



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
August 19, 2021
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- July 15, 2021

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Presentation of Retirement Resolution - Bill Byrne
2. Presentation of Retirement Resolution - Eric Swope
3. Public Hearing - Charter Amendment - Section 2 "Wards"
4. Presentation - West Keene Fire Station Program and Conceptual Design Study

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations
 - Ashuelot River Park Advisory Board
 - Airport Development and Marketing Committee
2. Appointment - Ad Hoc Redistricting Committee

C. COMMUNICATIONS

1. Councilor Michael Giacomo - Resignation - Ward Three Councilor
2. Paul Dubriske - Request to Acquire Land Adjacent to Property at 454 Elm Street
3. John and Louise Hilow - Flooding at 36 Wetmore Street

4. Councilor Philip Jones - The Keene City Council Approve the City of Keene Declaration of Inclusion
5. Councilors Madison and Williams - Requesting Regulation of Single-Use Plastics in the City and on City Property

D. REPORTS - COUNCIL COMMITTEES

1. Sidewalk Asset Management Plan - Director of Public Works
2. Acceptance of Donation - Pathways for Keene - Jonathan Daniels Trail Improvements
3. Acceptance of Donation - Multiple Donors - Fire Department
4. Acceptance of Donation - Art in City Hall - Human Resources Department

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to the Restoration of Involuntary Merged Lots
Ordinance O-2021-11
2. Relating to Proposed Amendments to the Land Development Code
Ordinance O-2021-12

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to the Appropriation of Funds from the Capital Reserve - Pump Station Martel Court (08022) for Martel Court Pumping Station Emergency Generator Replacement Project (08099-18) *and* the Re-allocation of Funds - Martel Court Pumping Station Emergency Generator Replacement Project
 - Resolution R-2021-35
2. Relating to the Appropriation of Funds from the Water Fund Unassigned Fund Balance for Wetmore Street and Winchester Street Emergency

Water Main Repair *and* Waiver of Purchasing Requirements – Wetmore Street and Winchester Street Emergency Water Main Repair

- Resolution R-2021-36

3. Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance for the Wastewater Treatment Plant Solar Project.

- Resolution R-2021-38

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, July 15, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Councilor Remy stated his reason for participating remotely and stated that he was alone at his location. Roll called: Stephen L. Hooper, Michael J. Remy (via Zoom), Janis O. Manwaring, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Andrew M. Madison, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers. Councilor Greenwald led the Pledge of Allegiance.

ANOUNCEMENTS

Mayor Hansel announced that this was the last regular Council meeting before their summer vacation. MSFI and FOP would still meet on July 21 and 22, respectively. All Standing Committee meetings scheduled for August 11 and 12 are canceled. The Council will return to its regular meeting schedule on August 19.

Mayor Hansel announced three workshops over the next several months. All workshops will start at 6:00 PM in Council Chambers.

- Tuesday, August 17 – Fiscal Policies
- Tuesday, August 24 – Council Meeting Process
- Tuesday, September 14 – Strategic Budgeting

MINUTES

A motion by Councilor Powers to accept the minutes of the July 1, 2021 meeting was duly seconded by Councilor Bosley and the motion passed on a roll call vote with 15 Councilors present and voting in favor.

MSFI REPORT – WARRANT FOR UNLICENSED DOGS – CITY CLERK'S OFFICE

A Municipal Services, Facilities, & Infrastructure Committee report read, recommending that the City Council issue a warrant for unlicensed dogs pursuant to NHRSA 466:14, that the Animal Control Officer be directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2021. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Giacomo. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

MUNICIPAL POOL OPERATIONS FOR 2021 – PARKS, RECREATION, & FACILITIES DEPARTMENT

A Municipal Services, Facilities, & Infrastructure Committee report read, accepting the presentation on municipal pool operations for 2021 as informational. Before filing this report as informational, Mayor Hansel informed the Council that John Hayes attended the MSFI Committee meeting last week and spoke to his request regarding the Robin Hood Pool. Mr. Hayes had requested that his communication, which had been referred to City Staff at the July 1 Council meeting, be added to the official “public record” of the Committee meeting, which the City Clerk had done.

Discussion ensued. Councilor Greenwald had been contacted by many constituents and wanted to assure the public and Mr. Hayes that this is being taken seriously and all possible efforts are being made to open Robin Hood Pool next season and he requested patience. Councilor Jones reminded that in 2015 the Council voted unanimously to focus on programming on the east side of Keene. The Mayor reminded that there are some big projects upcoming on the east side over the next three years totaling \$3.2 million of infrastructure improvements; he recognized that aspects of the east side had been neglected over time, but said that everyone at the City had been working hard to compensate and address that concern. Mayor Hansel filed the report as informational.

PLD REPORT – KEVIN WATTERSON/KEENE SWAMP BATS – CHANGE IN DATE – REQUEST TO DISCHARGE FIREWORKS

A Planning, Licenses, & Development Committee report read recommending that the Keene Swamp Bats be granted permission for the discharge of display fireworks on Saturday, July 31, 2021 on Alumni Field at no later than 10:00 PM, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability in the amount of one million dollars, listing the City of Keene as an additional insured; submittal of a signed letter of permission from SAU 29 for the use of their property and obtainment of a Class B fireworks permit. In addition, the petitioner agrees to comply with all recommendations of City staff. This permission is conditional upon the petitioner absorbing the charges for any City services over and above any amount of City funding allocated in the FY 22 Community Events budget. Such payment shall be made within 30 days of the date of invoicing. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

PLD REPORT – DANYA LANDIS/MACHINA ARTS – REQUEST TO ERECT A PARKLET IN PUBLIC PARKING SPACES

A Planning, Licenses, & Development Committee report read, accepting this item as informational. Mayor Hansel filed the report as informational.

PLD REPORT – COUNCILOR GLADYS JOHNSEN – LEGISLATIVE AUTHORITY TO INSTALL PARKLETS IN PARKING SPACES

A Planning, Licenses, & Development Committee report read, recommending that Senator Kahn be approached about introducing legislation that would provide municipalities the legislative authority for allowing parklets in public parking spaces. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald.

Discussion ensued. Councilor Greenwald noted that he voted in opposition to this matter because he said the State has more pressing matters of concern. In addition, he warned of insufficient parking for tenants and employees downtown already and he imagined these parklets would worsen the situation. Finally, the Councilor noted a parking deck was funded a few years out in the Capital Improvement Program and that was more important. Councilor Jones agreed with Councilor Greenwald but added that this was just asking the State to redefine the authority for the use of roads and then the City would write its own ordinances, for which there is a template

already. This request for legislation does not mean there would automatically be parklets. Councilor Johnsen supported the Council showing due diligence if the City was going to pursue this matter, supported the motion, and cited a constituent who came forward concerned about parking. Councilor Bosley stated that the PLD Committee worked hard on an Ordinance related to parklets and this action was to gain information before faced with a decision the City might not have authority to make. She acknowledged Councilor Greenwald's disagreement and said she thought this was needed to make the best decisions for the City because the City learned of many new things that work during the emergency order. Councilor Bosley added that the PLD discussed limiting the number of licenses available based on parking and without this first step the City could not continue pursuing this effort.

Councilor Filiault agreed with Councilor Greenwald, stating that though well-intentioned, this would create a problem and set a precedent that all downtown businesses would want once seeing it allowed for one.

Councilor Ormerod was not excited about the Council using its energy for State legislative change on this issue following many roadblocks at the State level on things the City wants to do. He was more excited for City parking to be figured out and what he called the priority of planning, designing, and building parking structures and possibly changing hours, which is where he thought energy should be allocated before pursuing this interesting idea.

Councilor Williams disagreed with the notion that there is insufficient parking, stating that the wide, beautiful Main Street is full of cars, and he wonders if that is the best use of the downtown when merchants could be using those areas, which would draw pedestrians. He added that plenty of east side pedestrians use the downtown, and it should be for the people who live here, not the people who drive here.

Councilor Workman echoed Councilor Williams and she thought that parklets were a great idea, she liked the idea of reviewing parking garages and she thought this motion was only to bring the issue to the State level so that cities could have discretion on what they think is best for their residents. She added parklets would energize the downtown.

The motion passed on a roll call vote of 12-3. Councilors Greenwald, Ormerod, and Filiault voted in opposition.

FOP REPORT – ACCEPTANCE OF GRANT FOR LIBRARY – KEENE PUBLIC LIBRARY

A Finance, Organization, & Personnel Committee report read, recommending that the City Council authorize the City Manager to do all things necessary to accept a grant of \$5,260 from the New Hampshire State Library, Institute of Museum and Library Services, and the American Recover Plan Act Formulaic Sub-Grant Round 1 for the support of library services that meet the needs of the community. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

FOP REPORT – ACCEPTANCE OF DONATION – BENCH IN MEMORY OF RICHARD BERRY – PARKS, RECREATION AND FACILITIES DEPARTMENT

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept the donation of a bench from Christine Houston and that the bench be placed along the Cheshire Rail Trail near the Ammi Brown Trail. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper.

Discussion ensued. Councilor Giacomo stated his support and reminisced on his personal relationship with Mr. Berry. Councilor Jones wondered whether the Keene Spirit of Place program still existed to issue certificates when such donations occur and the City Manager stated that it does still exist but is not marketed and that donors like this one are recognized at City Council and in the case of benches, the Director of Parks, Recreation & Facilities who follows-up with the individual. Mayor Hansel echoed his support for this bench as Mr. Berry was a good friend of his and he looks forward to visiting the bench. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

FOP REPORT – FY 21 DOJ JUSTICE ASSISTANCE GRANT – POLICE DEPARTMENT

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to co-apply with the County of Cheshire, and to accept the U.S. Department of Justice FY21 JAG in the amount allocated to the City of \$5,590. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

FOP REPORT – ACCEPTANCE OF FUNDS FROM THE NH COURT DIVISION NETWORK – YOUTH SERVICES

A Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept and administer funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

FOP REPORT – PUBLIC HEARING ON CHARTER AMENDMENT – REDISTRICTING OF WARD LINES – CITY CLERK'S OFFICE

A Finance, Organization, & Personnel Committee report read, recommending that a Public Hearing be set for August 19, 2021 on a charter amendment that would delete the ward lines descriptions from the City Charter, designate the City Council as the authority to redistrict ward lines to comply with Constitutional requirement to equalize populations, establish a process for any redistricting changes that would codify the ward descriptions in the City Code and provide that if a City Councilor's residence is impacted by any redistricting change that the Councilor would continue to serve until the end of the term for which they were elected. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting. Mayor Hansel scheduled the public hearing for August 19, 2021 at 7:00 PM.

FOP REPORT – COUNCILOR ANDREW MADISON – MANDATORY TRAINING FOR

A Finance, Organization, & Personnel Committee report read, recommending that the communication from Councilor Madison with regards to training on workplace harassment and professional ethics be referred to the City staff to be incorporated into the City Council orientation process for January 2022 and the issue regarding implicit bias training be referred to staff for further investigation. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. Discussion ensued and Councilor Johnson stated appreciation for the language used in the motion. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

CITY MANAGER COMMENTS

The City Manager reported that *Movies Under the Stars*, brought to you by Keene Parks & Recreation and the Monadnock International Film Festival is underway at Fuller Park. The first showing was this July 15 and the next is scheduled for July 22 at dusk. Make sure to register at www.keenesummermovies.eventbrite.com. Additionally, the summer concert series held in Central Square on Wednesday evenings is also underway with bands playing between 7:00-8:30 PM.

The City Manager also announced that the Monadnock region received more than seven inches of rain since the beginning of July, which moved the area from drought conditions and has had a positive impact on groundwater and surface water levels. The weather conditions had impacted City construction projects. Residents should stay tuned the Public Works social media platforms for updates.

The City Manager explained that in June, the City was notified by our pavement markings contractor, Markings Inc. that due to the storms and flooding in Texas this past winter the raw materials required to make pavement marking paint became very limited. Markings Inc. notified the City that they did not have enough paint to fulfill our contract. They were able to complete some of the high priority area markings and as paint becomes available they will continue to do work in the community. This has impacted Keene in a variety of ways, but specifically the plan to experiment with fog lines on Eastern Ave has been delayed. The Public Works Department is working with its contractor to resume painting as soon as paint becomes available. There is a similar shortage in chlorine and chlorine products, which has been affecting residents who operate pools and spas who have probably seen significant price increases and limited supplies.

The Fire Department's order of New SCBA (58 Units) as arrived as part of the FEMA Grant and 10% City Funding. Training is in progress and the new units will be placed in service soon. The City Manager said she would be preparing for re-submission to FEMA for the remaining funds to approve the remaining equipment as a part of the project as well. This equipment includes 1-hour bottles and rapid intervention packs that are used to rescue down members and that supply emergency air.

The City Manager reported that Keene State College classes would begin on August 30. Students begin returning August 14, with new students arriving the August 25 and all upper class students here by August 29.

Finally, the City Manager noted that the Governor and Executive Council will meet on August 4. She said details had been changing. Today she heard from the Library Director that the actual public meeting would be held at the Colonial Theater's new building at 9:30 AM. City Councilors are all invited to attend.

MEMORANDUM – RESIGNATION – HERITAGE COMMISSION

A memorandum from Planner, Mari Brunner, read recommending that the City Council accept the communication from Tia Hockett, resigning from the Historic District Commission, with regret and appreciation of service. A motion by Councilor Powers to accept the resignation with regret and appreciation was duly seconded by Councilor Bosley. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

MORE TIME – PLD REPORT – KEENE ELM CITY ROTARY CLUB – USE OF CITY PROPERTY – CLARENCE DEMAR MARATHON

A Planning, Licenses, & Development Committee report read, recommending placement of this item on more time for further consideration by Staff. Mayor Hansel granted more time.

FOP REPORT – RELATING TO PARKING – ORDINANCE O-2021-09

A Finance, Organization, & Personnel Committee report read, recommending the adoption of Ordinance O-2021-09. A motion by Councilor Powers to adopt Ordinance O-2021-09 was duly seconded by Councilor Hooper and the motion passed unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – RELATING TO WATER AND SEWER UTILITY CHARGES – ORDINANCE O-2021-10

A Finance, Organization, & Personnel Committee report read, recommending the adoption of Ordinance O-2021. A motion by Councilor Powers to adopt Ordinance O-2021-10 with an effective date of August for the water and sewer billing cycle was duly seconded by Councilor Hooper. Discussion ensued.

Councilor Remy said this matter had been on his mind for some time because while the variable rate changes are minimal, the fixed rate almost tripled for lower water usages and those residents could see increases over 20%, while higher water users would only see up to a 12% increase. Councilor Remy moved to amend the proposed rates to be a flat increase necessary to balance the respective budgets. He cited adjustments he thought were necessary to do so. Mayor Hansel said it would be challenging to amend without putting the numbers in the Ordinance because there are no calculations to reflect the Councilor's proposed changes. The Mayor suggested a motion to send this back to Committee to handle such details. Councilor Remy did not want to delay the matter, and declined the Mayor's suggestion to send back to Committee, and restated that he wanted to go forward with his motion to amend. Councilor Remy restated his motion that the rates established currently based on 2019 be increased by a flat percentage, which would balance the budget as needed. He wanted to keep the current rate structure. Mayor Hansel stated that the rate structure was adopted two meetings ago and therefore the time to revisit or bring forward amendments had

passed. Councilor Remy restated his position and Mayor Hansel said that if the Councilor wanted to pursue this further it should be sent back to Committee. Councilor Remy reiterated that doing so would miss the first billing and he did not want to do that. Therefore, Councilor Remy withdrew his motion despite his disappointment at what this meant for small residential users. Mayor Hansel wished the Councilor brought these concerns forward sooner, at a more appropriate time, as the Mayor had urged throughout this process to avoid such situations.

Councilor Chadbourne recalled the Director of Public Works presenting before the FOP Committee on the fire line rate amendment for which the Council supported Councilor Greenwald, which resulted in approximately \$300,000 moved into both fixed and volumetric charges to compensate for not increasing fire line rate. Councilor Chadbourne remarked that she was unsure the Council made the right decision or did its due diligence. Councilor Greenwald countered that the Council made the right and a fair decision, and that these matters are complex and the time for discussions had passed.

Mayor Hansel reiterated that these are complex issues and that his door is always open, and the City Manager is contacted easily as well. If someone wants to make such a complex amendment, it important to act earlier.

The motion passed unanimously on a roll call vote of 14-1. Councilor Remy voted in opposition.

IN APPRECIATION OF WILLIAM H. BYRNE UPON HIS RETIREMENT – RESOLUTION R-2021-33

A motion by Councilor Powers to adopt Resolution R-2021-33 was duly seconded by Councilor Bosley. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

IN APPRECIATION OF ERIC E. SWOPE UPON HIS RETIREMENT – RESOLUTION R-2021-34

A motion by Councilor Powers to adopt Resolution R-2021-34 was duly seconded by Councilor Bosley. Discussion ensued and Councilor Madison stated his privilege to have worked with and been mentored for many years by Mr. Swope. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

RELATING TO THE APPROPRIATION OF FUNDS FROM THE CAPITAL RESERVE – PUMP STATION MARTEL COURT (08022) FOR MARTEL COURT PUMPING STATION EMERGENCY GENERATOR REPLACEMENT PROJECT (08099-18) – RESOLUTION R-2021-35

Resolution R-2021-35 read first time by title only. Mayor Hansel referred Resolution R-2021-35 to the Finance, Organization, and Personnel Committee.

RELATING TO THE APPROPRIATION OF FUNDS FROM THE WATER FUND UNASSIGNED FUND BALANCE FOR WETMORE STREET/WINCHESTER STREET EMERGENCY MAIN REPAIR – RESOLUTION R-2021-36

07/15/2021

Resolution R-2021-36 read first time by title only. Mayor Hansel referred Resolution R-2021-36 to the Finance, Organization, and Personnel Committee.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:08 PM.

A true record, attest:


City Clerk



PUBLIC HEARING

Notice is hereby given that the Keene City Council will be holding a Public Hearing on proposed amendments to the Keene City Charter. Generally, the amendment includes changes to Section 2 "Wards." The intent of the amendment would be to delete the descriptions of the five wards from the City Charter if necessary to comply with any Constitutional requirements to equalize wards, and to designate the City Council, by ordinance, as the authority to redraw the Ward district lines. The amendment would also provide that if any City Councilor's residence is impacted by any redistricting change that the Councilor would continue to serve until the end of the term for which they were elected. The amendments are necessitated by the delay in the release of the results of the 2020 United States Census. The charter question would appear on the November 2, 2021 General Election ballot and would become effective January 1, 2022.

