City of Keene
New Hampshire

KEENE CITY COUNCIL
Council Chambers, Keene City Hall
February 4, 2016
7:00 PM

Roll Call
Pledge of Allegiance
Minutes of Preceding Meetings

HEARINGS/PRESENTATIONS/PROCLAMATIONS

- Library Project Update

1. ELECTIONS/NOMINATIONS/APPOINTMENTS/CONFIRMATIONS

A. Confirmations – Airport Advisory Committee, Ashuelot River Park Advisory Board, Assessors Board, Cities for Climate Protection, Heritage Commission, Historic District Commission, Martin Luther King, Jr./Jonathan Daniels Committee, Partner City Committee, Planning Board, Southwest Regional Planning Commission, Trustees of Trust Funds
B. Nominations – Agricultural Commission, Airport Advisory Commission, Assessors Board, Bicycle/Pedestrian Path Advisory Committee, Conservation Commission, Heritage Commission, Historic District Commission, Library Board of Trustees, Partner City Committee
C. Appointment – College/City Special Commission
D. Appointment - Ad hoc Airport Master Plan Study Advisory Committee

2. COMMUNICATIONS

A. Daniel Boudrand – Suggested Ban on Single Use Plastic Bags
B. United Church of Christ – Lodging House License

3. REPORTS

A. COUNCIL COMMITTEES

1. Periodic Update – Airport Advisory Commission – MSFI COM
2. Re-dedication of Michael EJ Blastos Community Room – MSFI COM
3. Periodic Report – Agricultural Commission – PLD COM
4. Request to Use City Property – 4 on the 4th Road Race - PLD COM
5. Lodging House License – 100 Nights, Inc. – PLD COM
6. Land Use Code Project Update - PLD COM

B. CITY OFFICERS AND DEPARTMENTS

1. General Comments –City Manager
2. Rules of Order Amendments – Mayor and City Clerk

C. BOARDS AND COMMISSIONS

D. MORE TIME

1. Emergency Operations Plan – MSFI COM

4. ORDINANCES FOR FIRST READING

A. Relating to the Creation of a Residential Preservation District, a Business Growth and Re-Use District and a Neighborhood Business District *and* Relating to Change of Zone – Marlboro Street
   1. Application – Keene Planning Department
   2. Ordinance O-2016-01
   3. Application – Keene Planning Department
   4. Ordinance O-2016-02

B. Relating to Change of Zone – Keene Public Library Annex and Adjacent Parcels
   1. Application – Keene Public Library Board of Trustees
   2. Ordinance O-2016-03

C. Relating to Bicycle/Pedestrian Path Advisory Committee
   1. Memorandum – Mayor
   2. Ordinance O-2016-05

5. ORDINANCES FOR SECOND READING

6. RESOLUTIONS

A. Relating to Appropriations for Airport Improvement Projects
   1. Memorandum – City Engineer
   2. Resolution R-2016-03

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, January 21, 2016. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Robert J. O'Connor, Terry M. Clark, Jay V. Kahn, Randy L. Filiault, Thomas F. Powers, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. The Mayor noted his intent to provide a brief history of each of the Councilors service on the governing body, noting he would begin this evening with an overview of Councilor Greenwald's service. He went on to note that Councilor Greenwald's service on the City Council spans from 1994 to the present with a short break in between. He spoke about the Committees that Councilor Greenwald served on including most recently serving as Chair of the Finance, Organization and Personnel Committee since 2012. Councilor Greenwald led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the December 17, 2015 meeting was duly seconded. The motion passed with a unanimous vote in favor. A motion by Councilor Greenwald to accept the minutes from the January 1, 2016 meeting with the correction of Councilor Manwaring's attendance was duly seconded. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS – MAYOR

The Mayor reminded the Councilors that a CIP Tour will be held on Saturday, January 23, 2016 at 8:30 AM at the Michael E.J. Blastos Community Room. He went on to announce that the Finance, Organization and Personnel Committee will start its review of the CIP with an early start time on Thursday, January 28, 2016 and Thursday, February 11, 2016.

PRESENTATION – HONEYWELL – ESCO PROJECT PERFORMANCE

The Mayor invited Park, Recreation and Facilities Director Andy Bohannon to come forward. Mr. Bohannon explained this evening the Council would receive an update from Rudy Cartier of Honeywell on the City's ESCO Project - year three cost avoidance. He went on to provide some background on the project for the Council before inviting Mr. Cartier forward.

Rudy Cartier, of Honeywell Building Solutions stated that he is the Project Lead on the City of Keene ESCO Project. He continued he was present this evening to provide an overview report on the project. With the aid of a PowerPoint presentation Mr. Cartier began with a timeline of the development of the project and the steps taken to implement thus far. He then provided a broad overview of the project explaining the baselines used to create estimates for cost avoidance in areas such as electrical, propane and fuel oil usage. He noted that they looked at January 2007 to December 2008 relative to electrical usage and took a two year average for the same time period relative to deliveries and usage of fuel oil and propane. They also looked at baseline carbon usage and provided a projection relative to annual carbon savings.

Mr. Cartier continued that the total project cost was $1,906,081, and included a scope of work involving the following: lighting efficiency improvements, building envelope improvements, energy management controls and system improvements, heating system improvements, installation of de-stratification fans in the Recreation Center Gymnasium, chiller replacement at

City Hall, solar photovoltaics for City Hall, and propane bulk storage and purchase at 350 Marlboro Street.

He went on to talk about the calculations and adjustments used to determine cost avoidance. He described how variations is weather conditions from year to year are factored into determining the cost avoidance results. He then provided cumulative results for the last three years that demonstrated a savings of $996,803 over the three year period. This far exceeded the guarantee provided by Honeywell. He then went on to talk specifically about actual savings in the focus areas of electrical, propane/fuel oil usage and emission reductions. The report also provided an energy usage cost avoidance summary by facility. He noted that in year three the emission reduction was 683 tons of CO2e. At this point Mr. Cartier offered to answer any questions.

Councilor Jacobs spoke about the project cost, and asked when the City will see a payback on this project. Mr. Cartier stated the City is saving about $250,000 annually. The City has also avoided about $996,000 in costs. He estimates that in six years the project will have paid for itself, and the changes made will continue to provide energy cost avoidance for another 15 years.

Councilor Clark asked if there are other areas the City will look at where more savings can be realized moving forward. Mr. Cartier stated that he is actively working with Mr. Bohannon and his staff to look for other opportunities.

Councilor Richards stated he believed the original payback was in 11 and half years. The Mayor agreed that was accurate at the time of the original contract. Councilor Richards added that he is curious if this was paid for by a bond and if so was the term on the bond the same length as the estimated payback timeframe. He would like a comparison of what we are paying to settle the bond versus what we are saving each year. The Mayor stated that staff would get back to the Council with an answer to the question.

