



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE  
Council Chambers A, Keene City Hall  
May 10, 2023  
6:00 PM

**A. AGENDA ITEMS**

1. Keene Music Festival - Request to Use City Property - September 2, 2023
2. Spectrum Cable/Charter Communications - Request to Install an Underground Communication Conduit in the Right-of-Way
3. Staff Response: Spectrum Cable - Request to Install Conduit within the Right of Way
4. Covenant Living of Keene - Request for License to Install and Maintain two Private Crosswalks on Public ROW - Wyman Road
5. Staff Response: Covenant Living of Keene - Request for a License to Install Two Private Crosswalks within the Public Right of Way
6. Peter Espieffs - Requesting that the City Rescind the License to Telecom to Erect Small Cell Wireless Facilities
7. Ann Savastano - Petition Regarding Small Cell Tower at Summer and Middle Streets
8. Cole Mills - In opposition to Ordinance O-2023-02: Minimum Lot Size in Rural Zone
9. Relating to Amendments to the Rural District Minimum Lot Size - Ordinance O-2023-02

**B. MORE TIME ITEMS**

1. Relating to Amendments to the Land Development Code, Accessory Dwelling Units  
Ordinance O-2023-06
2. Relating to Amendments to the Land Development Code - Zoning Regulations & Application Procedures - Joint Planning Board/Planning, Licenses and Development Committee  
Ordinance O-2022-19-B

3. Keene Elm City Rotary Club - Request to Use City Property - DeMar  
Marathon - September 24, 2023

## **NON PUBLIC SESSION**

## **ADJOURNMENT**



*Keene Music Festival  
37 Roxbury Street  
Keene, NH 03431  
(603) 499-6656*

January 16, 2023

The Honorable Mayor and City Council  
Keene City Hall  
3 Washington Street  
Keene, NH 03431

Re: 2022 Annual Keene Music Festival

The Keene Music Festival wishes to sponsor this year's Annual Keene Music Festival on Saturday, September 2, 2023. The scheduled hours for setup, performances and other activities are 8:00 AM until 11:00 PM; with performances ending by 10:00 PM.

As with previous events, we are seeking permission to use the common area and bandstand in Central Square, Railroad Square and those sections of the following sidewalks that are located within the Downtown area: Main Street, Lamson Street and Gilbo Avenue. Musicians, merchants and city permitted restaurants will use the sidewalks. In no instance will a sidewalk be blocked in a manner that restricts pedestrian traffic. In addition to these locations, City Tire Company (124 Main Street), Lindy's Diner (Possible!), The Toadstool Book Shop (Emerald Street), The Monadnock Food Coop (Cypress Street) as well as other possible downtown businesses, will also be designated as performance venues. We would like to request and reserve the use of parking metered space #'s: 164, 166, 168, 170, 172, and 174 on Main Street in front of the City Tire Company. The Main Street metered spaces are being requested to serve as a staging area to allow the sound crew to prepare equipment to be set up in the City Tire Company parking lot; and could be opened for use later in the day.

While we do not request that Railroad Street, from Main Street to the parking garage be officially closed, we are asking that the Public Works Department please provide us with adequate barriers for that eventuality. If the Keene Police Department determines that there is a safety issue, we will close the street as needed. We are also requesting to place a stage at Lamson Street; in the area between Main Street and the sidewalk. We would request access to portable safety barriers to place at the entrance to Lamson Street to serve as a buffer between Main Street and the performers. The performance area would be designed to fit within the area between Main Street and the sidewalk adjacent to Lamson Street.

As with prior years, and in a manner consistent with community event protocol, we ask that the City please give due consideration to absorbing any additional cost of Police Officers, Public Works and Fire Department Personnel for the day. We are requesting that Police and Fire Department Personnel be detailed to the event between the hours of 11 :00 AM and 10:30 PM.

As required, we will provide a \$ 1 Million certificate of insurance to the City, and work closely with City staff to ensure that this is a safe and enjoyable event. We will also procure and set up four port-o-potties.

Our previous Music Festivals have always been a great success. There have been no public issues; the performances have been amazing, and the crowds' orderly. As in previous years, Keene Music Festival does not consider or accept outside vendor applications. We prefer to encourage our guests to explore local businesses and shops as they enjoy the musical well as the array of the current licensed Food Trucks, who will be invited to participate in the Downtown area.

Events such as this add to the vibrancy of our Downtown, and the City in general, helping Keene be the exceptional place that it is. We thank you in advance for your continued consideration and support.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Pablo', followed by a long, sweeping horizontal stroke.