The text of the proposed amendment is as follows:

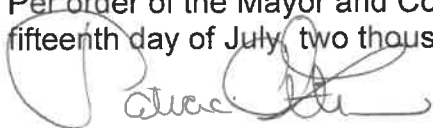
SECTION 2. WARDS. The City of Keene is hereby divided into five wards. If necessary to comply with any Constitutional requirement to equalize populations, the city council shall review the ward boundaries and, shall, by ordinance, re-divide the city into five wards. A public hearing on the proposed ward boundaries shall be held not more than 30 days before its adoption by the city council, at such time and place as the city council shall direct, and notice of such public hearing shall be published at least 7 days in advance of the hearing by the city clerk. All wards shall be composed of contiguous and compact territory, as nearly equal in population as possible, and bounded by natural boundaries, street lines, railroad tracks or other easily identifiable physical features. Notwithstanding any changes in the ward boundaries, and notwithstanding Section 8, Vacancies, of the City Charter, the elected ward officers in office at the time of the redistricting of city wards shall continue in said offices until the end of the terms for which they were elected.

HEARING DATE: August 19, 2021

HEARING TIME: 7:00 PM

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this
fifteenth day of July, two thousand and twenty-one.


Attest: City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: August 19, 2021
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Nominations**

- **Ashuelot River Park Advisory Board**
- **Airport Development and Marketing Committee**

Recommendation:

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

Ashuelot River Park Advisory Board
Stephen Hooper, slot 1 City Councilor
5 Colby Street

Term to expire December 31, 2021

Airport Development and Marketing Committee
Scott Gerhart, slot 4
91A Wilber Street

Term to expire December 31, 2021

Attachments:

1. Background_Gerhart_Redacted

Background:

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Wednesday, July 28, 2021 9:31 AM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 07/28/2021 - 09:30</p>

<p>Submitted values are:</p>

First Name:

Scott

Last Name:

Gerhart

Address

91A Wilber Street

Email:

Cell Phone:

6077682146

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

Airport Development & Marketing Committee

Employer:

Moore Nanotechnology Systems

Occupation:

Vice President Sales, Marketing, Service, Applications Engineering

Education:

BS Binghamton University '95

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

Greater Binghamton Regional Airport Advisory Board - Binghamton, NY

Other Information/Relevant Experience:

Private Pilot w/ Instrument, high performance, complex, multi-engine ratings. Aircraft owner. Marketing Professional. Fifteen years experience as an ambassador for aviation serving as advisory board member in Binghamton, NY.

Please provide some references:

David Hickling
DHickling@ci.keene.nh.us

References #2:

Mark Boomgarden
boomgarden@nanotechsys.com



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: August 19, 2021
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Appointment - Ad Hoc Redistricting Committee**

Recommendation:

That the following individuals be appointed to the Ad Hoc Redistricting Committee, which would be charged with reviewing the Federal Census Data and making recommendations to the City Council for any recommended adjustments to the ward lines.

Kendall Lane, Chair
Jan Manwaring
Michael Giacomo
Alexander (Sparky) VonPlinsky
Marilyn Huston

Attachments:

None

Background:



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: August 19, 2021
To: Mayor and Keene City Council
From: Michael Giacomo
Through: Patricia Little, City Clerk
Subject: Councilor Michael Giacomo - Resignation - Ward Three Councilor

Recommendation:

Attachments:

1. Communication_Giacomo

Background:

Councilor Giacomo has moved out of Ward Three and is submitting his resignation as a Ward Three City Councilor.

To the Honorable Mayor, City Council, and Charter Officers,

As I am preparing to move from my house located in Ward 3, I will no longer be able to serve my role as Ward 3 councilor and hereby issue my resignation from that post.

It has been my absolute honor to serve with all of you these past two years, as bizarre a time as it has been with virtual meetings starting just a few months after our inauguration and just ending a couple months prior to my stepping down.

I have learned something from every one of my fellow councilors and from our excellent city staff, and my newfound respect for the immense wealth of knowledge, history, and wisdom you all bring to this city cannot be overstated. My public service future is currently uncertain, but I look forward to serving with each of you again in some capacity or another.

Thank you all, and be well,



7/22/21

-Mike

Michael Giacomo



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: August 19, 2021
To: Mayor and Keene City Council
From: Paul Dubriske
Through: Patricia Little, City Clerk
Subject: **Paul Dubriske - Request to Acquire Land Adjacent to Property at 454 Elm Street**

Recommendation:

Attachments:

1. Communication_Dubriske_Redacted

Background:

Mr. Dubriske is requesting to acquire a portion of the right-of-way on Elm Street that is adjacent to his property at 454 Elm Street.

7/21/21

To Keene City Council,

I would like to express my intent to adjust a portion of the right of way on Elm St and acquire a piece of land adjacent to my property at 454 Elm St.

Please advise on what further actions need to be taken.

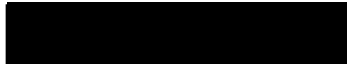
Thank you

A handwritten signature in black ink, appearing to read "Paul Dubriske". The signature is fluid and cursive, with the first name "Paul" being more prominent than the last name "Dubriske".

Paul Dubriske

454 Elm St

603-903-4342





CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: August 19, 2021
To: Mayor and Keene City Council
From: John and Louise Hilow
Through:
Subject: John and Louise Hilow - Flooding at 36 Wetmore Street

Recommendation:

Attachments:

1. Communication_Hilow

Background:

The Hilows have experienced flooding at their 36 Wetmore Street residence on multiple occasions. They are wondering whether any actions by the Army Corps of Engineers are contributing to their problem and are requesting the City's assistance.

John S. Hilow, Sr. and Louise B. Hilow
36 Wetmore Street, Keene, NH 03431
603-352-0226

August 4, 2021

Honorable George Hansel and City Council Members
City of Keene
3 Washington Street
Keene, New Hampshire 03431

Re: Recent Flooding(s)

Dear Mayor Hansel and City Council Members:

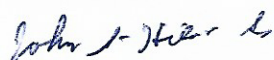
We purchased our house on 36 Wetmore Street on February 28, 2013 and moved in the end of May 2013. Our first flooding experience happened the summer of 2014. Billy Byrnes from the City of Keene came to see the damage and called Surry Dam to tell them to shut the dam down because it was flooding Wetmore Street and Hamshaw Lumber. Our basement was flooded again in 2015. Recently we were flooded twice in July, on July 17 and July 30th, our basement filled with at least four feet of water. Our furnace was under water all four times. We are writing to see what the City is able to do to assist us with our recent flooding issues at our home at 36 Wetmore Street. The four times our basement flooded was after Surry Dam was opened. As a result, we have had to have our furnace fixed four times at over \$900 each time. The rain was so bad on July 17 that our neighbors were able to canoe on our lawn.

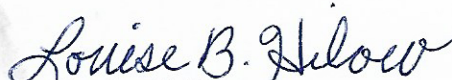
We have been told that the dam has not been opened any of the times that we have been flooded and that it is just a "fluke" that our basement floods each time we have had extreme rainfall. However, over the past weekend the Red Cross came to our house to see if we needed anything and they indicated that indeed the dam is opened each time we have a large amount of rainfall.

We are a 90 and 87-year-old married couple. The floods are taking their toll on us personally and financially. Please let us know how we can get the City and the Army Corps of Engineers to stop opening the dam each time we have an extreme amount of rainfall.

Thank you for your assistance. We look forward to hearing from you.

Sincerely,


John S. Hilow, Sr.


Louise B. Hilow



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: August 19, 2021

To: Mayor and Keene City Council

From: Councilor Philip Jones

Through: William Dow, Records Manager/Deputy City Clerk

Subject: **Councilor Philip Jones - The Keene City Council Approve the City of Keene Declaration of Inclusion**

Recommendation:

The Keene City Council approve the City of Keene Declaration of Inclusion.

Attachments:

1. Communication_Councilor Jones
2. Phil_Jones__Inclusion_Declaration_Option_3

Background:

Councilor Jones is recommending to the Keene City Council the concept of the Declaration of Inclusion for all elected officials to voluntarily sign. This item was referred to the Finance, Organization and Personnel Committee and the Diversity, Equity and Inclusion Committee for language adjustments, which includes changes that were helpful and enthusiastic.

August 17, 2021

To The Honorable Mayor and City Council:

On June 15, 2021 I had submitted a request that the City Manager to draft a Resolution endorsing the City of Keene Declaration of Inclusion. The request with my supporting documents was referred to the Finance, Organization and Personnel Committee and the Monadnock Diversity, Equity and Inclusion Coalition for language adjustments, which includes changes that were helpful and enthusiastic.

Thank you for the opportunity to present the concept of the Declaration of Inclusion. It is my request to suspend the rules of order to act upon this matter, approve the Declaration of Inclusion, to be printed on parchment paper. The Mayor and all City Councilors may voluntarily sign the declaration as a show of unity. It is my hope that it be framed and strategically placed in a place of prominence such as City Hall or the Library, or both.

Sincerely,

A handwritten signature in dark ink, reading "Philip M. Jones". The signature is written in a cursive style with a large, stylized "P" and "J".

Councilor Philip M. Jones

Before the Keene, New Hampshire City Council on the nineteenth day of August 2021

Declaration of the City of Keene, New Hampshire as an Inclusive and Welcoming City

We the governing body of Keene, New Hampshire do hereby declare our pledge to make Keene a city of diversity, equity and inclusion. We as a city truly welcome people of all colors, creeds, beliefs, lifestyles, nationalities, physical abilities, and mental abilities to live, work, play, worship, and shop in our welcoming city. We vow to condemn and never ignore acts of racism, bigotry, oppression, and hatred. We truly believe that diversity, equity and inclusion makes us stronger.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.5.

Meeting Date: August 19, 2021

To: Mayor and Keene City Council

From: Councilor Andrew M. Madison
Councilor Robert C. Williams

Through: Patricia Little, City Clerk

Subject: **Councilors Madison and Williams - Requesting Regulation of Single-Use Plastics in the City and on City Property**

Recommendation:

Attachments:

1. Councilors Madison and Williams_Use of Single-Use Plastics in Keene

Background:

Councilors Madison and Williams are requesting that the Planning, Licenses and Development Committee discuss the topic of regulating the distribution of single-use plastics in the City and on City Property. They further recommend that the City of Portsmouth, New Hampshire's Ordinance serve as a model for any prospective action the City may take.

August 16, 2021

City of Keene Clerk's Office
3 Washington St
Keene, NH 03431

To the Honorable Mayor and City Council,

As we are all aware, plastics are pervasive throughout our environment. They breakdown into microscopic particles and bioaccumulate in both flora and fauna; they pollute our rivers, lakes and oceans; and they languish in landfills or as litter in public areas for centuries. Some plastic products are durable and we use frequently, if not daily, over the course of years. However many products, such as bags and food/drink containers, are used for only a few minutes yet stick with us for hundreds of years.

In New Hampshire, a public nuisance is (as defined by RSA 147) a "behavior that unreasonably interferes with the health, safety, peace, comfort or convenience of the general community." We, the undersigned, assert that the distribution of single-use disposable plastics such as shopping bags, cups, straws, and food containers constitutes a public nuisance by virtue of their pervasiveness in the environment, impact on natural resources, and their limited benefit to the consumers who utilize them.

The City of Keene has the authority under RSA 147:1 to "make regulations for the prevention and removal of nuisances, and such other regulations relating to the public health as in their judgment the health and safety of the people require." The City of Keene has also acknowledged the impact plastics have on our environment, and the need to address them in our 2010 Comprehensive Master Plan. Other communities in New Hampshire, such as Portsmouth, have already taken action to restrict the distribution of single use plastics in their communities.

Therefore, we ask that the Planning, Licenses, and Development Committee discuss the topic of regulating the distribution of single-use plastics in the city and on city property. We recommend that the City of Portsmouth, New Hampshire's ordinance (Chapter 3, Articles IX & X) serve as a model for any prospective action the city may take.

Respectfully Submitted



Andrew M. Madison
Ward 3



Bobby Williams
Ward 2



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: August 19, 2021

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee

Through:

Subject: Sidewalk Asset Management Plan - Director of Public Works

Recommendation:

On a roll call vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee accepted the sidewalk asset management plan presentation as informational.

Attachments:

None

Background:

Chair Manwaring welcomed the Director of Public Works, Kürt Blomquist, and City Engineer, Don Lussier. The Director of Public Works began by thanking his crews for their work during recent heavy rain events. The City Engineer continued his presentation from the previous meeting, specifically on the costs of replacing sidewalks per linear foot. The Committee would see a longer list of priorities during Capital Improvement Program (CIP) time.

The City Engineer recounted what he presented two MSFI meetings ago. The City owns and is responsible for about 53 miles of sidewalks. That includes approximately 23 miles of asphalt sidewalks and 30 miles of concrete sidewalks. He recalled that asphalt sidewalks are common but that concrete is preferred closer to the City center. The current network condition overall is scored as a 67 or C-. Overall, throughout the network, asphalt sidewalks are in much poorer condition, with an average score of 57 compared to concrete sidewalks at 74. The City Engineer showed examples of sidewalks at various scores. He said that very poor sidewalks scored 20 are exclusively asphalt. Going up in scale to scores of 40, more concrete sidewalks are seen with some tripping hazards that need attention. Scores of 60 to 80, for example, are in good to excellent condition and require very little work.

The City Engineer began discussing costs to achieve a particular level of service that the Council will decide, meaning the City-wide acceptable standard. He agreed with the Chair that it is difficult to choose an acceptable level of service without understanding the costs to achieve that level. Before the costs, the City Engineer reviewed the current City sidewalk standards. He said that the current section of City Code that addresses sidewalks is Section 70-127, which calls for the minimum five-foot sidewalks within residential zones and all other zones require six-foot widths, with a minimum four inches of concrete. While not listed in the City Code, there is a Department of Public Works

standard for where sidewalks cross driveways and where there are heavy truck crossings, where sidewalks must have a thicker cross section of eight inches. Additionally, the City Code states that where there is sufficient right of way there should be at least five feet from the travelled surface of the roadway to the sidewalk to create a buffer for pedestrians and to create a place where snow can gather in the winter. The Director of Public Works and the City Council have developed set policies for these standards over the years, specifically when there is significant repair over 100 feet, that section of sidewalk must be upgraded to meet current standards, meaning that the sidewalk must be concrete. However, the Department also gets complaints about a very discrete small area of isolated maintenance less than 100 feet and does spot repairs in kind, meaning that if it is asphalt today, then it would be replaced with asphalt at the same width. For example, crews would not install a five-foot sidewalk (standard) patch in an existing 4 foot asphalt sidewalk.

To begin the discussion of costs, the City Engineer discussed unit costs, such as how much it would cost to replace one linear foot of sidewalk at different condition levels. Then he would discuss overall programmatic costs to put this all into context. Beginning with very poor sidewalks, where it assumed that not just the asphalt surface has failed but the underlying gravel as well, creating heaves and what are called alligator cracks; he showed examples from Main Street, Colby Street, and Hardy Court. In these situations, the gravel has deteriorated because of the weather over time and fixing it properly would require removing the sidewalk, replacing the gravel, and building an entirely new sidewalk. To replace these asphalt sidewalks and bases it would cost \$65 per foot, which would upgrade the sidewalk to current concrete standards, which the Director of Public Works stated in response to Councilor Filiault. If a sidewalk is under 100 feet it is replaced in kind and if over 100 feet, it is replaced to meet the current concrete standard. Most work under 100 feet is done in-house. The City Engineer noted that costs discussed at this meeting would just be for the sidewalks and not any ancillary work that often goes along with sidewalks such as curbing or improvements to grass belts trees and drainage, which would all have to be done separately.

The City Engineer continued explaining that there are poor clusters of sidewalks throughout the City that need to be replaced but the underlying gravel can often be reused and smoothed. He showed examples from Main Street, Island Street, and Greenwood Avenue. For example, he showed a photo of a sidewalk sitting below the grass on either side of it in, for which case crews would go in and make the underlying gravel flush with the lawn so that the sidewalk does not fill with water every time it rains. In such a situation, the City reuses existing gravel, which brings costs down, but it is not a significant reduction in cost at approximately \$58 per square foot of gravel material.

The City Engineer continued discussing sidewalks categorized as fair with scores between 40 and 60. He showed examples from Main Street, Maple Avenue, and Roxbury Plaza. These fair sidewalks would have more varied costs as he depicted, from \$30-\$58 per linear foot. An existing concrete sidewalk scored in this fair range means that there are still sections in good condition and some sections that are in worse condition; those conditions are averaged to arrive at a unit price basis for a contract, which can be very expensive. However, when averaged across all sidewalks in the City, the cost is more reasonable, which is why there was a price range shown. Sidewalks that are currently scored as 60 or higher need very little work, essentially only spot repairs, which reduces prices dramatically. Once the City Council understands associated costs they can determine the acceptable level of service throughout the community, meaning the condition that the community finds to be reasonable and acceptable. The current score is a 67 or C- and if the City were to set a goal of raising that by one letter grade to B minus, 11.5 miles of sidewalk would need to be replaced, with approximately nine of those miles being asphalt sidewalks in poor condition below score 60 (\$2.72 million), and 2.5 miles of replacement would be of concrete sidewalks scored below 40 (60,000), with repairs to concrete walkways scored between 40-60 (\$390,000), and the total program cost would be \$3.2 million as priced today. The City Engineer said that upgrading sidewalks in this way is an obvious investment and it would take several years to accomplish.

The City Engineer continued discussing things to consider for prioritizing sidewalk upgrades. He said the current condition is one of the primary things that needs to be considered, but the City also wants to serve the highest number of people and give the benefit of sidewalks to the greatest number of people. Therefore, in determining a level of service, user demand should be considered. He said that current counts do not exist of how many people use every sidewalk in the City on a given day and to collect that information will be very expensive and time-consuming, so he does not suggest it. Instead, he suggested using the proximity of a section of sidewalk to a destination as a proxy for user demand so that sidewalks within 1/4 mile or 1/2 mile of a school, for example, would be given extra points and therefore higher priority; as opposed to a sidewalk that is far from anywhere someone might want to walk to, for example. He said the same would be true of recreational facilities, parks, playgrounds, and shopping destinations where the City wants to encourage sidewalk access.