Councilor Kahn asked as the staff starts to benchmark where the city might go from here, what was the reasonable payback period on a project such as this. Mr. Cartier stated that it is very project specific. They have done projects that are strictly related to energy savings. They have also done projects where capital improvements are included at the same time because the energy savings will offset the cost of those improvements. These projects are based on what the client's needs are and the length of time by which they want to reach the payback period.

The City Manager stated that for the benefit of the public and new Councilors, when the City went through the process to identify energy savings measures there were a lot of possibilities. He added that the Energy Grade Audit that was done is available online. He noted this program did provide for some capital improvements, and some were related to reducing emissions as opposed to straight energy savings. There was a blend of projects pushed out the payback period a couple years, but that is because the City did not focus solely on energy savings.

Councilor Sutherland stated the solar panels on City Hall spend a number of winter hours in the shade. He asked if there might be a better location on a City facility to locate the panels for optimal use. Mr. Cartier stated if they were in more wide open areas there would be a quicker payback. For these particular units the anticipated savings are being exceeded. The Mayor

added the solar panels were done as a demonstration project because of the visibility of the City Hall site.

There were no further questions from the Councilors. The Mayor thanked Mr. Cartier and Mr. Bohannon for their update on this important project.

NOMINATIONS

The Clerk announced that Councilor Clark had indicated he would not be in a position to continue serving as the council representative to the Heritage Commission. This nomination was removed for the slate of nominees. The following nominations to City boards and commissions were received from the Mayor: Robert Sutherland to serve as a regular member on the Airport Advisory Committee for a term to expire December 31, 2018; Steve Hooper to serve as a regular member on the Ashuelot River Park Advisory Board for a term to expire December 31, 2017; Charles Redfern to serve as a regular member on the Ashuelot River Park Advisory Board for a term to expire December 31, 2018; Joshua Greenwald to serve as a regular member on the Assessors Board for a term to expire December 31, 2017; reappoint Mari Brunner to the Cities for Climate Protection for a term to expire December 31, 2018; Gary Lamoureux to serve as a regular member on the Cities for Climate Protection for a term to expire December 31, 2017; Megan Straughen to serve as a regular member on the Cities for Climate Protection for a term to expire December 31, 2018; Larry Dachowski to serve as a regular member on the Cities for Climate Protection for a term to expire December 31, 2018; David Bergeron to serve as an alternate member on the Historic District Commission for a term to expire December 31, 2018; Paul Cooper to serve as an alternate member on the Historic District Commission for a term to expire December 31, 2018; Reverand Michael Hall to serve as a regular member on the Martin Luther King, Jr./Jonathan Daniels Committee for a term to expire December 31, 2018; Jay Kahn to serve as a regular member on the Partner City Committee for a term to expire December 31, 2017; reappoint Dawn Thomas-Smith to serve as a regular member on the Partner City Committee for a term to expire December 31, 2018; Karen Parsells to serve as a regular member on the Partner City Committee for a term to expire December 31, 2018; Kathy Frink to serve as a regular member on the Partner City Committee for a term to expire December 31, 2018; Chris Cusack to serve as a regular member on the Planning Board for a term to expire December 31, 2017; George Hansel to serve as a regular member on the Planning Board for a term to expire December 31, 2017; James Duffy to serve as an alternate member to the Planning Board for a term to expire December 31, 2018; Richard Berry to serve as a regular member on the Southwest Regional Planning Commission for a term to expire December 31, 2019; and Kathy Snow to serve as a regular member on the Trustees of Trust Funds for a term to expire December 31, 2018. The confirmations will occur at the next regular meeting

APPOINTMENT – SPECIAL COMMITTEE – RECRUITMENT OF A CITY MANAGER

The following appointments to the Recruitment of a City Manager Special Committee were received from the Mayor: Janis Manwaring, David Richards, Carl Jacobs, Thomas Powers, Jay Kahn and Mitchell Greenwald as regular members. Mayor Lane would serve as the Chair. A motion by Councilor Greenwald was duly seconded to accept the Mayor's appointments. The

motion passed with a unanimous vote in favor. The Mayor announced the first meeting will be Monday, January 25, 2016 at 8:00 AM.

VACANCY DECLARATIONS - AIRPORT ADVISORY COMMITTEE, ASHUELOT RIVER PARK ADVISORY BOARD, PARTNER CITY COMMITTEE

A memorandum was received by the Mayor to declare the following vacancies: Kevin Provost as a regular member on the Airport Advisory Committee; Jamie White as a regular member on the Ashuelot River Park Advisory Board; Lynne Wagner as an alternate member on the Partner City Committee; and Lily Hart as an alternate member on the Partner City Committee. The memorandum was filed into the record.

CONFIRMATIONS

The Clerk noted that Emily Coey's nomination had originally been presented as an alternate, but the Mayor was moving her nomination to a regular membership position. A motion was made by Councilor Greenwald and duly seconded to confirm the following nominations: Emily Coey to serve as a regular member on the Bicycle/Pedestrian Path Advisory Committee for a term to expire December 31, 2018; Kevin Dremel to serve as a regular member on the Heritage Commission for a term to expire December 31, 2018; and Barry LeClair to serve on the Assessors Board for a term to expire December 31, 2018. On a roll call vote, with 15 Councilors present and voting in favor the motion carried. CONFIRMATION

A motion was made by Councilor Greenwald and duly seconded to confirm the following nominations: James Duffy to serve as a regular member on the Historic District Commission for a term to expire December 31, 2018. On a roll call vote, with 15 Councilors present and voting in favor the motion carried.

COMMUNICATION – MARY ARNOTT – EVERSOURCE SUBSTATION ON ROUTE 12 – TREE CUTTING ALONG ROUTE 12

A communication was received from Mary Arnott requesting an opportunity to discuss the proposed site of new power lines from the substation on Route 12. The Mayor explained that the location was within the State Right of Way and the City of Keene has no local jurisdiction. The communication was filed in the record.

COMMUNICATION – GREG PREGENT – RESIGNATION – BICYCLE/ PEDESTRIAN PATH ADVISORY COMMITTEE

A communication was received from Greg Pregent resigning from his position on the Bicycle/Pedestrian Path Advisory Committee. A motion by Councilor Greenwald to accept the resignation with regret and appreciation for service on the board was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – KAREN CHABOT – RESIGNATION – MARTIN LUTHER KING, JR./JONATHAN DANIELS COMMITTEE

A communication was received from Karen Chabot resigning from her position on the Martin Luther King, Jr./Jonathan Daniels Committee. A motion by Councilor Greenwald to accept the resignation with regret and appreciation for service on the board was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – HUNDRED NIGHTS, INC. – LODGING HOUSE LICENSE

A communication was received from Mindy Cambiar of the Hundred Nights Inc., requesting to renew to their Lodging Housing License at Hundred Nights Inc. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – CHARLES REDFERN/PATHWAYS FOR KEENE, INC. – REQUEST TO USE CITY PROPERTY – 4 ON THE 4TH ROAD RACE

A communication was received from Charles Redfern of Pathways for Keene, Inc., requesting permission to use City property for their 14th Annual 4 on the 4th Road Race. The request was referred to the Planning, Licenses and Development Committee.