Pablo Fleischmann  
Keene Music Festival Director



4-10-23

**City Of Keene  
The Mayor and  
City Council Members  
3 Washington St  
Keene, NH  
03431**

**Subject: Petition for Charter Communications for underground communications conduits  
installation in the cities "Right of Way"**

To the Mayor and City Council of Keene NH:

**Respectfully Charter Communications / Spectrum Cable of Worcester, Massachusetts  
Desires to install approx. 3100lf of (1)4"sch40 pvc. Starting at the existing Charter ped near #80  
Krif Rd to the end customer at #39 Cornwell Dr. The conduit will be placed on the south side of  
Krif Rd and along the East side of Cornwell Dr.**

**Charter's contractor Phoenix Communications will work closely with the city of Keene's DPW  
to ensure this installation will meet all the cities requirements.**

**Thank you for your consideration of this request. If you need any additional information,  
please feel free to contact me**

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Snow".

Ryan Snow  
Construction Coordinator  
Spectrum Cable (Charter Communications)

Spectrum | Construction Department |  
301 Barber Ave Worcester MA 01606  
Ryan Snow | 603-762-3047 | [Ryan.Snow@charter.com](mailto:Ryan.Snow@charter.com)





## **METHOD OF PROCEDURE**

**DATE:4-10-23**  
**ATT:Don R.Lussier,PE**  
**Office:603-352-6550**  
**3 Washington St**  
**Keene,NH**  
**03431**

**Subject: Method of procedure for installation of fiber optic telecommunications conduit along Krif Rd and Cornwell Dr**

Starting at the existing catv ped near #80 Krif Rd. We will be installing (1)4"sch40 pvc conduit with fiber optic cable being installed inside. We will be crossing Krif Rd and trenching on the southern side of the roadway. We will the cross Krif Rd Northerly and trench on the Southern side of Crowell Rd. The ending location is #39 Cornwell Rd( UPS Customer Center).

Upon completion of this work, all disturbed areas will be restored to like or better than like condition.

The construction work will be performed by our preferred contractor Phoenix Communications in a safe and workman like manner. All refuse or debris shall be removed from the work site upon completion.

Sincerely,

Ryan Snow  
Construction Coordinator  
Spectrum Cable (Charter Communications)

Contractor contact:  
Brian Joyce  
Civil Coordinator  
Phoenix Communications  
508-871-6470

Spectrum | Construction Department |  
301 Barber Ave Worcester MA 01606  
Ryan Snow | 603-762-3047 | [Ryan.snow@charter.com](mailto:Ryan.snow@charter.com)