The Director of Public Works continued explaining that during the road survey conducted a few years ago, there were notes of all the sidewalks in the City that presented tripping hazards, which he said should be given additional priority as safety concerns are always more important than aesthetics. At one time when talking about new sidewalks, the City Council had discussed long walksheds, which was the idea of prioritizing where people are coming from and going to. For example, the walkshed for a school was approximately 1/2 mile because today schools do not bus children living within 1/2 mile of the school, so an exception would be given to keep children within that distance safe. The same would be true with proximity to recreation facilities or within the commercial district based on standards for how long people are willing to walk to arrive at certain locations. The Director of Public Works said that the focus remains on repairing the small sidewalks that are most heavily used versus those that are less traveled. He used Adams St as an example of a main walk to a school that should have a higher rating than it currently does. Just like the road program, he said that this program would take a number of years as well, and he hoped these presentations gave the Committee an idea of the trajectory for a sidewalk asset management plan and the types of sidewalks that would be higher priorities for repair or replacement. The City Engineer added that the half mile range equates to essentially a 10-minute walk and if a typical walker proceeds at approximately 3mph, or a brisk pace, it would be considered a reasonable walk shed.

When discussing safety, Vice Chair Giacomo asked whether it was a discussion of the safety hazards caused by the sidewalks themselves or actual proximity to roadways, like talk in the last year of Eastern Avenue and Union Street, where the sidewalk is literally part of the road. He knew there were some other streets that were similar and said that taking safety into consideration is much more than a bump in the sidewalk creating a tripping hazard but other issues that are very dangerous like proximity to the street. From his perspective, the City Engineer said he first considers whether the sidewalk needs to be repaired and the Vice Chair's second question enters the issue of right-of-way limitations. When discussing Eastern Avenue for example, the Director of Public Works said that the right of way on the western side essentially reaches the front doors of most houses there, which was established when Eastern Avenue was built; because most homes were constructed on the east side of Eastern Avenue, that is where sidewalks were built. He said that unfortunately, under the current repair program such sidewalks are not being relocated and they typically replaced in their same location. In many of the City's older neighborhoods, many people do not realize that the City's right-of-way goes up to their front steps, which makes it challenging when talking about sidewalk replacement from an operational standpoint. The Director of Public works referred to "pick" streets, meaning that when snow is finished crews use equipment to pull snow from sidewalks and haul it away three to five days after a storm event to provide space for sidewalk use. Unfortunately, in the older areas of town, there is insufficient right-of-way.

Councilor Giacomo asked whether the Cheshire Rail Trail access points were considered as recreational facilities. The City Engineer thought that was a great question and asked the Committee

what they thought priority criteria should be, such as Rail Trail access. He welcomed Committee feedback. The Director of Public Works said he thought that in general, the Parks, Recreation, & Facilities team was always included in these decisions, and he thought the Parks, Recreation, & Facilities could be certainly included; he had not considered the access points but could certainly prioritize such facilities and the same would be true for high priority commercial areas, for example.

Councilor Williams provided feedback. He said that he wanted to see priority for user demand closer to where elderly or seniors live who could be at greater risk of tripping hazards or who may use the sidewalks more during the daytime. In many ways, the Councilor thought that a replacement and repair program could follow the housing density patterns in town, thinking that there would be much more demand outside of an apartment than a single-family home. He talked about flood areas, and he had learned something looking at recent flood damage, including a lot of pavements that have been underwater for a certain amounts of time and are no good anymore, shortening the lifespan, and requiring more frequent replacements. He said he thought that was true for Spring Street and Court Street, for example.

Councilor Filiault complimented City Staff and especially the Public Works Department for how they had handled recent flooding. He said that he knew the City standard was concrete but said that the Council also needed to consider the cost to taxpayers, stating that Councilors are always concerned about taxes and the budget. In his opinion, there are areas of Keene that do not need concrete sidewalks because they are perhaps less traveled, but sidewalks are still located there for safety. He knew some of those less used sidewalks needed to be replaced and thought that they could be easily fixed-up with asphalt; however, the City standard disallows such spot repairs because everything is required to be concrete. As a Council, he thought they needed to look at that sidewalk policy because, in his opinion, some areas simply do not need completely new concrete sidewalks when they could be easily fixed with asphalt and save money down the road. To his fellow Councilors, he said we really need to look at this policy and determine if there is a middle road, which he felt there certainly could be. The Public Works Director replied saying that was certainly a discussion that could occur. However, he said he did not want to delay this and said that when the CIP program comes forward, Councilors would have a better understanding of costs and impacts. The Public Works Department continued that before the Citywide concrete sidewalk standard, there were opportunities for different sidewalks in certain areas, with residential areas being asphalt sidewalks, for example. Of course, he said that concrete would last two times longer than asphalt, which was a deciding factor when the standard was enacted. This longevity was clear from the Main Street sidewalks that were installed in 1988, but he thought that it was important to start determining a funding profile through the City Manager. He said the concrete is a fairly good capital investment, but that the capital invested could be reduced by making certain choices like he described. He said this often goes back to an issue though of neighbors disagreeing because one has concrete sidewalks and another home four houses down has asphalt sidewalks. Councilor Filiault provided the example of one mile of asphalt and only 10-15 feet were in need of replacement and said officially right now, it would have to be replaced with concrete and suggested more spot repairs; he said he partially agreed with the Director of Public Works. In response to a comment by Councilor Filiault, the Director of Public Works cited past debates on leaf collection and said the goal is to always provide a cost-effective program.

Chair Manwaring recalled representing a minority opinion at previous meetings because she advocated for installing sidewalks in parts of the City where they lack currently, which concerns her. She said there are many locations, including to access the Rail Trail, where there are insufficient facilities for walkers to stand off the street, which makes her nervous. She asked Staff to imagine what could be done to address these issues. The Director of Public Works thought the Chair identified a few interesting challenges, with one being to create some space in the areas of Rail Trail crossings where people can wait or take a break, especially during winter months. He said that installing sidewalks in lesser-used remote locations presents another challenge, because the

Department does not have sufficient equipment to access and clear those areas in the winter. He thought it was worth looking at some of the areas in question to think about creating small stopping facilities for pedestrians to get out of the street when needed in more remote areas. He referred to the Chair's statement on Bradford Road and recalled that the Council approved a new sidewalk there, but the neighborhood defeated it because neither side of the street would accept the sidewalk. He recalled that some years back there was a program for new sidewalks that was frozen by the Council due to fiscal constraints and eight years passed with no new sidewalks constructed in the City. At this time, he suggested letting one CIP cycle pass to get the Council interested in new sidewalks again. He said the Community Development Department and Public Works Department worked together to consider how to prioritize new sidewalks, but part of the challenge is that it would be a long-term program that could take a decade to accomplish, at which point the requesting families' children are no longer walking the neighborhood. If the Council were interested, however, the Director of Public Works believed that there could be refocus on new sidewalks in the next CIP cycle to discuss locations and priorities. He recalled how expensive new sidewalks are because of ancillary issues like drainage, which could be double the costs of repairs or replacement alone. Historically, the Council has not wanted to take or pay for private land to install sidewalks, which was another issue on Bradford Road. As a good Director of Public Works, he wanted to start with caring for what the City already owns and ensuring it is at a reasonable level of service for the community before installing new sidewalk.

Vice Chair Giacomo said that by the time the \$3.2 million were spent, other sidewalks in town would have degraded further, particularly if the rain events of late continue. He said if Staff know what is expected to ongoing capital that would be needed after this initial capital investment. The City Engineer replied that it is an ongoing program that will never end but with current standards being concrete, the good news is that once everything is upgraded, the City can be sure that the lifespans of new infrastructure would exceed 50 years. He said that after initial investment would occur over a decade, the annual costs would decrease as it would be more for maintenance than replacement. From his experience, the Director of Public Works said that if considering a \$200,000/year repair program, which is something that could likely work from a fiscal and capacity standpoint, that is likely what the City would invest in perpetuity and costs would go up over time. When he began his position, the Director of Public Works said the City was spending less than \$250,000 annually on sidewalks, which increased to \$1 million annually for the next 20 years. He thought the Council's commitment to infrastructure over the long-term is important, such as the 1990s road program bringing that infrastructure to today's status; their commitment to sidewalks should pay off similarly. Still, the commitment to City sidewalks would take 10-20 years because sidewalks will always be deteriorating and needing repair. Vice Chair Giacomo said it was evident that once a sidewalk reaches a score of 40 it is not long before it declines to a 20 and asked if there were efficiencies to be gained by coupling sidewalks with already occurring road work. The Director of Public Works said that had been occurring in general, but the challenge comes if the road and sidewalk are not at matching conditions and a perfectly good sidewalk is repaired while a lower quality one elsewhere is not; people notice that. He said this program would be more about doing sidewalks independently, but we always try to combine the work.

The City Engineer said that the Director of Public Works made a good point about costs increasing over time. The costs presented at this meeting were based on present 2021 costs and recent project experiences over the last year, with projected 4.5% inflations. Therefore, when putting a sidewalk plan into the CIP, the \$3.2 million presented would change with time and increase each year. The Director of Public Works said the cost would increase annually with projections for inflation. He said the Council could choose to identify a funding level based on all other fiscal constraints but unfortunately over time, the scope will decrease. These discussions will be ongoing with the City Manager and Council through CIP and if the budget cannot contend with annual inflation, the Council could choose a specific dollar level investment. These are all things the Council must balance,

getting a certain amount of work done with a certain amount of fiscal responsibility to residents and the Director of Public Works said the Council does a good job.

The Chair asked the City Manager to provide a brief review of the CIP. The City Manager said that the CIP is the City's capital budget for the next six years, including projects known for beyond six years in the appendix. The CIP is updated comprehensively biannually and during the budget in off-CIP years, any items are amended as necessary for items that changed during the fiscal year. The CIP is for assets that are over \$20,000 and 10 years in life, and one challenge over time had been building capital reserve accounts. Over the past few CIPs, the City Manager said that more was added to the reserve accounts so that when a project is about to be awarded, there are funds ready. So, for a project like this, would involve initial outlay of cash in the beginning and eventually would move into a capital reserve account so that when ready to replace sidewalks in the future, the funds exist. This is how she tries to stabilize the impact on the municipal tax rate from these larger projects.

Councilor Williams noted that road projects are funded 80% by the federal government and asked if there were similar programs for sidewalks. The City Manager replied that bridge projects are eligible for funding. Additionally, when a project is in the state's 10-year plan, like the current Winchester Street project, 80% funding is available. Other road projects, such as Roxbury Street, fall on the taxpayer. She said there is no state or federal funding for sidewalks, but if there is a grant opportunity for roads, she tries to build sidewalks into the project, as with Winchester Street. The City Engineer said that Safe Routes to School and Transportation Alternatives Programs. For example, the Marlboro Street streetscapes project that was divorced from the utility project last year because the City received a grant that would pay for sidewalk improvements, crosswalks, pedestrian beacons, and connection to the Rail Trail. That grant is competitive. The Director of Public Works said that unfortunately the state of NH offers very little funding for this sort of work. Annually, the City gets a \$538,000 Block Grant from the state for roads; he said that compares to his approximately \$750,000 winter budget. He agreed with the City Manager that he works to tie ancillary work, like sewer and water, into road projects. Unfortunately, he would not say that is a regular type of program and maintaining a program will compete for dollars from the tax base.

Chair Manwaring recognized Councilor Mitch Greenwald, who asked the City Manager to review the short sheet of what is upcoming for sidewalks in the CIP. He wondered if somehow \$100,000 was available in fund balances, which the City Manager and Director of Public Works have access to, what the priority would be. The City Manager replied that the CIP has \$68,000 allotted for a mixture of miscellaneous repair and replacement; in fiscal year 2021, priority streets were Lamson Street, St. James Street, and School Street and in fiscal year 2022 priorities are Timberlane Road, Darling Road, and Old Walpole Road. She added that there are some funds available, and she advertised a request for proposals for a \$137,000 sidewalk project recently and received zero bids. Staff had a recent meeting about how to encourage bids, some of which had to do with timing post-Covid-19, and one idea from the City Engineer was to each year combine a sidewalk project with a miscellaneous road project so the bulk offer would be enough to attract multiple bids. She said that typically the contractor is interested in road projects but will subcontract out for the sidewalk work. Staff is also looking at whether there is a way to accomplish these \$50,000-\$100,000 sidewalk projects with the City's annual road work. Councilor Greenwald thought that his fellow Councilors would agree that they hear from constituents more and more about smaller projects, not necessarily on the roads the City Manager mentioned, and said that perhaps more spot repairs were needed. He agreed that finding someone to work this season was likely a lost cause and that accomplishing these tasks in-house would be difficult with Director of Public Works crews stretched thin. Councilor Greenwald asked Staff to pay attention to smaller contractors.

The Director of Public Works agreed with the City Manager's surprise that there were no bids for a \$137,000 contract. He said that there is a fairly limited pool of small contractors in the Monadnock

Region and a lot of work occurring. He referred a presentation at the next Finance, Organization, and Personnel Committee meeting on necessary emergency repairs, for which he was struggling to find contractors. Unfortunately, he did not think much more would be accomplished this year but the City Engineer was urged by the City Manager to begin working on next year's program, to continue addressing the worst areas in-house. Looking ahead, the Director of Public Works said storm recovery will be prioritized in August and leaf collection planning would begin soon as well to ensure the collection does not place undue demand on Public Works Department crews. He said that although Staff inventoried sidewalk conditions, he encouraged residents to use the See, Click, Fix app to report damaged sidewalks to the Public Works Department. The City Manager shared a story of using the app anonymously recently, how user-friendly it was, and how quickly crews resolved the concern. Councilor Williams also shared experience using the app and how quickly crews addressed his concern too.

Vice Chair Giacomo asked what the costs would be to bring all City sidewalks up to American Disability Association standards, which the \$3.2 million would for this work. Discussion ensued about the overall City score of 67 being an average. Vice Chair Giacomo asked what it would take to bring the overall City average to a 70 or 75. The Director of Public Works said that bringing a sidewalk up to a score 70 is less a linear cost and more so exponential because various levels are not evenly distributed; if the City wanted a level of service of 90, that would then include all the sidewalks ranked good today. The City Engineer agreed that would add many more sidewalks that are today in the 60—80 range and so to reach an average of 80, approximately 20% of the sidewalk inventory would need repair and replacement and the other 80% would not need immediate attention. Unfortunately the City Engineer said the 80/20 rule does not always work in reverse, and if only addressing 10% there would not be the same results, for example.

There were no further public questions.

Vice Chair Giacomo moved to accept the sidewalk asset management plan presentation as informational, which Councilor Filiault seconded, and the motion passed on a roll call vote of 4-0.

Chair Manwaring thanked the City Engineer and Director of Public Works for the report. The Director of Public Works said that he looked forward to the CIP discussion, when the Council will get into this issue more.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: August 19, 2021

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee

Through:

Subject: **Acceptance of Donation - Pathways for Keene - Jonathan Daniels Trail Improvements**

Recommendation:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of \$18,100.00 from Pathways for Keene, Inc for trail improvements to the Jonathan Daniels Trail.

Attachments:

None

Background:

Parks, Recreation and Facilities Director Andy Bohannon addressed the committee first.

Mr. Bohannon stated this is a donation of services of \$18,100 from Pathways for Keene. He indicated Pathways for Keene received some funding from GOFERR and they needed to spend it by the end of the end of August or return it to the State. As a result, they approached the City related to a particular project; work along the Jonathan Daniels trail. He explained this trail goes from Ashuelot River Park up to Appel Way and there is a connection at Perham Street, which is close to the Keene Housing complex. This would increase opportunity for access to the trail for many of the neighbors.

Mr. Bohannon stated Pathways is looking to work with Pat Rosen Construction to complete the project for \$18,100 under a contract from Pathways for Keene, but the services have to be accepted by the City as the project is on City property.

Councilor Ormerod clarified this donation of 18,100 is for in-kind services. Mr. Bohannon stated Pathways will be contracting with Pat Rosen Construction for work on City property. Councilor Ormerod asked whether anyone would be invoiced for that amount. Mr. Bohannon stated Pathways for Keene would be invoiced.

Chair Powers noted Pat Rosen Construction is very well experienced on working on trails and has done a lot of work for the Town of Swanzey.

Councilor Jones addressed the committee on behalf of Pathways for Keene. He explained Pathways

is a 501 c-3 nonprofit organization. The purpose of this organization is to raise money for the trails in Keene. He stated their Bylaws indicate their contributions need to be within the City of Keene. He noted that Johnson Daniels trail is probably one of the oldest trails. He stated the original Pathways for Keene membership did the manual labor to help build that trail.

With respect to this GOPHER funding, the Councilor noted their biggest fundraiser every year is the 4 on the 4th road race, but due to Covid that fundraiser did not happen last year. As a result, Pathways applied for the grant funding and as a result of the hard work Chuck Redfern and Sean Filiault the organization was successful in obtaining these funds. Over the years, Pathways for Keene has raised over \$640,000 – over half a million has been given to the City with the rest going towards operating expenses. He added they have no administrative costs.

Councilor Jones apologized that they did not realize 4 on the 4th race was coming up so soon so they called for an emergency meeting on July 16 and determined the Jonathan Daniels trail would be the best place to do this. Councilor Jones extended his appreciation to Mr. Bohannon for finding a contractor in such short order. Councilor Hooper stated this is one of the most well-traveled trails and felt this work would be a welcome addition.

City Attorney Mullins clarified Pathways for Keene is going to directly contract with the contractor to complete this work and the City will be drafting an Access Agreement. Mr. Bohannon answered in the affirmative.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of \$18,100.00 from Pathways for Keene, Inc for trail improvements to the Jonathan Daniels Trail.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: August 19, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee
Through:
Subject: **Acceptance of Donation - Multiple Donors - Fire Department**

Recommendation:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept donations totaling \$175.00.

Attachments:

None

Background:

Fire Chief Mark Howard addressed the committee next and stated the Fire Department has received three donations in the memory of Larry Lanata from Laurie and Scott Nystrom (\$25.00), Robert and Avery Morgan (\$50.00) and Steven and Susan Helline (\$100.00). The Chief indicated once the Council approves these donations, thank you letters will be sent to the donors.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept donations totaling \$175.00.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: August 19, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee
Through:
Subject: **Acceptance of Donation - Art in City Hall - Human Resources Department**

Recommendation:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of framed art work for placement in City Hall.

Attachments:

None

Background:

Human Resources Director/Asst. City Manager Beth Fox addressed the committee and stated the Human Resources Department has moved to a new location earlier this year to the second floor and are trying to beautify their space. She indicated this memo is regarding a donation of framed artwork for placement at City Hall and specifically, the intention is to locate it in the Human Resources Department. The donation is from an anonymous donor. It is a professionally framed artwork 30" by 36" in size.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of framed artwork for placement in City Hall.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: August 19, 2021

To: Mayor and Keene City Council

From: Daniel Langille, City Assessor

Through: Elizabeth Dragon, City Manager

Subject: **Relating to the Restoration of Involuntary Merged Lots**
Ordinance O-2021-11

Recommendation:

That Ordinance O-2021-11 relating to the Restoration of Involuntary Merged Lots have a first reading at the August 19, 2021 City Council Meeting and referred to the Finance Organization and Personnel Committee for a recommendation.