MSFI REPORT – PERIODIC REPORT – LIBRARY BOARD OF TRUSTEES

Municipal Services, Facilities and Infrastructure Committee report read recommending the report from the Library Board of Trustees be accepted as informational. The report was filed as informational.

MSFI REPORT – EXTENSION OF VICTORIA STREET AND REMOVAL OF SIDEWALK ON SOUTH SIDE OF WATER STREET

Municipal Services, Facilities and Infrastructure Committee report read recommending the communication regarding the Victoria Street Extension and the removal of the sidewalk on the south side of Water Street be accepted as informational. The report was filed as informational.

MSFI REPORT – NH RT.9/BASE HILL ROAD INTERSECTION IMPROVEMENT PROJECT – LANDSCAPE AGREEMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending the City Manager be authorized to do all things necessary to negotiate and execute a landscape agreement with New Hampshire Department of Transportation for the Base Hill/Route 9 intersection. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

MSFI REPORT – LIBERTY UTILITIES INCIDENT – REPORT OUT

Municipal Services, Facilities and Infrastructure Committee report read recommending the report out on the Liberty Gas incident be accepted as informational. The report was filed as informational.

MSFI REPORT – LOCAL EMERGENCY OPERATIONS PLAN

Municipal Services, Facilities and Infrastructure Committee report read recommending the 2015 Local Emergency Operations Plan be accepted and that the City Manager and Emergency Management Director be authorized to implement the plan. The Mayor referred back to the Municipal Services, Facilities and Infrastructure Committee.

PLD REPORT – REQUEST TO USE CITY PROPERTY – ICE AND SNOW FESTIVAL

Planning, Licenses and Development Committee report read recommending the Monadnock Travel Council be granted permission to use City property on Central Square and Railroad Square, including outside burning of a fire in an enclosed fire pit on Railroad Square and closure of Railroad Street from Main Street to the driveway entrance at the Monadnock Developmental Services Building for the 2016 Ice and Snow Festival on Saturday, February 6, 2016 from 10:00 AM to 4:00 PM. Said permission is granted subject to the customary licensing requirements of the City Council; submittal of written consent from MDS to use their parking area; obtainment of any necessary licenses or permits; and compliance with any recommendations of City staff. A motion by Councilor Richards to carry out the intent of the report was duly seconded. A motion to amend the Committee report to include the use of parking spaces for placement of ice carvings with the number and locations to be determined in conjunction with City staff was duly seconded. The motion passed with a unanimous vote in favor. Relative to the previous motion, voted unanimously to carry out the intent of the report as amended.

FOP REPORT – HIGHWAY SAFETY GRANT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept $11,518.20 in reimbursement funding from the New Hampshire Highway Safety Agency to fund DWI enforcement patrols in the City of Keene. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – REQUEST TO ACCEPT A MONETARY DONATION

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a donation of $35.98 from Deveda Prochilo, a resident of Orange, Florida. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – REQUEST TO ACCEPT A DONATION – PARTNER CITY COMMITTEE

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a donation in the amount of $250.00 from Mary Louise Monahan for the Partner City Committee fund. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor

FOP REPORT – SOLE SOURCE – HOLLAND COMPANY – CHEMICAL SUPPLIER

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to negotiate and execute a two year contract with the Holland Company for Epic-525 at a cost not to exceed $1.62 per gallon for calendar 2016 and $1.75 per gallon for calendar year 2017. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – INTER-MUNICIPAL AGREEMENT WITH ROXBURY FOR WATERSHED PATROLS

Finance, Organization and Personnel Committee report read recommending the City Council authorize the City Manager to do all things necessary to negotiate and execute an Inter-municipal Agreement with the Town of Roxbury, NH for the purpose of providing security patrols on City owned land in Roxbury. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. Councilor O'Connor requested he be recused due to his employment as Police Chief in Roxbury. A motion by Councilor Greenwald to grant Councilor O'Connor's request for recusal was duly seconded. The motion passed with a unanimous vote in favor. Councilor O'Connor abstained. Relative to the previous motion to carry out the intent of the report, the motion passed with 13 voting in favor and Councilor O'Connor abstaining. Councilor Chadbourne was absent from the room for this vote.

CITY MANAGER – COMMENTS

The City Manager stated that he has invited City Councilors to come and meet with him, and he encourages City Councilors to continue doing this. He noted he will be bringing something forward to the Council with the help of Assistant City Manager Rebecca Landry, and part of the focus will be on ways the City might improve customer service and provide some direction. He continued that he would like to provide an update of things that City staff have been doing. He continued that via Chief Howard he was made aware that on December 19, 1859 the first gas lines were installed in Keene, which is 156 years to the day of our recent Liberty Gas incident. He continued he likes to use part of his comment period to update the Council on things that City staff are doing. With that in mind, he went on to state that Donna Hanscomb notified him that four Public Works employees have recently earned their Wastewater Treatment Licenses, and those employees are: Morgan Bartley, Drew Armstrong, David Harris and Zack Adams. He noted the Eric Swope's daughter Mia recently received a New England Water Environment Association scholarship. He continued that the Keene Police Department recently awarded Seth Clark a Citizens Appreciation Award for his efforts in alerting the police that his grandmother's purse had been stolen. He is six years old. He quickly and articulately notified the police of the crime allowing them to apprehend the person that has stolen it and retrieve the stolen item. He continued that the Monadnock Center for Violence Prevention recently awarded the Partners in Justice Award, to Tim Peloquin and Brian Costa. He continued the City Clerk has posted the list of pending legislation online and the staff is actively following bills that might have an impact on City operations. ALegislative Delegation Meeting will be held in the near future. As needed, City staff will testify on bills that would have a direct impact on City operations. He noted the

City Clerk has provided the Council with a copy of her testimony on SB364 dealing with Chief Election Officials as well as testimony from Police Chief Brian Costa relative to HB1619 relative to the use of Narcan. Councilors can routinely expect to see any formal written testimony provided to the house and senate. He continued that Parks and Recreation Director Andy Bohannon wanted to provide information on a presentation that Paragon Digital Marketing has placed on their website to market Keene. The website address will be shared with Councilors so they can take a look. The City Manager ended that the City will be providing the Council with updates on our social media presence. He went on to speak about the Library Facebook page specifically, noting that in the past 28 days 8,219 people were served by this page. He provided some other statistics on the utilization of this page as well.