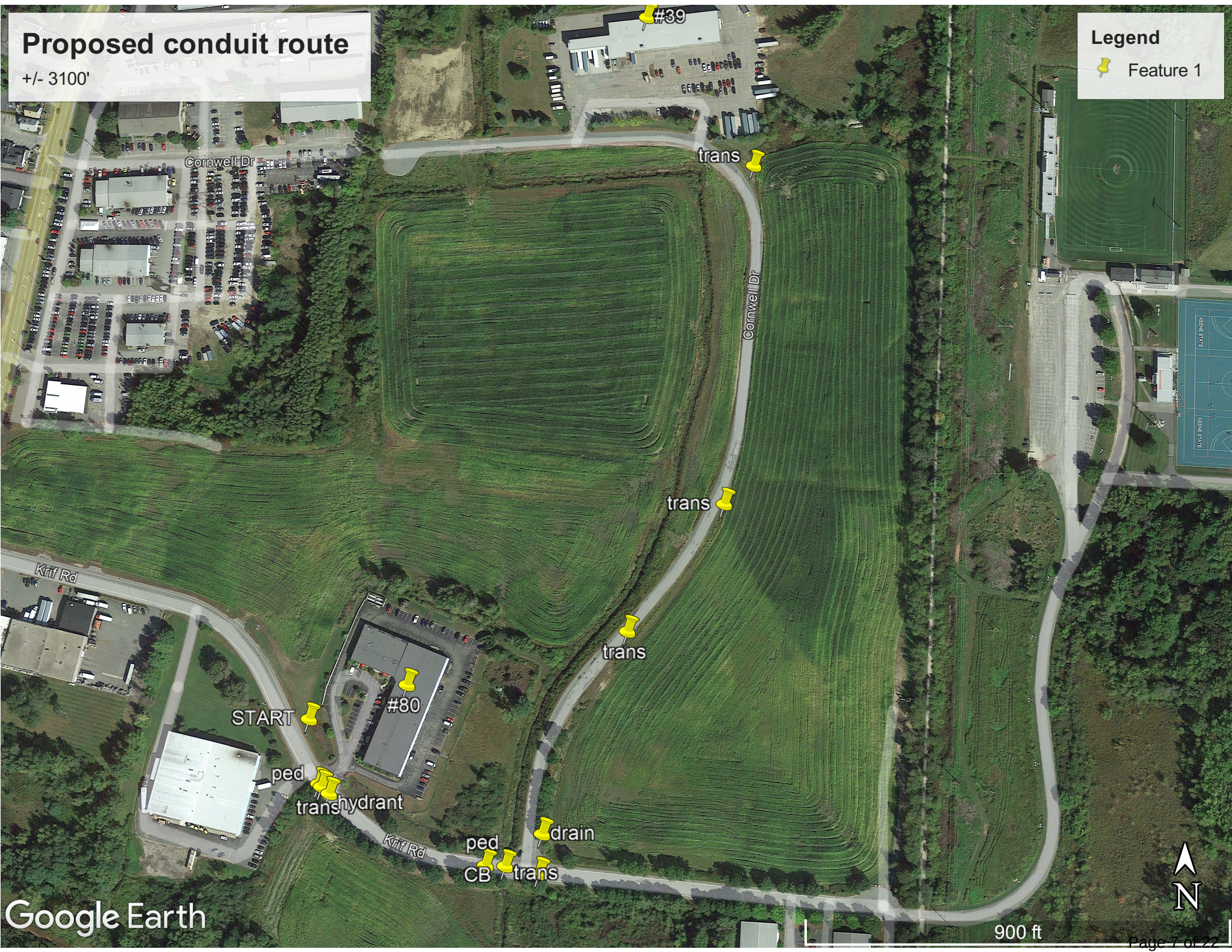


# Proposed conduit route

+/- 3100'

## Legend

Feature 1





## CITY OF KEENE NEW HAMPSHIRE

ITEM #A.3.

**Meeting Date:** May 10, 2023

**To:** Planning, Licenses and Development Committee

**From:** Donald Lussier, City Engineer

**Through:** Elizabeth Dragon, City Manager  
Kurt Blomquist, ACM/Public Works Director

**Subject:** **Staff Response: Spectrum Cable - Request to Install Conduit within the Right of Way**

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**Recommendation:**

Move that the Planning, Licenses and Development Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a license agreement with Spectrum Cable for the construction and maintenance of private infrastructure, including but not limited to underground telecommunications conduit, cables, appurtenant equipment, and any other item or property identified within the right-of-way of Krif Road and Cornwell Drive, provided that all documents are in a form and format acceptable to the City Engineer and City Attorney.

**Attachments:**

None

**Background:**

Spectrum Cable operates its system within the City of Keene under a franchise agreement. The terms of that franchise agreement allow them to install cable and conduit within the Right-of-Way in order to provide cable service. Since the proposed conduit and fiber optic cable will provide only data services, separate approval is needed. If granted, the license agreement will include the usual provisions for relocation at the licensee's expense if required for a public purpose.



April 28, 2023

VIA Email

Keene City Council  
Mayor George Hansel  
City of Keene  
3 Washington St.  
Keene, NH 03431

Re: Covenant Living of Keene  
Proposed Development of Crosswalks on Wyman Road  
Tax Map Parcel #919-8-3 and Parcel #919-9-24

Ladies and Gentlemen:

The purpose of this letter is to request that the City Council grant a separate license to allow Covenant Living of Keene to install and maintain private pedestrian facilities (2 crosswalks) within the right of way.

Covenant Living of Keene is located on both sides of Wyman Rd. with a Health Center consisting of nursing, memory, and assisted living facilities on the west side of the road and 141 independent living unity in the east side of Wyman Rd.

Covenant Living of Keene respectfully requests that the Mayor and City Council grant a license to authorize the use of the Wyman Rd right of way for construction and installation of our crosswalks.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Gregg A. Burdett", is written over a horizontal line.

Gregg A. Burdett  
Executive Director



## CITY OF KEENE NEW HAMPSHIRE

ITEM #A.5.

**Meeting Date:** May 10, 2023

**To:** Planning, Licenses and Development Committee

**From:** Donald Lussier, City Engineer

**Through:** Elizabeth Dragon, City Manager  
Kurt Blomquist, ACM/Public Works Director

**Subject:** **Staff Response: Covenant Living of Keene - Request for a License to Install Two Private Crosswalks within the Public Right of Way**

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**Recommendation:**

Move that the Planning Licenses and Development Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a license agreement with Covenant Living of Keene for the construction and maintenance of private infrastructure, including but not limited to two (2) private crosswalks along with appurtenant pedestrian beacons, signage, pavement markings, and any other item or property identified within the right-of-way (ROW) of Wyman Road, provided that all documents are in a form and format acceptable to the City Engineer and City Attorney.

**Attachments:**

None

**Background:**

The residents of the Covenant Living of Keene community on Wyman Road have requested the property owner make a number of pedestrian improvements on and between their parcels. The proposed improvements will include: a concrete walkway from the Community Building to the Health Center, a 4-foot wide stone dust path from the Health Center to the former Miracles in Motion barn, and a crosswalk from the stone dust path to the existing on-site walkways around the Community Building. At the two proposed crossings of Wyman Road, they have proposed to install marked crosswalks along with pedestrian-activated beacons and signage.