Attachments:

1. Section 674_39-aa Restoration of Involuntarily Merged Lots_
2. Ordinance O-2021-11

Background:

Ordinance O-2021-11 will streamline the restoration of lots that have been involuntarily merged in the City by allowing the Assessing Department to restore the lots in an administrative fashion. The practice of merging abutting lots, under the same ownership, without authorization from the property owner is no longer being done and hasn't been done in the City for decades. However, as a result of this process, we have a number of involuntary merged lots that remain. RSA 674:39-aa provides a process for property owners to restore their lots to their original configurations. City Council may adopt ordinances to accomplish this in a less restrictive manner than what the process would be today.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Regulation of Subdivision of Land

Section 674:39-aa

674:39-aa Restoration of Involuntarily Merged Lots. –

- I. In this section:
- (a) "Involuntary merger" and "involuntarily merged" mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.
 - (b) "Owner" means the person or entity that holds legal title to the lots in question, even if such person or entity did not hold legal title at the time of the involuntary merger.
 - (c) "Voluntary merger" and "voluntarily merged" mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.
- II. Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their premerger status and all zoning and tax maps shall be updated to identify the premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided:
- (a) The request is submitted to the governing body prior to December 31, 2021.
 - (b) No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots.
- III. All decisions of the governing body may be appealed in accordance with the provisions of RSA 676.
- IV. Any municipality may adopt local ordinances, including ordinances enacted prior to the effective date of this section, to restore previously merged properties that are less restrictive than the provisions in paragraph I and II.
- V. The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing local land use ordinances.
- VI. Municipalities shall post a notice informing residents that any involuntarily merged lots may be restored to premerger status upon the owner's request. Such notice shall be posted in a public place no later than January 1, 2012 and shall remain posted through December 31, 2016. Each municipality shall also publish the same or similar notice in its 2011 through 2015 annual reports.

Source. 2011, 206:4, eff. July 24, 2011. 2016, 327:2, eff. Aug. 23, 2016.



CITY OF KEENE

Ordinance O-2021-11

Twenty-one

In the Year of Our Lord Two Thousand and

AN ORDINANCE **Relating to Restoration of Involuntary Merged Lots**

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 adding the bolded text to Section 2-306 "Functions" of Division 3 "Assessment" of Article IV "Departments" of Chapter 2 entitled "Administration" as follows:

DIVISION 3. - ASSESSMENT

Sec. 2-306. - Functions.

The major functions of the assessment department are to:

(1) In accordance with state law, maintain a continually updated assessment tax roll which provides for the equitable allocation of property taxes in proportion to market value.

(2) Serve as an information resource to the general public.

(3) In accordance with RSA 674:39-AA, the City Assessor is authorized to restore involuntary merged lots. Requests are to be submitted by the owner to the Assessing Department for review and action.

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.2.

Meeting Date: August 19, 2021

To: Mayor and Keene City Council

From: Tara Kessler, Senior Planner

Through: Elizabeth Dragon, City Manager

Subject: **Relating to Proposed Amendments to the Land Development Code**
Ordinance O-2021-12

Recommendation:

To refer to the Planning, Licenses, and Development Committee, and the Joint Committee of the Planning Board and Planning, Licenses and Development Committee for a public workshop.

Attachments:

1. Ordinance O-2021-12
2. Proposed Amendments to the Land Development Code
3. Ordinance Application - O-2021-12

Background:

When the Land Development Code was voted on by City Council earlier this year, City staff recommended that there be a period of a few months between the date of adoption and the date the Code became effective. The reason for this delay was to allow time for City staff and the public to become familiar with the new regulations, and as an opportunity for City staff to identify any errors or potential issues that were not apparent when the Code was adopted.

Since the Land Development Code was adopted on May 20, 2021, City staff have been “testing out” the Code on current development proposals and inquiries. The amendments proposed in this Ordinance are an effort to address issues identified by City staff during this trial period. A detailed analysis of the proposed amendments and reasons for each will be included in a staff report provided to the Joint Committee of the Planning Licenses and Development Committee and the Planning Board in advance of a public workshop on the Ordinance.

Also included in O-2021-12 is a proposed amendment to restore language that was removed from Chapter 18 “Building Regulations” earlier in 2021 to provide more flexibility for building permit applicants during the timeframe between the first public hearing held on the LDC and its effective date. The section that was previously removed precludes the issuance of any building permit applications made after the posting of first legal notice of proposed changes in the building code or zoning ordinance that would not be permitted if the proposed changes were adopted.

Attached is Ordinance O-2021-12, which proposes amendments to the LDC, a number of which are minor/organizational changes, and a document that includes the sections of the LDC that are proposed to be amended.



CITY OF KEENE

Ordinance O-2021-12

In the Year of Our Lord Two Thousand and ~~Twenty-One~~.....**Relating to City of Keene Land Development Code**

AN ORDINANCE

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

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. That the City of Keene Land Development Code, which was adopted by the City Council on May 20, 2021, and will become effective on September 1, 2021 as Chapter 100 of the City Code of Ordinances, is hereby amended as follows.

- A. Remove Section 1.3.1.A.1 of Article 1 - Introductory Provisions, which states "Where a minimum lot area is specified in this LDC, no principal building or use shall be erected or established on any lot of lesser size, except for nonconformances allowed pursuant to Article 18."

- B. Relocate "Day Care Center" and its associated definition from Section 8.3.2.J "Commercial Uses" to Section 8.3.3.C "Institutional Uses" in Article 8 - Permitted Uses, and renumber sections accordingly. Update Table 8-1, Table 9-1, and the Permitted Use Tables (see section references below) in the following zoning districts to reflect this change.

- | | |
|--|---|
| • Downtown Zoning Districts (Table 4-1) | • Office District (Section 5.5.5) |
| • Commerce District (Section 5.1.5) | • Corporate Park District (Section 6.1.6) |
| • Commerce Limited District (Section 5.2.5) | • Industrial District (Section 6.2.5) |
| • Neighborhood Business District (Section 5.3.5) | • Industrial Park District (Section 6.3.5) |
| • Business Growth & Reuse District (Section 5.4.5) | • Regional Health Care District (Section 7.1.5) |

- C. Delete the stricken text in Section 9.2.5.A.1 in Article 9 - Parking & Driveways as follows, and update Table 9-1 to reflect this change: "One parking space per dwelling unit shall be the minimum parking required for residential uses in the ~~Downtown Core~~, Downtown Growth and Downtown Limited Districts."

- D. Amend the minimum onsite parking requirements for "Self-Storage Facility Exterior Access" and "Self-Storage Facility Interior Access" in Table 9-1 in Article 9 - Parking & Driveways to be 1 space / 3,000 sf GFA, where it is currently 1 space / 10 units.

- E. Delete the stricken text and add the bolded underlined text in the following sections of Section 9.3 "Driveway Design Standards" as follows. The text that is proposed to be removed below is currently present in Section 22.5.4 of the Land Development Code. This proposed change is to eliminate redundancy.

"9.3.1. Street Access Permit

PASSED

Prior to installing a new or modifying an existing curb cut or driveway, a street access permit shall be obtained according to the standards and processes outlined in ~~Article 22.~~ **Section 22.5 of this LDC.**

9.3.2. Driveway Placement

~~A. For single and two family dwellings, there shall be no more than 1 driveway for each lot, unless an exception has been approved by the City Engineer per Article 22.~~

~~B. No more than 2 single family dwelling can share a common driveway.~~

~~C. New driveways shall be placed so as not to conflict with existing driveways.~~

~~D. Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.~~

9.3.2.3 Driveway Dimensions

~~A. Residential Driveways. The following standards shall apply to driveways for single- and two-family dwellings.~~ **Dimensional requirements for driveways are included in Section 22.5.4 of this LDC. In addition to these requirements,** ~~†~~The following standards shall apply to driveways for single- and two-family dwellings.

~~1. Driveways shall be a maximum of 20 ft wide at the property line and 30 ft wide at the curbline.~~

~~A2. Each vehicle parking space shall be a minimum dimension of 8-ft by 18-ft and shall be located to the rear of either the front setback or front building line.~~

~~B3. The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line.~~

~~B. Commercial Driveways. The following standards shall apply to driveways for non-residential lots, multi-family dwellings, and temporary driveways.~~

~~The driveway shall be a minimum of 12 ft wide and a maximum of 25 ft wide at the property line and 50 ft wide at the curbline, unless additional width or lanes are required as the result of a traffic study and/or geometric analysis prepared by a NH licensed engineer.~~

9.3.8 Removal of Trees or Stone Walls

~~When the installation of a driveway requires the cutting of trees or the disturbance of stone walls that are within the public right of way, separate permission for such cutting or disturbance shall be obtained in accordance with Chapter 82 of the City Code of Ordinances, NH RSA 472:6, or other applicable laws.~~

9.3.9 Temporary Driveways

~~Temporary driveways used for earth-disturbing activities or events or forestry activities shall be constructed with a temporary construction exit complying with the requirements of the NH Stormwater Manual Volume 3, as may be amended, and shall be restored to original condition at the conclusion of the activity or event for which they are installed."~~

- F. Remove Section 18.4 "Nonconforming Lots," which is displayed below as stricken text, from Article 18 - Nonconformities.

~~“18.4 Nonconforming Lots~~

~~18.4.1 Description~~

~~A nonconforming lot is an existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”~~

~~18.4.2 Alteration~~

~~No nonconforming lot may be subdivided in such a way that increases the nonconformity.~~

~~18.4.3 Permitted Development~~

~~Development of a nonconforming lot shall meet all applicable dimensional requirements of the zoning district it is located with the exception of any lot dimensional requirement that renders it nonconforming.”~~

- G. Add the bolded underlined text to Section 25.1.10 “Historic District Commission” of Article 25 - Application Procedures as follows:

~~“25.1.10 Historic District Commission~~

~~In addition to other general authority by state law or the City Code of Ordinances, the Historic District Commission shall have the following powers pursuant to this LDC.~~

- ~~A. To initiate, hear, and decide on proposed amendments to the Historic District Regulations in this LDC.~~
- ~~B. To hear and decide on major project applications for a certificate of appropriateness.~~
- ~~C. To hear and grant waivers from the Historic District Regulations.~~
- ~~D. To hear and decide on appeals of an administrative decision of the Community Development Director, or their designee, on minor project applications for a certificate of appropriateness.~~
- ~~E. To hear and decide on requests for extensions to certificates of appropriateness.~~

F. To provide comments and recommendations to the Planning Board on Major Site Plan applications for new buildings or additions to buildings, which are younger than 50 years old, that are located in the Downtown Historic District.”

- H. Add the bolded underlined text to Section 25.12.8.B “Major Site Plan Procedure” of Article 25 - Application Procedures, and amend Table 25-1: Development Applications Decision Authority to reflect this change.

“7. Historic District Commission Review. Applications proposing to build new buildings or additions to buildings, which are younger than 50 years old, that are located in the Downtown Historic District shall be referred to the Historic District Commission for comments and a recommendation to the Planning Board before the public hearing on the application is closed.”

- I. Add the following definitions to Article 28. Defined Terms.

“Awning – An architectural projection that is partially or wholly supported by the building to which it is attached, and is comprised of a light-weight frame structure over which a covering is attached. This covering may consist of vinyl, canvas or similar material.”

“Nonconforming Lot - An existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”

2. Delete the stricken text from and add the bolded text/table to the following section of Appendix B of the City Code of Ordinances, Chapter 100. Land Development Code (LDC) Fee Schedule.

“§22.4 Service Connection Permit

Engineering Inspection Fees.....\$55.00 per hour
 Residential, Institutional or Commercial Building Service Connection Permit.....\$15.00
 Industrial Building Service Connection Permit.....\$30.00

<u>Connection Type</u>	<u>Fee</u>	<u>Basis</u>
<u>Water, ≤ 2”</u>	<u>\$100</u>	• <u>15 minutes of review/approval by the City Engineer</u> • <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</u>
<u>Water, > 2”</u>	<u>\$200</u>	• <u>30 minutes of review / approval by the City Engineer</u> • <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop or gate valve prior to backfill</u> • <u>2 visits to observe disinfection testing procedure and review lab results</u>
<u>Sewer, design flow < 5000 GPD</u>	<u>\$100</u>	• <u>15 minutes of review/approval by the City Engineer</u> • <u>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</u>
<u>Sewer, design flow > 5000 GPD</u>	<u>\$200</u>	• <u>1 hour of review/approval by the City Engineer</u> • <u>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</u>
<u>Storm Drain, ≤6”</u>	<u>\$100</u>	• <u>15 minutes of review/approval by the City Engineer</u> • <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</u>
<u>Storm Drain >6”</u>	<u>As determined by the Public Works Director</u>	• <u>Storm drain connections to the City’s system over 6” in diameter will require hydraulic analysis and a review of the available system capacity. Fees for connection will be determined based on the specific circumstances.</u>

3. Add the bolded and underlined text below to Chapter 18. Article II. "Technical Codes." Section 18-27(a). "Permits Required."

"Any person, who intends to erect a building, structure, or sign; alter an existing building, structure, or sign; or construct or demolish any building, structure, or sign; or change the occupancy of a building or structure, shall obtain permits from the code enforcement department and if applicable, the fire department, before the work has begun. This requirement includes any type of work, which is regulated by the building and fire codes enforced by the city. The code enforcement and fire departments may approve minor repair work without the requirement of a permit provided such approval is not in violation of the codes and all permit applications for the code enforcement department and the fire department shall be distributed by the code enforcement department. Incomplete applications shall be rejected. **Building permits shall not be issued for applications made after the first legal notice of proposed changes in the building code or zoning ordinance has been posted pursuant to the provisions of RSA 675:7; and the proposed changes in the building code or the zoning ordinance would, if adopted, justify refusal of such permit.**"

George Hansel, Mayor

CITY OF KEENE
NEW HAMPSHIRE

MEMORANDUM

Date: August 16, 2021

To: City Council

From: Tara Kessler, Senior Planner

Re: **O-2021-12 Related to proposed amendments to the City of Keene Land Development Code (adopted May 20, 2021, effective September 1, 2021)**

The attached materials include excerpted sections of the adopted City of Keene Land Development Code that are proposed to be amended with Ordinance O-2021-12. Text that is highlighted in yellow and bolded is proposed to be added. Text that is highlighted in yellow, bolded, and stricken through is proposed to be deleted from the Land Development Code. As these amendments affect a number of sections of the Code, only the section-specific table of contents and pages that include proposed amendments are attached.

Since the Land Development Code was adopted in May of this year, City staff have been “testing out” the Code on current development proposals and inquiries. The amendments proposed with this Ordinance is an effort to address issues identified by City staff during this trial period. A detailed analysis of the proposed amendments and reasons for each will be included in a staff report provided to the Joint Committee of the Planning Licenses and Development Committee and the Planning Board in advance of a public workshop on the Ordinance.

ARTICLE 1. INTRODUCTORY PROVISIONS

1.1 TITLE, PURPOSE & APPLICABILITY1-2

1.2 RULES OF INTERPRETATION1-3

1.3 RULES OF MEASUREMENT & EXCEPTIONS..1-4

1.3 RULES OF MEASUREMENT & EXCEPTIONS

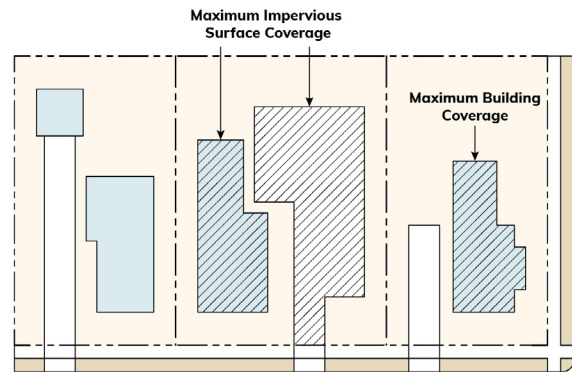
1.3.1 Lot Dimensions

- A. Lot Area.** The total area within the boundary lines of a lot, excluding any public right-of-way open to public use.
- 1. Where a minimum lot area is specified in this LDC, no principal building or use shall be erected or established on any lot of lesser size, except for nonconformances allowed pursuant to Article 18.**
- B. Lot Line, Front.** The boundary line separating a lot from a street right-of-way or, for a corner lot, the line separating the narrower street frontage of the lot from the street right-of-way.
- C. Lot Line, Rear.** The boundary line most distant and opposite from the front lot line or, where the lot is irregular, a line parallel to the front lot line and at least 10-ft long within the lot.
- D. Lot Line, Side.** The boundary lines connecting the front and rear lot lines.
- E. Lot Width at Building Line.** The horizontal distance between side lot lines measured at the building line.
- F. Road Frontage.** The continuous portion of a lot fronting on a public right-of-way. The minimum frontage shall mean the smallest width, measured along the lot line that abuts a public right-of-way to which access may be permitted.

1.3.2 Lot Coverage

- A. Impervious Coverage.** Maximum area of a lot that is permitted to be covered by surfaces that do not allow the absorption of water into the ground (e.g. roofed buildings or structures, pavement, etc.), which is measured by dividing the total impervious surface area of the lot by the total lot area.
- B. Building Coverage.** Maximum area of a lot that is permitted to be covered by buildings or structures, which is measured by dividing the total area of building footprints (as measured

from the outside ground wall and floor wall lines) of all principal and accessory structures by the total lot area.



1.3.3 Setbacks & Build-To Dimensions

- A. Building Setback.** The required minimum or maximum distance a building or structure must be located from a lot line, which is unoccupied and unobstructed by any portion of a building or structure, unless expressly permitted by this LDC.
- 1. Front Setback.** The required minimum or maximum distance that a building or structure must be located from the front lot line.
 - 2. Rear Setback.** The required minimum or maximum distance that a building or structure must be located from the rear lot line.
 - 3. Side Setback.** The required minimum or maximum distance that a building or structure must be located from the side lot line. A side setback may be measured perpendicular to the interior side setback or to the corner side lot line.
 - a.** In residential zoning districts, the corner side lot line shall be measured from the property line adjacent to the street, and shall be 10-ft greater than the minimum side setback required in the zoning district.

