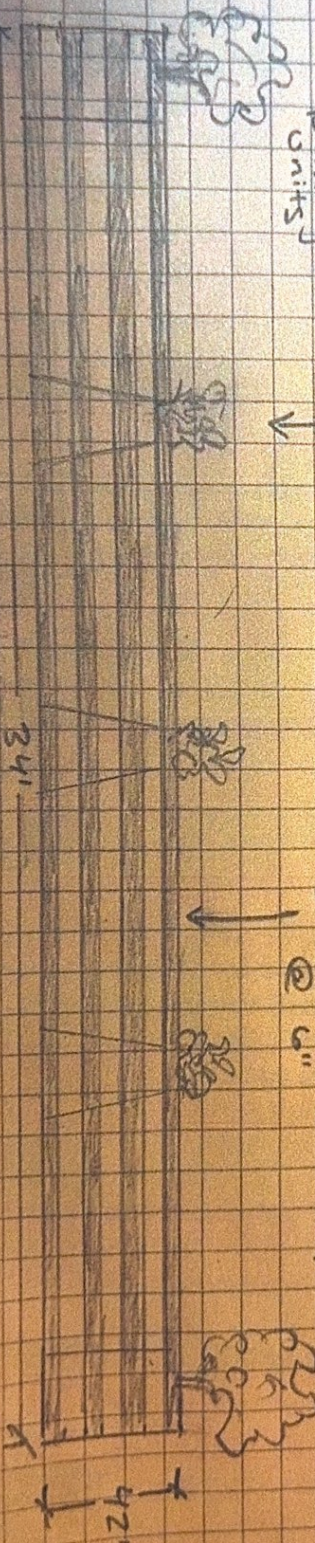
6" wooden slats spaced
@ 6"

SPECS

- 4 Booths
- End units

1000 lb (4000 lbs total)
Planters = 240 lb

SIDE VIEW



□ = 1"



February 16, 2024

Attn: Jeff Murphy
Brewbakers Café
48 Emerald Street
Keene, NH 03431

Dear Mr. Murphy,

The City Clerk's Office will be sending out renewal applications for Sidewalk Café Licenses shortly, and before this application is provided to you, we wanted to send a separate notice regarding the seating that was permitted on the Wilson Street side of your building. You may recall, it was determined by City staff that the area on this side needed to be considered separately from your Sidewalk Café in front of the building.

A stipulation of the 2023 license was that any future licenses for this space would be contingent on your ability to demonstrate compliance with the City's Parklet Guidelines, including installation of proper protections for your patrons from vehicular traffic on Wilson Street. The City Clerk's Office is authorized to *require additional licensing stipulations which are deemed necessary to ensure public health, safety and welfare in connection with a licensed activity* under Chapter 46 of the City Code.

Chapter 46 also provides that the City Clerk may require licenses to be routed to the City Council for approval in lieu of the issuance of an administrative license from staff when deemed necessary. The location you have been using does not fit nicely into the definition of a Parklet, and there are some concerns with public safety that our office has determined warrant a review by the City Council. If you would like to pursue a license for 2024, it will be necessary that you petition the City Council for permission to use this area. We have provided a Use of City Property Application with this letter, as well as another brief questionnaire to assist with reviewing your request. In addition, we have provided the Parklet Guidelines to guide you in preparing your safety plan. To initiate this review process, the enclosed applications should be returned along with a letter addressed to the Mayor and City Council requesting a license and should include documentation demonstrating your plan to ensure the safety of your patrons.

Please contact the City Clerk's Office at (603) 352-0133 should you have questions.

Sincerely,

Patricia A. Little
City Clerk

enclosure: as stated

CITY OF KEENE
CITY CLERK'S OFFICE

3 Washington Street
Keene, NH 03431

(603) 352-0133
KeeneNH.gov



CITY OF KEENE
USE OF CITY PROPERTY APPLICATION

Applicant/Sponsoring Organization Information:

NAME OF ORGANIZATION: Brewbakers Cafe

APPLICANT NAME: Jeff Murphy

ADDRESS: 48 Emerald St.

DAYTIME PHONE: (603) 313-8632 EVENING: () FAX #: ()

E-MAIL: brewbakerskeene@gmail.com

DAY OF EVENT CONTACT NAME AND CELL NUMBER: 11

Special Event Information:

SPECIAL EVENT ON CITY PROPERTY STREET FAIR

DISCHARGE OF FIREWORKS

SERVING OF ALCOHOL AT A CITY FACILITY - please specify location HEBERTON HALL

COMMUNITY ROOM

PARADE, WALK-A-THON, OR BIKE/FOOT RACE REQUIRING STREET CLOSURES/POLICE ASSISTANCE

OTHER (please specify) seasonal cafe outdoor seating

EVENT TITLE: Wilson St. Seasonal Seating

EVENT DATE(S): May 1st - Oct 31st ESTIMATED ATTENDANCE: _____

LOCATION OF EVENT: 48 Emerald St. (Wilson Street Side)

IF YOU WISH TO USE RAILROAD SQUARE OR CENTRAL SQUARE, THE REQUEST TO USE THOSE AREAS MUST BE APPROVED BY THE PARKS AND RECREATION DEPARTMENT:

SIGNATURE OF APPROVAL, PARKS AND RECREATION

DURATION OF USE (INCLUDING SET UP/BREAKDOWN): from: 7 AM / PM to: 5 AM PM

HOURS OF ACTUAL EVENT: from: _____ AM / PM to: _____ AM / PM

DESCRIPTION OF EVENT: _____



CITY OF KEENE
USE OF CITY PROPERTY APPLICATION

Please attach additional sheets as necessary

STREET CLOSURES/DETOURS REQUESTED: NA

Please attach additional sheets as necessary

Is this the first time your organization has sponsored this event? Yes No

If not, has the person(s) in charge of organizing the event changed since it was last applied for? Yes No

For events that have been held previously, has the City provided any support or services to your event? Yes No

If so, please describe: During 2020/21 and 2021/22 this seating was approved under COVID guidelines. In 2023, we worked with DPW to provide temporary Jersey barriers.

DETAILED MAP OF PROPOSED EVENT FOOTPRINT: Please provide as an attachment to your application a single line sketch/drawing of the layout of the event. On the sketch/drawing include sidewalks/streets/lanes to be closed and/or blocked, locations of vendors (merchandise, food, etc.), display tables, or other encumbrances, and identify areas of activities (start lines, finish lines, attractions, etc.).

PLEASE INDICATE WHETHER THE FOLLOWING ITEMS PERTAIN TO YOUR EVENT:

YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	WILL ACTIVITIES AND ATTENDEES BE ENCUMBERING THE TRAVELED PORTION OF ANY PUBLIC WAY, STREET OR LANE?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FOOD CONCESSIONS AND/OR OUTDOOR COOKING
<input type="checkbox"/>	<input checked="" type="checkbox"/>	USE OF PROPANE
<input type="checkbox"/>	<input checked="" type="checkbox"/>	OUTDOOR BURNING (CAMPFIRE)



CITY OF KEENE
USE OF CITY PROPERTY APPLICATION

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	SET UP OF TABLES AND CHAIRS (if so, how many): <u>4 tables, 16 chairs</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DOES THE EVENT REQUIRE ACCESS TO CITY ELECTRICAL? (location): _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DOES THE EVENT REQUIRE ACCESS TO CITY WATER? (location): _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	BOOTH(S), EXHIBIT(S), DISPLAY(S) AND/OR ENCLOSURE(S) (if so, please describe): _____ (Use a separate sheet if necessary)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	CANOPY(IES) AND/OR TENT(S) (please provide number of set-ups and their dimensions): _____ _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	SCAFFOLDING, BLEACHER(S) OR OTHER STRUCTURES (if so, please describe): _____ (Use a separate sheet if necessary)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	CHILDREN'S CARNIVAL OR INFLATABLE RIDES (please describe number, type, location, dimensions and proposed means of anchoring): _____ _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	VEHICLE(S) AND/OR TRAILER(S) (if so, how many): _____ _____ _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	WILL YOUR EVENT ENCUMBER METERED PARKING SPACES? (if so, please provide number, location, and what they'll be used for): _____ _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	PORTABLE TOILET(S) (if so, how many): _____



CITY OF KEENE
USE OF CITY PROPERTY APPLICATION

YES

NO

ENTERTAINMENT (if so, please describe): _____

BANNERS OR TEMPORARY SIGNAGE

WILL THE EVENT BE ADVERTISED? (if so, how?): _____

SOUND AMPLIFICATION (if yes, indicate start/end times): _____

OTHER MISCELLANEOUS INFORMATION YOU WISH TO PROVIDE PERTAINING TO THIS EVENT:

(Protocol meetings will be held with the applicant as necessary to seek further details relative to the request for a license and/or funding for City services. Please be aware, the City may place additional conditions or requirements on the event at its sole discretion to ensure public safety)

"Explore Keene" Community Event Calendar – Let us help you promote your event!

Are you interested in promoting your community event on ExploreKeene.org's Community Event Calendar? If so, please contact Chelsea North, Parking Operations Manager and Downtown Outreach, with the following information:

1. Event Title
2. Event Sponsor
3. Detailed Event Description
4. Date(s), Start and End time
5. Location and Address
6. Event Picture/Graphic

You can reach Chelsea by emailing cnorth@ci.keene.nh.us with submissions or questions. (Sales, promotions, and political rallies and events are not allowed for submission and will not be posted.)



**Addendum to Use of City Property Questionnaire
Relative to Use of City Right-of-way**

(Please print or type)

Applicant's Name Jeff Murphy Telephone 603-313-8632

Applicant's Mailing Address 48 Emerald Street

Business Name Brewbakers Cafe Telephone 603-357-8728

Business Address "

Email Address brewbakerskeene@gmail.com

Please answer the following questions regarding your proposed use of City right-of-way:

1. Number of Tables 4 Number of Chairs 16 Number of Planters 5

2. Will alcohol beverages be served? (daylight hours only) YES NO

3. Please provide information regarding restroom facilities available at your establishment:

Number/Types of Restrooms Male 1 Female 1 Unisex

Number of Sinks 2 Number of Toilets 4 Number of Urinals

4. Please provide the permitted number of patrons inside your establishment 436 (inside)
(this information can be found on your current permit of assembly) 85 (outside)

5. Please describe any fencing or barriers you will be using to delineate your space, including the method of affixing and materials End units, fencing, and benches will be rigid, wood construction. Tables are metal. End units will be weighted with 20 under blocks to meet the 1000 lb requirement. Units can be disassembled at the end of season, or if the city needs to access

6. Will electricity be run to the site? Right of Way. YES NO

If so, will the power be sourced from your own electrical service or will you be asking for access to City electrical? NA

(an additional fee of \$60 will apply if use of City electrical is approved)

7. Will there be overhead lighting in the café space? YES NO

8. Are umbrellas going to be used to provide shelter to patrons? YES NO

If so, please describe the number, size, and means of affixing



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Adam Toepfer/Keene Pride Board President
Through: Patricia Little, City Clerk
Subject: **Keene Pride - Request to Use City Property - Keene Pride Festival - September 15, 2024**

Recommendation:

Attachments:

1. Communication_Keene Pride

Background:

Mr. Toepfer is requesting the annual license to conduct the Keene Pride Festival on September 15, 2024.



The Honorable Mayor and City Council
Keene City Hall
3 Washington St.
Keene, NH 03431
Re: 2024 Keene Pride

1/25/24

Dear Honorable Mayor Jay Kahn and City Council Members,

After the incredible success of Keene Pride Fest 2022 and 2023, we would like to continue the annual tradition for 2023. Keene Pride Week will take place between 9/7/24 and 9/15/24. We are requesting use of city property on Sunday 9/15/24 for Keene Pride Fest.

The week-long pride event will culminate on Sunday September 15, 2024 with a “block party” from 12pm – 6pm which will include entertainment, food, and local vendors. For this day, we request from the City:

- Close the street surrounding Central Square
- Close Roxbury Street from Central Square to the Green Energy Solutions building
- Request proper barriers from Public Works Department to provide adequate safety
- Request use of City Power/Electricity
- Request the support of Police and Fire
- Request City Water in the event that vendors require

We believe this will be a highly desirable attraction that will bring tourism to local businesses. We plan on marketing this event to the Monadnock Community and beyond. We also plan to leverage the beauty of the fall foliage season in conjunction with the event to draw more people.

As required, we will provide a \$1 Million certificate of insurance to the City, and work closely with City staff to ensure this event is safe and enjoyable for all.

We would like to stress that this is intended to be a family friendly event. Our intention is to reach out to local schools to be involved with helping to decorate and plan. The primary purpose of Pride is to celebrate diversity, bring awareness and support our LGBTQIA+ community; however, ALL are welcome and encouraged to attend.

Adam Toepfer
Board President



603-696-2927



www.keenepride.org



25 Roxbury St. #114
Keene, NH 03431



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Sarah Greene/Pathways for Keene
Through: Patricia Little, City Clerk
Subject: Pathways for Keene - Request to Use City Property - 4 on the 4th Road Race - July 4, 2024

Recommendation:

Attachments:

1. Communication_Pathways for Keene

Background:

Ms. Greene is requesting the annual license for Pathways for Keene to sponsor a footrace on July 4, 2024.

Pathways for Keene, Inc
P. O. Box 226
Keene, New Hampshire 03431

Mayor Jay Kahn
Keene City Council
City Of Keene
3 Washington Street
Keene, New Hampshire 03431

To the Honorable Mayor Kahn and City Councilors,

Pathways for Keene requests a license to hold our 22nd Annual 4 on the 4th Road Race on July 4, 2024. The course will be the same as in previous years with walkers beginning at 7:30AM and the runners leaving at 8:00AM. It is a fun morning for all. The money raised returns to the City's trail system, and this year to the Cheshire Transportation Trail and work towards the installation of the Prowse Bridge over Route #101.

Thank you for your consideration.

Sincerely,


Sarah Greene



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Councilor Andrew Madison
Through: Patricia Little, City Clerk
Subject: **Councilor Madison - Potential Changes to Council Disciplinary Process**

Recommendation:

Attachments:

1. Communication_Councilor Madison

Background:

Councilor Madison is suggesting a review of the City Council's Disciplinary policy to provide for a process for issues relating to a councilor's conduct toward a City employee.

March 18, 2024

To the Honorable Mayor and Council,

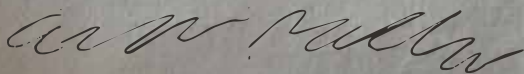
We can all agree that Keene is a great place to live, and the quality workforce we have working for our city is what helps make our city what it is. We can all also agree that maintaining and recruiting quality municipal employees is a priority for our city government. Ensuring that those who work for Keene enjoy a healthy and respectful workplace is crucial to employee satisfaction, retention, and recruitment.

Recently, there have been several disturbing events where city employees have been subjected to harassment from office seekers in the city. This behavior is unacceptable, and is inconsistent with our values as a city and as a council. Sadly, however, this kind of behavior has become more and more commonplace as examples of misconduct directed towards civil servants exist locally, state wide, and nationally. We don't have to participate in it, nor do we have to tolerate it.

The existing council disciplinary process is a peer-initiated process, meaning it can only be brought forward to the council, by other councilors or the mayor. This presents several pitfalls, specifically that councilors may not be aware of the mistreatment of city employees, or that councilors may not have the courage to speak up out of fear of being targeted by local or out-of-state political groups.

Though the candidates engaging in this behavior were ultimately unsuccessful, the possibility that an individual engaging in these behaviors could be elected to office certainly exists. As a council, we owe it to the people who work here to be prepared to address this kind of misconduct. I am therefore asking that the appropriate committee discuss revising the council disciplinary process with the City Manager, City Attorney, and Human Resource Director to identify an impartial, fair, and administrative process for city employees to report councilor misconduct, and for the council to address it.

The City of Keene is a great place to live and work, let's keep it that way.



Andrew M. Madison
Keene City Council
Ward 3



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.5.

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Bruce Bickford/Farmers Market of Keene
Through: Patricia Little, City Clerk
Subject: **Farmers Market of Keene - Request to Use City Property - 2024 Farmer's Market**

Recommendation:

Attachments:

1. Communication_Keene Farmer's Market_Redacted

Background:

Mr. Bickford is requesting the annual license to operate the Keene Farmers Market on Saturdays starting on April 20 and continuing through October 31, 2024 in their usual location on Gilbo Avenue/Commercial Street Parking Lot.

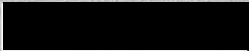
March 19, 2024

Attn: Honorable Mayor and city council of Keene, New Hampshire
From: The Farmers Market of Keene

The Farmers Market of Keene would like to respectfully request a license to vend starting on April 20th, 2024 through October 31st, 2024. We would like to continue to use our present location on Gilbo Ave. / Commercial Street parking lot, which includes 40 parking spaces. Our hours of operation will continue to be the same, Saturdays from 9am - 1pm, and we are requesting to use the space from 8am - 2pm to accommodate set up and break down time. In addition, we would like to continue discussing public restroom options and access for the vendors and patrons of the Farmers Market of Keene.

Sincerely,

Bruce Bickford



A handwritten signature in cursive script that reads "Bruce Bickford".

The Farmers Market of Keene
PO Box 425
Keene, NH 03431



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Jared Goodell – Issues Associated with Sidewalk Cafe Licenses**

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends referring Issues Associated with Sidewalk Café Licenses to City Staff.

Attachments:

None

Background:

Chair Bosley welcomed Jared Goodell of 39 Central Square to speak about his letter. Mr. Goodell was grateful that Councilors supported sending his communication to this Committee instead of accepting it as informational until the downtown project is designed, which indicated to him that this was a good time to discuss this. While he saw the nexus with the downtown project, he said it was unclear when that construction will occur, so he presented factors that he believed should be addressed with immediacy for the public's best interest. Mr. Goodell clarified that his comments were about outdoor cafés on sidewalks, which are public property, and not downtown restaurants that use their own private property for patios.

Mr. Goodell continued by highlighting the four key points about sidewalk cafés in his letter: Regarding the size of the café, he suggested resolving inconsistencies in the City Code to only allow sidewalk cafés to be the actual width of the frontage of a restaurant. The Code states that: "sidewalk cafes are permitted as an extension of any restaurant in an area equal to or less than the width of its storefront." However, another part of the Code allows sidewalk cafés to extend beyond the area in front of a restaurant with permission from the abutting property owner and the City Clerk. Mr. Goodell continued that Keene's Land Development Code states that the Downtown Core district is, "intended to accommodate a rich mix of commercial, residential, civic, cultural and open spaces in a highly walkable, vertically and horizontally mixed use environment." Mr. Goodell continued that extending sidewalk cafés beyond the actual width of the frontage of a restaurant is problematic for many reasons. He said this can present an unfair use of public property where the permission to use the extended portion comes from an abutting landowner and not the public. He said the public is the true owner of the sidewalks. He added that most of downtown was comprised of restaurants. If every inch of sidewalk was taken by an extended sidewalk café—as allowed by Code—it would render downtown virtually unwalkable, which is inconsistent with the City's goal for downtown to be highly walkable. For these reasons, Mr. Goodell asked the Committee to recommend removing Subsection

C of Section 46-1192 from the Code in its entirety.