2017-2022 PROPOSED CAPITAL IMPROVEMENTS PROGRAM

The Mayor invited Steve Thornton, Finance Director, to come forward for the presentation of the 2017-2022 CIP. Mr. Thornton stated that the CIP books have been distributed to the Council. He provided a brief description on the organization of the CIP book for the benefit of our new City Councilors and the public. He went over the format and flow of the document as well as how and where information is being presented. Mr. Thornton went through the book and identified various sections, providing information on each that would be helpful when reviewing the CIP book. He went on to talk about the various funds included in the CIP. He ended that the book is published on the City website under the Finance Department page. The memorandum was referred to the Finance, Organization and Personnel Committee and the Planning Board. The Mayor set a Public Hearing for Thursday, March 3, 2016 at 7:00 PM.

QUARTERLY REPORTS

Attendance Reports for the fourth quarter of calendar year 2015 for the Municipal Services, Facilities and Infrastructure Committee; the Planning, Licenses and Development Committee; and the Finance, Organization and Personnel Committee were submitted by the Committee Chairs. The reports were accepted and filed into the record.

MEMORANDUM – STEVE THORNTON AND RESOLUTION R-2016-02: RELATING TO FISCAL POLICIES

A memorandum was received from the Fire Chief along with Resolution R-2016-02: Relating to Fiscal Policies. The memorandum was filed as informational. Resolution R-2016-02 was read for the first time. The Resolution was referred to the Finance, Organization and Personnel Committee.

FOP REPORT AND RESOLUTION R-2015-42: FOR THE ABSOLUTE DISCONTINUANCE OF A PORTION OF SUMMIT ROAD

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2015-42. The report was filed as informational. Resolution R-2015-42: For the Absolute Discontinuance of a Portion of Summit Road was read for the second time. A motion by Councilor Manwaring for adoption of the Resolution was duly seconded. On showing of

hands, with 15 Councilors present and voting in favor, the motion carried. Resolution R-2015-42 declared adopted.

FOP REPORT AND RESOLUTION R-2011-32: FOR THE DISCONTINUANCE OF A PORTION OF SUMMIT ROAD

Finance, Organization and Personnel Committee report read recommending Resolution R-2011-32 be defeated. The report was filed as informational. Resolution R-2011-32: For the Discontinuance of a Portion of Summit Road was read for the second time. A motion by Councilor Manwaring for adoption of the Resolution was duly seconded. Councilor Manwaring explained this was a housekeeping matter to clear this item off the agenda due. She urged the Council to defeat this resolution as this matter was dispensed with through the adoption of Resolution R-2015-42. On showing of hands, with 15 Councilors present and voting in opposition, the motion carried. Resolution R-2015-42 declared defeated.

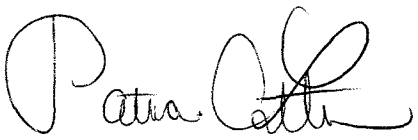
NON-PUBLIC SESSION

At 8:26 PM, a motion by Councilor Greenwald to go into non-public session for the purposes of personnel under RSA 91-A:3 II(a), was duly seconded. On a roll call vote, 15 Councilors were present and voted in favor. A brief recess was called. The discussion in nonpublic was limited to the subject matter. The session concluded at 8:45 PM. A motion by Councilor Greenwald to keep the minutes in non-public session was duly seconded. On roll call vote, 15 Councilors were present and voting in favor.

ADJOURNMENT

At 8:46 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:



City Clerk

In City Council January 21, 2016.
Tabled until the next regular meeting.

City Clerk

1A

City of Keene
New Hampshire

January 19, 2016

TO: The Keene City Council

FROM: Kendall W. Lane, Mayor

SUBJECT: Nomination

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

AIRPORT ADVISORY COMMITTEE
Robert Sutherland, Councilor, slot 7 — Term expires December 31, 2018

ASHUELOT RIVER PARK ADVISORY BOARD
Steve Hooper, Councilor, slot 1 — Term expires December 31, 2017
Charles Redfern, slot 7 — Term expires December 31, 2018

ASSESSORS BOARD
Joshua Greenwald, slot 3 — Term expires December 31, 2017
Real Estate Agent
Keene, NH

CITIES FOR CLIMATE PROTECTION
Mari Brunner, slot 1, reappoint — Term expires December 31, 2018
Gary Lamoureux, Councilor, slot 3 — Term expires December 31, 2017
Megan D. Straughen, slot 7 — Term expires December 31, 2018
Keene, NH
Larry Dachowski, Ph.D., alternate, slot 10 — Term expires December 31, 2018
Keene, NH

HERITAGE COMMISSION
~~Terry Clark, Councilor, slot 5, reappoint~~ ~~Term expires December 31, 2017~~

HISTORIC DISTRICT COMMISSION
David Bergeron, alternate, slot 9, reappoint — Term expires December 31, 2018
Paul Cooper, alternate, slot 10, reappoint — Term expires December 31, 2018

MARTIN LUTHER KING, JR. /JONATHAN DANIELS COMMITTEE
Rev. Michael Hall, slot 3
Keene, NH

PARTNER CITY COMMITTEE

Jay Kahn, Councilor, slot 2	Term expires December 31, 2017
Dawn Thomas-Smith, slot 4, reappoint	Term expires December 31, 2018
Karen Parsells, slot 6, reappoint	Term expires December 31, 2018
Kathy Frink, slot 7, reappoint	Term expires December 31, 2018

PLANNING BOARD

Chris Cusack, slot 1	Term expires December 31, 2017
George Hansel, Councilor, slot 9	Term expires December 31, 2017
James Duffy, alternate, slot 10	Term expires December 31, 2018

SOUTHWEST REGIONAL PLANNING COMMISSION

Richard Berry, slot 3, reappoint	Term expires December 31, 2019

TRUSTEES OF TRUST FUNDS

Kathy Snow, slot 2	Term expires December 31, 2018

City of Keene
New Hampshire

1B

February 2, 2016

TO: The Keene City Council

FROM: Kendall W. Lane, Mayor

SUBJECT: Nominations

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

AGRICULTURAL COMMISSION
Bettina Chadbourne, slot 4 — Term expires Dec. 31, 2017

AIRPORT ADVISORY COMMISSION
Joseph Briggs, slot 2 — Term expires Dec. 31, 2017

ASSESSORS BOARD
Barry LeClair, reappoint, slot 2 — Term expires Dec. 31, 2018

BICYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE
Edward Guyot, slot 1 — Term expires Dec. 31, 2017

CONSERVATION COMMISSION
Sadie Butler, alternate, reappoint, slot 9 — Term expires Dec. 31, 2018

HERITAGE COMMISSION
Robert O'Connor, Councilor, slot 5 — Term expires Dec. 31, 2017

HISTORIC DISTRICT COMMISSION
Thomas Powers, Councilor, slot 7 — Term expires Dec. 31, 2018

LIBRARY BOARD OF TRUSTEE
Carl Jacobs, Councilor, slot 7, liaison — Term expires Dec. 31, 2017

PARTNER CITY COMMITTEE
Will Schoefmann, slot 13, alternate — Term expires Dec. 31, 20116

For Slot #1

Mayor Kendal Lane
City of Keene
3 Washington Street
Keene, NH 03431

RE: Bicycle and Pedestrian Pathway Advisory Committee Membership

Dear Mayor Lane:

I would like to express my interest in re-joining the Bicycle and Pedestrian Pathway Advisory Committee.