ARTICLE 4. DOWNTOWN ZONING DISTRICTS

4.1 GENERAL.....	4-2
4.2 DOWNTOWN CORE (DT-C)	4-6
4.3 DOWNTOWN GROWTH (DT-G).....	4-8
4.4 DOWNTOWN EDGE (DT-E)	4-10
4.5 DOWNTOWN LIMITED (DT-L)	4-12
4.6 DOWNTOWN TRANSITION (DT-T)	4-14
4.7 DOWNTOWN INSTITUTIONAL CAMPUS (DT-I)	4-16

4.1.3 Permitted Uses

Table 4-1: Downtown Districts Permitted Uses identifies the principal uses permitted within the Downtown Districts.

- A. A "P" within the table indicates that the use is permitted by-right in the district indicated.
- B. An "P¹" within the table indicates that the use is permitted with limitations in the district indicated. Use specific standards are located in Section 8.3 of this LDC, underneath the definition for the use.
- C. An "SE" within the table indicates that the use requires approval by the Zoning Board of Adjustment as a Special Exception in the district indicated.
- D. A "CUP" within the table indicates that the use requires a Conditional Use Permit from the Planning Board in the district indicated.
- E. A " - " within the table indicates the use is not allowed in the district indicated.

Table 4-1: Downtown Districts Permitted Uses

RESIDENTIAL USES	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	SECTION
Dwelling, Above Ground Floor	P	P	P	P	P	P	8.3.1.A
Dwelling, Multifamily	P ¹	P	P	P	P	-	8.3.1.C
Dwelling, Single-Family	-	-	-	-	P	-	8.3.1.D
Dwelling, Two-Family / Duplex	-	-	P	P	P	-	8.3.1.E
COMMERCIAL USES	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	SECTION
Animal Care Facility	-	P	P	P	-	-	8.3.2.B
Art Gallery	P	P	P	P	-	P	8.3.2.C
Art or Fitness Studio	P	P	P	P	-	P	8.3.2.D
Banking or Lending Institution	P	P	P	P	-	P	8.3.2.E
Bar	P	P	-	-	-	-	8.3.2.F
Bed and Breakfast	-	-	-	-	P ¹	-	8.3.2.G
Car Wash	-	-	SE	-	-	-	8.3.2.H
Clinic	P	P	P	P	-	P	8.3.2.I
Day Care Center	P	P	P	SE	SE	P	8.3.2.J
Event Venue	-	P	-	-	-	P	8.3.2.J
Funeral Home	-	P	P	P	P	-	8.3.2.K
Health Center / Gym	P	P	P	P	-	P	8.3.2.M
Hotel/Motel	P	P	-	-	-	P	8.3.2.O
Micro-Brewery/Micro-Distillery/Micro-Winery	P	P	-	-	-	-	8.3.2.Q-S
Motor Vehicle Dealership	-	-	P	-	-	-	8.3.2.T
Neighborhood Grocery Store	P	P	P	P	-	-	8.3.2.U
Office	P	P	P	P	P	P	8.3.2.V
Personal Service Establishment	P	P	P	P	-	P	8.3.2.W
Private Club / Lodge	P	P	P	P	SE	-	8.3.2.X
Recreation/Entertainment Facility - Indoor	P	P	-	-	-	P	8.3.2.Y
Recreation/Entertainment Facility - Outdoor	-	P	-	-	-	P	8.3.2.Z
Research and Development	SE	P	-	-	-	P	8.3.2.AA
Restaurant	P	P	P	P	-	P	8.3.2.AB
Retail Establishment, Light	P	P	P	P	-	P	8.3.2.AD
Self Storage Facility - Interior Access	-	SE	P	-	-	-	8.3.2.AF
Specialty Food Service	P	P	P	P	-	P	8.3.2.AH

Table 4-1: Downtown District Permitted Uses

Vehicle Repair Facility – Minor	-	P ¹	P ¹	-	-	-	8.3.2.AL
INSTITUTIONAL USES	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	SECTION
Community Center	P ¹	P ¹	P ¹	P ¹	SE	P ¹	8.3.3.A
Cultural Facility	P ¹	P ¹	P ¹	P ¹	SE	P ¹	8.3.3.B
Day Care Center	P	P	P	SE	SE	P	8.3.3.C
Hospital	-	-	-	-	-	-	8.3.3.D
Place of Worship	P ¹	P ¹	P ¹	P ¹	-	P ¹	8.3.3.E
Private School	P ¹	P ¹	P ¹	-	-	P ¹	8.3.3.F
Senior Center	P ¹	P ¹	P ¹	P ¹	SE	-	8.3.3.G
CONGREGATE LIVING / SOCIAL SERVICES USES	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	SECTION
Domestic Violence Shelter	P ¹	P ¹	P ¹	P ¹	-	-	8.3.4.A
Drug Treatment Clinic	-	CUP	-	-	-	-	8.3.4.B
Fraternity/Sorority	-	-	-	-	-	CUP	8.3.4.C
Food Pantry	P	P	P	P	-	-	8.3.4.D
Group Home, Large	CUP	CUP	-	CUP	-	-	8.3.4.E
Group Home, Small	CUP	CUP	-	CUP	CUP	-	8.3.4.F
Group Resource Center	CUP	CUP	CUP	CUP	-	CUP	8.3.4.G
Homeless Shelter	-	CUP	-	-	-	-	8.3.4.H
Lodginghouse	CUP	CUP	CUP	CUP	-	-	8.3.4.I
Residential Care Facility	CUP	CUP	CUP	CUP	-	-	8.3.4.J
Residential Drug/Alcohol Treatment Facility	-	CUP	-	CUP	-	-	8.3.4.K
INDUSTRIAL USES	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	SECTION
Artisanal Production	P ¹	P ¹	P ¹	SE	-	P ¹	8.3.5.A
Data Center	-	P	P	-	-	-	8.3.5.C
Industrial, Light	-	SE	-	-	-	-	8.3.5.E
OPEN SPACE USES	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	SECTION
Community Garden	P	P	P	P	P	-	8.3.6.B
INFRASTRUCTURE USES	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	SECTION
Solar Energy System (Small-Scale)	-	-	P ¹	-	-	P ¹	8.3.7.A
Solar Energy System (Medium-Scale)	-	-	-	-	-	CUP	8.3.7.B
Telecommunications Facilities	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	8.3.7.E
TRANSPORTATION USES	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	SECTION
Parking Lot (Principal Use)	-	SE	-	-	-	P ¹	8.3.8.A
Parking – Structured Facility (Principal Use)	P ¹	P ¹	P ¹	P ¹	-	P ¹	8.3.8.B

P = Permitted
 P¹ = Permitted with limitations per Article 8.
 SE = Permitted by Special Exception
 CUP = Permitted by Conditional Use Permit

ARTICLE 5. COMMERCIAL ZONING DISTRICTS

5.1 COMMERCE (COM)	5-2
5.2 COMMERCE LIMITED (CL)	5-4
5.3 NEIGHBORHOOD BUSINESS (NB)	5-6
5.4 BUSINESS GROWTH & REUSE (BGR).....	5-7
5.5 OFFICE (O)	5-8

5.1 COMMERCE (COM)

5.1.1 Purpose

The Commerce (COM) District is intended to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district shall have city water and sewer service.

5.1.2 Dimensions & Siting

Min Lot Area	15,000 sf
Min Road Frontage	50 ft
Min Front Setback	20 ft
Min Rear Setback	20 ft
Min rear setback if abutting residential district	50 ft
Min Side Setback	20 ft

5.1.3 Buildout

Max Building Coverage	80%
Max Impervious Coverage	80%
Min Green / Open Space	20%

5.1.4 Height

Max Stories Above Grade*	2
*With Special Exception	3.5
Max Building Height*	35 ft
*With Special Exception	50 ft

5.1.5 Permitted Uses

COMMERCIAL USES		SECTION
Animal Care Facility	P	8.3.2.B
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Banking or Lending Institution	P	8.3.2.E
Bar	P	8.3.2.F
Car Wash	P	8.3.2.H
Clinic	P	8.3.2.I
Day Care Center	P	8.3.2.J
Event Venue	P	8.3.2.J
Funeral Home	P	8.3.2.K
Greenhouse / Nursery	P	8.3.2.L
Health Center / Gym	P	8.3.2.M
Hotel/Motel	P	8.3.2.O
Micro-Brewery/Micro-Distillery/ Micro-Winery	P	8.3.2.Q-S
Motor Vehicle Dealership	P	8.3.2.T
Neighborhood Grocery Store	P	8.3.2.U
Office	P	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Private Club / Lodge	P	8.3.2.X
Recreation/Entertainment Facility - Indoor	P	8.3.2.Y
Recreation/Entertainment Facility - Outdoor	P	8.3.2.Z
Research and Development	P	8.3.2.AA
Restaurant	P	8.3.2.AB
Retail Establishment, Heavy	P	8.3.2.AC
Retail Establishment, Light	P	8.3.2.AD
Self Storage Facility - Exterior Access	P	8.3.2.AE
Self Storage Facility - Interior Access	P	8.3.2.AF
Sexually Oriented Business	P ¹	8.3.2.AG
Specialty Food Service	P	8.3.2.AH
Vehicle Fueling Station	P ¹	8.3.2.AI
Vehicle Rental Service	P	8.3.2.AJ
Vehicle Repair Facility – Major	P ¹	8.3.2.AK
Vehicle Repair Facility – Minor	P ¹	8.3.2.AL
INSTITUTIONAL USES		SECTION
Community Center	P ¹	8.3.3.A
Cultural Facility	P ¹	8.3.3.B
Day Care Center	P	8.3.3.C
Place of Worship	P ¹	8.3.3.E
Private School	P ¹	8.3.3.F

5.2 COMMERCE LIMITED (CL)

5.2.1 Purpose

The Commerce Limited (CL) District is intended to provide for a mixture of commercial and light industrial uses that may require larger land area and have less intense vehicle traffic as in the Commerce District. Curb cuts shall be a minimum of 150-ft from any intersection, and shall be a minimum of 450-ft apart, except that each lot shall be entitled to access, either through its own curb cut or a common curb cut shared with other lots. All uses in this district shall have city water and sewer service.

5.2.2 Dimensions & Siting

Min Lot Area	20,000 sf
Min Lot Width at Building Line	100 ft
Min Road Frontage	100 ft
Min Front Setback	100 ft
Min Rear Setback	20 ft
<i>Min rear setback if abutting a residential district</i>	50 ft
Min Side Setback	20 ft

5.2.3 Buildout

Max Building Coverage	40%
Max Impervious Coverage	70%
Min Green / Open Space	30%

5.2.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

5.2.5 Permitted Uses

COMMERCIAL USES		SECTION
Animal Care Facility	P	8.3.2.B
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Banking or Lending Institution	P	8.3.2.E
Bar	P	8.3.2.F
Car Wash	P	8.3.2.H
Clinic	P	8.3.2.I
Day Care Center	P	8.3.2.J
Funeral Home	P	8.3.2.K
Greenhouse / Nursery	P	8.3.2.L
Health Center / Gym	P	8.3.2.M
Heavy Rental & Service Establishment	P	8.3.2.N
Micro-Brewery/Micro-Distillery/Micro-Winery	P	8.3.2.Q-S
Motor Vehicle Dealership	P	8.3.2.T
Office	P	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Private Club / Lodge	P	8.3.2.X
Recreation/Entertainment Facility - Indoor	P	8.3.2.Y
Recreation/Entertainment Facility - Outdoor	P	8.3.2.Z
Research and Development	P	8.3.2.AA
Restaurant	P	8.3.2.AB
Retail Establishment, Heavy	P	8.3.2.AC
Retail Establishment, Light	P	8.3.2.AD
Self Storage Facility - Exterior Access	P	8.3.2.AE
Self Storage Facility - Interior Access	P	8.3.2.AF
Specialty Food Service	P	8.3.2.AH
Vehicle Fueling Station	P ¹	8.3.2.AI
Vehicle Rental Service	P	8.3.2.AJ
Vehicle Repair Facility – Major	P ¹	8.3.2.AK
Vehicle Repair Facility – Minor	P ¹	8.3.2.AL
INSTITUTIONAL USES		SECTION
Day Care Center	P	8.3.3.C
INDUSTRIAL USES		SECTION
Artisanal Production	P ¹	8.3.5.A
Bulk storage & distribution, excluding flammable material	P	8.3.5.B
Data Center	P	8.3.5.C
Industrial, Light	SE	8.3.5.E

5.3 NEIGHBORHOOD BUSINESS (NB)

5.3.1 Purpose

The Neighborhood Business (NB) District is intended to serve as an additional downtown zoning district that promotes smaller-sized business and professional uses, which support adjacent neighborhoods and workplaces, with an orientation toward pedestrian and bicycle access. Some uses are restricted in size to limit adverse impacts on nearby residences and to maintain a pedestrian scale of development. All uses in this district shall have city water and sewer service.

5.3.2 Dimensions & Siting

Min Lot Area	8,000 sf
Min Road Frontage	50 ft
Front Setback	5-10 ft Build-to Zone
Min Rear Setback	20 ft
Corner Side Setback	5-10 ft Build-to Zone
Min Interior Side Setback	10 ft

5.3.3 Buildout

Max Building Coverage	55%
Max Impervious Coverage	65%
Min Green / Open Space	35%

5.3.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

5.3.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Banking or Lending Institution	P	8.3.2.E
Bed and Breakfast	SE	8.3.2.G
Day Care Center	SE	8.3.2.J
Funeral Home	P	8.3.2.K
Neighborhood Grocery Store	P	8.3.2.U
Office	P ¹	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Restaurant	P ¹	8.3.2.AB
Retail Establishment, Light	P ¹	8.3.2.AD
Specialty Food Service	P	8.3.2.AH
INSTITUTIONAL USES		SECTION
Day Care Center	SE	8.3.3.C
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
Residential Care Facility	CUP	8.3.4.J
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE		SECTION
Telecommunications Facilities	P ¹	8.3.7.E

P = Permitted

P¹ = Permitted with limitations per Article 8.

SE = Permitted by Special Exception

CUP = Permitted by Conditional Use Permit

5.4 BUSINESS GROWTH & REUSE (BGR)

5.4.1 Purpose

The Business Growth & Reuse (BGR) District is intended to serve as an additional downtown zoning district that provides opportunity for redevelopment and revitalization of a former industrial area in an environmentally sensitive manner that is of a scale and type compatible with adjacent residential neighborhoods. The development in this District should be oriented towards pedestrian and bicyclist access. All uses in this district shall have city water and sewer service.

5.4.2 Dimensions & Siting

Min Lot Area	8,000 sf
Min Road Frontage	50 ft
Front Setback	5-10 ft Build-to Zone
Min Rear Setback	20 ft
Corner Side Setback	5-10 ft Build-to Zone
Min Interior Side Setback	10 ft

5.4.3 Buildout

Max Building Coverage	55%
Max Impervious Coverage	65%
Min Green / Open Space	35%

5.4.4 Height

Max Stories Above Grade	3
Max stories above grade with first floor parking	4

5.4.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
COMMERCIAL USES		SECTION
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Bed and Breakfast	P ¹	8.3.2.G
Day Care Center	P	8.3.2.J
Greenhouse / Nursery	P	8.3.2.L
Health Center / Gym	P	8.3.2.M
Neighborhood Grocery Store	P	8.3.2.U
Office	P ¹	8.3.2.V
Research and Development	P	8.3.2.AA
Restaurant	P ¹	8.3.2.AB
Specialty Food Service	P	8.3.2.AH
INSTITUTIONAL USES		SECTION
Community Center	SE	8.3.3.A
Cultural Facility	P ¹	8.3.3.B
Day Care Center	P	8.3.3.C
Private School	P ¹	8.3.3.F
Senior Center	SE	8.3.3.G
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Residential Care Facility	CUP	8.3.4.J
INDUSTRIAL USES		SECTION
Artisanal Production	P ¹	8.3.5.A
Data Center	P	8.3.5.C
Industrial, Light	P ¹	8.3.5
Warehouse & Distribution	P ¹	8.3.5
Wholesale	P ¹	8.3.5
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P ¹	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Solar Energy System (Large-Scale)	CUP	8.3.7.C
Telecommunications Facilities	P ¹	8.3.7.E

P = Permitted
P¹ = Permitted with limitations per Article 8.
SE = Permitted by Special Exception
CUP = Permitted by Conditional Use Permit

5.5 OFFICE (O)

5.5.1 Purpose

The Office (O) District is intended to provide for noncommercial offices and low intensity uses within walking distance to the downtown, while preserving the look and feel of a residential area. This district serves as a buffer between areas of intense commercial activity and residential areas. All uses in this district shall have city water or sewer service.

5.5.2 Dimensions & Siting

Min Lot Area	8,000 sf
Min lot area for single dwelling unit	8,000 sf
Min lot area for each additional dwelling unit	5,400 sf
Min Lot Width at Building Line	60 ft
Min Road Frontage	50 ft
Min Front Setback	15 ft
Min Rear Setback	15 ft
Min Side Setback	10 ft

5.5.3 Buildout

Max Building Coverage	50%
Max Impervious Coverage	70%
Min Green / Open Space	30%

5.5.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

5.5.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Bed and Breakfast	P ¹	8.3.2.G
Day Care Center	SE	8.3.2.J
Funeral Home	P	8.3.2.K
Office	P	8.3.2.V
Private Club / Lodge	SE	8.3.2.X
INSTITUTIONAL USES		SECTION
Community Center	SE	8.3.3.A
Cultural Facility	SE	8.3.3.B
Day Care Center	SE	8.3.3.C
Senior Center	SE	8.3.3.G
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P ¹	8.3.7.E

P = Permitted

P¹ = Permitted with limitations per Article 8.

SE = Permitted by Special Exception

CUP = Permitted by Conditional Use Permit

ARTICLE 6. INDUSTRIAL ZONING DISTRICTS

6.1 CORPORATE PARK (CP)	6-2
6.2 INDUSTRIAL (I)	6-3
6.3 INDUSTRIAL PARK (IP)	6-4

6.1 CORPORATE PARK (CP)

6.1.1 Purpose

The Corporate Park (CP) District is intended to allow industrial and large-scale office activity in a parklike setting. On-site services or retail activity should be limited to uses that are clearly accessory to a primary business or necessary support services to a corporate park environment. It is the intent of this zone to preclude small offices, except those accessory to permitted uses. All uses in this district shall have city sewer and water services.