Regarding the license fees, Mr. Goodell recommended enacting a two-part fee for sidewalk café licenses (currently \$100, or \$200 if extending the café's footprint), regardless of seating capacity. He said that these businesses increase their capacity by 50% for a large portion of the year, while using public property to do so. In cities like Nashua, for example, there is a flat fee plus a charge per seat. Mr. Goodell recommended a \$75 fee per license period, and an additional \$15 per seat. Further, for cafés that extend past their footprint, he recommended a \$950 fee (consistent with the City Council's approved "parklets" during Covid) plus \$10 per seat. Mr. Goodell added that extended sidewalk space should be treated as those parklet parking spots were. Mr. Goodell said that if a restaurant wants to extend beyond its frontage into an area with arguably no connection, on property maintained by taxpayers, it is fair and equitable for restaurants to pay a premium for that space. He said these businesses will benefit most from the taxpayers' \$15 million expenditure on the renewed downtown.

Regarding audio/visual (AV) components, Mr. Goodell stated his impression is that a café licensee was considering installing a large LED screen array in their 2024 patio design. He is familiar with these modular, weatherproof screens that can range from 15–20 feet wide. These are common in NYC Times Square or Las Vegas. They can distract drivers or cause reflections on downtown windows. Mr. Goodell did not think these screens would be good for the downtown. However, there is no City Code to prevent the screens, so he urged the Council to take action. He did not think these screens—no matter the size—would complement the historic downtown. Mr. Goodell said that some cafés also had outdoor speakers to amplify music, which he thought should be prohibited in the Ordinance to prevent a cacophony of sounds from all the cafés. He recommended specific rules for speakers, including noise level restrictions for different times of day. For these reasons, Mr. Goodell recommended that the City Council add language to the Sidewalk Café Ordinance prohibiting AV elements in sidewalk cafés.

Regarding enforcement, Mr. Goodell said that in 2023, one licensee was issued several violations, but the licensee took no action and continued to operate in violation of the Ordinance. For this reason, Mr. Goodell recommended that the Council adopt an enforcement section of the Sidewalk Café Ordinance overseen by the Community Development Department. He discussed some potential draft language that he had in Nashua's regulations. He proposed a three-strike rule.

Mr. Goodell shared some things he hoped City Staff would consider when revising the Ordinance and reviewing applications, including the National Fire Protection Association (NFPA) 12.2.4.4 provides egress requirements for fenced-in outdoor assembly occupancies as well as the National Electrical Code (NEC) Section 590.3(B) states that holiday and seasonal lighting cannot be installed for more than 90 days.

Mr. Goodell recommended other proposed Code adjustments, including a provision to require at least one Americans with Disabilities Act (ADA) accessible seat/table or 5% of the café seating. He said some current sidewalk cafés were not ADA accessible. He thought the City had worked hard on accessibility and he did not want to see a family dining out in Keene unable to do so because of inaccessibility. He knew some who had experienced this, so Mr. Goodell thought the City should address this immediately. He did not think such changes would be burdensome to any business.

Lastly, Mr. Goodell stated that he is pro-business, having owned many in Keene, and he has enjoyed dining at sidewalk cafés each summer. He felt that any argument that he was anti-business was disingenuous. He said the Council is responsible for weighing the best interests of the taxpayers, downtown businesses, and visitors. They are all stakeholders in this conversation. He hoped the City would take action on this instead of accepting his communication as informational.

Chair Bosley thanked Mr. Goodell for his thoughts on the broader conversation about potentially amending this Ordinance. Chair Bosley explained that the City Clerk's office administers Sidewalk Café Licenses and applicants only appear before the City Council when asking for the initial application to sell and distribute alcohol (they must follow the Liquor Commission guidelines). Otherwise, the licenses are handled administratively. Mr. Goodell agreed about the Clerk's oversight but said that the Code calls for the Clerk's office to create its own rules and he thought those should be codified.

Assistant City Clerk, Terri Hood, explained the Sidewalk Café Ordinance regulations. She felt that Mr. Goodell's presentation was accurate and succinct. She explained that Staff were already working to propose an amendment to this Ordinance before this communication from Mr. Goodell was received, particularly regarding an enforcement mechanism. Staff were working to create a framework to administer these licenses, especially for licensees with multiple infractions or unlicensed entities. The goal is for the Clerk's office to receive and administer comments from the public regarding a sidewalk café license. Complaints or other issues that require expertise would be sent for review by subject matter experts in other departments—Fire, Code, and Public Works. She said it would be important to create a mechanism for compliance, including the ability to revoke a license or prohibiting a license holder from applying for the license the subsequent year. This enforcement could go as far as removing items from the sidewalk café at the owner's expense. Ms. Hood added that Mr. Goodell was correct that there were no regulations for AV activities in sidewalk cafés. She added that the City enacted guidelines that went into effect in 2023, including implementation of an annual inspection (by Clerks, Public Works, Code, and Fire) of each licensed café to confirm it matches the submitted dimensional drawings and other details in the applications. Ms. Hood ended that staff in the City Clerk's Office would like to continue working with the City Attorney's office over the following months to bring proposed amendments to the Ordinance—particularly on enforcement—to the Council. Staff did not intend to revise the license fees at this time because it was unclear what sidewalk cafés would look like in the new downtown design. Ms. Hood added that certain elements of a café space, audio visual components for example, would be easier to change administratively if they were incorporated into the administrative guidelines, rather than proposing amendments to the City Code that require Council approval.

Chair Bosley asked the City Manager to explain the current process for reviewing violations. The City Manager, Elizabeth Dragon, said Ms. Hood explained the past challenges well, and commented that the point of contact for Sidewalk Café enforcement activities has changed over time. When the former Director of Public Works retired recently, other Staff met to confirm who should be monitoring this. Because the Clerk's office issues the licenses, Staff felt it made sense for them to take a greater role in administering these applications with other City departments for things like inspections and enforcement. The City Manager said that honestly, the City had not taken an aggressive stance in the past on enforcing this Ordinance and staff has given some leniency since Covid in an effort to help businesses recover from the pandemic, and in anticipation of the downtown project disruptions. For these reasons, the City Manager recommended waiting to make wholesale changes to the Ordinance until it is clear how much more sidewalk space will be available after the downtown reconstruction to ensure the cafés are evenly distributed, making it easier for businesses to comply. As a compromise this year, the City Manager said Staff would continue working on improving enforcement by the Clerk's office and would like them to take on this role of working with applicants on any compliance issues because of their excellent customer service skills.

Chair Bosley said it was evident to her that keeping sidewalk cafés operating was important to the whole City Council. It was a significant focus during the initial downtown design recommendations. She said it was important to determine how much sidewalk space will be available for these cafés after the downtown is redesigned to potentially include things like bike lanes at sidewalk grade, for example. So, Chair Bosley agreed with Staff's recommendation to wait on significant changes to the

Ordinance until the downtown design is finalized. It will be essential to support the downtown business throughout the multiple years of downtown reconstruction.

Councilor Ormerod liked some of Mr. Goodell's ideas, particularly about encouraging a diversity of businesses downtown. Some current downtown businesses could not have cafés but might be able to after the redesign. He agreed with Mr. Goodell's suggestions to make this opportunity fairer, including not intimidating other business owners by overreaching one's storefront. Councilor Ormerod strongly supported improved enforcement, which would help the City to make better decisions during the downtown redesign. He hoped the Staff would bring back some amendments soon so that businesses are not impeded entering the summer season.

Chair Bosley opened the floor to public comments.

Toby Tousley of 500 Washington Street said that after talking with Mr. Goodell about this, he felt it was a valid issue to bring to the City's attention. Mr. Tousley said this was not intended to target any individual business. He agreed that these cafés should be supported because they contribute to the vibrancy of the downtown. Mr. Tousley also agreed that there should be enforceable regulations for these cafés. Taxpayers support those downtown businesses, which he said are prioritized for flower plantings and snow plowing, for example, compared to his business on Emerald Street. He recalled not being consulted during the Gilbo Avenue project and likened that to how he felt many businesses off Main Street are treated. It is a privilege to be on Main Street. Also, regarding the \$100 license fee, Mr. Tousley felt it was insignificant and would barely pay for City Staff to handle that paperwork. He said businesses benefit greatly from sidewalk seating, increasing their business by 50%. which is not possible anywhere else in the City. He thought these businesses should pay their fair share as they are benefiting from Keene's beautiful downtown and its visitors.

Luca Paris, President of the Greater Monadnock Collaborative Regional Chamber of Commerce, also formerly owned a downtown restaurant. He noted how pleasant it had been to work with the Clerk's office in the past. He thought that Mr. Goodell's research and recommendations made sense, particularly regarding enforcement. He recalled the City's actions to help keep businesses open during Covid. The sidewalk cafés are important to the culture of downtown. While these restaurants have higher sales with the increased outdoor seating, Mr. Paris said it was important to remember that those extra seats are only available during good weather, which was not favorable in 2023, for example. While he understood Mr. Goodell's suggestions for the fees, Mr. Paris agreed with the City Manager that it is not worth spending the time amending the Ordinance until it is known what the available space will be after the downtown reconstruction. Mr. Paris offered to participate in any future discussions.

Dorrie Masten of 326 Matthews Road began by apologizing to the City Council, stating that she felt terrible for the rest of the downtown businesses. Ms. Masten said that Mr. Goodell's communication and presentation to the Committee stemmed from his personal feelings toward her; she said this was the second time Mr. Goodell had brought things to the Council for this reason. He said the complaint about expanding past store frontage was about her, as was the AV complaint, which she said was not submitted by a Keene taxpayer. She thought Mr. Goodell's comments on square footage were unfounded based on her research. She said these businesses invest significantly in these patios to make them look nice. Ms. Masten thought that she was the only landlord (or one of few) that these changes would affect. She is the landowner of the property where her sidewalk café exceeds her store frontage, so no one is affected but her. Ms. Masten felt this was more so about a personal disagreement between two businesses/individuals and should not have been brought to the Council to impact all other downtown businesses. She said these cafés trickle down, supporting many in the community, like the food distributors. Ms. Masten asked the Committee to make a wise, common-sense decision.

Mr. Goodell shared that there was an obscure City Code regarding increasing fees before the downtown project, 46-959E states that, "During those times when the entire downtown area is affected by a large scale construction project as determined by the Public Works Director through the City Manager, which adversely affects access to downtown businesses, the merchant shall be afforded the opportunity to obtain licenses under this division free of charge." Thus, he said that during the downtown project, there is a provision in the City Code that would allow sidewalk cafés to operate without fees. He thought the Council should increase fees in a way that is responsible to the taxpayers while allowing for waiving the fees during the project. Mr. Goodell also argued that business owners cannot claim that they own the property in front of their buildings because the public owns the sidewalks being used for commercial purposes. Mr. Goodell added that most restaurant owners are eager to invest in these cafés because they know there will be a significant return on that investment. He felt that the taxpayers should be reimbursed for use of the public sidewalks.

Chair Bosley referred to Mr. Goodell's comments about the Parklet Ordinance. The Chair explained that currently, there was a \$100 fee for a sidewalk café within a business' frontage, and a separate \$100 fee for extensions beyond that footprint. Mr. Goodell proposed increasing the fee for extensions outside of the store frontage from \$100 to \$950, as for the Parklets. Chair Bosley explained that the Parklet fees were intended to reimburse the City for lost revenue. She did not want to speak much more about fees without advice from City Staff on accurate figures. She said the City was not gaining revenue from an empty sidewalk. The Chair agreed that it would be most appropriate for the City Manager to return to the Committee with a long-term recommendation. Mr. Goodell said he understood that giving up this sidewalk space poses no economic loss for the City. Still, he argued that there is an economic loss for the City daily from the unrealized income to the taxpayers because the City is apprehensive about increasing fees. He compared it to charging for parking downtown, the cost of which had increased over time because of the value of those spaces. Chair Bosley did not dispute this point. Still, she explained her opinion that these cafés create a mutually beneficial relationship; whereas 20 years ago, for example, the City's attitude was more reluctant to offer this sidewalk space. She thought this attitude change had increased the vibrancy of downtown Keene. She briefly mentioned challenges with available parking in the evenings when there are more visitors downtown. Chair Bosley thought that the energy visitors experience downtown directly affects the City's ability to draw businesses to relocate here because people choose to move here. She thought it was the Council's responsibility to maintain continuity for businesses remaining open and vibrant. She appreciated Mr. Goodell's efforts, and she was confident that Staff would bring back some possible solutions.

Mr. Goodell did not think the fees he proposed for the Ordinance would have a negative impact on current licensees. He thought everyone could agree that it is good to limit noise and TVs on the downtown sidewalks. He also did not think the ADA requirement was too much to ask of businesses. He thought there needed to be a nexus between protecting downtown businesses and making the downtown experience better and more attractive.

Vice Chair Jones thanked Mr. Goodell for his efforts. The Vice Chair agreed that the City should enhance the administrative enforcement. He also thought Mr. Goodell's points about AV were important and should be addressed. He agreed about not wanting a distracting cacophony of sounds downtown given that the Sign Code, for example, disallows message changing signs because they can distract drivers. Regarding a café extending beyond its store frontage, Councilor Jones said the annual license would require permission from the abutter, but the City can revoke that permission. Regarding protections, Councilor Jones said that the licenses are purposely revokable and amendable, which he thought was sufficient in the meantime until the downtown is redesigned. Still, he said the Council was listening.

Mr. Goodell stated that in the Sidewalk Café Ordinance, there is no enforcement mechanism, which he thought was why the City struggled with enforcement in 2023. He cited a “catch-all” provision in the City Code for general violations, but he was unsure whether that applied in this case. He thought implementing an enforcement mechanism was urgent.

Vice Chair Jones said that several years ago, the City did revoke a Sidewalk Café License. At that time, a representative from the NH Liquor Commission told the Committee that the City can restrict problematic establishments, even choosing to require an earlier closing time for the sidewalk café to restrict noise.

Mr. Goodell reiterated that there was no clear enforcement policy codified in the Ordinance. Chair Bosley said she heard the Assistant City Clerk indicate that they are working to make that part of the Ordinance stronger. Staff would likely return to present a recommendation within the next two Committee cycles.

Councilor Ormerod wondered if ADA compliance was required outside of buildings. The Assistant City Attorney, Amanda Palmeira, said she would have to investigate further, but that she had been initially surprised to learn that ADA does apply to some outdoor spaces too, including how sidewalks are constructed. She was happy to do more research and return to the Committee with an answer.

Mr. Goodell said there are a lot of ambiguities, but his understanding was that the ADA guidelines would apply to these cafés, so the Council could be more stringent. Chair Bosley said that in all opportunities, the City and Council have supported all aspects of the ADA and would continue.

Councilor Williams was in favor of higher fees, but not until after the downtown redesign. As someone who does not live downtown, he agreed about wanting to see some tax dollars from downtown used to support the rest of the community, such as much needed sidewalks repairs/replacements. He agreed that one day, the sidewalk café owners should pay a higher fee for use of a public space, just like the City charges for parking downtown. At this time, he felt that there was an overabundance of outdoor seating downtown and he thought a better balance was needed to keep pedestrians from having to navigate around so many tables and chairs. Councilor Williams was also concerned about AV and hoped that would be addressed in an improved enforcement strategy.

The Committee expected a report back from Staff with ideas as soon as possible.

The following motion by Councilor Williams was duly seconded by Vice Chair Jones.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends referring Issues Associated with Sidewalk Café Licenses to City Staff.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Councilor Williams – Consideration for Ordinance Amendment – Requiring Dogs with a Record of Vicious Dog Offenses to be Muzzled When in Public**

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends accepting the communication on consideration for Ordinance Amendment – Requiring Dogs with a Record of Vicious Dog Offenses to be Muzzled when in Public as informational.

Attachments:

None

Background:

Chair Bosley recognized Councilor Williams, who said he submitted this letter because a constituent spoke to him after their small dog was attacked by another dog. He wanted to work toward preventing such instances in Keene in the future. He introduced the dog owner whose pet was attacked, Deborah LeBlanc.

Ms. LeBlanc of 68 Gilsum Street explained the story of her leashed dog being attacked by another leashed dog that had a documented history of aggression. Ms. LeBlanc had taken her dog for morning walks since she moved to Keene two years ago. During her usual walk on December 7, 2023, she moved into the roadway on North Street to avoid another dog she saw with its owner. As she tried to make herself known to the other owner that was not looking, the other dog (60–70 lbs) ran and attacked her dog (30 lbs). It took her, the other owner, and bystanders to pry the larger dog's teeth from her dog's leg. A bystander drove Ms. LeBlanc and her dog home. After taking her dog to the vet for surgery, she went to urgent care for bites she also sustained. A friend called the Keene Police Department to try to access the rabies status of the other dog to determine whether Ms. LeBlanc would need care in that regard. She was told she had to appear at the Police Department for photos of her hand. Upon arrival, she refused to undress her wounds and an officer told her the information she needed to provide for a report. She spoke with the same officer the next day about the protocol, and she was still not provided with rabies information, which NH law says must be provided within 24 hours; she did not receive that information until two days later, when she said the Police told her the dog was registered with the City but they did not have rabies information. Thus, she had to assume the dog was unvaccinated and underwent the rabies treatment to be safe.

Ms. LeBlanc said that after the incident, she emailed the City and Police Lt. Maxfield visited her home

on January 10, 2024, when she was informed that the offending dog's owner had been fined in September 2023 for starting a fight with another dog at the Pride Festival. An owner can pay the fine and move on with no restrictions on the violent dog. Ms. LeBlanc felt that violent dogs with repeat offenses should have some recourse beyond a fine. Lt. Maxfield told her there was no City Ordinance for vicious dogs. Ms. LeBlanc questioned what could have happened if her young grandchild had been walking with her the day of the attack. She said something needs to change because there are a lot of people walking their dogs in Keene.

Chair Bosley thanked Ms. LeBlanc for sharing her story, which is an emotional experience for a pet owner. The Chair referred to the meeting packet, which included a copy of the Nuisance, Menace, and Vicious Dogs section of the City Code that speaks to the types of incidents that escalate the categorization. Beyond Ms. LeBlanc's incident, Chair Bosley said there needed to be a more holistic approach for the City. There were a lot of moving pieces in Ms. LeBlanc's story where there could be opportunities for improvement. The Chair advised Ms. LeBlanc to contact the City Manager about the circumstances. Ms. LeBlanc noted that during this incident, there was no City Animal Control Officer to guide her, but she spoke with the new one on the date of this meeting who felt this Committee was the proper venue to open this discussion. Chair Bosley agreed.