I had been on the committee for the maximum number of full term cycles as committee member and later as chair. I had to step away under the Committee rules 2 year ago. Now that the waiting period has passed I would like to rejoin. It is my understanding that openings are available.

By way of background, I am an avid cyclist and runner. Professionally I am a Partner with John G Burk and Associates, CPAs and, in addition to my past experience on BPPAC, I have a strong background in board work not only in Keene but on a national level. Here is a partial list of local projects and boards I have had the honor to have served:

The Colonial Theatre, Founding board member and treasurer.
The Monadnock Food Co-op, Founding board member and organizer.
The Hannah Grimes Center – Board member.
Stonewall Farm, Board member and treasurer.
HM 2020 Advisory board member.
Re-Think Health, Advisor.

I am happy to provide any additional information you may need. Please feel free to reach out to me or members of the City staff as you see fit.

I look forward to your decision and the potential of serving the City again.

Respectfully,

01/19/16

Edward Guyot, CPA, CGMA

603-357-4882

1C

City of Keene
New Hampshire

DATE: February 2, 2016

TO: The Keene City Council

FROM: Kendall W. Lane, Mayor

SUBJECT: Appointment of the College/City Special Commission

Commission Charge: The Special Commission is charged with facilitating long range planning and short and long term recommendation to the college and the city on issues of mutual concern. It is to create a model for how a campus and college collaborate effectively and importantly engage each other in the resolution of their most pressing issues. It will create a framework to also deal with emergent issues.

I hereby appoint the following individuals to serve on the following Commission:

College/City Special Commission

Daryl Masterson
Phil Jones
Bettina Chadbourne
Dick Berry
Paula Jessup
Dean Eaton, Chair
Marcia Kayser
Rhett Lamb, Staff Liaison

1D

City of Keene
New Hampshire

February 2, 2016

TO: The Keene City Council

FROM: Kendall W. Lane, Mayor

SUBJECT: Appointments

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

AD HOC AIRPORT MASTER PLAN STUDY ADVISORY COMMITTEE
Originally established Feb. 29, 2015

Charge: To provide input and insight to the City and its consultants on the preparation of the Airport Master Plan Update, which will include the following: assist with the development of mechanisms for obtaining public input; encourage meaningful and collaborative public dialogue relative to airport planning and development while respecting the interests of the airport's neighbors and the environment; advise on technical issues and weigh master plan recommendations against the Keene Comprehensive Master Plan; provide input on issues of community interest with respect to providing safe and efficient air transportation services to the Monadnock Region; help build understanding of the interconnection of economic development, environmental stewardship and social responsibility as it relates to the airport; assist with increasing the public's knowledge about the Dillant-Hopkins Airport.

Rebecca Landry, Staff
James P. Duffy, Chair
Kenneth Colby, Jr.
Janis Manwaring
Elizabeth Bendel
Joseph Briggs
Robert Bergevin
Jack Dugan
Phil Suter
Williams Summers
Dr. Ann Shedd
Rhett Lamb
Kenneth P. Colby (Town of Swanzey)
W. William Hutwelker, III (Town of Swanzey)

2A

Dear City Council of Keene,

I am submitting a request and concern for the ban of single use plastic bags to this city. In not having a ban we are adding to the ongoing problem of plastic bag pollution. This is unnecessary waste that continues to adversely affect wildlife, wildlife habitat and humans. There have been many studies including the new proposal on what needs be done about this growing issue done by the World Economic Forum.

I can't think of one good reason why anyone would argue that keeping single use plastic bags is a good thing. And to explore this more I am a local artist that started THE PLASTIC BAG PROJECT here in Keene to demonstrate this growing irresponsible waste that we created. I will continue this art piece to bring awareness and gather support to create this ban.

Thank you for attention to this matter,

Sincerely,
Danielle Baudrand

Danielle Baudrand
917-828-4077

UNITED CHURCH OF CHRIST IN KEENE

"Where the Spirit is alive and miracles happen!"

www.ucckeene.org

603-352-4136

2B

January 19, 2016

To: The Keene City Council
3 Washington Street
Keene, New Hampshire, 03431

Rev. Christine Boardman
Interim Senior Minister

Christopher Cornell
Assistant Minister

Beverly Caldon
Director of Music

Diantha Dorman
Handbell Director

Mark C. Harris
Church Administrator

Dear Council Members,

It is the advice of City Plans Examiner, Gary Schneider, that we apply to the City Council for a Lodging House License in order to provide space for the overflow of homeless people from the Hundred Nights Shelter. This letter will serve as our request for that license. We have had an inspection by Lt. Bates from the Keene Fire Department to ensure that we comply with the safety regulations, and are happy to welcome anyone to visit our Church.

We are providing this shelter on an overflow basis only, so it is not in operation every night nor throughout the year. We use a process by which people asking for shelter must check in at Hundred Nights, and comply with their procedures before being directed to our Church. At our Church, a volunteer is contacted by the Shelter in order to admit people to the overflow. When it is in operation, we have an average of 8 to 10 people, not including the two staff members, one from the Hundred Nights, and one a Church volunteer. There is always at least one person awake.

Our understanding is that there is a cost of $165 associated with the license. We would like the license to allow for up to 16 people in the shelter at a time. The United Church of Christ in Keene asks for no money from the people using the shelter, from Hundred Nights, from the City, nor from any other person or organization. This Mission outreach is completely paid for by the Church and its members. Of note, we have repeatedly provided shelter for families with young children in the winter months.

In consideration of these facts, and of the reality that these people's health and safety is ultimately the responsibility of the City, we are requesting that the Council waive the fee associated with the license.

Thank you for your consideration,
We wish you the Peace of Christ,

Rev. Christine Boardman

Kathryn Blair

Rev. Christine Boardman,
Senior Minister

Kathy Blair,
Church Council Chair

9

APPLICATION FOR OPERATION OF A LODGINGHOUSE

(Please print or type)

Date 26JAN2016 Location of Lodginghouse 23 CENTRAL SQUARE

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

Property Owner THE UCC in KEENE Business Phone 603 352 4136

Address 23 CENTRAL SQUARE Home Phone N/A

Operator/Resident Agent MARK C. HARRIS Business Phone 603 352 4136

Address 23 CENTRAL SQUARE Home Phone N/A

Number of Persons Authorized to reside on premises 16/night

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

Signature of Property Owner

KATHY BLAIR, CHAIR OF CHURCH COUNCIL
Name (Printed or Typed)

Signature of Operator/Resident Agent

MARK C HARRIS, ADMINISTRATOR
Name (Printed or Typed)

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

N/A
Signature of College Representative

Name and Title (Printed or Typed)

(For Office Use Only)

Date Received _____ Action Taken _____

Recommendations/Requirements

Police _____

Fire _____

Code Enforcement _____

City Clerk

APPLICATION FOR OPERATION OF A LODGINGHOUSE

(Please print or type)

Sec. 46-561. Definitions.
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Licensing authority shall mean the city council or its designee duly authorized by resolution.
Lodginghouse shall mean any dwelling for more than four persons, which lets sleeping accommodations for a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants. For purposes of this article the term lodging house shall not include a hotel or motel.