These facilities will not connect to any existing City sidewalks and will serve no public purpose. Therefore, they will not be maintained by the City. If approved, the license will be in addition to an existing license for an underground tunnel and various utility services within the ROW approved by the City Council in 2017. The license will include provisions for termination in the event of a breach or revocation in the event of public need.

PETITION TO MAYOR AND CITY COUNCIL  
OF KEENE, NEW HAPSHIRE

May 1, 2023

Now comes petitioner Peter Espieffs of 29 Middle St. ,Keene, NH and in support of the many residents of the Summer St.. Middle St. area who oppose the license granted to Telecom company and its partners and associates to erect a 5G Cell Tower in our midst, and complain against said Telecom and the City of Keene, and says:

1. That the City must rescind the said license to Telecom et.al.because the technology to be employed by Telecom et.al.is based on Federal Communications and State of New Hampshire Standards that are inaccurate, unreliable and fraught with serious threats to the health of residents and to the environment. And , further, if implemented by erection of 5G Cell Towers, they will negatively affect property values of the residents.

2. That the City of Keene accepted Telecom's filing and request based upon FCC and State conclusions about safety of said system (5G) which are not reliable or scientifically sound, as noted in the case of Environmental Health Trust et al v. Federal Communications Commission by the US Court of Appeals for the District of Columbia, No. 20-1025, decided August 13, 2021, on petition for review of an Order of the FCC. The issue was whether FCC had properly addressed the basis for its guidelines involving technology developments since 1996, including " ... the ubiquity of wireless devices and WiFi, and the emergence of "5G" technology. The Court found that the FCC did not provide "reasoned explanations", and relied on the "silence" of other federal agencies, all of which undermined its regulations and standards.

3. There is no evidence the FCC has updated its 1996 regulations on the 5G technology, yet the City of Keene believed the standards were valid. The State's Science and Technology Dept. fell into the same trap believing FCC 's standards were valid.

4. The City had at some point put the Telecom request on a moratorium, which was removed following Telecom's insistence, and there are questions of overreach and coercion. See the case of Gilardi v. Tyer, Docket #2276-CV-00127, Berkshire Superior Court, Pittsfield, Mass. involving a Verizon Wireless Tower Pole approval being rescinded by the Board of Health; report of local health issues connected with the Tower, and then being withdrawn under company pressure.

5. It is noted that the Keene City Council ,and its agents have been the recipients of much information about the dangers of 5G Tower and radiation that affects adults and children from professionals such as, Professor Emeritus Kent Chamberlin of the University of New Hampshire, and Attorney Lori Scheilier of Westmoreland, NH and others. Audios and videos have also been furnished to The City Council, with leads to further material.

6. Although the 5G Tower will technically not be in a "residential" zone it is noted that the change from "residential" to downtown transitional" was made about a year ago. Nevertheless, the area continues to be overwhelmingly residential, with a smattering of offices throughout..
7. The City Council should be aware that its recent change of designation from "residential" to "Downtown Transitional" has not not changed the fact that many elderly citizens continue to reside in this zone and, in fact there is an elderly grandmother on a pacemaker residing in the family home only about 25 feet from the 5G Tower location.

Across the street there is also a home for LGBTQ youngsters, and there are many other residents in this neighborhood who are elderly with various diagnostic concerns.

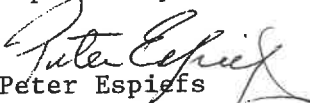
8. The permit for this tower also ignores the Historic District designation of this neighborhood, and makes it impossible for it to ever achieve the status of being designated as a National Historic entity. (See the FCC standards which specify what areas are eligible for National Historic designation).

What we have presented is for basic consideration under the "Precautionary Principle", and the understanding that the right to engage in business must yield to the paramount right of "city government "to protect the public health and property under its trust.

Wherefore, petitioner prays that the relief requested shall be granted along with any other appropriate relief as may be just.

Petitioner also reserves the right to appeal.

Respectfully submitted,

  
Peter Espieff

A copy hereof may be provided for Telecom et al by the City.

Cover Letter for Petition Regarding Small Cell Tower at Summer and Middle Streets

May 2, 2023

Dear Councilors and Mayor Hansel,

This cover letter for the petition dated 4.28.23, signed by residents and property owners in the immediate vicinity of the proposed 4G SWF slated for installation at the corner of Summer and Middle Streets, is for the purpose of urging the Council to send this matter to committee for a serious review and recommendation for action. Contrary to the customary response from Keene City officials, both elected and administrative, that no preventive action can be taken by the Council without inviting a lawsuit from US Cellular, we believe there are feasible ways to at least delay and perhaps legally prevent the construction of this 4G cell tower. Given the strong reasons to oppose these towers, on a number of fronts, as referenced in the petition, we hope that you will do 'due diligence' to thoroughly consider the various avenues available to at least pause the construction of this SWF in order to give time for more research into this matter and legal implications.