Chair Bosley asked for comments from the Assistant City Attorney, Amanda Palmeira, who agreed with the Chair about Section 10 of the City Code on Nuisance, Menace, and Vicious Dogs. The Assistant City Attorney also referred to NH RSA 466:39 – Dogs and Cats. This RSA gives the City the authority to regulate the licensing and restraining of dogs as deemed reasonable. Unfortunately, she explained that requiring muzzling—as Councilor Williams suggested in his letter—is specifically only allowed during a rabies epidemic. Still, there are other options the Council could deem reasonable. She added that there is a significant difference between a dog on-leash and a dog at large, which is something the City had not addressed. Part of the City Code does allow for impounding of “at large” dogs (i.e., no owner); police can seize the dog and hold it at an animal shelter. The Code also allows for “humanely disposing” of a dog. After several offenses and fines, a dog owner could be taken to district court. Violations of this aspect of the City Code would be the lowest criminal offense. The City also has the authority to adopt a leash law. Otherwise, the Assistant City Attorney said she did not find many other solutions for the City in this regard.

Chair Bosley said it seemed like the City's greatest tool might be to increase fines.

Councilor Haas wondered if the ability to impound could be extended to include dogs that are not at large. The Assistant City Attorney said no, because the City's Code closely aligns with NH RSA. Councilor Haas said he hoped the new Animal Control Officer would focus on these issues. He felt that the punishment for a second offense was insufficient, and he thought the fine should be increased significantly. Councilor Haas added that some cities have a two-strike rule, after which a dog is considered a hazard to humanity. He recalled challenges owning a vicious dog that he had to muzzle outside of the house.

Chair Bosley agreed that many people have experiences on both sides of this issue—some with aggressive dogs and some with pets that have been attacked by vicious dogs. She was clear that dog owners are responsible for ensuring their dogs do not cause harm. She thought everyone should err on the side of all dogs being capable of these behaviors. She added how many people in the community do not keep their dogs on leashes, which poses threats to dogs on-leash with responsible owners. Chair Bosley hoped the City would work toward a solution and she hoped the Committee could have a presentation soon from the new Animal Control Officer. She also encouraged the City to share materials to educate the community about training and to share resources for when dog owners have incidents like these.

Councilor Ormerod agreed with Chair Bosley that the City should take a more active role in educating dog owners, particularly the Clerk's office could share materials when owners register their dogs each year. It occurred to him that as downtown Keene is redesigned, there will be more people and bikes, etc., concentrated downtown, along with more people walking their pets. He recalled an incident of being attacked by a dog while riding his bike in another City, which has deterred him from being an avid cyclist since. He hoped the City would explore something enforceable.

Councilor Williams was grateful for this discussion, though he was disappointed that muzzling could not be required; he wondered if it would be worth talking to State Representatives. So, he hoped the City might pursue a leash requirement. He added that this is not just about education, but also about the responsibility of dog owners. In addition to higher fines, he suggested that when registering dogs with the City Clerk annually, there could be registration tags in different colors that could indicate that others should keep their distance.

Vice Chair Jones said he felt humbled that the City could not do more in this regard. He recalled that in the past, City departments would present about aspects of their work during Standing Committee meetings. He thought a presentation from the new Animal Control Officer would be helpful to understand their and the City's abilities. Animal Control Officers do not, for example, help with wildlife in someone's home as many might think. The City Manager said a presentation was a great idea and will occur once the new Animal Control Officer has settled into the position. The City Manager added that if a dog is licensed with the City, they must have a current rabies vaccination; the Clerk's office will not register a dog without that proof, which often is submitted to the Clerk's directly by the veterinary offices. Chair Bosley mentioned that the dog licensing portal is available on the City website.

Councilor Ormerod said it seemed like there was an opportunity to improve the fine structure. He asked if a dog license could be revoked or if the City could refuse to license a dog. The Assistant City Attorney said that registration is dependent upon vaccine confirmation, and licenses cannot be revoked for other violations.

Councilor Haas asked if there is a penalty for not licensing a dog. The City Manager explained that annually, the Council will receive a list of unlicensed dogs that result in civil forfeiture, which the Assistant City Clerk said is a \$25 fine.

Chair Bosely opened the floor to public comments.

Michael Giacomo of 615 Hurricane Road mentioned that dogs are not allowed at City festivals downtown. Regarding Ms. LeBlanc's situation, Mr. Giacomo said it was a travesty that days after this incident, she was still scrambling to get the information she needed from the City. He wondered if—during dog registration with the City Clerk—dog owners could receive a brochure with advice on what to do and who to contact in similar situations. Chair Bosley agreed that she was unaware of many specifics despite being a dog owner. The City Manager said that the Clerk's emails reminding about dog registration are automated through the billing system and limited on what can be added. Still, the City Manager agreed with Chair Bosley that the emails from that listserv could be used to send a separate email to dog owners with information.

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

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends accepting the communication on consideration for Ordinance Amendment – Requiring Dogs with a Record of Vicious Dog Offenses to be Muzzled when in Public as informational.

Vice Chair Jones clarified that despite accepting the communication as informational, the Committee had given clear directions to City Staff for next steps. The Committee thanked Ms. LeBlanc for recounting her story.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Keene Swamp Bats – Request to Discharge Fireworks – Independence Eve Celebration – July 3, 2024, and
Keene Swamp Bats – Request to Discharge Fireworks – June 5, 2024 &
July 26, 2024**

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the Keene Swamp Bats be granted permission for the discharge of display fireworks on Wednesday, July 3rd, 2024 on Alumni Field at no later than 10:00 PM, and reserving a “rain date” to be determined in conjunction with City staff in the event of inclement weather. Said permission is subject to following conditions: the signing of a revocable license and indemnification agreement; that the Keene Swamp Bats provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; that the fireworks vendor also provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a State Fireworks permit. In addition, the petitioner agrees to comply with any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 25 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.

On a vote of 4–1, the Planning, Licenses, and Development Committee recommends that the Keene Swamp Bats be granted permission for the discharge of display fireworks on the following dates: Wednesday, June 5, 2024 and Tuesday, July 26, 2024 on Alumni Field at no later than 10:00 PM subject to following conditions: the signing of a revocable license and indemnification agreement; that the Keene Swamp Bats provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; that the fireworks vendor also provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a Class B fireworks permit for each display date. In addition, the petitioner agrees to comply with any recommendations of City staff. This permission is conditional upon the Petitioner absorbing the charges for any City services provided. Said payments shall be made within 30-days of the date of invoicing.

Attachments:

None

Background:

Chair Bosley heard agenda items 3 and 4 together. She welcomed comments from the President of the Keene Swamp Bats, Kevin Watterson of 10 Westview Avenue.

Mr. Watterson explained that he has appeared before the Committee this time of year annually for 20 years, since a loose collaboration between the City and Swamp Bats began. The fireworks require 50–70 volunteers for a crowd of 4,000–5,000. He noted that it is always a very family-oriented event.

Chair Bosley noted that flexibility was built into the recommended motion for the July 3 event to have a rain date following weather interruption in 2023. The City Manager clarified that these two agenda items were for the license to display fireworks. The Keene Swamp Bats were also working toward community event funding through a separate budget process, which would be reviewed by the Finance, Organization, and Personnel Committee. The City Manager also confirmed that all protocols for these events were met, and the displays went well in 2023.

Vice Chair Jones recalled these presentations from Mr. Watterson over the last 20 years. He recalled that the Elm City Rotary used to organize July 4 fireworks, but when they could no longer staff it, Mr. Watterson took on the effort. The Councilor thanked Mr. Watterson and all the volunteers. Vice Chair Jones was pleased to see a tentative rain date.

Councilor Williams recalled that he thinks there are too many opportunities for fireworks, which means they are not as special as they used to be. Further, he noted that fireworks significantly negatively affect pets and people with autism, among many others. He thinks each City organization should be allowed one fireworks display per year. Thus, he would support this July 3 event, but would vote against the June 5 and July 30 events. Mr. Watterson said he understood, noting that the June 5 event was historically to kick-off the season; the sponsor is Monadnock Ford, and they suggested a big opening night with fireworks this year.

Chair Bosley understood Councilor Williams' points, noting that the Council hears a lot about unlicensed fireworks displays. Thus, she was pleased that these events were requesting advanced permission.

Chair Bosley opened the floor to public comments.

Deborah LeBlanc of 68 Gilsum Street agreed with Councilor Williams that fireworks are outdated, old fashioned, and bad for the environment. She suggested transitioning to something like drones that do not disturb wildlife, which does not have advanced warning about fireworks.

Councilor Haas agreed about fireworks being outdated and about the amazing options with drones. He suggested that he, Councilor Williams, and Ms. LeBlanc should get involved with the volunteer group to encourage these changes. Chair Bosley supported that effort in future years.

Councilor Haas made the following motion, which was duly seconded by Councilor Ormerod.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the Keene Swamp Bats be granted permission for the discharge of display fireworks on Wednesday, July 3rd, 2024 on Alumni Field at no later than 10:00 PM, and reserving a “rain date” to be determined in conjunction with City staff in the event of inclement weather. Said permission is subject to following conditions: the signing of a revocable license and indemnification agreement; that the Keene Swamp Bats provide a certificate of liability insurance with the City of Keene listed as additional insured in the

amount of \$1,000,000; that the fireworks vendor also provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a State Fireworks permit. In addition, the petitioner agrees to comply with any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 25 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.

Vice Chair Jones made the following motion, which was duly seconded by Councilor Haas.

On a vote of 4–1, the Planning, Licenses, and Development Committee recommends that the Keene Swamp Bats be granted permission for the discharge of display fireworks on the following dates: Wednesday, June 5, 2024 and Tuesday, July 30, 2024 on Alumni Field at no later than 10:00 PM subject to following conditions: the signing of a revocable license and indemnification agreement; that the Keene Swamp Bats provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; that the fireworks vendor also provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a Class B fireworks permit for each display date. In addition, the petitioner agrees to comply with any recommendations of City staff. This permission is conditional upon the Petitioner absorbing the charges for any City services provided. Said payments shall be made within 30-days of the date of invoicing. Councilor Williams voted in opposition.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Charlotte and David Lesser – Noise Disturbance from a Commercial Vehicle Generator at 58 Grant Street**

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends accepting the communication Noise Disturbance from a Commercial Vehicle Generator at 58 Grant Street as informational.

Attachments:

None

Background:

Chair Bosley welcomed Connie Joyce of 81 Grant Street (and owns 55 Grant Street), who was present to speak about this noise and pollution disturbance in lieu of the petitioners, Charlotte and David Lesser (48 Grant Street), who were in Arizona. Ms. Joyce had also experienced the disturbance from a large tractor trailer cab parked at 58 Grant Street since the fall of 2023. She said 58 Grant Street has absentee owners who live in California. During the first disturbance, Mr. Lesser called the Keene Police Department (KPD), who asked him to speak with the owner of 58 Grant Street about the noise and pollution issues, which Mr. Lesser did. The KPD told Mr. Lesser that there was nothing they could do about the issue because the City's current Noise Ordinance did not apply. The neighbors contacted Councilor Williams, who immediately visited the site to witness the noise and pollution. Ms. Joyce said the disturbance had been overwhelming, day after day and night after night, as long as the truck cab was there and charging its generator before disappearing again on a long-haul trip and then returning to Keene. Ms. Joyce mentioned that both she and the Lessers have tenants in these buildings who work from home and have been impacted by this disturbance. They felt there was no recourse. She said it was unacceptable in a residential neighborhood and the neighbors hoped the Council could do something to help.

The City's current Noise and Vibration Ordinance was included in the meeting packet.

Chair Bosley asked for comments from the Community Development Director, Jesse Rounds, who explained the series of events and why the KPD might not have been able to appropriately affect this. For anyone in the community experiencing something like this, Mr. Rounds said they should contact the Community Development Department first as they will visit the site to assess the issue. According to City records, this complaint was first brought to the City around Thanksgiving

2023, at which time the Housing Inspector and Code Enforcement Officer visited the site and found the vehicle running this generator. Because many neighbors complained about the truck cab running 24 hours/day, City Staff members spoke to the vehicle owner to inform them that the generator cannot run constantly. Mr. Rounds explained that KPD enforces the Noise Ordinance. The Community Development Department has separate authority in the Land Development Code (Article 17.2.3 – Noise & Vibration). This part of the Codes allows the Community Development Department to investigate noises that are both continuous and intermittent, which is something that is less clear in the Noise Ordinance. When the Community Development Department learned of this complaint, they visited the site to conduct a sound measurement (decibels) and found that it was a problem. So, Staff informed the owner that they could not park there overnight. The next time the truck owner was there, the Community Development Department received another complaint about them running the generator during the day. So, Staff visited again to inform the owner that they cannot run the generator all the time; the Community Development Department issued a warning and the owner stopped.

Overall, Mr. Rounds encouraged residents to contact the Community Development Department about these issues. Staff can issue tickets to the offenders. The truck is how this resident gets home to Keene, but they are parking on Grant Street to replenish their batteries and then leave to park the truck elsewhere and get a ride home. This is fine, but the noise was still disturbing the peace. In advance of issuing tickets, Community Development Department Staff prefer to talk to the resident and try to find an alternate solution.

In dealing with this issue, Mr. Rounds explained that the Housing Inspector felt that the noise section of the Nuisance Ordinance in the Zoning Code was not ideal because it cites very low, 60 decibel levels—as loud as a normal conversation—in residential areas. Thus, Staff were investigating how to make that regulation more effective, and increasing the decibel level so Staff can differentiate between a nuisance and normal parts of daily living.

Chair Bosley asked if residents should call the KPD first for noise violations at night. Mr. Rounds said yes, but the KPD cannot enforce the nuisance, the Community Development Department can. If a resident reports a nighttime concern, Mr. Rounds said Community Development Department Staff would arrange a site visit. Chair Bosley asked if the City could enforce something from a video of an issue. Mr. Rounds said no, because the decibel level would be indeterminate. He noted the challenges with this instance, because the truck runs from 10:00 PM–7:00 AM and then leaves, and neighbors do not know when it will return. The City Manager said that in this case overnight, it would be a noise violation, which KPD can enforce. She mentioned how the City is organized into different zones with different quiet hours. The sound during the daytime would violate the Nuisance Ordinance, not the Noise Ordinance. Mr. Rounds added that if the truck is parked at this location on Grant Street, it violates a separate part of the Zoning Ordinance, which does not allow parking a commercial vehicle overnight in a residential neighborhood.

Chair Bosley asked Mr. Rounds if he had enough language in the Ordinance to allow the Community Development Department to keep addressing this issue to the satisfaction of the neighbors. Mr. Rounds said yes.

Councilor Williams said this location is near his neighborhood and he can sometimes hear the noise from his back yard on North Lincoln Street. Thus, this noise was affecting a dense residential area. He was glad there was a way to address this. He hoped to address this issue more generally too, as he hears complaints about commercial vehicles in residential neighborhoods, for example, truck drivers park at Robin Hood Park while on breaks. In the long term, Councilor Williams wondered if there could be a way to designate a place in the City where these vehicles can park—perhaps with bathrooms and picnic tables—so they do not cause noise problems or interfere with residences.

Councilor Ormerod asked if there is a decibel meter that the KPD could use. Mr. Round said no, because the Noise Ordinance does not specify a decibel requirement, so it would be a judgement call by the KPD at the scene.

Councilor Williams made the following motion, which was duly seconded by Vice Chair Jones.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends accepting the communication Noise Disturbance from a Commercial Vehicle Generator at 58 Grant Street as informational.

Chair Bosley asked Ms. Joyce to communicate with the Lessers and other neighbors that they should contact the Community Development Department during the day, and they can always contact the City Manager.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Let It Shine – Request to Use City Property – 2024 Pumpkin Festival

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Saturday, October 12, 2024, to host the Keene Pumpkin Festival subject to the following provisions:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after September 1, 2024;
- The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 25 Community Events Budget, and agrees to remit said payment within 30-days of the date of invoicing;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement and associated protocol documents;
- That the footprint and layout for the event shall encumber the traveled portions of Central Square, Main Street both sides from Central Square to Emerald Street and Eagle Court, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff and will include any closures necessary to facilitate safety during pre-event setup and post event cleanup activities;
- That the Petitioner is permitted to use the northbound inside lane of Main Street for pumpkin drop-off by area schools on Friday, October 11, 2024;
- That the actual event will be held from 2:00 PM to 7:00 PM with the times for set up and clean up to be established with City staff;
- The submittal of signed letters of permission from any private property owners for the use of their property;
- That free parking be granted under the provisions of the free parking policy for City parking spaces needed for logistical purposes beginning Thursday, October 10, 2024 at 6:00 AM and extending through Monday, October 14, 2024, and spaces within the event footprint on the day of the event; and

- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

Attachments:

None

Background:

Chair Bosley welcomed Michael Giacomo of 615 Hurricane Road, a representative of Let It Shine. Mr. Giacomo talked about his letter to the Council, which outlined the major changes (in bold) from last year's festival. The most significant change is the date. Aligning the festival with Keene State College's (KSC) parents' weekend in 2023 ultimately posed significant challenges with so many people in town and public safety resources were drawn thin. In consultation with KSC and the Public Works Department, Let It Shine decided not to do the same in 2024, so the festival is proposed for the weekend before KSC's parent's weekend. The proposed October 12 date aligns with KSC's fall break, when there will be fewer students on campus, freeing more resources for the festival. Mr. Giacomo cited other proposed changes this year, including increasing the number of craft vendors as they did not require as much space as anticipated last year; they would remain on Main Street, confined in the parking spots within the festival's footprint. During the protocol meetings, they discussed whether it makes sense to not place pumpkins past Emerald Street/Gilbo Avenue; if the City decides it makes the most sense to close that area to traffic flow, it will eliminate an "S" curve at Gilbo Avenue, which challenged drivers during a different festival two years ago. No other major changes were proposed for this year's festival.

Mr. Giacomo noted that Let It Shine was in the process of codifying its mission statement so that in perpetuity, which would limit the Pumpkin Festival to a specific size, including prohibiting things like carnival rides. Let It Shine is cognizant of past challenges, and they want to find a way to prevent those issues in the long term.

The City Manager thanked Mr. Giacomo and Let It Shine for troubleshooting the timing with KSC and other things occurring in the community. The City Manager was confident these changes would alleviate last year's concerns. The event was successful with Let It Shine, and the City Manager was grateful for what they had accomplished. While she had confidence in the current Let It Shine Board's intentions for the size of the event, she supported the idea of documenting the intent for the festival in the future. The City Manager said festivals are crucial to Keene and keeping Main Street vibrant, but there is a tipping point, at which they can become burdensome on the City's resources. She was grateful to Let It Shine.

Chair Bosley recalled that she served on the Let It Shine Board in previous years. She thought the 2023 festival was amazing and she enjoyed getting the pumpkins to and from the schools. Even setting up the pumpkins on the Friday before the festival is a wonderful experience for the community who might not be able to attend the festival. Chair Bosley looked forward to this year's event.