Sec. 46-562. Enforcement officer.
For the purposes of this article, the enforcement officer shall be the police chief. However, where compliance with building, plumbing, wiring and housing codes is concerned, the enforcement officer shall be the superintendent of code enforcement, and for fire and life safety codes, the enforcement officer shall be the fire chief.

Sec. 46-563. Fraternity and sorority houses.
Fraternity and sorority house shall mean a place of residence, with or without meals, for more than four persons attending a college or university, who are all members of, or pledged to, a local or national fraternity or sorority that is recognized by a college or university with a Keene campus. For purposes of this article, a fraternity or sorority shall be treated as a lodging house.

Sec. 46-564. Resident agent.
Resident agent shall mean the owner or operator of a lodginghouse and/or his or her agent who resides on the premises. Each lodginghouse operator shall cause his resident agent to reside on the premises and shall authorize such agent to be responsible for the day-to-day operation of the lodginghouse, to receive notices in his name and to be responsible for the conduct of persons therein.

Sec. 46-565. Penalties.
Any person who operates a lodginghouse without having first obtained a license in accordance with this article shall be fined $275.00 for each day that such operation continues. Any person who operates and/or any owner who permits a lodginghouse, to operate without a license shall be fined $275.00 for each day that such operation continues. Any person who violates the provisions of this article shall also be subject to the penalties provided in RSA 676:15 (injunctive relief); RSA 676:17 (fines and penalties); and RSA 676:17-a (cease and desist orders).

3A1

City of Keene
NEW HAMPSHIRE

January 27, 2016

TO: Mayor and City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

SUBJECT: **PERIODIC UPDATE – Airport Advisory Commission**

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the report by the Airport Advisory Commission be accepted as informational.

Chairman/Designee

Background:

City Clerk Patricia Little stated that as she indicated at the previous meeting, they are nearing the conclusion of a year-long effort that invites public bodies to report to the standing committees to start a dialogue. Tonight, the Airport Advisory Commission (AAC) is here to give their report. The AAC's reporting to this committee is actually codified - a City ordinance requires them to make regular recommendations to the MSFI Committee. She noted that the Mayor will be introducing amendments to the Rules of Order, taking the AAC out of the MSFI Committee's realm and transferring it to the Planning, Licenses, and Development (PLD) Committee. If those amendments to the Rules of Order are approved, this may be the last opportunity for the MSFI Committee to hear from the AAC. This first year is meant to be an introduction to the committees; the Chair will speak to membership, charge, and activities of the commission. Next year they will be looking to delve deeper into the role of public bodies in identifying initiatives that work towards goals stated in the Comprehensive Master Plan (CMP). The overall objective of this exercise is to increase the public's awareness of the initiatives of the 20 public bodies, which have close to 200 civic members who have joined and participate in regular meetings.

Transparency is a nice byproduct of this effort as well. They are always encouraging citizens to come forward and serve. The next effort will be to achieve greater collaboration between the City Council and the public bodies.

AAC Chair Clark Dexter stated that the AAC is an advisory committee created to take a proactive role in the development, operations, and marketing of the airport. He continued that on the development side they are working on a Master Plan update that will be finished later this year. They are also working on the maintenance of the approach of runway 20. Phase II of an Environmental Assessment has just been authorized by the State and should be completed this summer. Next year they will look for grant money for improving the 14/32 runway. Mr. Dexter continued the restaurant is a big concern; it has been empty for over two years. The AAC recommends that if it cannot be leased to a long term tenant, it be rented on a daily basis for groups, weddings and celebrations, so they can get some money coming in and also promote the airport. The City owns 52 hangars and five of them are unoccupied right now. They are advertising them for use.

Mr. Dexter continued that Airport Maintenance and Operations Manager Mike Moriarty is doing a wonderful job at the airport, but he is short-handed and needs more staff members and more help. In regards to marketing, Mr. Moriarty has developed a Facebook page and has videos of the local jets coming and going, photos of the airport space that is available, and other things that are fun for the public to see. Assistant City Manager Rebecca Landry has developed a new website for the airport on the City's webpage. They are working on establishing short and long term marketing goals. They need money if they are going to develop a marketing program, and the City Council will be hearing from the AAC about this.

Councilor O'Connor asked if the Facebook page is private or through the City. Ms. Landry replied that it is open and available to the public. She continued that there was some confusion because there can be three or four people who are fans or friends of the airport and who can develop their own Facebook pages, but there *is* an official, City-seal-stamped one. Finance Director Elizabeth Fox added that there is a link on the City's website to the airport's Facebook page if anyone wants to join.

City Manager Medard Kopczynski stated that Mr. Dexter has been very humble tonight. He continued that there is a very activist AAC, which is great to have. They are concerned about the future of the airport and they are doing positive things. The City now and hopefully in the long term is paying a lot of attention to what needs to happen at the airport. There is recognition by the City of Keene and the Town of Swanzey, which has also developed strong ties and relationships with the airport of the economic importance of the airport. There are a number of initiatives they are undertaking and will undertake, everything from the Master Plan update to the second phase of the Environmental Assessment, and moving to the obstruction clearing. They are working on marketing, finding out where the airport fits in the scheme of things, and looking to find a temporary replacement for the Airport Director – someone with a background that will help move the airport in the direction of public relations and marketing. Senior staff now spend a day each, probably, involved with airport issues. They have updated the leases and the leasing process, and are negotiating with Green River Aviation regarding the hangar that they

had leased. There is tremendous progress being made, due to the AAC and also Swanzey stepping up to the plate.

Councilor Filiault stated that he commends the City Manager and the AAC. He continued that this is probably the most positive vibe they have heard about the airport in 18 years. This is all good news and he appreciates it.

Beth Bendel, of 80 Airport Road, thanked the MSFI Committee for having the AAC here. She continued that it is terrific to see the positive energy among staff and the City Council. She noted that AAC members Bill Hutwelker and Rod Thompson are also here tonight. This is the most invigorated AAC she has seen. The AAC members really care about the airport. She owns Monadnock Aviation and is Chair of the Marketing Committee and Vice Chair of the Master Plan Committee. Great things are happening with the airport right now. The marketing committee members include Mr. Moriarty, Ms. Landry, AAC members, a representative from Eversource Energy, and others. Members are not just aviators. They are trying to get people with professional marketing experience, too, to get new customers and reach out to the community. They are identifying short and long term goals for marketing the airport.