6.1.2 Dimensions & Siting

Min Lot Area	2 acres
Min Lot Width at Building Line	200 ft
Min Road Frontage (may be along internal road)	100 ft
Min Front Setback	40 ft
Min Rear Setback	50 ft
Min rear setback if abutting residential district	75 ft
Min Side Setback¹	50 ft
Min side setback if abutting residential district	75 ft

¹One side setback may be reduced to 40-ft with no parking on this side of the building

6.1.3 Buildout

Max Building Coverage	80%
Max Impervious Coverage	80%
Min Green / Open Space	20%

6.1.4 Height

Max Building Height	60 ft
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6.1.5 Additional Site Requirements

- A.** Curb cuts onto arterial roadways within this district shall be at least 1,000-ft apart.
- B.** No more than 100 tractor-trailer vehicle trips per day shall be permitted for any use in this district.

6.1.6 Permitted Uses

COMMERCIAL USES		SECTION
Day Care Center	P	8.3.2.J
Office	P ¹	8.3.2.V
Research and Development	P	8.3.2.AA
INSTITUTIONAL USES		SECTION
Day Care Center	P	8.3.3.C
INDUSTRIAL USES		SECTION
Data Center	P	8.3.5.C
Industrial, Light	P	8.3.5.E
Warehouse & Distribution	P	8.3.5.G
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P ¹	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Solar Energy System (Large-Scale)	CUP	8.3.7.C
Public Utility Facilities	SE	8.3.7.D
Telecommunications Facilities	P ¹	8.3.7.E
TRANSPORTATION USES		SECTION
Parking Lot (Principal Use)	P ¹	8.3.8.A
Parking – Structured Facility (Principal Use)	P ¹	8.3.8.B

P = Permitted

P¹ = Permitted with limitations per Article 8.

SE = Permitted by Special Exception

CUP = Permitted by Conditional Use Permit

6.2 INDUSTRIAL (I)

6.2.1 Purpose

The Industrial (I) District is intended to provide space for industrial activities (e.g. manufacturing, warehousing, distribution) not typically suited for commercial areas by virtue of operational characteristics and space needs. Retail sales and offices should be allowed only as accessory uses. All uses in this district shall have city water and sewer service.

6.2.2 Dimensions & Siting

Min Lot Area	None
Min Lot Width at Building Line	None
Min Road Frontage	50 ft
Min Front Setback	20 ft
Min Rear Setback	20 ft
Min rear setback if abutting a residential district	50 ft
Min Side Setback	15 ft

6.2.3 Buildout

Max Building Coverage	80%
Max Impervious Coverage	80%

6.2.4 Height

Max Stories Above Grade*	2
*With Special Exception	3.5
Max Building Height*	35 ft
*With Special Exception	50 ft

6.2.5 Permitted Uses

COMMERCIAL USES		SECTION
Art or Fitness Studio	P	8.3.2.D
Car Wash	P	8.3.2.H
Day Care Center	SE	8.3.2.J
Greenhouse / Nursery	P	8.3.2.L
Health Center / Gym	P	8.3.2.M
Heavy Rental & Service Establishment	P	8.3.2.N
Office	SE	8.3.2.V
Research and Development	P	8.3.2.AA
Self Storage Facility - Exterior Access	P	8.3.2.AE
Self Storage Facility - Interior Access	P	8.3.2.AF
Vehicle Repair Facility – Major	P ¹	8.3.2.AK
Vehicle Repair Facility – Minor	P ¹	8.3.2.AL
INSTITUTIONAL USES		SECTION
Day Care Center	SE	8.3.3.C
INDUSTRIAL USES		SECTION
Artisanal Production	P	8.3.5.A
Bulk storage & distribution of goods, including flammable material	P	8.3.5.B
Bulk storage & distribution, excluding flammable material	P	8.3.5.B
Data Center	P	8.3.5.C
Industrial, Heavy	P	8.3.5.D
Industrial, Light	P	8.3.5.E
Outdoor Storage Yard	P	8.3.5.F
Warehouse & Distribution	P	8.3.5.G
Wholesale	P	8.3.5.H
OPEN SPACE USES		SECTION
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P ¹	8.3.7.A
Solar Energy System (Medium-Scale)	P ¹	8.3.7.B
Solar Energy System (Large-Scale)	P ¹	8.3.7.C
Public Utility Facilities	P	8.3.7.D
Telecommunications Facilities	P ¹	8.3.7.E

P = Permitted
P¹ = Permitted with limitations per Article 8.
SE = Permitted by Special Exception
CUP = Permitted by Conditional Use Permit

6.3 INDUSTRIAL PARK (IP)

6.3.1 Purpose

The Industrial Park (IP) District is intended to provide for relatively low-intensity manufacturing and research and development firms that are employee intensive, clean in nature, and promote an attractive industrial park environment. Service operations and sales activities are excluded from this district, except for minor sales that may be accessory to the primary use. All uses in this district shall have city water and sewer service.

6.3.2 Dimensions & Siting

Min Lot Area	4 acres
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	50 ft
Min Side Setback	30 ft

6.3.3 Buildout

Max Building Coverage	25%
Max Impervious Coverage	70%

6.3.4 Height

Max Stories Above Grade*	2
*With Special Exception	3.5
Max Building Height*	35 ft
*With Special Exception	50 ft

6.3.5 Permitted Uses

COMMERCIAL USES		SECTION
Day Care Center	P	8.3.2.J
Office	SE	8.3.2.V
Research and Development	P	8.3.2.AA
INSTITUTIONAL USES		SECTION
Day Care Center	P	8.3.3.C
INDUSTRIAL USES		SECTION
Data Center	P	8.3.5.C
Industrial, Light	P	8.3.5.E
OPEN SPACE USES		SECTION
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P ¹	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Solar Energy System (Large-Scale)	CUP	8.3.7.C
Telecommunications Facilities	P ¹	8.3.7.E

P = Permitted

P¹ = Permitted with limitations per Article 8.

SE = Permitted by Special Exception

CUP = Permitted by Conditional Use Permit

ARTICLE 7. SPECIAL PURPOSE ZONING DISTRICTS

7.1 REGIONAL HEALTH CARE (HC).....	7-2
7.2 AGRICULTURE (A)	7-3
7.3 CONSERVATION (C)	7-4

7.1 REGIONAL HEALTH CARE (HC)

7.1.1 Purpose

The Regional Health Care (HC) District is intended to provide land area for larger-scale health care institutions and their associated facilities and services, ranging from wellness and education programs to care for the acutely and chronically ill. Uses that are clearly accessory to a primary health care use and/or necessary as support services to provide a successful health care delivery system may be allowed. All uses in this district shall have city water and sewer services.

7.1.2 Dimensions & Siting

Min Lot Area	2 acres
Min Lot Width at Building Line	50 ft
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	20 ft
Min Side Setback	20 ft

7.1.3 Buildout

Max Building Coverage	55%
Max Impervious Coverage	75%
Min Green / Open Space	25%

7.1.4 Height

Max Stories Above Grade	4
Max Building Height	55 ft

7.1.5 Permitted Uses

COMMERCIAL USES		SECTION
Clinic	P	8.3.2.I
Day Care Center	P	8.3.2.J
Health Center / Gym	P	8.3.2.M
Office	P	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Research and Development	P	8.3.2.AA
Retail Establishment, Light	P	8.3.2.AD
INSTITUTIONAL USES		SECTION
Day Care Center	P	8.3.3.C
Hospital	P ¹	8.3.3.D
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Drug Treatment Clinic	CUP	8.3.4.B
Group Resource Center	CUP	8.3.4.G
Residential Care Facility	CUP	8.3.4.J
Residential Drug/Alcohol Treatment Facility	CUP	8.3.4.K
OPEN SPACE USES		SECTION
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P ¹	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Telecommunications Facilities	P ¹	8.3.7.E
TRANSPORTATION USES		SECTION
Parking Lot (Principal Use)	P ¹	8.3.8.A
Parking – Structured Facility (Principal Use)	P ¹	8.3.8.B

P = Permitted

P¹ = Permitted with limitations per Article 8.

SE = Permitted by Special Exception

CUP = Permitted by Conditional Use Permit

ARTICLE 8. PERMITTED USES

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8.3 PRINCIPAL USES

This section provides a definition for each of the uses identified in Table 8-1. Some uses may have limitations or conditions that are associated with them, which will be listed as use standards underneath the definition.

8.3.1 Residential Uses

A. Dwelling, Above Ground Floor

1. **Defined.** A dwelling unit that is located on the second story or higher of a building that is above ground.

B. Dwelling, Manufactured Housing

1. **Defined.** Any structure, transportable in one or more sections, which in the traveling mode is 8-body feet or more in width and 40-body feet or more in length or when erected on site is 320-sf or more, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein. Manufactured housing is regulated by the U.S. Department of Housing and Urban Development via the National Manufactured Housing Construction and Safety Standards and is so labeled. Manufactured housing as defined in this section does not include campers or recreation vehicles as defined in NH RSA 216-I:1 or NH RSA 259:84-a; presite built housing as defined in NH RSA 674:31-a; or modular buildings as defined in NH RSA 205-C:1, XI.
2. **Use Standard.** Manufactured housing shall only be permitted if located within a manufactured housing park as defined in this Article.

C. Dwelling, Multi-family

1. **Defined.** A structure containing 3 or more dwelling units located on a single lot, with dwelling units either stacked or attached horizontally, which is designed, occupied, or intended for occupancy by 3 or more separate families.
2. **Use Standards**
 - a. In the Medium Density District, no more than 3 dwelling units are allowed per lot.
 - b. In the Downtown Core District, a minimum of 4 or more dwelling units is required if the units are not located above the ground floor.

D. Dwelling, Single-Family

1. **Defined.** A free-standing building containing only 1 dwelling unit on a single lot, which is designed, occupied, or intended for occupancy by 1 family.

E. Dwelling, Two-Family / Duplex

1. **Defined.** One building on a single lot containing 2 independent dwelling units, which is designed, occupied or intended for occupancy by 2 separate families.

F. Manufactured Housing Park

1. **Defined.** Any parcel of land under single or common ownership or control which contains or is designed, laid out, or adapted to accommodate 2 or more manufactured houses to be occupied as dwelling units, and includes all buildings, services and facilities for use as part of the park and its residents. Manufactured housing parks are subject to NH RSA 205-A.

8.3.2 Commercial Uses

A. Agricultural-Related Educational and Recreational Activity as a Business.

1. **Defined.** A commercial activity that is appropriate to a farm or rural setting and/or relates to agricultural uses or customs. Activities may include programs, functions, and other demonstrations that are either recreational or educational in nature (e.g. sleigh rides, hay rides, petting farms) and other demonstrations of rural, agricultural and natural resource activities and customs.
2. **Use Standards**
 - a. There shall be no outdoor display of equipment for sale.
 - b. Adequate road access to the site shall be available.
 - c. All parking, including special event parking, shall be on-site with screening from roads and adjacent properties.
 - d. Roadside spectator parking is prohibited and shall be controlled by directional/informational signage, fencing, and/or providing traffic control personnel.
 - e. On-site water storage may be required to ensure adequate fire protection if city water service of adequate volume and pressure is not available at the site.
 - f. Toilet facilities for employees and visitors, which are deemed satisfactory by the City's Building and Health Official, shall be provided within 300-ft of the primary activity area.
 - g. Adequate solid waste disposal and recycling facilities shall be provided, which are screened from the road and adjacent properties.

- h. Areas of special environmental sensitivity (e.g. surface waters, floodplains, wellfields, or steep slopes) shall be adequately protected.
- i. No outdoor activities requiring artificial lighting shall be held after 10:00 pm.
- j. No more than 100 visitors shall be allowed for outdoor functions after 10:00 pm.
- k. There shall be no more than 400 persons on the property at any one time, nor shall the site be visited by more than 250 vehicles within any 24-hour period, unless an Outdoor Event License has been obtained from the City Clerk in accordance with Chapter 46 of the City Code of Ordinances.

B. Animal Care Facility

1. **Defined.** An establishment that provides care for domestic animals, including veterinary offices for the treatment of animals where such animals may be boarded indoors during their convalescence and pet grooming facilities. An animal care facility does not include kennels or animal training centers.

C. Art Gallery

1. **Defined.** An establishment that sells, loans, or displays works of art (e.g. paintings, sculpture, photographs, video art, etc.). Art gallery does not include a cultural facility.

D. Art or Fitness Studio

1. **Defined.** An establishment where an art or activity is taught, studied, or practiced in a classroom or studio setting (e.g. dance, martial arts, photography, pottery, music, painting, gymnastics, pilates, yoga, etc.).

E. Banking or Lending Institution

1. **Defined.** An establishment that is engaged in the business of a bank, savings and loan association, or credit union that is regulated by state or federal authority.

F. Bar

1. **Defined.** An establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises.

G. Bed and Breakfast

1. **Defined.** An owner- or operator-occupied single-family dwelling that provides lodging for a daily fee in guest rooms with no in-room cooking facilities (excluding microwaves and mini-refrigerators), and prepares meals for guests.
2. **Use Standards**
 - a. No more than 9 guest rooms are permitted.
 - b. Meals shall be served to registered guests only.

H. Car Wash

1. **Defined.** An establishment for the washing and cleaning of motor vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or other configuration.

I. Clinic

1. **Defined.** A facility with more than 5 employees where medical, dental, mental health, alternative medical practitioners, or other licensed healthcare practitioners examine and treat natural persons on an outpatient basis.

J. Day-Care Center

1. **Defined.** A facility where, for a portion of a 24-hour day, licensed care and supervision is provided in a protective setting outside of a residential dwelling for children or elderly and/or natural persons with functional impairments that are not related to the owner or operator.

J. Event Venue

1. **Defined.** A facility that provides hosting and rental services of a banquet hall or similar facility for private events (e.g. wedding receptions, holiday parties, fundraisers, etc.) with on-site or catered food service to invited guests during intermittent dates and hours of operation. Live entertainment may occur as part of an event. An event venue is not operated as a restaurant with regular hours of operation.

K. Funeral Home

1. **Defined.** A facility where the deceased are prepared for burial display and for rituals before burial or cremation. A funeral home may include chapels, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services.

L. Greenhouse / Nursery

1. **Defined.** An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include the sale of items directly related to their care and maintenance.

M. Health Center / Gym

1. **Defined.** An establishment that provides indoor and/or outdoor activities for members related to health, physical fitness or exercise (e.g. weight training, aerobics, swimming, court sports, climbing, etc.).

N. Heavy Rental and Service Establishment

1. **Defined.** Rental or service establishments of a heavier- and larger-scale commercial character, typically requiring permanent outdoor service or storage areas or partially enclosed structures. Examples of heavy rental and service establishments include truck rental establishments, and rental and repair of heavy equipment.

O. Hotel/Motel

8.3.3 Institutional Uses

A. Community Center

1. **Defined.** A facility used as a place of meeting, recreation, or social activity, which may offer a variety of educational and community service activities.
2. **Use Standard.** If this use is located directly adjacent to or within a residential zoning district, the side and rear building setbacks shall be double the requirements in the zoning district, unless an alternative solution is approved by the Planning Board as part of a site plan.

B. Cultural Facility

1. **Defined.** A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, and libraries.
2. **Use Standards.** If this use is located directly adjacent to or within a residential zoning district, the side and rear building setbacks shall be double the requirements in the zoning district, unless an alternative solution is approved by the Planning Board as part of a site plan.

C. Day Care Center

1. **Defined.** A facility where, for a portion of a 24-hour day, licensed care and supervision is provided in a protective setting outside of a residential dwelling for children or elderly and/or natural persons with functional impairments that are not related to the owner or operator.

D. Hospital

1. **Defined.** A medical facility where acute medical and surgical care is given to natural persons on an inpatient basis. Such facility may also have outpatient facilities and ancillary uses integral to its functions (e.g. laboratories, cafeterias, gift shops, classrooms, temporary housing for families of admitted patients, offices, etc.).

2. **Use Standard.** If this use is located directly adjacent to a residential zoning district, the side and rear building setbacks shall be double the requirements in the zoning district, unless an alternative solution is approved by the Planning Board as part of a site plan.

E. Place of Worship

1. **Defined.** A facility where persons regularly assemble for religious purposes and related events.
2. **Use Standard.** If this use is located directly adjacent to or within a residential zoning district, the side and rear building setbacks shall be double the requirements in the zoning district, unless an alternative solution is approved by the Planning Board as part of a site plan.

F. Private School

1. **Defined.** An establishment that offers training and instruction in knowledge or physical skills, which is operated for that purpose only, and on a full-time basis. An educational facility may include, but is not limited to, facilities that offer early childhood, primary, secondary, post-secondary, and vocational education or instruction.
2. **Use Standards**
 - a. In the Business Growth and Reuse District, this shall occupy no more than 30,000-sf in gross floor area, unless granted a special exception from the Zoning Board of Adjustment.
 - b. If this use is located directly adjacent to or within a residential zoning district, the side and rear building setbacks shall be double the requirements in the zoning district, unless an alternative solution is approved by the Planning Board as part of a site plan.