Mr. Giacomo said that ultimately, without building a sustainable model, Let It Shine's future success would not be guaranteed. He said it was logical for Let It Shine to build this model and they were happy to add language to keep the festival manageable in the future.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that a license

be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Saturday, October 12, 2024, to host the Keene Pumpkin Festival subject to the following provisions:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after September 1, 2024;
- The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 25 Community Events Budget, and agrees to remit said payment within 30-days of the date of invoicing;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement and associated protocol documents;
- That the footprint and layout for the event shall encumber the traveled portions of Central Square, Main Street both sides from Central Square to Emerald Street and Eagle Court, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff and will include any closures necessary to facilitate safety during pre-event setup and post event cleanup activities;
- That the Petitioner is permitted to use the Railroad Square vendor spot for pumpkin drop-off by area schools on Friday, October 11, 2024;
- That the actual event will be held from 2:00 PM to 7:00 PM with the times for set up and clean up to be established with City staff;
- The submittal of signed letters of permission from any private property owners for the use of their property;
- That free parking be granted under the provisions of the free parking policy for City parking spaces needed for logistical purposes beginning Thursday, October 10, 2024 at 6:00 AM and extending through Monday, October 14, 2024, and spaces within the event footprint on the day of the event; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

Mr. Giacomo clarified that the drop off would not be at Railroad Square this year, but instead in the western northbound lane of Main Street.

Chair Bosley moved to amend the motion to replace the following, “That the Petitioner is permitted to use the Railroad Square...” with, “That the Petitioner is permitted to use the northbound inside lane of Main Street...” Vice Chair Jones seconded the motion to amend, which carried unanimously.

On a vote of 5–0, the amended motion carried unanimously.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Luca Paris/Greater Monadnock Collaborative – Request to Use Parking Spaces – Classic Cars – May 5, 2024

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the Greater Monadnock Collaborative be granted a license for the use of City property on Railroad Square and designated spaces around Central Square and down Main Street to conduct a Classic Car Show event on Sunday, May 5, 2024 from 8:00am to 12:00pm. The applicant is permitted to close off the outer lane of Central Square and the outer northbound and southbound lanes of Main Street to Railroad Street to provide a buffer for pedestrians viewing the cars on display, as well as a portion of Railroad Street from Main Street to the westerly entrance of the Wells Street Parking Garage, if needed. This permission is granted subject to the signing of a revocable license and indemnification agreement, submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as additional insured, submittal of signed letters of permission from the owner for any use of private property, and compliance with any recommendations of City staff. This license is subject to the Greater Monadnock Collaborative absorbing the cost of any City services provided. Use of the parking spaces is granted free of charge under the provisions of the Free Parking Policy.

Attachments:

None

Background:

Chair Bosley welcomed Luca Paris, President of the Greater Monadnock Collaborative Regional Chamber of Commerce. Mr. Paris explained the idea to bring back “Cruising Main Street.” The event, which brings classic cars to Keene, was prominent for many years before Mr. Paris moved to Keene. Many in the community had spoken to him about wanting to bring the event back. He felt that Monadnock Ford would be a great partner for this event. He said the protocol meetings had occurred with City Staff and he thought the requirements had been satisfied.

Chair Bosley knew the organizers had met with the Municipal Services, Facilities, and Infrastructure (MSFI) Committee and she said this would be a nice way to support downtown’s vibrancy. She knew there had been some concern about street closures, but she thought the organizers had taken citizen safety into account.

The City Manager, Elizabeth Dragon, was appreciative of the sponsor of this event for taking the City's feedback and being willing to talk about creating more safety for the spectators. This event was initially reviewed by the MSFI Committee. There had been concerns about impacts to the roadway based on feedback from the Ice and Snow Festival. Additionally, this would be scheduled for graduation weekend, so there were concerns about traffic and crowds. As such, there were additional protocol meetings and there was consensus on a partial lane closure to provide some additional space, which the City Manager was pleased with. The organizers had satisfied all other protocol concerns, including agreeing to \$2,000 in additional expenses for the organizers.

There were no public comments.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the Greater Monadnock Collaborative be granted a license for the use of City property on Railroad Square and designated spaces around Central Square and down Main Street to conduct a Classic Car Show event on Sunday, May 5, 2024 from 8:00am to 12:00pm. The applicant is permitted to close off the outer lane of Central Square and the outer northbound and southbound lanes of Main Street to Railroad Street to provide a buffer for pedestrians viewing the cars on display, as well as a portion of Railroad Street from Main Street to the westerly entrance of the Wells Street Parking Garage, if needed. This permission is granted subject to the signing of a revocable license and indemnification agreement, submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as additional insured, submittal of signed letters of permission from the owner for any use of private property, and compliance with any recommendations of City staff. This license is subject to the Greater Monadnock Collaborative absorbing the cost of any City services provided. Use of the parking spaces is granted free of charge under the provisions of the Free Parking Policy.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Operating Rights Agreements with Monadnock Choppers - Flight Training; Operating Rights Agreement with Monadnock Choppers - Aircraft Maintenance Services; and Airport Land Leases with Monadnock Choppers Associated with their Operating Rights Agreement**

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to execute an operating rights agreement with Monadnock Choppers to provide flight instruction at the Keene Dillant-Hopkins Airport.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to execute an operating rights agreement with Monadnock Choppers to provide aircraft maintenance at the Keene Dillant-Hopkins Airport.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to execute airport ground leases with Monadnock Choppers for lots 16 and 17 to conduct business at the Keene Dillant-Hopkins Airport associated with their operating rights agreement.

Attachments:

None

Background:

Chair Bosley heard agenda items 8–10 together. She welcomed the Airport Director, David Hickling, who explained that Monadnock Choppers had been in business at the Dillant Hopkins Airport for four years. They initially only wanted a two-year operating agreement with a two-year renewal to ensure their business would run well. The business had been very successful. One of Monadnock Choppers' ground leases had expired. So, the owner wanted to renew both of their leases and both of their operating agreements concurrently, so they would all now align. The two operating agreements are for flight training services and aircraft maintenance services. The two land leases are for hangars used for Monadnock Choppers' operations. The City had negotiated the lease in accordance with the Airport Land Leasing Policy and reached an agreement.

The City Manager said that Monadnock Choppers had been a great addition to the Airport and a great tenant. She was glad they wanted to continue the operating agreement. She supported moving

the agreements forward.

Councilor Williams recalled that there had been concerns when Monadnock Choppers moved into the Airport, and he was glad those did not occur. Councilor Ormerod agreed that there had been a concern in his Ward, and he was pleased with how the City Manager and Airport Director managed the relationship to be a positive one for the community.

There were no public comments.

Councilor Haas made the following motion, which was duly seconded by Councilor Ormerod.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to execute an operating rights agreement with Monadnock Choppers to provide flight instruction at the Keene Dillant-Hopkins Airport.

Councilor Haas made the following motion, which was duly seconded by Councilor Ormerod.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to execute an operating rights agreement with Monadnock Choppers to provide aircraft maintenance at the Keene Dillant-Hopkins Airport.

Councilor Williams made the following motion, which was duly seconded by Vice Chair Jones.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to execute airport ground leases with Monadnock Choppers for lots 16 and 17 to conduct business at the Keene Dillant-Hopkins Airport associated with their operating rights agreement.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Conan Salada - Concerns Regarding the Issuance of Fire Permits

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends that the communication be referred to staff to be handled administratively.

Attachments:

None

Background:

Mr. Conan Salada of 132 Kennedy Drive addressed the committee and stated many years ago obtaining a fire permit was a very simple process. In his case he went down to the West Keene station to provide identification and obtained a permit. A few years ago the Fire Department moved to online only and it was \$1.50 to obtain a permit but the rate has now increased to \$5.50 which he felt was in excess for something he felt should be at no charge to residents. Mr. Salada noted residents now need access to the internet, a computer and a printer to be able to obtain a permit which he felt was burdensome and questioned the legality of the City putting this in place. He noted there is no RSA to govern this process.

City Manager Elizabeth Dragon stated the Keene Fire Department has a system in place where officers can enter information manually and obtain a permit when you go into the Fire Department. Mr. Salada stated he tried that process and had to wait for close to ten minutes to be assisted and was told he had to obtain the permit online and felt this information needs to be conveyed to staff so they don't have conflicting information. He also added this information should be added to the City of Keene website. The Manager stated this information can be provided to staff and the website can also be updated.

Fire Chief Farquhar in response stated it is important to note there is benefit to completing this process on the online system. If anyone has an open permit Fire Department personnel are able to quickly determine that. Also, on high danger days when you are not allowed to burn, the system gives the department the ability to message back anyone with the permit and notify them they can't burn on a specific day. He added at times and there can be a wait in the lobby, this relates to call volume. The Chief added it is important that people follow this process. The online option was deployed for safety reasons, but the department will do anything they can to make it customer friendly. Mr. Salada noted there is a disclaimer that says before you do anything you need to call and

verify that it is a good burn day.

Councilor Lake made the following motion, which was seconded by Councilor Roberts.

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends that the communication be referred to staff to be handled administratively.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **The Reverend Elsa Worth - Saint James Episcopal Church - Request for Parking Passes - Gilbo Avenue Parking Lot Reverend Elsa Worth**

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends accepting the communication on Saint James Episcopal Church – request for parking passes – Gilbo Avenue Parking Lot as informational.

Attachments:

None

Background:

Reverend Elsa Worth addressed the committee and stated one her parishioners had learned that there are a few-long term nonprofits in the City that have been given parking passes when they don't have their own parking. Based on that information Rev Worth stated she submitted a letter for the same consideration and is requesting five parking permits to be used by staff and volunteers at the parking lot behind St. James Church. She indicated she has office staff who come in Tuesday through Friday from 10 am to 2 pm, and a custodian and bookkeeper who come in once a week. She indicated it would be particularly helpful to have these passes to be used for funerals by immediate family.

The City Manager stated she would like to know who the nonprofits who have passes. She added the American Red Cross has worked with the Fire Department and Public Works and have received permission to park their trailers on the city lot; but these were not parking passes. She added the only free parking that is given is for events which is requested through the City Council. The Manager added unfortunately there is no mechanism in City policies or code that allows for free parking. She explained the parking system is completely run by revenue received and is not part of general taxation. Fines, penalties, and meter fees are the revenue stream that is used to operating the parking system, hence it is very rare that we waive the charge for parking. She added she is not aware of the City giving any parking passes out to nonprofits.

Rev. Worth asked whether a funeral would be considered an event. Vice-Chair Remy stated each request would have to go through City Council. He also stated there is a process to pay for parking spots through the parking office. He referred to an event that involved motor-cycles. The Manager stated with that event the group organizing the event pre-bought spaces and gave them out to people

attending the event.

Deputy City Manager Rebecca Landry added she had spoken to the Parking Manager who had indicated there are spaces available for permits right behind Syds Carpet.

Councilor Roberts made the following motion, which was seconded by Councilor Lake.

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends accepting the communication on Saint James Episcopal Church – request for parking passes – Gilbo Avenue Parking Lot as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.10.

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Construction Engineering Change Order #2 - Upper Winchester Street Reconstruction Project**

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional services Change Order with McFarland-Johnson in an amount not to exceed \$16,500.00.

Attachments:

None

Background:

City Engineer Don Lussier addressed the committee and stated this item is in reference to a change order with respect to the Winchester Street Reconstruction project. McFarland Johnson is the project engineer of record and they have done all the design work. He indicated Federal Highway rules don't allow the design engineer to continue as the construction administration engineer. However, he stated it is always necessary to have the design engineer on call during the construction process. There was additional work McFarland Johnson invested in the project such as reviewing details and the many iterations of shop drawings. McFarland Johnson has used up its budget but there is still some work that needs to be completed. As a result, Staff is asking for additional funding so McFarland Johnson could continue their work through completion of this project. The state has approved this funding, the City will be obliged for 20%.

Councilor Roberts made the following motion, which was seconded by Councilor Lake.

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional services Change Order with McFarland-Johnson in an amount not to exceed \$16,500.00.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.11.

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Capital Improvement Program - FY 2025-2031

Recommendation:

On a 3-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption of the Capital Improvement Program for FY 2025-2031.

Attachments:

None

Background:

Vice-Chair Remy thanked staff for all their effort put into the CIP.

Councilor Lake made the following motion, which was seconded by Councilor Roberts.

On a 3-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption of the Capital Improvement Program for FY25-31.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Jesse Rounds, Community Development Director
Through:
Subject: **Relating to an Amendment to the Zoning Code - Zoning Regulations - Cottage Court Overlay District Conditional Use Permit O-2024-01**

Recommendation:

A motion was made by Councilor Remy that the Planning Board finds Ordinance O-2024-01 – adjusted for the two scrivener errors to add “building” in Section 17. 5.3 and add “new” in Section 17.5.3A in the appropriate locations consistent with the master plan. The motion was seconded by Kenneth Kost. The motion made by Councilor Remy was approved 6-2 by the Planning Board.

A motion was made by Councilor Jones that the Planning Licenses and Development Committee request the Mayor set a public hearing for Ordinance O-2024-01. The motion was seconded by Councilor Williams and was unanimously approved.

Attachments:

1. Ordinance O-2024-01_revised_redline

Background:

Ordinance - O-2024-01 – Relating to amendments to the City of Keene Land Development Code – Zoning Regulations – Cottage Court Overlay District Conditional Use Permit. Petitioner, City of Keene Community Development Department, proposes to amend sections of Chapter 100, the Land Development Code (LDC), of the City Code of Ordinances to add a new Article 17 “Cottage Court Overlay District Conditional Use Permit”; Amend Article 3 to allow “Dwelling, Two-Family,” “Neighborhood Grocery Store,” “Office,” “Restaurant,” “Retail Establishment, Light,” “Day Care Center,” and “Community Garden” as allowed uses with a Cottage Court Overlay (CCO) conditional use permit in all residential districts in Article 3, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, 3.5.5, 3.6.5, 3.7.5, and 8-1 be updated to reflect this change; Amend Article 3 to allow “Dwelling, Two-Family” and “Dwelling, Above Ground Floor” as allowed uses with a CCO conditional use permit in the Rural, Residential Preservation, Low Density 1, and Low Density districts, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, and 8-1 be updated to reflect this change; Amend Article 3 to allow “Dwelling, Multi-Family” as an allowed use with a CCO conditional use permit in the Low Density 1 and Low Density districts, and that Tables 3.3.5, 3.4.5, and 8-1 be updated to reflect this change; Amend Articles 17 through 28 of the Land Development Code, and all subsections and references thereto, to reflect the addition of a new Article 17.

Mr. Clements addressed the committee and introduced Bill Eubanks who was joining the session virtually.

Consultant Bill Eubanks addressed the Committee and stated the purpose of this ordinance is to address specific housing needs in the community with emphasis on senior housing and workforce housing. This is being done through an overlay ordinance which would utilize a conditional use permitting process. Mr. Eubanks stated the city completed a housing assessment which indicated that even though the population was shrinking the number of households was increasing; 40% of the population lives alone, there is also large number of displaced workforce; people having to travel to Keene for work. There is also a lot of households that are cost burdened which means 30% of their income is going to housing related costs. This number increased to 39% for seniors and the number for rentals is higher at 43%. The study indicates Keene is going to need new 1,400 new housing units over the next ten years.

Mr. Eubanks stated the purpose of the ordinance is to promote infill and redevelopment, encourage efficient use of land and to expand the range of housing choices that are available with the changing demographics and provide for flexibility in such a way that it also helps strengthen existing neighborhoods. To encourage development in areas that are already pedestrian scaled, safe and affordable.

Where will this be applicable? This would generally be any land located within the overlay and would be subject to this article and would be permitted in R, RP, LD, LD-1, MD, HD and HD-1 through a conditional use permit.

There will also be certain non-residential uses that would be permitted. Certain commercial uses will be permitted as long as they are on a corner, as long as they have a maximum of 1,000 square feet and they have a residential use above them. Daycare on the ground floor with a maximum of 2,000 square feet and must have a residential use above it. There are also ancillary uses to the residential uses that are allowed, things like laundry buildings, storage buildings, common use buildings, such as kitchens, meeting areas, exercise areas, picnic pavilions, attached or detached garages are also allowed, and they may have a unit above them.

Mr. Eubanks went on to say projects may be developed on a single parcel of land, either with property management entity if it is rental, or a homeowner's association or condominium association if the product is for sale. It may be also developed as a subdivision with units on individual lots, in which case there would also need to be some type of property management entity or homeowners association or condominium association.

When storm water is looked at it will be looked at for the entire development, not individual lots, because of the manner in which they will be clustered. If there are condominium or HOA involved in this, they have to meet all applicable state statutes.

Dimensional Standards - There is no minimum tract size. The minimum frontage is 30 feet. Perimeter setbacks of buildings can match what exists on either side of them instead of meeting the setback requirements of the underlying zone. There is no minimum lot area. Minimum frontage on internal roads is 26 feet. No minimum or maximum density requirements as well. In lower density residential districts, the requirement would be a maximum height of 2 1/2 stories or 35 feet. The underlying zoning allows two stories and a 35 foot height. In HD and HD one it would be a maximum of three stories or 50 feet. If the building is not located in a flood zone the bottom floor counts as a story. If you are in a flood zone, first floor is measured from base flood elevation plus one foot.

With respect to perimeter of setback – Mr. Eubanks stated the underlying zoning would more than likely have a 15 foot required setback. However, if there are existing buildings on that street that had

setbacks of less than 15 feet, the proposed development would be allowed to match that existing setback instead of having to go back to the 15 feet.

There is no minimum unit size required, although there is a maximum average square footage of 12,150 square feet of a floor area excluding garages. Maximum footprint is 900 square feet per unit, excluding porches and garages unless it is age restricted, then the number is increased to 1,000 square feet.

Parking is a minimum of one space per unit or .75 if it is designated as workforce housing or age restricted housing then it will be a maximum of 1 space per bedroom. Those parking spaces may be surface spaces, in garages or carports. They can also be located off site - 500 feet from the furthest unit unless the housing is designated for age restricted.

Building separation is simply determined by applicable fire and building codes.

Driveways that provide access to three or more units have to be a minimum width of 20 feet and a maximum of 24 feet. Where feasible driveways should incorporate design features that give them the appearance of a street.

Internal roads have to meet existing city standards, although there is a statement included which states *variation from those standards, if deemed appropriate may be achieved through a waiver process as described in Article 23.*

Screening – From adjacent uses with of semi or opaque fence and also that the Planning Board can approve a landscape buffer that provides similar or greater screening.

Mr. Eubanks next referred to architectural guidelines. The Planning Board will be responsible for reviewing these projects for their architectural merit. Mr. Eubanks stated they have developed a list of things that would be easier to approve and things that would be more difficult to approve. For example, if you are putting the narrow frontage of the building to the street, that is going to be easier to approve than putting the wide frontage to the street. If your parking is screened from the frontage, that is going to be easier to approve than parking visible from the frontage.

Mr. Eubanks referred to images of buildings to illustrate this example.

Building based differentiated versus building being monolithic – a lot of discretion will be required here. The building needs to be looked at in totality (height, mass, and scale).

Taller ceiling heights versus shorter ceiling heights – Mr. Eubanks stated they would prefer taller ceiling heights. He stated his firm does a lot multifamily units and one of the reasons for taller ceiling is it is much more gracious which also allows for 3 x 6 windows as a standard instead of 3 x 5 windows which provides for more natural light ventilation.