Ms. Bendel continued that she flinches every time she hears someone say they are "going to make the airport active" or something similar, because the airport is already active. The flight school is hopping, and people are learning to fly almost every day. The maintenance shop is busy. Monadnock Aviation has a testing center that offers hundreds of professional exams that people drive for hours to come take – everything from dog training to home inspection to electrical grid work, and of course, aviation. C&S is not the only corporation with jets at the airport. She cannot give the names of other companies, but they have about 300 corporate jets which come and go each year. These companies include major freight and trucking, lumber, a bakery chain, and plumbing. The airport is being used for business right now. There is room for improvement and they are working on that, but people should not think the airport is not being used now, because it is.

Councilor Hooper stated that Ms. Bendel is being modest. He continued that she gives a huge amount of energy to the airport and also the AAC and he sees the energy and it is fantastic and important. He hopes that the energy can be translated to the public in the City of Keene and outside towns so they realize this energy is there. He would endorse any ways that they can do that.

Councilor Lamoureux made the following motion, which was seconded by Councilor Filiault.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the report by the Airport Advisory Commission be accepted as informational.

3A2

City of Keene
NEW HAMPSHIRE

January 27, 2016

TO: Mayor and City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

SUBJECT: **MEMORANDUM – Parks, Recreation, and Facilities Director – Rededication of Michael EJ Blastos Community Room**

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the rededication of the Michael EJ Blastos Community Room on Saturday, February 6, 2016.

Chairman/Designee

Background:

Parks, Recreation, and Facilities Director Andrew Bohannon stated that this memorandum is regarding the Michael EJ Blastos Community Room at 380 Marlborough Street. He continued that in 2012 it was dedicated to the beloved former Mayor Blastos for the time he served as Mayor and City Councilor. A room of that nature was well deserved. At that time Keene Ice had not yet been established and the room served a couple purposes. Now that Keene Ice is established and the room was redesigned, as the City Council saw in the CIP presentation, he thinks they would agree that it is a very nice room for the community as it overlooks the ice arena. With assistance from John Byrnes, they want to rededicate the room and give the proper designation and hang a photo and plaque. They will put a new sign above the police entrance way. It will get the final touches that it deserves. He brings this forward tonight as informational. The date is February 6, 2016 at 11:00 AM in the room itself. They invite the City Council, community, and friends and family of Michael Blastos.

John Byrnes stated that it is quite a nice room and a fitting finish to the tribute to Mayor Blastos. He continued that over the years the room will have a lot of uses. It will be nice to have the proper recognition done with a sign and photo. He has always been very proud of the City and Mr. Blastos's contribution to it. He is glad to do this to honor him.

Councilor O'Connor made the following motion, which was seconded by Councilor Filiault.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the rededication of the Michael EJ Blastos Community Room on Saturday, February 6, 2016.

3A3

City of Keene
NEW HAMPSHIRE

January 27, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **Periodic Report: Agricultural Commission**

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the periodic report from the Agricultural Commission be accepted as informational.

Chairman/Designee

Background:

The City Clerk noted this is the end of a year-long effort by staff to bring all of the public bodies before the appropriate standing committee. She explained the committee Chair typically does the presentation speaking to the Committee's charge, and current or future initiatives. The City Clerk referenced the other public bodies that have come before this Committee beginning with the Conservation Commission. Continuing, she noted a change in the format for the coming year with the development of a conversation; working with the committee Chairs to determine the role of the public bodies in terms of implementing the appropriate section of the Comprehensive Master Plan. The City Clerk pointed out this idea was put forth by former Councilor Duffy whose idea was to increase communication between the committee and City Council, transparency, and providing awareness to the community. There are currently 20 committees with 200 members serving on them; the Mayor is always looking for community

members willing to serve on these committees. She concluded her introduction by noting the intended hope to see more collaboration between the public bodies.

Carl Jacobs, Chair of the Agricultural Commission explained this Commission was actually called for in the Comprehensive Master Plan. He outlined the Commission's actions after being starting with the definition of agriculture; the Commission took a very broad approach to include things such as forestry, animal farming, and vegetable farming. He continued that they have found in their research how much the landscape of Keene has changed through the years from primarily an agricultural community to what it is today, and that perhaps the time to grow food locally has gone by. This has prompted the Commission to look at what activities are going on and how they can be promoted so this aspect of Keene is not lost.

Chair Jacobs addressed the Commission's work to promote agriculture including working with a class at Antioch University with regards to community gardens. A report was compiled which is available on the City website under the Agricultural Commission. Chair Jacobs noted the work with the Planning Department (GIS) and the Conservation District to identify potential agricultural areas in Keene. The maps created are also included in the report mentioned earlier. Chair Jacobs also noted the Agricultural Commission's work with the local Farmer's Market during the parking lot refurbishment, and in trying to find a long-term location. He noted the Commission is still available to them to facilitate long-term location discussions. Chair Jacobs also pointed out some of the Farmer's Market vendors wanted to sell prepared foods; the Commission helped facilitate discussions regarding the food safety hurdles. He indicated the loss of the kitchen in the old Wright Building has hurt some of these vendors; adding they don't have a commercial kitchen available to them in Keene.

Chair Jacobs concluded noting the Commission tries to maintain a good relationship with the Cheshire County Conservation District; members do attend the regional meetings and share ideas.

Chair Richards asked for questions/comments from the Committee.

Councilor Jones thanked Chair Jacobs noting the history of the Agricultural Commission, and the fact that this Committee brought it to the City Council.

Councilor Sutherland asked if there is any City owned land that could be forested. Chair Jacobs noted the Commission did look at this, and the potential does exist. He pointed out what would be needed in the management plans including what you were trying to accomplish. Chair Jacobs continued the first piece would be to understand what the piece of land is, what is there, and what the best use of the land is.

Chair Richards asked if any the Commission found any City land that could be used for community gardens. Chair Jacobs indicated there were some identified in the report mentioned earlier, and there are some in places such as the Monadnock View Cemetery, the Recreation Center, and the Housing Authority (not City property). Chair Jacobs also noted no neighborhood groups have come forward requesting community gardens.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion.

Councilor Hansel made the following motion which was seconded by Councilor Chadbourne.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the periodic report from the Agricultural Commission be accepted as informational.

3A4

City of Keene
NEW HAMPSHIRE

January 27, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **COMMUNICATION: Pathways for Keene – Request to use City Property – 4 on the 4th Road Race (Community event)**

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the City Council grant permission to Pathways for Keene to sponsor a running race on July 4, 2016, subject to the customary licensing requirements of the City Council. In addition, the Police Department shall identify Railroad Street immediately adjacent to Railroad Square as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing ten volunteer race marshals, and subject to any recommendations of City staff.