TABLE 8-1: PERMITTED PRINCIPAL USES BY ZONING DISTRICT

P = Permitted P1 = Permitted with limitations per Article 8 SE = Permitted by Special Exception CUP = Permitted by Conditional Use Permit - = Not Permitted

Use Definition & Standards Section #

RESIDENTIAL USES	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C	
Dwelling, Above Ground Floor	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	P	P	P	-	-	-	-	P	-	8.3.1.A
Dwelling, Manufactured Housing	P1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.1.B
Dwelling, Multifamily	-	-	-	-	P1	P	P	P1	P	P	P	P	-	-	-	P	P	P	-	-	-	-	-	-	8.3.1.C
Dwelling, Single-Family	P	P	P	P	P	P	P	-	-	-	-	P	-	-	-	-	P	P	-	-	-	-	P	-	8.3.1.D
Dwelling, Two-Family / Duplex	-	-	-	-	P	P	P	-	-	P	P	P	-	-	-	-	P	P	-	-	-	-	SE	-	8.3.1.E
Manufactured Housing Park	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.1.F
COMMERCIAL USES	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C	
Agricultural-Related Educational & Recreational Activity as a Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P1	-	8.3.2.A
Animal Care Facility	P	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	-	-	-	-	-	P	-	8.3.2.B
Art Gallery	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	-	-	-	8.3.2.C
Art or Fitness Studio	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	P	-	-	-	-	8.3.2.D
Banking or Lending Institution	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	P	-	-	-	-	-	-	-	8.3.2.E
Bar	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.F
Bed and Breakfast	SE	SE	-	-	-	SE	SE	-	-	-	-	P1	-	-	-	P1	SE	P1	-	-	-	-	SE	-	8.3.2.G
Car Wash	-	-	-	-	-	-	-	-	-	SE	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.H
Clinic	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	-	-	-	-	-	P	-	-	8.3.2.I
Day-Care-Center	-	-	-	-	-	-	-	P	P	P	SE	SE	P	P	P	P	SE	SE	P	SE	P	P	-	-	8.3.2.J
Event Venue	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	-	-	-	-	SE	-	8.3.2.J
Funeral Home	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	P	P	-	-	-	-	-	-	8.3.2.K
Greenhouse / Nursery	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	-	-	P	-	8.3.2.L
Health Center / Gym	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	-	-	-	P	-	P	-	-	8.3.2.M
Heavy Rental & Service Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	-	8.3.2.N
Hotel/Motel	-	-	-	-	-	-	-	P	P	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	8.3.2.O
Kennel	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	8.3.2.P
Micro-Brewery/Micro-Distillery/Micro-Winery	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.Q-S
Motor Vehicle Dealership	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.T
Neighborhood Grocery Store	-	-	-	-	-	SE	-	P	P	P	P	-	-	P	-	P	P	-	-	-	-	-	-	-	8.3.2.U
Office	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P1	P1	P	P1	SE	SE	P	-	-	8.3.2.V
Personal Service Establishment	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	P	-	-	-	-	P	-	-	8.3.2.W
Private Club / Lodge	-	-	-	-	-	-	-	P	P	P	P	SE	-	P	P	-	-	SE	-	-	-	-	-	-	8.3.2.X
Recreation/Entertainment Facility - Indoor	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-	8.3.2.Y
Recreation/Entertainment Facility - Outdoor	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	-	-	-	-	-	SE	-	8.3.2.Z
Research and Development	-	-	-	-	-	-	-	SE	P	-	-	-	P	P	P	P	-	-	P	P	P	P	-	-	8.3.2.AA
Restaurant	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P1	P1	-	-	-	-	-	-	-	8.3.2.AB
Retail Establishment, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.AC
Retail Establishment, Light	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	P1	-	-	-	-	P	-	-	8.3.2.AD
Self Storage Facility - Exterior Access	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.AE
Self Storage Facility - Interior Access	-	-	-	-	-	-	-	-	SE	P	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.AF
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	P1	-	-	-	-	-	-	-	-	-	-	8.3.2.AG
Specialty Food Service	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	-	-	-	8.3.2.AH
Vehicle Fueling Station	-	-	-	-	-	-	-	-	-	-	-	-	-	P1	P1	-	-	-	-	-	-	-	-	-	8.3.2.AI

TABLE 8-1: PERMITTED PRINCIPAL USES BY ZONING DISTRICT

																								Use Definition & Standards Section #
Vehicle Rental Service	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	8.3.2.AJ
Vehicle Repair Facility – Major	-	-	-	-	-	-	-	-	-	-	-	-	-	P1	P1	-	-	-	-	P1	-	-	-	8.3.2.AK
Vehicle Repair Facility – Minor	-	-	-	-	-	-	-	-	P1	P1	-	-	-	P1	P1	-	-	-	-	P1	-	-	-	8.3.2.AL
INSTITUTIONAL USES (See Article 8.2 for additional use locations)	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C
Community Center	-	-	-	-	-	-	-	P1	P1	P1	P1	SE	P1	P1	-	SE	-	SE	-	-	-	-	-	8.3.3.A
Cultural Facility	-	-	-	-	-	-	-	P1	P1	P1	P1	SE	P1	P1	-	P1	-	SE	-	-	-	-	-	8.3.3.B
Day Care Center	-	-	-	-	-	-	-	P	P	P	SE	SE	P	P	P	P	SE	SE	P	SE	P	P	-	8.3.3.C
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P1	-	-	8.3.3.D
Place of Worship	-	-	-	-	-	-	-	P1	P1	P1	P1	-	P1	P1	-	-	-	-	-	-	-	-	-	8.3.3.E
Private School	-	-	-	-	-	-	-	P1	P1	P1	-	-	P1	P1	-	P1	-	-	-	-	-	-	-	8.3.3.F
Senior Center	-	-	-	-	-	SE	-	P1	P1	P1	P1	SE	-	P1	-	SE	-	SE	-	-	-	-	-	8.3.3.G
CONGREGATE LIVING & SOCIAL SERVICE USES	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C
Domestic Violence Shelter	-	-	-	-	P1	P1	-	P1	P1	P1	P1	-	-	P1	-	-	-	-	-	-	-	-	-	8.3.4.A
Drug Treatment Clinic	-	-	-	-	-	-	-	-	CUP	-	-	-	-	CUP	-	-	-	-	-	-	-	CUP	-	8.3.4.B
Fraternity/Sorority	-	-	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-	-	-	-	-	-	-	-	8.3.4.C
Food Pantry	-	-	-	-	-	-	-	P	P	P	P	-	-	P	-	-	-	-	-	-	-	-	-	8.3.4.D
Group Home, Large	-	-	-	-	-	CUP	CUP	CUP	CUP	-	CUP	-	-	-	-	-	-	-	-	-	-	-	-	8.3.4.E
Group Home, Small	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	-	-	-	-	CUP	CUP	-	-	-	-	-	8.3.4.F
Group Resource Center	-	-	-	-	-	-	-	CUP	CUP	CUP	CUP	-	CUP	CUP	-	-	-	-	-	-	-	CUP	-	8.3.4.G
Homeless Shelter	-	-	-	-	-	-	-	-	CUP	-	-	-	-	CUP	-	-	-	-	-	-	-	-	-	8.3.4.H
Lodginghouse	-	-	-	-	-	CUP	-	CUP	CUP	CUP	CUP	-	-	CUP	-	-	-	-	-	-	-	-	-	8.3.4.I
Residential Care Facility	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	CUP	-	-	CUP	-	CUP	CUP	-	-	-	-	CUP	-	8.3.4.J
Residential Drug/Alcohol Treatment Facility	-	-	-	-	-	-	-	-	CUP	-	CUP	-	-	CUP	-	-	-	-	-	-	-	CUP	-	8.3.4.K
INDUSTRIAL USES	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C
Artisanal Production	-	-	-	-	-	-	-	P1	P1	P1	SE	-	P1	P1	P1	P1	-	-	-	P	-	-	-	8.3.5.A
Bulk storage & distribution of goods, including flammable material	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	8.3.5.B
Bulk storage & distribution, excluding flammable material	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	8.3.5.B
Data Center	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P	-	-	P	P	P	-	-	8.3.5.C
Industrial, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	8.3.5.D
Industrial, Light	-	-	-	-	-	-	-	-	SE	-	-	-	-	SE	SE	P1	-	-	P	P	P	-	-	8.3.5.E
Outdoor Storage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	-	-	-	8.3.5.F
Warehouse & Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P1	-	-	P	P	-	-	-	8.3.5.G
Wholesale	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P1	-	-	-	P	-	-	-	8.3.5.H
OPEN SPACE USES	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C
Cemetery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	8.3.6.A
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	P	-	-	-	-	P	-	8.3.6.B
Conservation Area	P	P	P	P	P	P	P	-	-	-	-	-	-	P	P	P	P	-	-	P	P	P	P	8.3.6.C
Farming	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	8.3.6.D
Golf Course	P1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P1	-	8.3.6.E
Gravel Pit	SE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.6.F

ARTICLE 9. PARKING & DRIVEWAYS

9.1 GENERAL.....	9-2
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TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS

PRINCIPAL USE	MIN ON-SITE PARKING REQUIREMENT
RESIDENTIAL USES	
Dwelling, Above Ground Floor	2 spaces / unit (1 space / unit in DT-C , DT-G, DT-L)
Dwelling, Manufactured Housing	2 spaces / unit
Dwelling, Multifamily	2 spaces / unit (1 space / unit in DT-C , DT-G, DT-L)
Dwelling, Single-Family	2 spaces / unit (1 space / unit in DT-L)
Dwelling, Two-Family / Duplex	2 spaces / unit (1 space / unit in DT-L)
COMMERCIAL USES	
Agricultural-Related Educational & Recreational Activity as a Business	4 spaces / 1,000 sf GFA
Animal Care Facility	3 spaces / 1,000 sf GFA
Art Gallery	3 spaces / 1,000 sf GFA
Art or Fitness Studio	4 spaces / 1,000 sf GFA
Banking or Lending Institution	4 spaces / 1,000 sf GFA
Bar	1 space / 5 seats
Bed and Breakfast	1 space / guest room + 2 spaces / dwelling unit
Car Wash	1 space / car wash bay
Clinic	5 spaces / 1,000 sf GFA
Day-Care Center	4 spaces / 1,000 sf GFA
Event Venue	5 spaces / 1,000 sf GFA
Funeral Home	5 spaces / 1,000 sf GFA
Greenhouse / Nursery	4 spaces / 1,000 sf GFA
Health Center / Gym	4 spaces / 1,000 sf GFA
Heavy Rental & Service Establishment	3 spaces / 1,000 sf GFA
Hotel/Motel	1 space / guest room
Kennel	2 spaces / 1,000 sf GFA
Micro-Brewery/Micro-Distillery/Micro-Winery	2 spaces / 1,000 sf GFA of production area + 1 space / 4 seats
Motor Vehicle Dealership	4 spaces / 1,000 sf GFA of indoor sales and display area + 4 spaces / service bay
Neighborhood Grocery Store	3 spaces / 1,000 sf GFA
Office	4 spaces / 1,000 sf GFA
Personal Service Establishment	4 spaces / 1,000 sf GFA
Private Club / Lodge	4 spaces / 1,000 sf GFA or 1 space / 4 seats, whichever is greater
Recreation/Entertainment Facility - Indoor	4 spaces / 1,000 sf GFA or 1 space / 4 seats
Recreation/Entertainment Facility - Outdoor	2 spaces / 1,000 sf outdoor use area
Research and Development	4 spaces / 1,000 sf GFA
Restaurant	1 space / 5 seats
Retail Establishment, Heavy	4 spaces / 1,000 sf GFA
Retail Establishment, Light	4 spaces / 1,000 sf GFA
Self Storage Facility - Exterior Access	1 space / 10-units 3,000 sf GFA (may be located on paved area in front of unit)
Self Storage Facility - Interior Access	1 space / 10-units 3,000 sf GFA
Sexually Oriented Business	4 spaces / 1,000 sf GFA
Specialty Food Service	4 spaces / 1,000 sf GFA

TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS

USE CATEGORY	MIN ON-SITE PARKING REQUIREMENT
Vehicle Fueling Station (with or without retail store)	4 spaces / 1,000 sf GFA (excluding fueling stations)
Vehicle Rental Service	4 spaces / 1,000 sf GFA
Vehicle Repair Facility – Major	6 spaces / 1,000 GFA
Vehicle Repair Facility – Minor	5 spaces / 1,000 GFA
INSTITUTIONAL USES	
Community Center	4 spaces / 1,000 sf GFA
Cultural Facility	4 spaces / 1,000 sf GFA
Day Care Center	4 spaces / 1,000 sf GFA
Hospital	1.5 spaces / 1,000 sf GFA
Place of Worship	1 space / 4 seats in principal assembly room
Senior Center	4 spaces / 1,000 sf GFA
Private School	2 spaces / classroom
CONGREGATE LIVING / SOCIAL SERVICE USES	
Domestic Violence Shelter	4 spaces / 1,000 sf GFA of office space
Drug Treatment Clinic	4 spaces / 1,000 sf GFA
Fraternity/Sorority	1 space / bed
Food Pantry	2 spaces / 1,000 sf GFA
Group Home (Large, Small)	1 space / bed
Group Resource Center	4 spaces / 1,000 sf GFA
Homeless Shelter	4 spaces / 1,000 sf GFA of office space
Lodginghouse	1 space / bed
Residential Care Facility	0.5 spaces / bed
Residential Drug/Alcohol Treatment Facility	0.5 spaces / bed
INDUSTRIAL USES	
Artisanal Production	2 spaces / 1,000 sf GFA
Bulk storage & distribution of goods, excluding or including flammable material	0.5 space / 1,000 sf GFA (excluding office space) + 4 spaces / 1,000 sf GFA of office space
Data Center	0.5 space / 1,000 sf GFA (excluding office space) + 4 spaces / 1,000 sf GFA of office space
Industrial, Heavy	0.5 space / 1,000 sf GFA (excluding office space) + 4 spaces / 1,000 sf GFA of office space
Industrial, Light	0.5 space / 1,000 sf GFA (excluding office space) + 4 spaces / 1,000 sf GFA of office space
Outdoor Storage Yard	No minimum
Solar Energy System (Small, Medium, Large)	1 space / solar energy system
Warehouse & Distribution	0.5 space / 1,000 sf GFA (excluding office space) + 4 spaces / 1,000 sf GFA of office space
Wholesale	0.5 space / 1,000 sf GFA (excluding office space) + 4 spaces / 1,000 sf GFA of office space
OPEN SPACE USES	
Cemetery	0.5 spaces / 1 acre of grave space if no internal road is present
Community Garden	No minimum
Conservation Area	No minimum

TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS

USE CATEGORY	MIN ON-SITE PARKING REQUIREMENT
Farming	No minimum
Golf Course	2 spaces / tee + 4 spaces / 1,000 sf GFA
Gravel Pit	4 spaces / 1,000 sf GFA of office space
INFRASTRUCTURE USES	
Public Utility Facilities	4 spaces / 1,000 sf GFA of office space
Telecommunications Facilities	1 space / standalone facility
TRANSPORTATION USES	
Parking Lot (Principal Use)	No minimum
Parking – Structured Facility (Principal Use)	No minimum

9.2.2 Use Determination

- A.** Where the classification of use is not determinable from Table 9-1, the Zoning Administrator shall determine the minimum on-site parking requirements by considering all factors entering into the parking demand for the use, including the most current version of the ITE Parking Generation Manual. Such determination shall be documented in writing and kept on file with the Community Development Department.

9.2.3 Mixed Uses

Where multiple primary uses occupy the same structure or lot, the required minimum parking is the sum of the requirements for each use computed separately.

9.2.4 Accessible Parking

- A.** The number of required accessible parking spaces shall be calculated based on the minimum number of parking spaces required in Table 9-1 not including any reduction, and shall comply with the requirements of the State Building Code.
- B.** In no circumstance shall the number of required accessible parking spaces be reduced.

9.2.5 Zoning District Specific Requirements

- A.** No on-site parking is required for uses in the Downtown Core, Downtown Growth, and Downtown Limited Districts, with the exception of residential uses as stated in Table 9-1.

- 1.** One parking space per dwelling unit shall be the minimum parking required for residential uses in the **Downtown Core**, Downtown Growth and Downtown Limited Districts.
- B.** When parking is provided in zoning districts that do not require on-site parking, all design standards and specific limitations in this Article shall apply.

9.2.6 Alternate Parking Requirements

Recognizing that the parking requirements provided in Table 9-1 may not be appropriate for all uses or sites, the number of on-site parking spaces required may be reduced in accordance with Sections 9.2.7, 9.2.8 and 9.2.9.

9.2.7 Reduction of Required Parking

- A. Administrative Reduction.** The Zoning Administrator may grant up to a 10% reduction in the number of required on-site parking spaces for the principal use or mixture of principal uses on a lot when the following can be demonstrated.
1. A specific use or site has such characteristics that the number of required parking spaces is too restrictive.
 2. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
 3. One or more of the following site conditions are applicable or present on the lot where the principal use(s) is located.

9.3 DRIVEWAY DESIGN STANDARDS

9.3.1 Street Access Permit

Prior to installing a new or modifying an existing curb cut or driveway, a street access permit shall be obtained according to the standards and processes outlined in **Article 22 Section 22.5 of this LDC.**

9.3.2 Driveway Placement

- A. **For single- and two-family dwellings, there shall be no one more than 1 driveway for each lot, unless an exception has been approved by the City Engineer per Article 22.**
- B. **No more than 2 single-family dwellings can share a common driveway.**
- C. **New driveways shall be placed so as not to conflict with existing driveways.**
- D. **Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.**

9.3.2 Driveway Dimensions

- A. **Residential Driveways. Dimensional requirements for driveways are included in Section 22.5.4 of this LDC. In addition to these requirements, t**The following standards shall apply to driveways for single- and two-family dwellings.
 - 1. **Driveways shall be a maximum of 20-ft wide at the property line and 30-ft wide at the curbline.**
 - 2. Each vehicle parking space shall be a minimum dimension of 8-ft by 18-ft and shall be located to the rear of either the front setback or front building line.
 - 3. The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line.
- B. **Commercial Driveways. The following standards shall apply to driveways for non-residential lots, multi-family dwellings, and temporary driveways.**
 - 1. **The driveway shall be a minimum of 12-ft**

wide and a maximum of 25-ft wide at the property line and 50-ft wide at the curbline, unless additional width or lanes are required as the result of a traffic study and/or geometric analysis prepared by a NH licensed engineer.

9.3.3 Surface Material

The surface of the driveway and associated parking space(s) shall be of either concrete; asphalt installed at a minimum thickness of 3-in on top of 4-in compacted subgrade base; crushed stone (installed at a minimum thickness of 4-in on top of a 4-in compacted subgrade); or, semi-pervious materials (e.g. permeable pavers, pervious asphalt or concrete, etc.) that are able to withstand vehicular traffic or other heavy-impact uses.

9.3.4 Grading & Drainage

- A. Driveway and associated parking space(s) shall be graded to prevent drainage across sidewalks, curb cuts, streets or onto adjacent property, except that the portion of a driveway within the public right-of-way may drain towards the street.
- B. Driveways and associated parking space(s) shall not block the flow of drainage in gutters or drainage ditches or pipes.
- C. Driveways and associated parking space(s) shall not have a slope greater than 15%.

9.3.5 Long Driveways

Driveways longer than 300-ft shall meet the following standards.

- A. Shall be limited in width to 10-ft, in order to minimize site disruptions.
- B. Every 300-ft there shall be an improved turnout, which is at least 8-ft wide and 15-ft long.
- C. Shall include at its terminus a vehicular turnaround as described for dead-end streets in Article 22.
- D. If the driveway slope is greater than 10%, the first 20-ft from the public road shall be at a slope of 5% or less.

9.4.6 Driveways Crossing Steep Slopes

For driveways located in or crossing prohibitive and precautionary slopes, as defined in Article 12 Hillside Protection Overlay District, the following standards shall apply.

- A. Driveway route shall follow the natural contours of the existing slope to minimize disturbance of vegetation and soils.
- B. Cutting and filling of slopes to construct a driveway shall comply with applicable grading standards of Article 12.
- C. Shared driveways shall be used to avoid entering into or crossing precautionary slope areas and to reduce grading, paving and site disturbance.