Natural and Integral Materials versus Composite and Cladding – He noted to a rendering where the buildings on the left consisted of brick and wood which are natural and integral materials versus the buildings on the right which are composites and cladding (synthetic stone etc) which is not something that would be encouraged.

Structural Expression versus Surface Expression – The rendering for this example showed the images on the left to have some structural expression with open eaves versus the one on the right consisted of stone.

Thicker wall depth versus Thinner wall depth – Mr. Eubanks noted to the images on the left the windows have some shadow and the images on the right don't have that depth. He noted they prefer the depth and seeing that shadow.

Simple Clear Massing versus Complex Massing - Whether it is a traditional structure or a more modern structure; masses that are easily readable, clear, concise, are going to be easier to approve.

Vertical Fenestration versus Horizontal Fenestration – This plays into ceiling height, orientation of the building to the street. Mr. Eubanks stated they prefer vertical fenestration on a building as opposed to horizontal. Repetitive Fenestration versus Mixed Fenestration – This again has to do with the overall massing of the building. Repetitive Fenestration tends to read a little bit clearer.

Contextual Materials versus Unrelated Materials – What would fit in the community.

Landscape Unifies versus landscape Unorganized – Home on small lots or homes on a common regime and share common open space, landscape can go a long way to make it feel unified. The concluded Mr. Eubanks presentation.

Mr. Clements addressed the committee and stated staff made a decision in regards to the submittal requirements specific to site plan review. Staff set a threshold of a cottage court development that includes five or more dwelling units, will have to go through full site plan review. Every one of these projects is going to have to come to the Planning Board, but if it is a smaller development, staff is not necessarily looking for instance a traffic study, storm water analysis, comprehensive lighting plan; staff doesn't want to discourage smaller projects by front loading all this unnecessary engineering, site plan review. Mr. Clements asked if this threshold was appropriate or should it be more units that are essentially exempt from full site plan review or should it be fewer? The city would also then have to make sure this matches up with its existing regulations for current more traditional multifamily projects.

Chair Farrington asked Mr. Eubanks what type of feedback was received from Keene residents and any changes that were made to the original plan based on that. Mr. Eubanks stated they had a good turnout at both public meetings. Everyone was in favor of this idea and were enthusiastic. He stated he could not think of any specific changes that were made.

Councilor Williams stated he liked everything about this plan – the only item he could think of was the requirement of housing on top of a daycare center. He did not feel this was necessarily compatible; there could be issues with security concerns. There could also be situations where someone might want to turn their house into a daycare center. He stated however, that he likes housing above storefronts. Mr. Eubanks responded by saying the purpose of this overlay is to provide housing and if daycare is allowed it is an addition but it is not at the expense of housing. He added daycare is operated during the day when most residential users will be at work and didn't see a conflict between the two uses. This is an overlay to provide housing. The Councilor added daycare crisis is just as bad as the housing crisis.

Mr. Clancy asked whether there are any condo development restriction in the City of Keene. Mr. Clements stated the city regulations view it as an ownership model not as a development style.

Councilor Remy stated he was getting stuck on trying to differentiate between this overlay and a manufactured housing park. Maybe a manufactured housing park is a cottage court, but a cottage court isn't necessarily a manufactured housing park. He asked why the city doesn't expand the zones where manufactured housing parks are allowed and what the differentiation is. Mr. Clements stated manufactured housing is actually defined in state statute as being a housing structure that is permanently affixed to a chassis where the dwelling can be hitched up and moved. Currently within the City of Keene you could use a different term "modular home". It is fundamentally the same thing. However, there is no chassis, and it is permanently affixed to a foundation that is currently allowed by

right in the City of Keene. If someone wanted to place a modular dwelling on their lot they would just need to get a building permit. This is the difference between manufactured housing and cottage court.

Councilor Ormerod stated one thing he has noticed about many neighborhoods in Keene, especially in low density zone is that some lot sizes are pretty small and you really can't built out but can build up but we are limiting it to 2 1/2 stories where three story Victorians are very much in common with the character of the area. He asked hence, under what circumstances could you construct a three-story Victorian. Mr. Eubanks stated he had a lot of conversation with staff on this. He explained the reason they settled on 2.5 stories instead of three stories is because of pushback from existing neighborhoods and felt 2.5 stories could be more palatable. Councilor Ormerod stated he was specifically looking for the Victorian style which could make it attractive to buyers.

Mayor Kahn noted to section 17.5.2, where it indicates in the high density a maximum height of 50 feet would be limited to three stories with parking underneath, potentially being one of those stories. He felt a parking structure doesn't need to be more than 7 feet; ten feet for each story, plus pitched roof – you could easily get four stories and questioned the restriction on height. Mr. Eubanks asked staff to confirm what the high restriction was for HD and HD1. Mr. Clements stated high density has it at two stories above grade and max building height of 35 feet. HD1 has it at three stories above grade and max building height of 50 feet.

Ms. Vezzani referred to what Councilor Remy stated and noted with the manufactured homes typically in Parks, you don't own the land and clarified with these multi family homes whether you will own the land or whether it will they be some sort of Association. Mr. Clements stated the City is not limiting ownership models; the entire project could be owned by an entity that rents out the units like an apartment building, but they will all be detached. They could also be townhomes and it is a condo association where you have common land around and you just own the building. He added one of the overarching goals of this proposal is to reduce limitations so that any housing product can be appealing. So that someone can use this overlay guidelines to mold the product that fits into an existing neighborhood.

With reference to height, Ms. Vezzani stated it was interesting you could have a grade situation where you are parking below and then there could be some living in the rear of the property. She felt reducing those limitations does allow for wider flexibility.

Councilor Bosley stated there is no language in this ordinance that addresses lots that contain prior structures. If there is a lot with the prior structure on it could it be converted to a cottage court to allow for infill development. She asked how this ordinance address prior structures and new structures; under the site plan review, when you refer to major site plan review and minor site plan review – does it consider the total of structures that someone is adding or a total of structures that will now exist inside the cottage court. She also asked if for instance a 1,500 square foot unit already exist on a triple size lot would the existing 1,500 square foot unit be factored into that calculation.

The Councilor then referred to ownership structures; how can the City restrict these units to be potentially not used as Airbnb's. Council had concern as to how the Airbnb market might have an impact on this type of potential development. She noted what the city is trying to not promote is a cottage court district that is highly densified for the purpose of getting housing turning into a mini hotel situation.

She added she also had reaction on the list of items that are easier to approve and not so easy to approve; when driving around Keene how some of those things might not really apply here.

Mr. Eubanks responded to the Councilor and stated with reference to the list it is not a “you shall” “you shall not” sort of list; there is a range of interpretation. It provides guidelines but with a lot of flexibility. The Councilor stated she loves the idea of a list but for instance Natural and Integral Materials are preferred; she stated personally she does not see an issue with these buildings using composite or clad siding as this is not something that would stand out in our community. However, this level of detail might be something that could be for the historic district if this type of development was to be located in the historic district; same would be true for the other items that were also listed.

Mr. Eubanks agreed and next addressed short-term rentals and stated he completely agrees with what the Councilor raised as a concern and this is something staff and council would also agree to not creating. He went on to say in his opinion however, not addressing short term rentals only for the cottage court overlay instead of the entire city would be a mistake. He felt the City of Keene needs a short-term rental ordinance which would address this concern. However, addressing it only for the cottage court overlay would be a mistake.

With respect to average unit sizes and prior structures; this is something that would be flushed out through that site plan review. If someone has a house on a lot and wanted to turn it into one unit or divide it into multiple units – this would be part of that site plan review process. If that is a 1,500 square foot structure that is going to remain one unit, then the other units would have to be small enough that you achieve the average. He added this gets back to providing smaller living options than what exists in Keene right now. The main purpose of this ordinance is to provide smaller housing units. Mr. Clements stated it would be very easy to add one word to that 1,250 square foot average and say *all new dwelling units in a cottage court overlay shall have that average of 1,250 square feet.*

In regards to the site plan threshold, Mr. Clements felt the existing structures should be counted towards the threshold for site plan review because if you have an existing three family home and then you want to add two more units with the cottage court overlay, there is an intensity that is involved on the lot which should be evaluated in a more comprehensive manner as opposed to a single three family structure on the lot.

Mr. Rounds added with reference to the short-term rentals – Council has indicated a desire to figure out how to address short term rentals and staff will be back before Council with ideas. However, staff agrees with Mr. Eubanks that any restrictive use with cottage court will negatively affect that overlay and hence would like to apply it to the city as a whole. Mr. Clancy asked what Mayor Kahn had indicated to staff just now. Mr. Rounds stated the Mayor had wanted to know if New Hampshire had any restriction as it pertains to short-term rentals.

Councilor Bosley stated she agrees with what Mr. Clements had stated and added having the new structures when looking at the average size to count those at 1,250 square feet would make sense and also agreed with the suggestion regarding site plan review.

Mayor Kahn felt the Wright Estate is an example of something that is being described; a huge structure with buildout without needing to disturb the mansion on the site.

Mr. Kost felt if vehicles could park parallel on some of the streets it could save on building space but according to this overlay regulations, this is not something that would be permitted. He felt this is something that should be considered. Mr. Clements stated this is good point if this is going to be a public right of way and is something owned by the city. He stated there is no waiver authority in the cottage court overlay for the Planning Board as they wanted to keep it as light as possible and then let the existing site plan regulations dictate which is what the Board is more used to. The city does

allow off-site parking, which might be a way to address that, but in regards to keeping it as internal drive aisles, the main thought about that is reducing the amount of impervious surface. If there are more narrow drive aisles, and people start parking on the shoulder, it becomes an emergency access issue.

Mr. Kost stated these type of housing is great for entry level housing and felt some incentives could be built into it and asked that this is something that is also considered.

Councilor Remy stated he likes the idea of a list but wasn't sure as a Board how to balance this list. The Councilor asked whether 508 Washington Street would be considered an example of cottage court. Councilor Bosley referred to the development on Green Street – which is a four unit building and stated this is an example of cottage court.

Councilor Ormerod stated it is true that short term rentals are an issue for the city, but with cottage court developments which are particularly attractive, and you don't have to tear down or renovate and felt something needs to be included for short term rentals for cottage court because of how attractive they are. He also added when we talk about the short-term rentals that we don't rule out the places for traveling nurses, traveling physicians, etc. who do a lot for our community. He felt the appropriate distinction needs to be made for these traveling professionals.

Councilor Haas referred to ground floor parking which is ideal for development in flood zones which could open up new areas and felt this should be written into the ordinance. Mr. Eubanks stated this is specifically addressed – parking in flood zones versus parking under a building, not in a flood zone. The Councilor asked whether there are any preferred first floor occupancies the city should be aware of that would attract developers. Mr. Eubanks stated there is nothing specifically stated but it has been left fairly open. They felt what could be strengthening for neighborhoods, are things like a sandwich shop, a coffee shop, which would be compatible with the neighborhood. The Councilor asked with the setbacks requirements, whether zoning requirements are being waived to match up with the existing buildings – he added at times it is nice to have different setbacks which adds a bit of attraction to neighborhoods and also can act as a traffic calming measure. Mr. Eubanks stated he does not disagree with the Councilor but what they are doing here is only allowing the possibility of meeting those existing setbacks – it is not being required, it is a setback line not a built to line. Councilor Haas stated an applicant might want to take full advantage of the least setback possible, but it might be preferable to have the setback, but he leaves that up to staff.

Mr. Clancy thanked Councilor Haas was raising the issue of setbacks – he indicated we are looking at a time where traffic calming measures are definitely something we should consider and felt that conversation should be open to anyone that is willing to develop one of these. In terms of the short-term rental concern, this concern wasn't raised when ADU's were discussed. He added if the city is going to make this a point of conversation, short term rentals should be a separate item and not something that should delay adoption of cottage court. Cottage courts are important for the city in terms of development of affordable housing or any type of housing. With reference to easier to approve and not easy to approve items, Mr. Clancy stated he appreciates Mr. Eubanks bringing this to the committee's attention. He stated he would like to see this as a separate item as well and applied to the entire city but not just for the cottage court overlay district.

Councilor Jones asked Mr. Eubank when the City did its land development code, it deleted the use of a private roads and was mostly because Public Works requested it due to the issue of delineating between the public and private roads. However, from a housing perspective, wouldn't it help with the cottage court if it allowed for private roads. Mr. Eubanks stated there are a lot of jurisdictions that prefer private roads because they don't want the additional maintenance. He indicated Keene Public Works did not want private streets. In most jurisdictions, private streets still have to be built to public

standards - the conversation that was undertaken with Public Works was talking about differences in some of those standards to accommodate more narrow rights of ways etc. which might be appropriate for this. Public Works was not keen on that idea either, which is why there is language in the ordinance about applying for a waiver.

Mr. Clements addressed the road standard waiver process. He indicated the Public Works Department views the concept of a waiver from their road standards very differently from what the Planning Board would consider a waiver from their site development standards. What Public Works indicates is that they would be potentially open to negotiating a narrower right of way with a less amount of pavement required but still retaining it as a public street. They were not comfortable with adding any of that language specifically in this ordinance. He added staff's concern is this injects an element of uncertainty into the development process that staff was hoping to avoid. Mr. Eubanks added the majority of the parcels that are going to be used for this will be fairly small. The likelihood of one of these projects needing a new internal public right of way is slim. He stated it will be more in the realm of things that would be considered such as driveways that are not public rights of way. He did not feel this is going to be a problem that is going to come up. Mr. Clements agreed and added the city has a development scheme for that, which is the Conservation Residential Development Subdivision. If there is a parcel of land of sufficient size to put in a new public road it would probably be a better option for everybody involved.

Mayor Kahn stated we continue to say any parcel using this overlay must have city water and sewer. He stated he wanted to raise this issue again and used the City of Dover where a cottage court overlay exists and a septic field which is shared. He felt the lack of city water and sewer should not prohibit this type of development. Mr. Rounds stated he had done some research on this item – the Dover development is on public water and a couple of units that are on a shared septic, but the majority of it is on a forced main where you have to pump water up to the public system, which is what people saw as a shared septic system. He stated his understanding from talking to Dover was that the full development is on public water and sewer.

The Mayor clarified it is pumping from the site into the sewer system – Mr. Eubanks stated it is a pump station so it is a sanitary sewer system not a septic system.

The Clements stated the reason for wanting to tie in this proposal with City utilities is because of feedback from residents that we should be increasing housing opportunities where those services exist. He stated he would be concerned with larger parcels in the rural zone and then basically letting somebody come in and pack them in really tight. That is not really what this proposal was intended for, and one of the ways to limit the location for this kind of development was to tie it with water and sewer.

Councilor Bosley noted adopting the Land Development Code took years with a lot of public comment. Post adopting the Code the City changed the acreage requirement for the rural zoning district. As part of that, the City also adopted an ordinance that allowed for these Conservation Residential Developments (CRD) and if someone chose a CRD there are mechanisms to significantly increase density and to build those out in a way that protects things like watersheds, wetlands or topographical areas that are not buildable and allows you to densify certain areas that are more appropriate for development on those larger sites. The Councilor noted rural and agriculture are pretty much the only ones that don't have access to City water and sewer. Also LD-1 has to have sewer and city water or a private well.

The Councilor went on to say what is being discussed here is major densification potential with no minimums associated which could impact that part of the City negatively (unintended consequence) if you let people run free with no setback or density requirements.

Mr. Clancy recalls a rural district on Old Walpole Road which has City water and stated he agrees with the Mayor that he could not see a good reasoning for restricting different districts. We are a city in need of housing and could not see this being something that people are going to be clamoring to do. He did not feel the City should restrict a district just because they don't have sewer and water. There are many ways develop and it is up to the developer to decide.

Ms. Vezzani felt it shouldn't be encouraged but if there was an opportunity for a developer to use a sewer system that made sense for that particular area, could the developer then decide to come with the plan with a variance for that particular development. Mr. Clements stated that was a good point; they could go to the Zoning Board of Adjustment to get a variance from any of the provisions in this ordinance. He added the hardship test would be interesting. He also noted there is nothing preventing a potential developer from extending water and sewer lines to a potential lot at their cost if they choose to do so. Mr. Clements stated that the intent of the Ordinance was to provide lower cost dwelling units and that private wells and septic are expensive and not to say that hooking into City services is not expensive. However, having city utilities is cheaper in the long run than having private well and septic.

Councilor Remy felt this overlay needs to be restricted to where there is or can be water and sewer. He stated he could not imagine a 100 unit development on a 10 acre lot in the middle of nowhere because there is no minimum lot size. He noted the city has a CRD process, which had a lot of thought put into it around protecting land around it and using the density in the right way.

The Chairman stated there are a number of items that have been discussed with respect to the proposed ordinance: height, number of floors, whether or not daycare was appropriate to have included as one of the commercial items, setbacks, architectural standards, short term rentals to be included or not, how to address existing structures (clarification around that), city water and sewer restricting it to just that area. He stated he would not mind continuing this discussion and asked whether the committee had other areas they would like to discuss.

Councilor Remy asked what the expected outcome from tonight's meeting is. The Chair stated this is a workshop so the outcome is one of three things: it moves forward and the PLD Committee calls for a public hearing, Planning Board indicates it is consistent with the Master Plan, or the committee continues it to next month.

Mr. Clements stated at some point it could become an A version and it could come back to this Body, which will delay the adoption by a month.

Councilor Haas in an effort to expedite this item, the changes being proposed tonight don't seem to be too onerous and asked whether a public hearing could be scheduled through the PLD Committee and move those comments to staff for revision.

Councilor Bosley in response stated the process of how these ordinances are adopted through Council is very lengthy and it starts and stops in different places. If a public hearing is conducted and there is additional feedback, and the PLD Committee recommends it sends the ordinance back to the Joint Committee, it will have to go to another public hearing. She added every A version and B version gets brought back through a formal public hearing process, and it has to have a first reading and a second reading at full council, and has to go back to the PLD Committee for final recommendation. She added if anyone else has any items that are not the list Chair Farrington outlined they feel very strongly about it could be perhaps voted on to see if there needs to be an A version and suggested that a vote be taken tonight.

Mr. Clancy stated since the rural district is being included in this, but there is very limited options and there is some concern about perhaps a 10 acre parcel being developed with many small units,

whether there was any way language could be included to say that a maximum lot size be developed with cottage courts. Take the minimal acreage for a rural district property and include that language and as the maximum for cottage court overlay. He felt cottage court should be permitted anywhere in the city

Councilor Bosley noted this is a difficult process because of the way the two Bodies meet at the Joint Committee process. She noted that the two Bodies have very different roles. The Planning Board ultimately is going look at this ordinance and decide if it meets the master plan. It is Council's objective to try to craft language inside this ordinance that they feel will benefit the community as a whole. She indicated she has seen the Joint Committee modify ordinances but it goes to Council and gets lost because Council doesn't support something in it. She stated her concern about the rural district is that this is an item that has come up before and could delete the entire item.