In accordance with a recent letter from the FCC to CityBridge, a telecommunications consortium in process of installing a network of linked 5G "tower kiosk facilities" in NYC, FCC regulations require that both a review of impact upon historical preservation and also of environmental effects must be made before the construction of each facility, and also that this should be done even before licenses, permits or approvals are given to the site developers. I quote here from the FCC letter: "Section 1.1307(a)(4) of the Commission's rules implementing NHPA requires that prior to initiation of construction of a communications tower facility such as the Link5G tower kiosk facility, it must be determined whether the proposed tower facility would affect properties *listed or eligible* {my italics} for listing on the National Register Historic Places." The Summer/Middle cell tower is in a designated historic district of Keene, and is in proximity to at least one house listed on the NH State Historic Registry. The "Jonathan Daniels" home is also in proximity. There are a number of persuasive reasons to argue that this "School Street neighborhood" would be *eligible* for listing in the National Historic Registry. If this is the case, then construction should be delayed at least until the review required by the FCC is satisfactorily accomplished.

There are several other reasons, verging upon legal argument, which argue against the placement of the SWF at this location. Since I need to turn this letter in by 4 pm today, I do not have time to enumerate those but would be glad to do so at a later date. Suffice it to say, I believe there is justifiable reason to delay the installation of the proposed cell tower at the Summer/Middle location.

Respectfully submitted,

  
Ann Savastano  
75 Winter St.

## PETITION REGARDING SMALL CELL TOWER AT SUMMER AND MIDDLE STREETS

This petition is clearly not a legal document, but rather an attempt to communicate to the City of Keene, especially City Councilors, the strong sentiment of residents in the vicinity of the planned 4G small cell tower (SWF) at the corner of Summer and Middle Streets. A number of neighbors were not available to review the petition and sign, but of those who were, only 3 residents abstained. We hope that this petition will convey to City Councilors and administrators the clear opposition to the imminent construction of this SWF in our neighborhood, and, by some means, result in at least a temporary delay of the installation.

Some of the concerns which prompted this petition, generally speaking, are the following. Since it is understood that the reason for this 4G tower is to support the activation of 5G antenna, our concerns apply not only to this particular tower, but also to the roll-out of 5G antennae which it would enable in our neighborhood.

- 1) Serious and growing health concerns, despite the refusal of the FCC to address them, even when mandated to do so in August 2021 by the U.S. Court of Appeals in D.C.
- 2) Serious environmental concerns on several counts, including effects on pollinators, honeybees, and birds. Also, especially given that Keene has been known as "Tree City," the removal of trees necessary to facilitate transmission of 5G microwave radiation is particularly disturbing.
- 3) The impropriety and insult of placing the cell tower in the middle of a designated historic district. If residents are required to respect the historic aspects of their homes, shouldn't the City likewise do its part to preserve the historic nature of City-owned property within the district, including public rights of way?
- 4) The activation of 4G and 5G SWF's in a neighborhood tends to result in significant loss of property values for homeowners. Isn't the City supposed to protect property values rather than allowing construction which would lower them?
- 5) The apparent disregard for the *de facto* primarily residential nature of the neighborhood where the cell tower is being placed, even though the Tilson Tech site developer lists it as "non-residential" on its application due to the recently changed zoning designation.
- 6) The fact that once 5G is activated, service for 4G cell phones is degraded.
- 7) Our neighborhood currently has adequate 4G coverage, which works for both 4G and 5G phones. There is no apparent "service gap" in 4G coverage which would justify the need for a 4G cell tower in the neighborhood.
- 8) Not least, most residents of the neighborhood, at least as indicated by those contacted to sign the petition, ***do not want*** this cell tower installed.

Thank you for your consideration of this petition.

Respectfully submitted by the undersigned petitioners on **April 28, 2023**

# **PETITION REGARDING SMALL CELL TOWER AT SUMMER AND MIDDLE STREETS**

We the residents of the School Street neighborhood want to register with the City of Keene our opposition to the installation of a small cell tower/small wireless facility on the corner of Middle and Summer Streets. Please see the attached for some of our concerns. We hereby petition the City of Keene to delay this installation until our concerns are properly addressed.