~~9.3.7 Removal of Trees or Stone Walls~~

~~When the installation of a driveway requires the cutting of trees or the disturbance of stone walls that are within the public right-of-way, separate permission for such cutting or disturbance shall be obtained in accordance with Chapter 82 of the City Code of Ordinances, NH RSA 472:6, or other applicable laws.~~

~~9.3.8 Temporary Driveways~~

~~Temporary driveways used for earth-disturbing activities or events or forestry activities shall be constructed with a temporary construction exit complying with the requirements of the NH Stormwater Manual Volume 3, as may be amended, and shall be restored to original condition at the conclusion of the activity or event for which they are installed.~~

ARTICLE 18. NONCONFORMITIES

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18.4 NONCONFORMING LOTS

18.4.1 Description

A nonconforming lot is an existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.

18.4.2 Alteration

No nonconforming lot may be subdivided in such a way that increases the nonconformity.

18.4.3 Permitted Development

Development of a nonconforming lot shall meet all applicable dimensional requirements of the zoning district it is located with the exception of any lot dimensional requirement that renders it nonconforming.

ARTICLE 25. APPLICATION PROCEDURES

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25.7 EXPANSION OR ENLARGEMENT OF A NONCONFORMING USE	25-22	25.18 SIGN PERMIT	25-64
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25.1.8 Planning Board

In addition to other general authority by state law or the City Code of Ordinances, the Planning Board shall have the following powers pursuant to this LDC.

- A. To make recommendations to the City Council on proposed amendments to this LDC, including amendments to the Zoning Map or text of the Zoning Regulations.
- B. To initiate, hear, and decide on proposed amendments to the Site Development Standards, Subdivision Regulations, and Earth Excavation Regulations of this LDC.
- C. To hear and decide on applications for major site plan review; subdivisions (including boundary line adjustments and conservation residential development subdivisions); conditional use permits; street access permits for commercial, industrial, and multifamily sites; and, earth excavation permit applications.
- D. To hear or decide on voluntary merger applications, or appoint a designee to hear or decide on such applications.
- E. To hear and grant waivers from the Site Development Standards, Subdivision Regulations and Earth Excavation Regulations, and associated application procedures in this LDC.
- F. To hear and decide on appeals of an administrative decision on street access permits, Minor Project Review Committee decision on minor site plans, or administrative planning review decision.
- G. To hear and decide on requests for extensions to major site plan, subdivision, conditional use permit, and earth excavation permit approvals.

25.1.9 Minor Project Review Committee

In accordance with NH RSA 674:43(III), the Minor Project Review Committee is hereby designated by the Planning Board to have the following powers pursuant to this LDC.

- A. To hear and decide on minor site plan review applications.
- B. To review and comment on proposed projects for site plan review or subdivision review prior to the formal submission of a site plan or subdivision application.
- C. To hear and decide on requests for extensions to minor site plan approvals.

25.1.10 Historic District Commission

In addition to other general authority by state law or the City Code of Ordinances, the Historic District Commission shall have the following powers pursuant to this LDC.

- A. To initiate, hear, and decide on proposed amendments to the Historic District Regulations in this LDC.
- B. To hear and decide on major project applications for a certificate of appropriateness.
- C. To hear and grant waivers from the Historic District Regulations.
- D. To hear and decide on appeals of an administrative decision of the Community Development Director, or their designee, on minor project applications for a certificate of appropriateness.
- E. To hear and decide on requests for extensions to certificates of appropriateness.
- F. **To provide comments and recommendations to the Planning Board on Major Site Plan applications for new buildings or additions to buildings, which are younger than 50 years old, that are located in the Downtown Historic District.**

25.1.11 Conservation Commission

In addition to other general authority by state law or the City Code of Ordinances, the Conservation Commission shall have the authority to make recommendations to the Planning Board on surface water protection conditional use permit applications and earth excavation permit applications.

Table 25-1: Development Applications Decision Authority

Application Type		Zoning Board of Adjustment	Planning Board	Minor Project Review Committee	City Council	Historic District Commission	Joint Committee	Conservation Commission	Zoning Administrator	Community Development Dir.	City Engineer	Floodplain Administrator
Amend-ments to the LDC	Articles 1-18 & 22-28				D / PH		PW					
	Articles 19 & 20		D / PH		D							
	Article 21				D	D / PH						
Zoning	Amendments to Zoning Text / Zoning Map				D / PH		PW					
	Variance	D / PH										
	Special Exception	D / PH										
	Equitable Waiver	D / PH										
	Enlarge or Expand Nonconforming Use	D / PH										
	Zoning Administrator Decision								D			
Sub-division Review	Subdivision		D / PH	PS								
	Conservation Residential Development Sub.		D / PH	PS								
	Boundary Line Adjustment		D									
	Voluntary Merger								D			
Site Plan Review	Administrative Planning Review									D		
	Minor Project			D / PH								
	Major Project		D / PH	PS		R*						
Conditional Use Permit (CUP)	Hillside Protection		D / PH	PS							R	
	Surface Water Protection		D / PH	PS				R				
	Telecommunications		D / PH	PS								
	Congregate Living & Social Services		D / PH	PS								
	Solar Energy System		D / PH	PS								
Historic District	Minor Project									D		
	Major Project			PS		D / PH						
Other Permits	Floodplain Development											D
	Sign								D			
	Street Access		D								D	
	Earth Excavation		D / PH					R				

"R" = Recommendation "D" = Final Decision "PW" = Public Workshop "PH" = Public Hearing

"PS" = Presubmission Meeting Required

***For new buildings and additions in the Downtown Historic District**

B. Major Site Plan Procedure

1. **Presubmission Meeting.** Applicants for major site plan review shall attend a pre-submission meeting at least 2-weeks prior to the Planning Board submittal deadline.
2. **Staff Determination of Application Completeness.** Within 2 business days following the application submittal deadline, the Community Development Director, or their designee, shall complete an initial review of the application to evaluate whether the submittal requirements have been met.
 - a. If the missing application materials or information is necessary for proper documentation, but are not central to the initial departmental review, the applicant will be permitted to provide the required materials or information by the revision deadline of 14 calendar days prior to the corresponding regularly scheduled Planning Board meeting date.
3. **Departmental Review.** Once the Community Development Director, or their designee, has made an initial determination that an application is complete, copies of the application and associated materials shall be sent to the City's Engineering Division, Fire Department, Police Department, Zoning Administrator, and Building and Health Official for technical review.
 - a. City staff will be requested to return comments on the application to the Community Development Department within 5 business days of the distribution date.
 - b. The Community Development Director, or their designee, shall communicate departmental comments to the applicant, as soon as they are all received.
4. **Revision Deadline.** Any plan revisions or additional information requested of the applicant by City staff following

departmental review of the application shall be delivered to the Community Development Department no later than the revision deadline of 14 calendar days prior to the corresponding regularly scheduled Planning Board meeting date. The revision deadline shall not be waivable.

5. **Site Visits.** At the discretion of the Community Development Director or Planning Board Chair, a formal Planning Board site visit to the subject property may be scheduled prior to the Planning Board public hearing on the application.
6. **Compliance with Zoning.**
 - a. Applications requiring approval from the Zoning Board of Adjustment shall not be noticed for public hearing until such approvals have been obtained.
 - b. Applications shall be in compliance with the Zoning Regulations prior to the issuance of public notice for the public hearing.
7. **Historic District Commission Review.** Applications proposing to build new buildings or additions to buildings, which are younger than 50 years old, that are located in the Downtown Historic District shall be referred to the Historic District Commission for comments and a recommendation to the Planning Board before the public hearing on the application is closed.
8. **Notice of Public Hearing.** The Community Development Director, or their designee, shall forward applications for major site plan review to the Planning Board for a public hearing, and shall provide published and mailed notice of this public hearing pursuant to NH RSA 675:7(l).
9. **Board Determination of Application Completeness.** The Planning Board shall vote to determine whether the application is complete prior to opening the public hearing.
 - a. The Planning Board shall consider



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: City of Keene Community Development Dept. Date: 8/16/21

Address: 3 Washington St, Keene, NH

Telephone: (603) 352-5440 Email: communitydevelopment@ci.keene.nh.us

Existing Section Reference in Chapter 102, Zoning Ordinance re: Amendments to LDC

Does the amendment affect "Minimum Lot Size" Yes ☐ No ☒

Does the amendment affect "Permitted Uses" Yes ☐ No ☒

Brief Description of Proposed Change To make minor amendments to the adopted Land

Development Code (will be Chapter 100 of City Code as of Sep 1, 2021). Amendments
proposed are included in the attached Ordinance and supporting materials.

Aria Kessler
Petitioner's Signature

Submittal Requirements which must be complete at the time of submission to the City Clerk.

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
- A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- \$100.00 application fee.
- **As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district that includes 100 or fewer properties, the petitioner shall submit a notarized list of property owners/agents impacted by the zoning amendment. The list shall include the tax map number and address of each abutter or owner, and must be current with the Assessing Department's records within ten days of submittal. The list shall also include the name of any agent who should receive notice. Two sets of mailing labels shall be provided.**

Date Received by City Clerk _____ Fee Received \$ _____

Ordinance # _____ On City Council agenda _____

Workshop to be held _____ Public Hearing to be held _____

The petitioner is also responsible for the publication costs for the workshop and hearing notice. The Keene Sentinel will bill for the publication cost if the petitioner has an account with them. If the petitioner does not have an account, \$90.00 will be collected to cover the cost of the public hearing notice. Additional costs will be collected by the Planning Department for the publication of the public workshop notice.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: August 19, 2021

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee

Through:

Subject: **Relating to the Appropriation of Funds from the Capital Reserve - Pump Station Martel Court (08022) for Martel Court Pumping Station Emergency Generator Replacement Project (08099-18) and the Re-allocation of Funds - Martel Court Pumping Station Emergency Generator Replacement Project**

- **Resolution R-2021-35**

Recommendation:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2021-35.

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to reallocate \$18,224.85 of remaining fund balance from the Wastewater Treatment Plant Lighting Project (08104-21) to the Martel Court Pumping Station Emergency Generator Replacement Project (08099-18).

Attachments:

1. Resolution R-2021-35_referral

Background:

Public Works Director/Emergency Management Director Kurt Blomquist and Utilities Manager Christian Tarr were the next two speakers. Mr. Blomquist stated this item is in reference to a Resolution for appropriation of funds from the Martell Court Pumping Station capital reserve. The project that is involved is the Martell Court emergency generator. With that Mr. Blomquist turned the presentation over to Mr. Tarr.

Mr. Tarr indicated staff is requesting reallocation of \$18,224.85 of remaining fund balance from the Wastewater Treatment Plant Lighting Project (08104-21) to the Martel Court Pumping Station Emergency Generator Replacement Project (08099-18). Mr. Tarr explained the Martel Court generator and station have been in place since 1985.

The generator is original equipment and is reaching the near end of its serviceable life. He indicated that this piece of equipment is a requirement of the RNPDS permit or the National Pollutant

Discharge Elimination System and hence the City has to have some redundancy there. He noted the estimate the City received for this work is \$352,490 and the balance in the capital reserve is \$318,592, hence the city had to make up this shortfall of \$33,898.

The balance that was in the fund for the lighting project was due to a rebate from energy savings for the LED lighting project.

Councilor Ormerod stated he felt it was great the City was able to realize these savings and asked whether the city would continue to get such rebates in future years. Mr. Blomquist stated this particular rebate was in reference to the lighting project. Having efficient lighting will reduce the amount of energy that is required which will reduce the amount of energy the City would have to purchase from our power supplier. He stated the City has an upcoming solar project that is going to supply a significant amount of power to the plant. Hence, the City may not be seeing as many rebates in the future from Eversource since it will be purchasing significant amount of power from solar. The Councilor asked whether the City can utilize energy savings but retain it in the water fund. Mr. Blomquist stated any energy savings would reduce the amount of money the City would have to raise in the operating budget.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2021-35.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to reallocate \$18,224.85 of remaining fund balance from the Wastewater Treatment Plant Lighting Project (08104-21) to the Martel Court Pumping Station Emergency Generator Replacement Project (08099-18).



CITY OF KEENE

R-2021-35

Twenty-one

In the Year of Our Lord Two Thousand and

A RESOLUTION Relating to the Appropriation of funds from the Capital Reserve- Pump Station Martel
~~Court (08022) for Martel Court Pumping Station Emergency Generator Replacement~~
Project (08099-18).

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

That up to the sum of fifteen thousand seven hundred dollars (\$15,700) be appropriated from
Capital Reserve - Pump Station Martel Court for the Martell Court Pumping Station Emergency
Generator Replacement Project (08099-18).

George S. Hansel, Mayor

In City Council July 15, 2021.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

PASSED



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: August 19, 2021

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee

Through:

Subject: **Relating to the Appropriation of Funds from the Water Fund Unassigned Fund Balance for Wetmore Street and Winchester Street Emergency Water Main Repair and Waiver of Purchasing Requirements – Wetmore Street and Winchester Street Emergency Water Main Repair**

- **Resolution R-2021-36**

Recommendation:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2021-36.

On 3-0 vote, the Finance, Organization and Personnel Committee accepts the Wetmore Street and Winchester Street Emergency Water Main Repair as informational.

Attachments:

1. Resolution R-2021-36_referral

Background:

Mr. Blomquist addressed the committee again. He indicated on June 6 the City had a failure on the line feeding Wetmore Street which comes off a 12-inch main and goes down Winchester Street. This line serves Market Basket and properties off Matthews Road. The Public Works staff was able to determine the failure was on the 6-inch line and were able to close that off. Currently those residents, approximately 15 plus several businesses on Winchester Street are fed from a temporary two-inch line coming off Fairbanks Street to Wetmore Street; above ground. The two inch line is able to provide the domestic needs for these customers this time. However, the City would like to get these residents off this temporary feed before winter.

Because of the location of this main and the high traffic nature of the area it is going to require several nights of work. There are about 200 accounts associated with this line. The cost of the project is estimated to be about \$65,000. Mr. Blomquist stated because this is an unbudgeted item, funds are not available within the current water fund operating budget that was recently adopted. Staff in working with the Finance Director, and the utilization of some of the unassigned fund balance

was recommended. Mr. Blomquist explained to be able to utilize the unassigned fund balance requires a Resolution.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2021-36.

Mr. Blomquist noted this is a follow-up from the prior item – he began by reminding the committee the Council has purchasing regulations for contract services, construction materials, etc. for over \$20,000 and they must be publicly bid. The City has to generate a set of design drawings, specifications and go through that formal process. Unfortunately, this is now August and these customers need to be brought back online soon as possible. The other challenge is the availability of contractors. The City is looking at a general contractor and one contractor to assist with installing line stops; these are temporary valves to help shut the main down. This is used for temporary situations. Because the line would have to be drained to do the repair those customers will need to be under a boil order. Mr. Blomquist noted he would like to minimize placing customers on boil order because of the hotel and dialysis center in the area. So the idea would be to use those valves to shorten up the amount of area that would need to be taken offline and maintain water in the 12 inch while the new one is installed. The City will then negotiate with another contractor to come in for the actual pipework.

Mr. Blomquist stated what he is recommending waiving the seal bidding process, which the Council can do per Section 133-7 of the City Code.

Mr. Blomquist noted to a scrivener's error in the proposed recommendation and requested to change the word "contract" to "contracts" in the motion as he anticipates the need to execute more than one to facilitate this project.

Councilor Ormerod asked because it is going to take another month for the Council to approve it what else this committee can do to speed things up. Mr. Blomquist stated not having to go through the sealed bid process does speed things up.

Chair Powers stated he would like see this move faster especially with college opening and Labor Day getting close. The City Manager suggested that perhaps this could be completed under her emergency authority if the Committee was in agreement. To complete that process, staff advised this item will need to be accepted as informational.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod. On 3-0 vote, the Finance, Organization and Personnel Committee accepts the Wetmore Street and Winchester Street Emergency Water Main Repair as informational.



CITY OF KEENE

R-2021-36

Twenty-one

In the Year of Our Lord Two Thousand and

A RESOLUTION Relating to the Appropriation of funds from the Water Fund Unassigned Fund Balance
.....for Wetmore Street and Winchester Street Emergency Water Main Repair.....

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

That up to the sum of sixty-five thousand (\$65,000) be appropriated from the Water Fund Unassigned Fund Balance to perform an emergency Water Main Repair at Wetmore and Winchester Streets.

George S. Hansel, Mayor

In City Council July 15, 2021.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

PASSED



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: August 19, 2021

To: Mayor and Keene City Council

From: Kurt Blomquist, Public Works Director
Aaron Costa, Operations Manager

Through: Elizabeth Dragon, City Manager

Subject: **Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance for the Wastewater Treatment Plant Solar Project.**

- **Resolution R-2021-38**

Recommendation:

First reading of Resolution R-2021-38 Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance for the Wastewater Treatment Plant (WWTP) Solar Project and referring to the Finance, Organization and Personnel Committee.

Attachments:

1. Resolution R-2021-38

Background:

The City owns and operates a wastewater treatment plant that came online in 1985. The WWTP is designed to treat 6 million gallons of wastewater per day and operates 24 hours a day, 7 days a week. The treatment process utilizes equipment that consumes relatively large amounts of electrical energy. Even with recent upgrades that improved energy efficiencies, the City's WWTP is the largest electrical energy consumer in Cheshire County with an average monthly electricity bill ranging from \$14k to \$20k.

On January 17, 2019, the City Council passed a resolution which set a goal to transition Keene to a 100% renewable energy by 2050, with an interim goal to reach 100% renewable energy for all electricity by 2030. Over the past two years, staff have been working on an agreement that would install a 1 megawatt solar array on the Airport property adjacent to the WWTP that would provide electricity to the plant from a renewable source.

In June 2020, the City executed a letter of intent with Revision Energy Incorporated to finalize a Power Purchase Agreement (PPA) for a solar array. Revision has completed its design, secured a third party investor and is ready to execute the final PPA agreement with the City of Keene.

As part of the negotiation of the PPA \$83,698 was identified for ground clearing and tree removal needed to prepare the site for the solar equipment. The remainder of the cost for the construction of the solar system is part of the negotiated Kilowatt Hour price.

Since this is a new project and not part of the existing Capital Improvement Program, it is recommended that the funds for this work come from the Unassigned Fund Balance in the Sewer Fund.



CITY OF KEENE

R-2021-38

Twenty-one

In the Year of Our Lord Two Thousand and

Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance
A RESOLUTIONfor the Wastewater Treatment Plant Solar Project:.....

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

That up to the sum of eighty three thousand, six hundred and ninety eight dollars (\$83,698) be appropriated from the Sewer Fund Unassigned Fund Balance to Wastewater Treatment Plant Solar Project for site preparation.

George S. Hansel, Mayor

PASSED