Mr. Clancy stated he has raised this at a previous Planning Board meeting – he stated the Board is given something that works for what is being proposed and not looking at the entire plan. He stated when he looks at the master plan he sees the need for affordable housing in this community. From the Planning Board perspective, he felt this cottage court overlay district should be open to the entire city to address all forms of housing. He stated he is willing to work with those concerns that the city had when reducing the rural district size and his proposal is not to allow it beyond the minimum lot size for the rural district.

Councilor Jones stated from what Mr. Clancy and Councilor Bosley have stated, continuing this item would be a much better process and moving it on to a public hearing.

Councilor Williams stated he agrees with Councilor Bosley with respect to the concerns raised in the past with the rural district. He added there was much public input when the lot size was increased in the rural district and would be concerned about adding this type of density to the rural district. Mr. Kost stated anything to not make this a longer process would be helpful.

Mr. Eubanks stated he hears the concerns being raised and felt some of these things, such as wanting to locate this where there is septic or locate it in a rural district might not be something that comes up a lot. He stated he would hate to see this item getting tabled for a circumstance that might never happen. He felt ordinances can always be amended, he felt it was good to keep this momentum moving forward as there are developers waiting on this to happen. If it gets delayed as the city's consultant he was not exactly sure what path the city would want him to go as far as changes. He suggest Section 17.5.3, C. to add the word *building and fire code*. Section 17.5.3, A add the word *new* in front of *units*. Then let this move forward and if the city finds out there are developers in the rural area that are on septic who are interested in this – the city looks at maybe revising the ordinance.

Councilor Ormerod felt delaying one more month would be better rather than delaying it by four months by going through the entire cycle and coming back. He stated he appreciated the Chairman's list.

Councilor Remy asked the Chairman to review his list again: Height of the building and number of floors restriction. Councilor Remy asked what the discussion about height was. The Chair stated the Mayor suggested we might be able to include another floor.

Daycare as something that would be one of the permitted commercial uses with residential above it. Councilor Williams clarified this item was in reference to whether housing should be required above daycare uses.

Councilor Remy asked the Mayor if he would be amendable to voting on this as is and go back and

adding a floor. The Mayor stated the change is clear enough to be voted on tonight. He felt it would be big deal to a developer to be able to put parking underneath and still put three floors above – but did not feel it was a huge change in this ordinance.

Chair Bosley stated from what she has heard the City Attorney say in the past, at some point when you make enough changes and they are substantial enough it automatically creates an A version and the process needs to restart. Mr. Rounds stated his recollection of an A version is that if there are concrete changes, continue the meeting and staff comes back to the next meeting with those changes for the A version, then the process continues as the A version.

The next time on the list was Setbacks – Councilor Haas clarified the concern was whether to follow the existing zoning requirements. Councilor Remy asked whether this has can be voted on as is and changes made later is necessary. Councilor Haas responded that the setback was not a deal breaker for him.

Next item on the list is architectural standards – Councilor Remy stated this was an issue he raised; he does not like the lists but it is not a roadblock for him. He rather just have a “good” or a “bad” list. Ms. Markelon asked whether this list is something the Planning Board would use for approval or whether it is something the developer would use. Mr. Clements stated they are just guidelines; not hard yes’ or hard nos’, but ultimately an element of the product that is going to come before the Planning Board is whether this design would fit in within neighborhood character. The list is designed to guide a developer to use things that promote a harmonious citing into a neighborhood. If they choose to not do that and you choose to go outside of neighborhood character, they may receive opposition from the neighborhood itself. They may receive opposition from individual Planning Board members who want a more traditional New England style as opposed to something more dramatic. Those lists are a guidance to a developer. Ms. Markelon stated this is where she is stuck on – the list is for the developer while the Board has its own guidelines. Mr. Clements stated there will be some give and take between the developer and the Board when it comes to what is included in this list.

Mr. Eubanks stated it is really important to note that this list is a general guidance to the developer of things he needs to be thinking about before he/she goes to the Planning Board. They could ignore everything on the list and come up with a great building but the Board still has total authority to make a ruling on this based on how they feel about it and if it fits the context or not. He added this list works in the City of Charleston, South Carolina.

Mr. Hoefer stated personally he does not have a concern with the architectural guidelines as presented, although he may express concern about wall depth. He felt on the whole having the concept of having some leeway back and forth is a good thing and felt the item should be moved forward, should everyone agreed to do so.

Next item on the list was short term rentals – The Chair stated it was agreed this would be a citywide issue not just pertaining to this ordinance.

The next item – existing structure or unit on a lot – The Chair noted inserting the word “new” was going to be solution proposed and same was true with inserting the word building in the building and fire code sentence.

The next is whether city water and sewer would be a requirement for this project.

A motion was made by Councilor Remy that the Planning Board finds Ordinance O-2024-01 – adjusted for the two scriveners errors to add “building” in Section 17. 5.3 and add “new” in Section 17.5.3A in the appropriate locations consistent with the master plan. The motion was seconded

Kenneth Kost.

Councilor Tobin asked with respect to building and fire code, is this something that would be maintained if it is a managed property. Chair Farrington stated the Planning Board would address the proposal and approve it or not approve it based on that language. Once it is built, the city has an enforcement department that would address those concerns. The Councilor asked if there is opportunity to include this language. Councilor Bosley stated similar to the Airbnb conversation, what needs to be discussed here tonight is the language inside the ordinance. The city has its own language for enforcement, and Council is working on that. She indicated staff is working on different housing standards in different areas in the land development code where those standards live and what the enforcement mechanisms are. Things outside of this ordinance need to get worked on for the whole city and not just for this one particular item. She indicated Councilor Tobin's points are well taken and staff is aware of some issues that Council will like worked on.

Councilor Ormerod noted the proposed motion does not include items from the Chairman's list, and would like to propose a way to deal with that. He indicated if it is amenable to Mayor Kahn on the height – it could be a citywide issue and could be beyond the scope of what we are trying to accomplish tonight.

With no further comments, the Chair closed the public hearing.

The Mayor stated he would like to direct people to the map and notice how much of that map is in the light yellow and yellow are areas without water and sewer and hence cuts out a lot of territory in the city. He reiterated he wants to see this go forward but to note that there are significant territories in the city not being able to take advantage of the density this ordinance is proposing. He felt this is an item that needs to be reconsidered.

The motion made by Councilor Remy was approved 6-2 by the Planning Board.

A motion was made by Councilor Jones that the Planning Licenses and Development Committee request the Mayor set a public hearing for Ordinance O-2024-01. The motion was seconded by Councilor Williams and was unanimously approved.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to the Cottage Court Overlay District

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, the Land Development Code, as amended, is further amended as follows:

- I. That a new article entitled “Cottage Court Overlay District” is added to the Zoning Regulations after Article 16, as follows:

17.1 PURPOSE

The purpose of the cottage court overlay district is to:

- 1. Promote infill development and redevelopment within established neighborhoods that is built at a scale and character consistent with existing development patterns.
- 2. Encourage efficient use of land and cost-effective delivery of community services.
- 3. Expand the range of housing choices available to meet the needs of the city's changing demographic trends, including smaller households, young professionals, older adults, and empty nesters.
- 4. Provide developers and property owners with flexibility to achieve high quality design and develop projects that strengthen existing neighborhoods.
- 5. Encourage compact development that is pedestrian-scaled, healthy, safe, and affordable.

This purpose shall be accomplished by allowing for innovative site design and clustering of smaller residential units at a higher density within the tract than would be allowed by the underlying zoning district.

17.2 APPLICABILITY

17.2.1 Generally

All land located within the Cottage Court Overlay (CCO) District, as defined in Section 17.3, is subject to this article.

17.2.2 Authority

All proposals for a Cottage Court development shall obtain a conditional use permit issued by the Planning Board in accordance with N.H. RSA 674:21, Innovative Land Use Controls. The conditional use permit shall set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approved development.

17.3 DISTRICT DEFINED

Cottage Court developments shall be permitted in all Residential Districts (R, RP, LD, LD-1, MD, HD, and HD-1), subject to the provisions of this section. Parcels may be aggregated. Parcel(s) must have both city water and sewer service.

17.4. PERMITTED USES

- A.** A cottage court conditional use permit issued by the Planning Board shall be required for the uses listed in Table 17-1 when proposed as part of a cottage court development.

Table 17-1: Cottage Court Development Permitted Uses

Residential Uses	R	RP	LD-1	LD	MD	HD	HD-1	SECTION
Dwelling, Single Family	P	P	P	P	P	P	P	8.3.1.D
Dwelling, Two Family / Duplex	P	P	P	P	P	P	P	8.3.1.E
Dwelling, Triplex*			P	P	P	P	P	8.3.1.C
Dwelling, Townhome**				P	P	P	P	8.3.1.C
Dwelling, Multi-Family						P	P	8.3.1.C
Dwelling, Above Ground Floor	P	P	P	P	P	P	P	8.3.1.A
Non-Residential Uses	R	RP	LD-1	LD	MD	HD	HD-1	SECTION
Neighborhood Grocery Store	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	8.3.2.U
Office	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	8.3.2.V
Restaurant	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	8.3.2.AB
Retail Establishment, Light	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	8.3.2.AD
Day Care Center	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	8.3.3.C
Community Garden	P	P	P	P	P	P	P	8.3.6.B

P = Permitted in the CCO P¹ = Permitted in the CCO with limitations per Section 17.4.B

**Triplexes fall under the definition for multi-family but in the CCO, the units must be attached horizontally and may not exceed three (3) units in a building.*

***Townhomes fall under the definition for multi-family but in the CCO, the units must be attached horizontally and must be between four (4) and six (6) units in a building.*

B. Use Standards:

1. Commercial Uses (Neighborhood Grocery Store, Office, Restaurant, and Retail Establishment, Light) are allowed as follows:

- a. The commercial use must be on the corner of a public right-of-way.
- b. The commercial space shall be a maximum of 1,000 square feet.
- c. There must be residential uses above the commercial use.

2. Day Care Center (Institutional Use) is an allowed use as follows:

- a. The use must be on the ground floor.
- b. The use shall be a maximum of 2,000 square feet.
- c. There must be residential uses above the day care center.

C. Uses Accessory to Residential Use

- a. Laundry and/or Storage structures for the use of residents are allowed if shown on the site plan prior to approval.

- b. Common Use Buildings with uses customary to support residential uses (kitchen area, meeting area, exercise areas, mail and package delivery, etc.) are allowed if shown on the site plan prior to approval.
- c. Other structures for the use or enjoyment of the residents such as picnic pavilions, arbors, trellises, mail kiosks, etc. are allowed if shown on the site plan prior to approval.
- d. Landscape elements for the use or enjoyment of the residents such as fire pits, bocce courts, play equipment, community garden beds, dog walks, picnic areas, sitting areas, and planting areas are allowed uses.
- e. Attached or Detached Garages are allowed in any district. This use may have units above the structure.

17.5 CONDITIONAL USE PERMIT

17.5.1 Development Types Allowed

- A. Projects may be developed on a single parcel of land with either a Property Management Entity, if rental units, or Homeowners Association (HOA) or Condominium Association, if for sale.
- B. Projects may be developed as a subdivision with units on individual lots. The project shall utilize either a Property Management Entity, if rental units, or a Homeowners Association (HOA) or Condominium Association, if for sale.
 - 1. **Buildout.** If lots are subdivided, the maximum building coverage, maximum impervious coverage, and stormwater runoff may be calculated for the overall tract, not individual lots, if open space is permanently protected through deed restrictions, conservation easements, or other means.
- C. Any Cottage Court development that includes proposals for condominium ownership or an HOA shall comply with all applicable state statutes regulating the condominium form of ownership and HOAs.

17.5.2 Dimensional Standards

- A. Minimum Dimensional Standards. All Cottage Court Developments shall meet the minimum dimensional standards specified in Table 17-2. If not specified in Table 17-2 or elsewhere in this Article, the dimensional requirements of the underlying zoning district shall apply.

Table 17-2. Dimensional Requirements for Cottage Court Developments

	Min tract size	None
	Min tract frontage	30 ft
TRACT	Perimeter Building Setback	From external roads Setbacks from existing roads external to the development may be less than the underlying zoning district in order to match an established building line along the road.
	From other tract boundaries	Shall match that of the underlying zoning district.
LOT	Min Lot Area	None
	Min Road Frontage (internal roads)	26 ft
	Min Lot Width at Building Line	None
	Front, Rear, and Side Setbacks	None

- B.** Density. There are no minimum or maximum density requirements.
- C.** Height.
 - 1. In R, RP, LD, LD-1, and MD the maximum height shall be 2.5 stories or 35' max.
 - 2. In HD and HD-1 the maximum height shall be 3 stories or 50' max.
 - 3. Parking under a structure, if not in a flood zone, counts as a story.
 - 4. In a flood zone, the height of the first floor is measured from the Finished Floor Elevation (FFE) or Base Flood Elevation + 1 foot, whichever is less.

17.5.3 Conditional Use Permit Standards

- A.** Dwelling Unit Size: No minimum unit size is required. All **new** units within the development shall have a maximum average size of 1,250 square feet (sf) gross floor area, excluding garages. The maximum building footprint shall be 900 sf per unit, excluding porches and garages, except for age restricted (55+) as defined in RSA 354-A:15, which shall be a maximum of 1,000 sf.
- B.** Parking.
 - 1. A minimum of 1 space per unit is required, or 0.75 per unit if units are designated for workforce housing as defined in Section 20.3.6.C of this LDC or age restricted (55+) occupancy. A maximum of 1 space per bedroom is allowed on site.
 - 2. Parking may be surface spaces or in garages that are part of or separate from the units.
 - 3. Required parking may be offsite if within 500 feet of the furthest unit unless the housing is designated for age restricted (55+).
 - 4. Leases for offsite parking areas, if applicable, must meet the requirements of Article 9, Section 9.2.9, "Remote Parking."
 - 5. Parking, if located between the street and units, shall not be visible from an external road. If the Planning Board approves a landscaped buffer to meet this requirement, the buffer shall, at a minimum, meet the "Parking Lot Screening" standards in Section 9.4.4 of this LDC.
- C.** Building separation. Separation between buildings shall be determined by applicable **building** and fire codes.
- D.** Driveways. Driveways providing access to three or more units and drive aisles internal to the site shall have a minimum width of 20' and a maximum width of 24' of paved width if two-way and a minimum of 10' and a maximum of 12' of paved width, with 18' clear width for fire access, if one-way. Where feasible, driveways should incorporate design features that give them the appearance of streets, including sidewalks, street trees, and lighting.
- E.** Internal Roads. New rights of way internal to the development shall meet the standards of Article 23.3, "Design & Construction Standards." However, some new streets may have factors such as limited access or low frequency use that may justify deviations from those standards, including lane widths, street trees, lighting, and sidewalks. Variation from those standards, if deemed appropriate, may be achieved through a waiver process as described in Article 23.

- F. Screening. A 6'-0" tall semi-opaque or opaque fence shall be required if the proposed building type (not density) is more intense than the adjacent building type (e.g., existing single-family home next to proposed town homes). The Planning Board may approve a landscaped buffer that provides similar or greater screening in lieu of a fence.

17.5.4 Architectural Guidelines

Projects using this approach should endeavor to “fit in” or be respectful of the context of the surrounding neighborhood. Approval of overall design should be gauged by adherence to the following urban design and architectural principles:

EASIER TO APPROVE	MORE DIFFICULT TO APPROVE
Narrow to the Frontage	Wider to the Frontage
Parking Screened from Frontage	Parking Visible from Frontage Building
Base Differentiated	Building Monolithic
Taller Ceiling Heights	Shorter Ceiling Heights
Natural / Integral Materials	Composite and Cladding
Structural Expression	Surface Expression
Thicker Wall Depth	Thinner Wall Depth
Simple, Clear Massing	Complex Massing
Vertical Fenestration	Horizontal Fenestration
Repetitive Fenestration	Mixed Fenestration
Contextual Materials	Unrelated Materials
Landscaping Unifies	Landscaping is unorganized.

17.5.5 Conditional Use Permit Application Procedure

All applications for a cottage court conditional use permit under this Article shall be made to the Planning Board and submitted to the Community Development Department following the procedures set forth in Section 26.14 of this LDC for conditional use permits, as they may be amended, and those listed below.

- A. Concurrent Review.
 1. Site Plan Review. Applications for a cottage court development that include 5 or more dwelling units shall require Major Site Plan review. Where major site plan review is required, no conditional use permit application may be considered complete without a complete major site plan application. Site plan applications will be considered concurrently with the conditional use permit application.
 2. Subdivision Review. Applications for a cottage court development that propose to subdivide land shall require subdivision review. Where subdivision review is required, no conditional use permit application may be considered complete without a complete

subdivision application. Subdivision applications will be considered concurrently with the conditional use permit application.

B. Submission Requirements

In addition to the materials required in Section 26.14 for a conditional use permit, an applicant for a cottage court conditional use permit shall submit the following items as part of their application.

1. A written narrative describing the following:

- a. The existing and proposed use(s) and development type.
- b. The proposed development or redevelopment including, but not limited to, the construction of new buildings or structures or additions to buildings or structures; interior renovations; installation of parking areas or paved surfaces; open space areas and accessory structures; screening; and landscaping.
- c. The physical and architectural characteristics of the site and the surrounding neighborhood.
- d. An explanation of how the proposed development complies with the Site Development Standards in Article 21. Where conflicts exist between the standards of this Article and the Site Development Standards, the standards of this Article shall apply.
- e. The location of access points for the existing and proposed lots if new lots are proposed.

2. Projects that propose 10 or more new dwelling units shall provide an analysis of estimated traffic generation associated with the proposed use utilizing the most current edition of the Institute of Transportation Engineers (ITE) Traffic Generation Manual or data provided by a NH licensed traffic engineer.

- II. That Section 2.1 of Article 2 be amended as follows: “Articles 2 through **18** ~~19~~ of this LDC shall constitute the official Zoning Ordinance for the City of Keene...”
- III. That “Dwelling, Two-Family,” “Neighborhood Grocery Store,” “Office,” “Restaurant,” “Retail Establishment, Light,” “Day Care Center,” and “Community Garden” be allowed uses with a Cottage Court Overlay (CCO) conditional use permit in all residential districts in Article 3, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, 3.5.5, 3.6.5, 3.7.5, and 8-1 be updated to reflect this change. These commercial uses shall comply with the use standards detailed in Article 17, “Cottage Court Overlay District.”
- IV. That “Dwelling, Two-Family” and “Dwelling, Above Ground Floor” be allowed uses with a CCO conditional use permit in the Rural, Residential Preservation, Low Density 1, and Low Density districts, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, and 8-1 be updated to reflect this change.
- V. That “Dwelling, Multi-Family” be an allowed use with a CCO conditional use permit in the Low Density 1 and Low Density districts, and that Tables 3.3.5, 3.4.5, and 8-1 be updated to reflect this change. This use shall comply with the use standards detailed in Article 17, “Cottage Court Overlay District.”