| Name              | Signature                | Address                           | Date      |
|-------------------|--------------------------|-----------------------------------|-----------|
| Peter Escherts    | <i>Peter Escherts</i>    | 39 Middle St                      | 4/22/23   |
| Paula Sousa       | <i>Paula Sousa</i>       | 32 Middle Street                  | 4.22.2023 |
| Debra Stevens     | <i>Debra Stevens</i>     | 60 Summer St.                     | 4-23-23   |
| Anthony Tremblay  | <i>Anthony Tremblay</i>  | 67 Summer St                      | 4/22/23   |
| Allison Miller    | <i>Allison Miller</i>    | 67 Winter St                      | 4/22/23   |
| Christine Truano  | <i>Christine Truano</i>  | 75 Winter St <sup>3rd</sup> floor | 4/22/23   |
| Sally Bulger      | <i>Sally Bulger</i>      | 69 School St                      | *4/24/23  |
| David Bulger      | <i>David Bulger</i>      | 69 School St                      | 4/24/23   |
| Christen Beach    | <i>Christen Beach</i>    | 31 Middle St                      | 4.24.23   |
| Jody Leach        | <i>Jody Leach</i>        | 37 Middle St                      | 4.24.23   |
| Maryne Abbott     | <i>Maryne Abbott</i>     | 37 Middle St                      | 4.24.23   |
| Jean Annus Igarra | <i>Jean Annus Igarra</i> | 59 School St                      | 4.24.23   |
| ROBERT FARRAR     | <i>Robert Farrar</i>     | 59 School St                      | 4-24-23   |
| Michae Zolt       | <i>Michae Zolt</i>       | 18 Summer St                      | 4-26-23   |
| Jennifer Zolt     | <i>Jennifer Zolt</i>     | 18 Summer St                      | 4-26-23   |
| Megan Arruda      | <i>Megan Arruda</i>      | 31 Summer St                      | 4/26/23   |

30 signatures

# PETITION REGARDING SMALL CELL TOWER AT SUMMER AND MIDDLE STREETS

We the undersigned

| Name                  | Signature                                                                           | Address       | Date    |
|-----------------------|-------------------------------------------------------------------------------------|---------------|---------|
| John Accuden          |  | 31 Summer St. | 4/26/23 |
| Karen Oates           |  | 31 Summer St  | 4/26/23 |
| Margaret McMahon      |  | 76 School St  | 4/26/23 |
| John J. McMahon       |  | 76 School St  | 4/26/23 |
| Catherine Behrens     |   | 54 School St  | 4/23/23 |
| John J. McMahon       |   | 86 Winfor St  | 4/26/23 |
| John J. McMahon       |   | 38 Middle St  | 4/27/23 |
| Pale Montrose         |    | 75 Winter St. | 4/27/23 |
| Ann Swanson           |    | 75 Winter St  | 4/27/23 |
| Tom Swanson           |    | 75 Winter St, | 4/27/23 |
| Debbie A. Montrose    |    | 75 WINTER ST  | 4/28/23 |
| Sarah Long-Monroe     |    | 21 Summer St  | 4/28/23 |
| William J. Taylor     |    | 10405 St      | 4/28/23 |
| Michael T. Farnsworth |    | 75 WINTER ST. | 4/28/23 |

Ken...  
4/29/23



## CITY OF KEENE NEW HAMPSHIRE

ITEM #A.8.

**Meeting Date:** May 10, 2023  
**To:** Planning, Licenses and Development Committee  
**From:** Cole Mills  
**Through:** Patricia Little, City Clerk  
**Subject:** **Cole Mills - In opposition to Ordinance O-2023-02: Minimum Lot Size in Rural Zone**

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**Recommendation:**

**Attachments:**

1. Mills\_Communication\_O-2023-02

**Background:**

Additional written comments regarding the proposed amendment to reduce the minimum lot size from five acres to two acres in the Rural Zone, as outlined in Ordinance O-2023-02, have been submitted by Mr. Mills.

May 9, 2023

Mayor and Members of the City Council  
3 Washington Street  
Keene, New Hampshire 03431

**RE: Opposition to Reducing Rural District Zoning from 5 Acres to 2 Acres**

Dear Mayor and City Council:

I have been a regular hearing attendee about zoning changes that will permanently and adversely impact our rural district because increasing density will overpopulate these neighborhoods, strain city services, and create a tax burden on Keene taxpayers throughout the city. What is incredibly disappointing is that reducing zoning from 5 acres to 2 acres will not create affordable or workforce housing for our community; rather, it will encourage development of homes costing \$400,000 or more.

**Keene Has More Household Units Than In Its History**

Keene has more household units than in its history. Recently, we have seen the conversion of the Colony Mill and Washington Street School into apartments. There have small housing developments on Court Street and Old Walpole Road as well as some other new homes scattered throughout the city.

Despite Keene State College's reduction in students from about 5,400 to about 3,000, Ralston Street has seen three private dormitories built opening single and multifamily homes that have historically been used for off-campus housing.

We have projects scheduled for 310 Marlboro Street and on Whitcomb's Mill Road across from Langdon Place. There is also interest in converting the old Roosevelt School to subsidized housing.

Swanzy, Peterborough, Troy and other neighboring communities have developments planned to provide additional housing options that should be considered as solutions to attracting a Keene workforce.