VI. That Articles 17 through 28 of the Land Development Code, and all subsections and references thereto, be amended to reflect the addition of a new Article 17, as follows:

- A. Article 17 shall become Article 18
- B. Article 18 shall become Article 19
- C. Article 19 shall become Article 20
- D. Article 20 shall become Article 21
- E. Article 21 shall become Article 22
- F. Article 22 shall become Article 23
- G. Article 23 shall become Article 24
- H. Article 24 shall become Article 25
- I. Article 25 shall become Article 26
- J. Article 26 shall become Article 27
- K. Article 27 shall become Article 28
- L. Article 28 shall become Article 29

Jay Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Jesse Rounds, Community Development Director
Through: Merri Howe, Finance Director/Treasurer
Subject: **Relating to Capital Improvement Program - FY 2025-2031 - Planning Board**

Recommendation:

A motion was made by Roberta Mastrogiovanni that the Planning Board finds the Capital Improvement Program 2025-2031 consistent with the Comprehensive Master Plan. The motion was seconded by Kenneth Kost and was unanimously approved.

Attachments:

None

Background:

Included below are the draft minutes of the February 26, 2024 meeting where this item was discussed by the Planning Board.

Senior Staff Accountant Karen Grey and Community Development Director Jesse Rounds addressed the Board. Ms. Grey stated she was before the Board to address the 2025 to 2031 City of Keene Capital Improvement Program. She noted this document is available on the city's website. The capital Improvement program is comprehensive plan that covers a seven-year period (2025 to 2031). It covers programs, projects, equipment that are funded by capital reserves or they have an estimated cost of \$35,000 and a useful life of over five years. The CIP is presented bi-annually and reviewed annually during the operating budget process. This is the one bi-annual document and the first year of the CIP will be included in the 2025 operating budget which is now in progress and will be presented to City Council in May.

Ms. Grey indicated the Capital Improvement Plan is just a tool. It is a tool that the city uses for planning its future. It is guided by fiscal policy, for which goals are set by City Council and are outlined in the city's comprehensive master plan. The city's master plan is a tool that guides the city's vision and the CIP projects presented in this book. Each project in this book, if applicable, is tied to a master focus plan area. The CIP process has been long and had many reviews. It began with the departments compiling all the requested projects last summer. Once their projects were compiled and submitted, they are then compiled by finance. Finance staff performs multiple administrative and financial reviews to balance the needs of the CIP with the financial impact on the taxpayers. Ms. Grey indicated the city cannot afford to place \$200 million dollars worth of CIP projects in one year. Some of the projects are very large and they are multifaceted. Hence, it needs to be balanced to hopefully have a flatter impact to the taxpayers versus lots of peaks and valleys.

The seven year CIP totals slightly over \$200 million dollars. 15.5% of that is being funded from grants. 41% is being funded by debt. 16.7% is being funded from capital reserves that the city has already set aside and the remainder of 26% is being funded by current revenues, the city's fund balance, which has been accumulated, and new capital reserve appropriations to fund future projects. (Bottom of page 2 lists the funding sources).

A department overview was already held on Saturday, January 20th. There were also two FOP meetings where each department presented every project in the CIP. Ms. Grey stated after this evening, the next step will be a public hearing on March 7th. The final FOP recommendation to City Council on March 14th and then City Council adoption on March 21st.

Mr. Rounds addressed the Board and stated the Planning Board's role here is to recommend, (should they choose to do so), that they find the capital improvement plan in compliance with the master plan.

Mr. Kost referred to the Westside Downtown Parking Structure, and asked whether what is included in the CIP for a site is set of whether over time that could change. Mr. Rounds stated if projects are in out years they could change. With reference to the parking garage the city is ready to fund a study to look at the feasibility of a garage and a potential location.

Mr. Clancy asked whether there are any projects that have been deleted from the CIP book. Mr. Grey answered in the negative but if the city was to receive a grant for one of the projects before the budget adoption process in May, there will be adjustments made to funding before the budget is approved.

Mr. Clancy referred to page 119 and noted the revenue for the parking fund seems to be increasing every year and asked when those calculations are done, whether there was a way to factor in for instance Main Street Downtown reconstruction etc. Ms. Grey stated parking, water and sewer are standalone funds and the only items that can be charged to the parking fund are parking related items.

Mr. Clancy referred page 115 and page 124 - EV Charging stations don't anything about subsidizing a particular vehicle. He stated he sees public transportation and parking addressed. He noted the charging stations caters to the individual and not to the city as a whole. Chair Farrington stated there was definitely a high theme of sustainability in the 2010 master plan which got into much detail with respect to electric vehicles. He added because it is outside the two year budget, he did not feel it was of too much concern; by the time anything would be required for this project, the new master plan will be implemented. Mr. Clancy stated the 2010 master plan is the one being discussed today and felt some of the items outlined in this master plan don't correlate to the people in the city, the business community or the wants and needs of the actual city. He added he understands as a Planning Board member, the role is to approve the CIP and indicate that it is consistent with the master plan. Chair Farrington agreed the Board's role is to either approve or not approve and there is no opportunity to veto any particular item.

Mr. Kost noted for each project, it does outline goals, vision and a nice write up to go along with each project and maybe this could answer the question Mr. Clancy was raising.

Mr. Clancy stated at times, especially at the Joint meeting sessions, the Board is voting on items that don't relate to the master plan. The Board is given pieces of the master plan that work for that particular project, but then within the master plan there are other things that contradict or don't correlate to that project. Mr. Rounds indicated Mr. Kost's assessment, that the goals of the Master

Plan vision section does reference sections of the master plan, and does agree there are times when the master plan contradicts itself and that's what master plans tend to do; they have to cover an entire vision for a community, and at time can say two things that contradict each other. He added the EV Charging Stations are part of the one of the goals of the Strategic Energy Plan, which was a goal of the master plan.

Ms. Mastrogiovanni noted the city is currently putting together a new Master Plan Steering Committee and that master plan would correspond with the new CIP Program. The Chair stated the master plan will be produced in 2025, in theory it will good through 2035. Ms. Mastrogiovanni stated she would assume that this Steering Committee will work in coordination with those who create the capital improvement program. The Chair stated the Master Plan is created first and the CIP follows.

A motion was made by Roberta Mastrogiovanni that the Planning Board finds the Capital Improvement Program 2025-2031 consistent with the Comprehensive Master Plan. The motion was seconded by Kenneth Kost and was unanimously approved.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Elizabeth Dragon, City Manager
Through:
Subject: **Relating to Water and Sewer Abatements
Ordinance O-2024-04**

Recommendation:

Ordinance O-2024-04 be referred to the Municipal Services, Facilities and Infrastructure Committee for consideration.

Attachments:

1. Ordinance O-2024-04_Abatements

Background:

When discussing the City Council's rules of order the water and sewer abatement process was also discussed. It was the consensus of the council members attending the workshop that there should be a change to this ordinance given the extensive administrative review process. The abatement review process includes testing the water meter. The decision to deny or grant an abatement is based largely on the results of this test. Therefore, the Public Works Director is the appropriate authority to review all relevant information and grant/deny the abatement.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Water and Sewer Abatements

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 the stricken text and inserting the bolded text in Section 98-79, Section 98-122, and Sec. 98-514 of Chapter 98 entitled “Utilities”, as follows:

Sec. 98-79. Penalties.

Any person failing to comply with the restrictions imposed under a declaration of a water supply shortage may be subject to penalties including shut off/discontinuance of water service and subject to the restoration charges as detailed in section 98-513 by the public works department; and/or a fine of \$250.00 per day of continued violation; and/or be subject to imposition of civil penalties pursuant to RSA 38:26, II not to exceed \$10,000.00 per day of such continued violation. Recovered penalties shall be used to the benefit of the city as determined by the city council. ~~Any person aggrieved by the imposition of any fine or penalty for violation of this division may seek abatement thereof under section 98-514.~~

Sec. 98-122. Testing.

When the accuracy of registration of any water meter is challenged by any consumer, such meter shall be tested in accordance with public works department standard practice. If the test shows the meter to be within two percent of a possible 100 percent accuracy, that amounts billed shall be deemed accurate. If the property owner still desires an abatement, he may proceed under section 98-514 pertaining to abatement and posting. If, after being tested, the accuracy of the meter is within the accuracy tolerance as described in section 98-122, the customer shall be responsible for a service charge for the meter testing as set forth in the schedule of fees in appendix B to this Code.

Sec. 98-514. Abatement and posting.

- (a) ~~Generally. The city council shall have the sole authority, unless otherwise delegated to one of its standing committees, to abate, reduce or otherwise forgive any bill or assessment for any rate, roll or charge which may be or which may become legally due to the city, on account of water or sewer service, except as otherwise specifically provided under subsection (b) of this section.~~ When a customer petitions **for an abatement** as set forth in

section 98-122~~such abatement~~, the director shall immediately cause the meter to be tested, and the results of such tests shall be forwarded to the customer. ~~and to the city council.~~ If, after being tested, the accuracy of the meter is within the accuracy tolerance as described in section 98-122, the customer shall be responsible for a service charge for the meter testing as set forth in the schedule of fees in appendix B to this Code. The customer shall be responsible for hiring a licensed plumber to check his plumbing system on his side of the meter to determine whether any leaks exist, and the results of such examination shall be forwarded to the director. ~~and to the city council.~~

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to Departments and Class Allocation
Ordinance O-2024-02**

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Ordinance O-2024-02.

Attachments:

1. Ordinance O-2024-02

Background:

Human Resources Director/Asst. City Manager Beth Fox stated Ordinance O-2024-02 is in follow up to some organizational adjustments. She indicated the City is in the process of promoting two current employees to new positions. One position that is being vacated is the current position of Parks, Recreation and Facilities Director. As part of the organizational adjustments, facilities are going to be a responsibility that resides with the Deputy City Manager. This ordinance adjustment basically proposes to change the job title of the position being vacated to Parks and Recreation Director. In addition to addressing Chapter 2, which outlines the administrative departments, it addresses Divisional 11, Chapter 58 which talks about the responsibilities of the Parks and Recreation Department. Finally, there is an adjustment to the salary classification. It eliminates the position of Parks, Recreation and Facilities Director and Communications and Marketing Director and inserts the position of Parks and Recreation Director effective April 1st. Ms. Fox indicated it is the staff's intent to begin recruitment for a new Parks and Recreation Director in the very near future.

Councilor Lake made the following motion, which was seconded by Councilor Roberts.

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Ordinance O-2024-02.



CITY OF KEENE

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

AN ORDINANCE Relating to Departments and Class Allocation

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

That the ordinances of the City of Keene, as amended, hereby are further amended by deleting the stricken text and inserting the bolded text in Section 2-262, “Administrative Departments”, Division 11, Section 2-466 “Functions” effective April 1, 2024 as follows:

Sec. 2-262. Administrative departments.

In addition to others created in the future by the city council, the city's administrative service shall consist of the following departments, and the department heads shall be known by the title shown:

	Department	Department Head
(1)	Airport	Airport director
(2)	Assessment	City assessor
(3)	Community development	Community development director
(4)	Finance	Finance director
(5)	Fire	Fire chief
(6)	Human resources	Human resources director
(7)	Information technology	Information technology director
(8)	Library	Library director*
(9)	Parks and recreation and facilities	Parks, and recreation and facilities director
(10)	Police	Police chief
(11)	Public works	Public works director

*This designation to be subject to the Thayer Agreement.

Division 11. Parks, ~~and~~ Recreation ~~&~~ Facilities, Sec. 2-466. Functions.

The major functions of the parks, **and** recreation ~~and~~ facilities department are to:

- (1) Provide, maintain and operate recreational facilities.
- (2) Provide recreational programs.
- (3) Facilitate the provision of public leisure activities through clubs, associations, and service organizations.
- (4) Provide adequate cemetery facilities and burial services.
- (5) ~~Maintain safe and functional municipal and departmental buildings.~~
- (6) Provide, through various programs, methods for diverting youth from the court and criminal justice system while holding youth accountable for their actions, support prevention through community collaboration and create positive opportunities for youth interactions within the community.

Sec. 58-1. Responsibility.

City parks, as defined below, and including city-owned bike paths, multi-use trails and any adjacent parking areas (collectively "city parks"), and city-sponsored recreation, shall be the responsibility of the parks, **and** recreation ~~and facilities~~ department, and under the supervision of the parks, **and** recreation ~~and facilities~~ director ("director").

That the ordinances of the City of Keene, as amended, hereby are further amended by deleting the stricken text and inserting the bolded text in Section 62-194, "Administrative, Office, Technical and Management Personnel" of Chapter 62 entitled "Personnel" effective April 1, 2024, as follows:

Sec. 62-194. Administrative, office, technical and management personnel

- S 4 Library Aide
- S 5 Minute Taker
- S 6 Administrative Assistant; Records Clerk
- S 7 Administrative Assistant I
- S 8 NO POSITIONS ASSIGNED
- S 9 NO POSITIONS ASSIGNED
- S 10 Audio Video Production Specialist
- S 11 Office Manager; Parking Services Technician
- S 12 Librarian I; Planning Technician; Executive Secretary; Staff Accountant;
Fire Department Administrator; Purchasing Specialist; Human Resource Specialist
- S 13 NO POSITIONS ASSIGNED
- S 14 NO POSITIONS ASSIGNED
- S 15 Executive Assistant; Librarian II; Payroll Administrator; Human Resources Assistant;
Youth Services Manager; Mapping Technician; Engineering Technician; Assistant City Clerk;
Senior Paralegal; Police Dispatch Supervisor; Social Worker
- S 16 Planner; Laboratory Supervisor
- S 17 Appraiser; Recreation Programmer; Librarian III; Airport Maintenance & Operations Manager;
IT Systems Specialist; Parking Operations Manager; Recreation Facilities Manager
- S 18 Purchasing Agent; Civil Engineer; Solid Waste Manager; Maintenance Manager;
Revenue Collector; Records Manager/Deputy City Clerk; Laboratory Manager;
Human Services Manager; Treatment Plant Manager
- S 19 Transportation/Stormwater Operations Manager; Utilities Treatment Operations/Plant Manager;
Senior Planner; Recreation Manager; Fleet Services Manager, Accounting & Fund Manager;
Infrastructure Project Manager
- S 20 Systems Administrator; Purchasing & Contract Services Manager; Assistant City Attorney;
Water/Sewer Operations Manager
- S 21 NO POSITIONS ASSIGNED
- S 22 NO POSITIONS ASSIGNED
- S 23 NO POSITIONS ASSIGNED
- S 24 City Engineer; *Database* Administrator; Building/Health Official
- S 25 Assistant Finance Director/Assistant Treasurer; Assistant Public Works Director/Division Head;
Airport Director
- S 26 City Assessor; Police Captain; Human Resources Director; Library Director; Deputy Fire Chief
Parks & Recreation Director
- S 27 IT Director; ~~Communications & Marketing Director~~; Community Development Director;

~~—Parks, Recreation & Facilities Director~~
S 28 Finance Director/Treasurer
S 29 Police Chief, Fire Chief; Public Works Director
S 30 NO POSITIONS ASSIGNED
S 31 Deputy City Manager
S 32 NO POSITIONS ASSIGNED

Jay V. Kahn, Mayor

In City Council March 7, 2024.
Referred to the Finance, Organization
and Personnel Committee.

Cheri M. Wood

Assistant City Clerk



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to the Airport Development and Marketing Committee Ordinance O-2024-03**

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2024-03.

Attachments:

1. Ordinance O-2024-03

Background:

Chair Bosley welcomed the Airport Director, David Hickling, who works with the Airport Development and Marketing Committee. He explained challenges the Committee had faced reaching a quorum, filling empty seats, getting volunteers to be Chair, and filling the Committee with Keene residents. As such, he recommended edits to the Ordinance to:

- Reduce the Committee's seats from 11 to 7,
- Make the Fixed Base Operator, Monadnock Aviation, a permanent member of the Committee that does not time out, because the Airport relies on their services,
- Allow members who do not reside in Keene if they provide important expertise, and
- Name the Airport Director as the Chair (non-voting).

The City Manager supported these amendments, agreeing with the residency challenges, especially as the Airport is in Swanzey and has active tenants who are not Keene residents. The City Manager would remain as an ex-officio member.

Chair Bosley agreed that there had been a lot of conversations about the challenges of chairing a committee, so the consistency of the Airport Director as Chair would allow members to focus on their work.

Councilor Ormerod agreed that it is wise to allow non-residents, which had been helpful for certain other committees, like the Energy and Climate Committee.

There were no public comments.

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

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2024-03.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to the Airport Development and Marketing Committee

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

Sec. 2-621. Membership.

- (a) The airport development and marketing committee shall consist of ~~eleven~~ **seven** regular voting members. **Members of the committee shall be city residents except when a special expertise is otherwise available.** ~~No less than five voting members must be residents of the city.~~ **One member shall be the fixed-based operator at the airport.** At least one of the voting members must reside in the Town of Swanzey, and one voting member ~~must~~ **may** be a member of the city council.
- (b) ~~The mayor, or his designee, shall be an ex officio member with a vote. The mayor, or his designee, shall not be counted as one of the minimum of five voting members who are residents of the city.~~
- (c) The city manager **or designee** shall be ~~an ex officio member~~ **a member** without a vote.
- (d) **The airport director shall serve as the nonvoting chair.** ~~membership of the committee shall elect a chair, who shall be a city resident. The chair shall have a demonstrated interest in aviation and shall assume an active role in the development of the airport.~~

Sec. 2-622. Terms.

The terms for members of the airport development and marketing committee shall be for a period of three years.

~~**Sec. 2-623. Relation to department.**~~

~~The airport director will work with the committee to market and develop the airport.~~

Sec. 2-624. Functions and guidelines.

In accordance with the provisions of applicable law, the functions and guidelines in this section are established for the conduct of the airport development and marketing committee. The committee shall:

- (1) Take a proactive role in the development of the Keene Dillant-Hopkins Airport by collaborating with other city and local economic development efforts to implement the airport master plan.
- (2) Serve as ambassadors for the airport both locally and regionally.
- (3) Assume primary responsibility in developing and implementing various marketing and public relations programs regarding the benefits of the airport and aviation. These efforts should be aggressive and ongoing.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to the Appropriation of Funds and Use of Unassigned Fund Balance in the Amount of Nine-hundred Thousand Dollars (\$900,000) for the FY2024 Finance Department Operating Budget Resolution R-2024-05**

Recommendation:

On a 3-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption of R-2024-05.

Attachments:

1. Resolution R-2024-05

Background:

Finance Director Merri Howe and Human Services Manager Natalie Darcy were the next two speakers.

Ms. Howe stated the Human Services General Assistance rental line operating budget is projected to be over-expended by \$900,000 at the end of 2024 due to the increased demand in shelter assistance. She indicated in the past, the Human Services Division was able to refer most persons presenting as homeless to area shelters at no cost to the City. Affordable housing was available and the City was able to transition them into apartments. Hotel accommodations were used only in a rare and extraordinary circumstance. Ms. Howe turned the presentation over to Ms. Darcy.

Ms. Darcy stated when Covid 19 began there was a great impact on the homeless population and low income individuals. The City has federal funds through the New Hampshire Emergency Rental Assistance Program (ERAP) that provided assistance to families with rent and utility payments through the COVID emergency. While the ERAP funds provided crucial support to individuals and families struggling with rent and utilities, because they were getting these rental funds they had no accountability for those rental funds. They have become used to a higher standard of living than they were able to provide for themselves once the program ended. Once the program ended families were unprepared financially to cover basic expenses. Coinciding with the end of the federal funds was a rental moratorium forbidding landlords from evicting tenants for non-payment of rent. The removal of encampments and an increase of homeless migration from out of the Keene area led to increased need for shelter assistance. With shelters at maximum capacity the City is legally obliged by the

State to provide shelter for those in need. Hotels became the only option as a means of shelter for the homeless.

The influx of individuals and families seen by Human Services presents an ongoing challenge with no immediate solution for clients. Rental rates and income level requirements for applicants set housing out of reach for those with little or no income. Relying on shelters is unrealistic as shelters remain at maximum capacity. This leaves the City with no option but to utilize various city hotels for shelter for those in need. Currently, Human Services is averaging 23 rooms per night for shelter. Ms. Darcy stated whenever possible the City will help with rental assistance to avoid eviction that could lead to homelessness. Ms. Darcy explained people would be under eviction and the City would have to go back two to three months' worth of rent to stop the eviction, rather than put somebody in a hotel room at between \$1700 and \$5000, a month per room.

The month of February surpassed the amount by \$442,520. The City is currently averaging \$100,000 a month for housing assistance. With the remaining months, the budgetary shortfall is projected to be \$900,000.

The City Manager addressed the Committee and began by recognizing Ms. Darcy and her staff. She indicated the department has carried a heavy burden over the last couple of years as these numbers have increased. She indicated she had asked staff to provide her with some statistic and what she learned is that in FY18 and 19, the City was only seeing 47 homeless individuals. Ms. Dragon added when these numbers were being prepared the City was at 258 homeless individuals, this number has surpassed 300 now. The Manager indicated they have done a lot creative things to try to address this issue. The City has partners, of which SCS has been a great partner but indicated there is not much else that can be done at this time. The Manager stated she hopes we are at the peak but if we are not the City will need to look at this number a little differently and make more permanent changes for the future. If things however, slow down this is a temporary issue. She indicated Keene will always have more homeless because we are performing the function for the region. The communities around Keene don't have homeless shelters, even individuals from across the border and other states are coming here if shelters are full in those areas.

The Manager indicated most feel building additional shelters would be the answer but she did not feel that it really works that way because we are a part of a bigger system - we are part of the 211 system. The shelters that are receiving grant funds from the State have to accept every time there is an open bed regardless of where they are from. Hence, people are sent here.

The Manager indicated the Mayor has been talking to Mayors around the state and they too are seeing an increase in their welfare budget but not as high as Keene. She added there is work at the Senate level to put forward SB406 to bring in additional funds to Keene. She circulated to the committee a press release written by the NH Welfare Association – it talks about what we are seeing; and what Ms. Darcy alluded to. With the end of the ERAP program, the covid relief programs, the difficulty to find affordable housing, and the increase in the cost of rental units, every community that is aiding the homeless is experiencing this right now.

However, tonight we need the additional funds because State law says the City will pay for the needs of our homeless regardless of whether or not we have the money or the budget is overspent. At the end of the fiscal year, if all these funds are not used it will go back to the unallocated fund balance. Hence, there is no risk of over appropriating funds from the fund balance to the Human Services budget because it will go back to that line if we do not need it.

The Manager went on to say some other things the City has done is that the City brought on an outreach worker. This individual is doing outreach work for people who are in hotels, people who live

in the woods, but it will take a while to make a difference. The City has also worked with several property owners to clean up properties - when you are cleaning up properties and someone is camping on that property the City has to be prepared to put them up somewhere. She added staff does not enjoy asking for this sum of money but it is money that is necessary. She commended Human Resources staff again for the work they are doing.

Councilor Roberts did not feel the situation is going to get better and agreed all the extra Covid funding is contributing to some of these issues. He indicated being on the School Board he sees the list of children who are homeless. The Councilor noted he has been on the School Board for nearly 20 years but the numbers they are seeing is the highest ever. The City has a lot of services and hotels that are attracting individuals to Keene. He thanked staff for everything they are doing.

The Vice-Chairman asked for public comment. Charles Smith who lives at 9 Gates Street addressed the committee and stated he has worked with the Human Services Department who have helped him tremendously in the past. He indicated the totality of this situation needs to be looked at. His rent keeps increasing. He felt by helping the homeless we are creating the homeless. He asked why this issue can't be kept localized; people are coming here not because they are homeless, they are coming because they can stay at the Best Western and stated he has met many who are capable of working but are not. He felt all these individuals who are coming into this country are going to be bleeding into the City.

Vice-Chair Remy asked for staff comments on what was just stated. Ms. Darcy stated when someone comes into the office, they are asked to fill out an application. If they are from another community, that community is contacted because ultimately those towns are responsible for their citizens. If the town decides they are not going to assist, Keene will bill that town for the assistance provided. The Manager added it is not just about the money but it is also about getting the other towns to be part of the solution. If there were transitional housing in all towns, Keene wouldn't be inundated. Ms. Darcy added there is also a misconception that everyone who is in one of these hotels belongs to Keene but other towns also use Keene hotels for their clients as well.

Councilor Roberts made the following motion, which was seconded by Councilor Lake.

On a 3-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption of R-2024-05.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to an Appropriation of Funds and Use of Unassigned Fund
Balance in the amount of nine-hundred thousand dollars (\$900,000) for the FY 2024
Finance Department Operating Budget

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: Resolution R-2023-33 Relating to Fiscal Policies states all departments are authorized to vary actual departmental spending from line-item estimates provided the total departmental budget is not exceeded within each fund; provided however, that any item specifically eliminated by the City Council during budget approval cannot be purchased from another line item without City Council approval; and

WHEREAS: The Human Services office is a division of the Finance Department; and

WHEREAS: The budget of the Finance Department has a budgetary shortfall due to increase in demand for shelter assistance; and

WHEREAS: New Hampshire RSA 165:1 Who Entitled; Local Responsibility - I. “Whenever a person in any town is poor and unable to support himself, he shall be relieved and maintained by the overseers of public welfare of such town, where or not he has residence there. For the purposes of this chapter the term ‘residence’ shall have the same definition as in RSA 21:6-a;”;
and

WHEREAS: New Hampshire RSA 165;1-a Assisted Person Defined; Local Responsibility. – “Any person in a town or city who is poor and unable to support himself shall be known as a town or city assisted person, and shall be relieved and maintained at the expense of the town or city of residence”:

NOW, THEREFORE, BE IT RESOLVED by the City Council that funds from the general fund unassigned fund balance be appropriated to General Assistance Rentals Operating budget line totaling \$900,000.

In City Council February 15, 2024.
Referred to the Finance, Organization
and Personnel Committee.

Jay V. Kahn, Mayor

City Clerk



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Sole Source - Martell Court Pump Station Motor and Pump Repair; Reallocation of Funds for the Martell Court Pump & Control Replacement Project; and Relating to the Reallocation of Unspent Bond Funds for the Martell Court Pump Control and Replacement Project Resolution R-2024-07**

Recommendation:

On a 3-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to sole source Farrar Corporation for repairs and maintenance of four (4) raw sewage pumps at the Martell Court Pump Station.

On a 3-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to reallocate \$50,000 from the Rose Lane Maintenance Program (32MW012A) to the Martell Court Pump & Controls Replacement Project (32JM008A).

On a 3-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2024-07.

Attachments:

1. Resolution R-2024-07

Background:

Asst. Public Works Manager/Manager Wastewater Treatment Plant, Aaron Costa and Utilities Maintenance Manager Christian Tarr were the next two speakers. Mr. Costa stated as has been discussed in front of this committee many times, Martell Court Pump Station is the heart of the City's sewer collection system. It conveys all the wastewater collected from the City of Keene and the Town of Marlboro to the wastewater treatment plant. It is equipped with three 250 horsepower pumps and one 150 horsepower pump that are due for repair. He noted they are due for repair a little bit quicker than anticipated, hence there is no established budget in the CIP for this work.

Mr. Costa indicated they have two funding source requests, both from the Rose Lane Closure project. It was a project at the beginning but it has now been turned into a program because there are continued maintenance activities that need to be done at Rose Lane. There are some unspent bond

funds that staff would like reallocated to the Martell Court Pump Station replacement project and there is also another \$50,000 in additional funds from Rose Lane that are not bond funds, which staff would like reallocated to work on these pumps.

With respect to Rose Lane, Mr. Costa explained Rose Lane was the first wastewater plant that the City owned and operated, which came on online in the 30s and went offline in the mid 80s when the current plant came online. The City had a project to close this plant in accordance with all state regulations, which was done. The closure project came in under budget and that is why there is that funding left in that project. He added even if all of the requests are approved, that would still leave a little over \$30,000 in the budget for the gas monitoring and inspection work which is done twice a year at the cost of about \$5000 for which a private consultant is hired.

With that the presentation was turned over to Christian Tarr, Utilities Maintenance Manager. Mr. Tarr stated what staff is looking to do is sole source to Farrar Company to do the work. He stated the reasons to sole source, is that the motors are pretty much routine and can be sent to any electrical contractor for repairs, but the pumps themselves are sold through a distributor called Xylem, which is one of the largest distributors in the world. The City had service done in 2013 and the work had to be shipped out to a company outside of Boston. The City recently realized Farrar Company has opened a pump servicing aspect in their company and are certified to work on these types of pumps. Mr. Tarr indicated being local the turn around on the equipment is faster. When they were sent out it was taking four to six weeks to get the materials and to have it processed, repaired and then shipped back. Farrar is able to turn this work around much quicker along with the fact that they have a manufacturing facility which is a huge benefit to the City of Keene.

With respect to cost, Mr. Tarr stated recently they had repairs done on a motor for pump #4, they got requests for quotes and Farrar came back at the lowest cost.

With reference to the sole source piece, Councilor Lake asked whether this company is the only one in the area and if were to go to bid the items they will have to be shipped elsewhere. Mr. Tarr stated the last time a repair was needed to be done the lowest bid came from a company outside of Boston. There are now technicians at Farrar Company who are certified technicians for this pump which decreases the turnaround time and the ability to purchase parts.

Vice-Chair Remy stated he his not a fan of sole source, but does understand West Streets is a lot closer than any of the places staff just mentioned. He noted the background notes do not mention the price but he assumes when you add up the two amounts it comes to about \$77,000. Mr. Costa stated they worked on one pump and motor and it was about \$13,000 but that price does not include the pump. Adding all of the prices together, between these two reallocations, there won't be enough money to do all the work on all four pumps and motors, but it would be close. He added the price tag is close to \$120,000 and are possibly looking at end of the year budget funds to make up the difference. He added it is difficult to get a bid on these items until they are actually in the shop and are taken part. Vice-Chair Remy stated he can appreciate that but the way the motion is written it does not have a cap on it; sole source with no cap. Mr. Costa stated what they are asking for, is for these four pumps and motors to be able to be sole sourced to Farrar Company as a provider for service and maintenance.

Councilor Roberts asked whether this should not be two separate things; one to get the items repaired and then the other would be for the maintenance contract on the equipment. Mr. Tarr in response stated from a maintenance perspective, the utilities maintenance staff at the City of Keene handles 95% of all the routine maintenance that happens with these pumps and they have done so for many years. What they have encountered is premature failure of bearing equipment because of the rags used. He added it is not maintenance cost when the pumps are operating efficiently, it is

more the immediate cost of premature wear that they are trying to get repaired. The Councilor stated if all the maintenances is done by the City in the first year and maybe every 18 months – he asked whether it then would be necessary to require a standing maintenance agreement.

The Manager explained the sole source is for this vendor for these four motors and pumps. In the future, if something needs to happen to this pump, the City will use this vendor and won't go out to bid and this is the reason it doesn't have a dollar amount. This is why staff is trying leave it flexible, because they don't know exactly what the vendor is going to end up doing to these pumps.

Councilor Lake made the following motion, which was seconded by Councilor Roberts.

On a 3-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to sole source Farrar Corporation for repairs and maintenance of four (4) raw sewage pumps at the Martell Court Pump Station.

Councilor Roberts made the following motion, which was seconded by Councilor Lake.

On a 3-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to reallocate \$50,000 from the Rose Lane Maintenance Program (32MW012A) to the Martell Court Pump & Controls Replacement Project (32JM008A).

Councilor Lake made the following motion, which was seconded by Councilor Roberts.

On a 3-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2024-07.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to the reallocation of unspent bond funds for the Martell Court Pump Station Pump Control and Replacement Project

Resolved by the City Council of the City of Keene, as follows:

That the sum of \$27,767.58 in unspent bond proceeds from the WWTP Rose Lane Maintenance Program (32MW012A) be reallocated to the Martell Court Pump Station Pump Control and Replacement Project (32JM008A).

Jay V. Kahn, Mayor

In City Council March 7, 2024.
Referred to the Finance, Organization and Personnel Committee.

Assistant City Clerk



ITEM #K.3.

CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **In Appreciation of Colleen M. Swider Upon Her Retirement
Resolution R-2024-08**

Recommendation:

That Resolution R-2024-08 be adopted by the City Council.

Attachments:

1. Resolution R-2024-08

Background:

Ms. Swider retired from the Keene Public Library effective February 29, 2024, with 34½ years of service.



CITY OF KEENE

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

A RESOLUTION **In Appreciation of Colleen M. Swider Upon Her Retirement**

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: Colleen M. Swider began her career with the City of Keene as a part-time Library Assistant on September 5, 1989; added part-time Librarian I duties in the youth room as of July 1, 1994; transitioned to full-time Department Secretary effective July 26, 1999; split duties into Department Secretary/Librarian I starting August 14, 2000, which evolved into Administrative Assistant/Librarian I; and was promoted to full-time Librarian I beginning July 1, 2013; and

WHEREAS: Having worn many hats during her tenure, it is clear that her first love has been working with youth of all ages and their families, demonstrating her good understanding of infant, child, and adolescent learning and development and their implications for library service; and she continually and actively sought to broaden her background in early **literacy, children's needs and literature** as she coordinated special projects related to programming, merchandising, and customer service; and

WHEREAS: An excellent organizer with strong focus and attention to detail, Colleen was passionate about providing the best service to the community to which she is devoted, creating and maintaining educational and entertaining thematic storytelling kits—with related activities, STEM opportunities, craft suggestions and directions, worksheets and play sheets, and parental readiness tips—conducting outreach work with school teachers and librarians, child care centers, preschools, parent groups, afterschool programs; contributing greatly to the 1,000 Books Before Kindergarten initiative and participating in the development of the Little Makers Program; planning and hosting the SAT preparation workshop series; leading story times; coordinating summer reading programs, teaching some basic sign language; reorganizing the teen summer volunteer program; offering tours to visiting classes; and promoting volunteer opportunities; and

WHEREAS: Enthusiastic, encouraging, kind, calm in every situation, nonjudgmental and inclusive, with the goal to give customers more than they expected, Colleen developed a strong rapport with youth patrons that lasted throughout their childhood and that helped prepare them for adulthood; and she has many young fans who returned to visit her as they grew into the more mature areas of the library; and she always is happiest when assisting someone—her job has been her vocation—and she appreciated and enjoyed the camaraderie and shared job experience with her colleagues as they worked toward making the Library a vibrant and necessary part of the community; and her; and

WHEREAS: **A proud and vital part of the Library's youth department team**, as well as a detailed planner with good time management and problem solving skills, Colleen juggled many diverse responsibilities and met all deadlines; served on the Personnel Advisory Board; earned an Employee Achievement Award in 2008 for going above and beyond; and represented the Library at meetings and workshops; and

WHEREAS: Colleen retired February 29, 2024, with approximately 34½ years of honorable service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Colleen M. Swider for her dedication to the City of Keene and wishes her the very best for her retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Colleen in appreciation of her years of service to the City of Keene and the greater Monadnock community.

Jay V. Kahn, Mayor



ITEM #K.4.

CITY OF KEENE NEW HAMPSHIRE

Meeting Date: March 21, 2024
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **In Appreciation of Thomas P. Mullins Upon His Retirement
Resolution R-2024-09**

Recommendation:

That Resolution R-2024-09 be adopted by the City Council.

Attachments:

1. R-2024-09 Mullins Retirement

Background:

Mr. Mullins retired from the City Attorney's Office effective February 29, 2024, with 16 years of service.



CITY OF KEENE

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

A RESOLUTION In Appreciation of Thomas P. Mullins Upon His Retirement

Resolved by the City Council of the City of Keene, as follows:

- WHEREAS: Thomas P. Mullins began his career with the City of Keene as the City Attorney, appointed by City Council February 11, 2008; and
- WHEREAS: Tom has helped guide the City Council, other Charter Officers, boards and commissions, and department heads through a wide variety of specialized legal concerns, giving real answers to questions, articulating the legal basis for his recommendations, advising on best practices and ramifications of actions by City representatives, offering alternatives and innovative solutions in the most economical and efficient manner possible—all while operating under the highest ethics; and
- WHEREAS: With his wealth of knowledge and experience, his impartial and evenhanded approach, his commitment to effective problem-solving, and his clear and thorough communications, Tom earned respect and helped all to easily understand the needs, requirements and processes that the City must follow to be successful in its mission as it relates to local, state and federal laws, to protecting the City's legal interests, and to keeping the City on the correct course; and
- WHEREAS: He provided both advice and updates to legislation and actions in a comprehensible and comprehensive manner—explaining both sides of an issue with the proper amount of detail, defining what is known versus what is ambiguous, and always providing options—to assist Council to make informed decisions for long-term trends and to avoid being surprised by a problem; and he worked proactively to navigate issues to avoid a problem ever making it to the Council level; and
- WHEREAS: Tom assisted not only the City with many complicated and challenging projects, such as the federal New Market Tax Credit Program for the library expansion, the Keene Ice project, and the County Courthouse—projects vital to the economic vitality of our downtown, to name just three—along with helping us all better prepare with more confidence other difficult situations, such as Right-to-Know law and First Amendment, and COVID rules; but he also gave input to the State Legislature in Concord; and
- WHEREAS: With his excellent team of Senior Paralegal and Assistant City Attorney, Tom consistently accomplished specific goals that he set to address work needed to keep the City current, efficient, transparent, and compliant; and he served as a strong partner to support innumerable challenges, opportunities, complex projects, and priorities—all the while advocating for the best interests of the organization, the community, and the taxpayers; and his important contributions to the community will have a lasting impact; and
- WHEREAS: With his door always open, he was willing to listen and talk through the most difficult of situations, welcoming concerns, ideas, and constructive criticism; had productive relationships with City officials, staff, and the public and when viewpoints differed, moved forward in a respectful and productive manner; and participated in community events and organizations with a friendly, outgoing spirit; and
- WHEREAS: Tom retired February 29, 2024, with 16 years of honorable service to the City;
- NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Thomas P. Mullins for his dedication to the City of Keene and wishes him the very best for his retirement years; and
- BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Tom in appreciation of his years of service to the City of Keene and the greater Monadnock community.