**Keene Has Already Enacted Zoning Changes that Provide Greater Density in the Rural Zone**

Accessory dwelling units (ADUs) whether attached (e.g., an in-law apartment) or detached (e.g., a Fonzi apartment) are permitted without variance in the Rural District. This effectively allows multi-family residences where single-family homes have traditionally existed.

The recent passage of the deceptively named Conservation Residential Development (CRD) ordinance creates heavy development opportunities in the Rural Zone because it offers generous and stackable density incentives for workforce housing, solar positioning and ADUs. A 20-acre parcel takes development from 4 single family homes (under current 5-acre zoning) to 36 dwellings.

## **The Rural District Cannot Support High Density Development**

The Rural District is not served by city water, sewer, drainage, sidewalks, gas lines or public transportation. It is only in the last two years that several Rural District neighborhoods got fiber-optic internet. The roads are narrow.

The Rural District neighborhoods are the furthest from fire, EMTs and police services. Currently, Keene is experiencing understaffing at both police and fire departments. There were over 1,000 open safety violations because of a lack of KFD personnel.<sup>1</sup> Despite the statewide increase police officers, Keene's has struggled to maintain its employment levels.<sup>2</sup>

## **Cheshire Medical Center's Claim that 2 Acre Zoning Will Increase Medical Staffing is False**

The need for medical professionals is a national problem that has been made worse since the COVID-19 pandemic. The country faces a shortage of 124,000 physicians (including 48,000 primary care doctors) by 2034 according to the Association of American Medical Colleges.<sup>3</sup> Similarly, the American Association of the Colleges of Nursing state that there is a need of over 200,000 nurses to enter the workforce annually between now and 2031 just to maintain staffing levels.<sup>4</sup> A change to 2 acre zoning is not going to change the number of available medical professionals nationally or make Keene anymore attractive to them. In fact, CMC could better fill its open positions by changing its position against hiring unvaccinated medical professionals.<sup>5</sup>

## **Overdevelopment of the Rural District is Contrary to Keene's Environmental Initiatives**

The City of Keene prides itself on its movement toward renewable energy sources, sustainability and environmental stewardship. Moving from 5 acres to 2 acre zoning in the Rural District is in direct opposition to those goals. The Rural District is not walkable to the downtown amenities and serviced by public transportation. Even if they you could use a bicycle, that is good for less than six months a year. Each housing unit built will bring two vehicles. It is unlikely that both will be battery powered. Thus, creating pollution.

The roads in the Rural district are narrow and were build (and maintained) based upon light traffic usage.

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<sup>1</sup> Keene Sentinel: Keene firefighters union raises red flag on backlog of code violations (1/21/2022)

<sup>2</sup> Keene Sentinel: Hiring Squeeze has Keene offering incentives to join its police force (4/23/2018) and Concord Monitor: The number of New Hampshire police officers has grown twice as fast as the population over the last twenty years (7/24/2022)

<sup>3</sup> <https://www.healthcarediver.com/news/lawmakers-fixes-healthcare-workforce-shortages/642994/#:~:text=The%20country%20faces%20a%20shortage,drive%20them%20to%20other%20roles>.

<sup>4</sup> <https://www.aacnnursing.org/Portals/0/PDFs/Fact-Sheets/Nursing-Shortage-Factsheet.pdf>

<sup>5</sup> <https://www.foxnews.com/us/terminated-health-care-workers-joe-biden-vaccine-mandates-national-guard>  
(More than 30,000 New York State healthcare workers fired due to vaccine mandates)

By creating the density there is additional traffic from delivery services, mail, garbage pick-up etc. beyond the travels of those living in the Rural District.

Because the properties are not served by city water and sewer, there is a reliance on wells and septic. This means that wells and septic systems will be closer together. This increases the risk maintaining water table levels and more people using the source and contamination as septic systems fail. In fact, the New Hampshire Department of Environmental Services states that approximately 1/3<sup>rd</sup> of septic system applications it reviews are due to failed systems.<sup>6</sup> This risk is greater when you consider shared systems (e.g., ADUs) and people who work from home more regularly.

Others have discussed in great length, the impact on hillsides, slopes and water run-off as homes and driveways are impervious surfaces.

## **2 Acre Zoning Will Not Create Workforce or Affordable Housing**

If you look at the homes recently built on lots that are less than 5 acres in the Rural and Low Density Districts (e.g., Schuyler, Daniels Hill and Old Walpole Road) they sell for \$400,000. The cost to build a modest 1,200 square foot home runs over \$300,000 when built because of the costs of site work, septic, well, land and construction (at about \$150 a square foot) irrespective of minimum lot size.

Even if you could build affordability, Keene taxes (top 10 in the state for property taxes at almost 3.2%) make the city a less attractive option than any of the surrounding communities.

## **2 Acre Zoning Will Destroy Keene's Quality of Life**

We don't want to be Hudson, Nashua, Salem or Londonderry. We have something very special when it comes to the diversity of our community and its neighborhoods. Within a few miles we go from small New England city to tranquil country. The Rural District, with its 5-acre zoning, provides the opportunity to enjoy quiet and privacy while still be having reasonable access to downtown Keene vs. coming in from Chesterfield or Surry.

## **Available, Affordable And Adequate Housing Is A National Problem**

Available, affordable and adequate housing is not just a Keene problem, open the view a little bit and you see it is a regional problem, a little more – a statewide problem and further still – a national problem. This is supported by 2022 NH Housing Rental Housing Cost Report which states that the state's 0.5% vacancy rate is well below the 5% that is healthy market for renters.<sup>7</sup> However, Cheshire County actually fares 20% better than the statewide average at 0.6%. By way of reference Boston's real time vacancy rate is 0.47%.<sup>8</sup>

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<sup>6</sup> <https://www.nhpr.org/nh-news/2020-06-17/pandemic-may-be-to-blame-for-uptick-in-septic-system-failures>

<sup>7</sup> Prior to the Covid-19 pandemic and the moratorium on evictions and court closures, the statewide rate was 1.8%, Cheshire County was 1.9% and national rate was 5.7%.

<sup>8</sup> <https://www.boston.com/real-estate/renting/2022/07/22/boston-rents-hit-highs-vacancy-lows/>

This being said, as we return to normal we will see vacancy rates naturally increase consistent with the national trend.<sup>9</sup>

### **The Zoning Change Will Increase Taxes for Impacted Landowners & City Taxpayers As A Whole**

Moving from 5 acre zoning to 2 acre zoning will create a tax burden on every Rural District property that is between 4 acres and 9.99 acres because the ordinance creates buildable lots overnight. The City Appraiser admitted to this when asked about how land is valued as minimum building lot size is a consideration.

Currently a 5 acre lot in the Rural Zone is valued at about \$65,000. Two acre lots are valued at about \$53,000 in the same zone. 5 acres of land will increase to \$106,000 as it now can be subdivided into two building lots. At 3.2% this a tax increase of \$1,300. And it is an additional \$1,700 for each additional lot on parcels more between 6 acres and 9.99 acres.

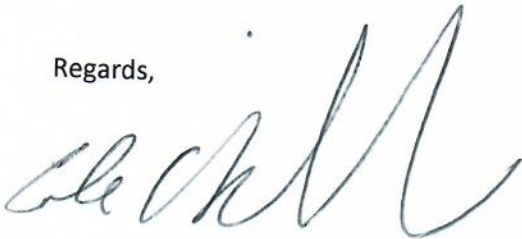
The citywide impact comes in school taxes. Let's assume that the 1,400 homes needed are all built in the Rural District and valued at \$400,000. This is an additional \$12,800 per new home. About 60% or \$7,800 is the school portion. If you assume that half of those properties put one child into SAU29 at the cost of \$19,000 a year, there is a \$3 million short fall in tax revenues to offset the cost of those new students that will be borne the entire tax base.

### **The City Planners Did Not Provide an Unbiased Presentation**

There is no financial analysis regarding the cost of the zoning changes. In fact, Mary Brunner spent 5 minutes in one PLD meeting explaining why a number could not be determined. If an explanation about why something can't be done takes more than a minute, it is usually baloney.

Similarly, the findings and testimony for the zoning changes do not provide the cons or reasons against enacting them. The city counselors cannot make an informed decision with hearing only one side of the story.

Regards,



Cole A. Mills

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<sup>9</sup> <https://fred.stlouisfed.org/series/RRVRUSQ156N>



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Amendments to the Rural District Minimum Lot Size

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

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded and underlined text, as follows:

1. That Section 3.1.2 “Dimensions & Siting” of Article 3 be amended as follows:

|                                                                          |                                          |
|--------------------------------------------------------------------------|------------------------------------------|
| Min Lot Area                                                             | <del>5 acres</del> <b><u>2 acres</u></b> |
| <del>Min lot area per dwelling unit without city water &amp; sewer</del> | <del>5 acres</del>                       |
| <del>Min lot area per dwelling unit with city water &amp; sewer</del>    | <del>2 acres</del>                       |
| Min Lot Width at Building Line                                           | 200 ft                                   |
| Min Road Frontage                                                        | 50 ft                                    |
| Min Front Setback                                                        | 50 ft                                    |
| Min Rear Setback                                                         | 50 ft                                    |
| Min Side Setback                                                         | 50 ft                                    |

George S. Hansel, Mayor

In City Council April 6, 2023.  
Referred to the Planning, Licenses and  
Development Committee. Public Hearing  
Set for Thursday, May 4, 2023 at 7:00 PM.

  
City Clerk