Chairman/Designee

Background:

The City Clerk referred to the Ordinance brought through this Committee in December 2015 which took away 80% of the workload with regards to licenses. The two types of licenses still under the Committee's purview are Community Events and Lodging Houses. The City Clerk noted she felt it would be helpful to give the new members an understanding of these licenses. She provided the definition of a Community Event pointing out that the definition is in a Council

Policy relating to the funding of Community Events. She listed the Community Events that will come to this Committee. She noted the applicant's obligation to file a budget request and an application for funding; along with this Committee's authority under RSA 31:100. The City Clerk also outlined the process from filing the application through the protocol meeting process. She noted the thoroughness of this application compared to that of the Ice and Snow Festival addressed at the last meeting; the petitioner can share a lot of information or a little knowing the protocol meeting will take place. The City Clerk reported her staff has been working on a general Use of City Property license application that will ask the petitioner to identify what they are looking for.

Chuck Redfern, of 9 Colby Street addressed the request by reading the letter dated December 31, 2015. Pathways for Keene, Inc. ("PFK") plan to present the 15th Annual"4 on the 4th" road race on July 4th, 2016, and requests a permit that will allow them to proceed with race preparations. They hope to again utilize a combination of the Railroad Square Park, Cheshire Rail Trail, City Streets, and private property for the two-miles out and two-miles back course. The planned route is identical to the route used in 2013, 2014 and 2015. As with previous races, they request the City mark Railroad Street as a No Parking area from 6:00 AM to 11:00 AM. This action was taken to solve a problem they had in 2011 with a flatbed truck parked in this area for the duration of the event. The 7:00 AM registration and 8:00 AM start should keep them out of peak holiday traffic as they will be completely done by 11:00 AM.

Mr. Redfern noted there were over 90 small/large business sponsors last year. Entry fees are only charged to race participants, and the general public is welcome to come and enjoy the food and the event. Noting last year's numbers Mr. Redfern indicated the expected total for this year is approximately 1,000. Other than a couple of heat strokes this has been a very safe event for the past 15 years.

Chair Richards thanked Pathways for Keene for always being first in line when it comes to starting the new year. Mr. Redfern noted it takes that long to prepare for the race; adding they start in January for everything.

Chair Richards asked for questions/comments from the Committee.

In addition to other comments Councilor Jones noted the organization has given $367,000 over the years; he commended Mr. Redfern for his work and efforts to this end.

Councilor Chadbourne thanked Mr. Redfern for such a thorough application. Referring to the $367,000 given to the City, she then asked over how many years. Mr. Redfern replied since July 1994. In response to Councilor Chadbourne's second question Mr. Redfern noted an increase of 35 to 50 runners annually. He attributes this to reaching out through different avenues such as the Chamber of Commerce and the Keene Sentinel. Councilor Chadbourne suggested this would be a good model to share with other local groups trying to raise money.

Councilor Hansel asked if Mr. Redfern knew what percentage of runners came from outside the area. Mr. Redfern noted people have come from as far as Germany; he also indicated Mr. McGreer could start collecting that data to present next year if the Committee is interested.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion.

Councilor Jones made the following motion which was seconded by Councilor Chadbourne. On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the City Council grant permission to Pathways for Keene to sponsor a running race on July 4, 2016, subject to the customary licensing requirements of the City Council. In addition, the Police Department shall identify Railroad Street immediately adjacent to Railroad Square as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing ten volunteer race marshals, and subject to any recommendations of City staff.

Mr. Redfern added he would like to thank City staff particularly the City Clerk's office for the great job they do getting applicants through this process.

Chair Richards advised this would go to full Council next week.

3A5

City of Keene
NEW HAMPSHIRE

January 27, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **COMMUNICATION: Hundred Nights, Inc. – Lodging House License**

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that City Council grants the license for Hundred Nights subject to any recommendations from staff.

Chairman/Designee

Background:

Chair Richards addressed the City Clerk noting this is one of the things they were hoping to move to the City Clerk's office for administrative review. He pointed out this is more of a life safety issue, and that the Clerk's office is working with the Fire Department to turn this into a permit. The City Clerk reported working with the Keene Fire Department which has agreed to be the host for this new permit; work continues to fine tune the Ordinance and build in an application fee. The petitioner was present, but made no comments.

Chair Richards asked for questions/comments from the Committee.

Councilor Jones commented all they need to know is did they meet the conditions. Mark Howard, Chief of the Keene Fire Department reported that an inspection of the site occurred and

there were minor violations that will be followed up on and resolved. Chief Howard also addressed the reasoning behind going from a license to a permit relative to timeframes for correcting non-conformities.

Councilor Chadbourne asked if it was the responsibility of the landlord/owner or Hundred Nights if problems arise. Chief Howard indicated they work collaboratively with the landlord/building owner. If it refers to the license Hundred Nights would be responsible. Continuing, he noted the owner is responsible for the life safety of the building unless the lease specifies Hundred Nights is responsible.

The City Clerk noted there was no prepared motion for this item, and asked that "subject to any recommendations of Staff" be added to any motion made. She added she would have the list of conditions ready for Council meeting next week. Chief Howard reported from a Fire Code standpoint they were in compliance last week.

There being no questions or comments from the Committee or public, Chair Richards asked for a motion.

Councilor Chadbourne made the following motion which was seconded by Councilor Hansel.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that City Council grants the license for Hundred Nights subject to any recommendations from staff.

Hundred Nights Shelter

Conditions of License

1. No more than **26** persons may reside on the premises.
2. Compliance with all applications sections of the City Code
3. Compliance with any requirements or recommendations of City staff

3A6

City of Keene
NEW HAMPSHIRE

January 27, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **MEMORANDUM: Planner – Land Use Code Update Project Update**

On a vote of 5-0, the Planning, Licenses and Development Committee recommends this update on the land use code update be accepted as informational.

Chairman/Designee

Background:

Rhett Lamb, Planning Director/Asst. City Manager commented he is here tonight with Tara Kessler to provide an update on an important project that the City has been contemplating since 2010. This project was written as a top priority in the Comprehensive Master Plan (CMP). Mr. Lamb provided the background noting Ms. Kessler would outline the state of the project and the schedule the Planning Department is ready to pursue. Mr. Lamb noted they are ready to issue a Request for Qualifications to bring a consultant on board to help staff take on at least the first part of this project. After additional comments Mr. Lamb noted a key element of what was in mind in the CMP was to find a way to streamline the review process. Things have changed since 2010; although not in a growth period right now they should be shifting towards a promotion of growth. Ms. Kessler will describe a shift in the idea, since 2010 where they looked at this project in two phases. Continuing, Mr. Lamb noted they are looking for a new set of tools to

address the issues and concerns they are now seeing. Mr. Lamb reported funds ($200,000) for this project were appropriated in FY14 and FY15. Mr. Lamb concluded his introduction advising this update is being provided on an informational basis with no action being requested of the Committee.

Tara Kessler, of the Planning Department provided an overview of the proposed next steps. The first phase would be an assessment of the City's current land use regulations and a review of options for revising the existing regulatory framework. A professional consulting team with state-of-the-art experience would be contracted to perform this review and help educate the City about available options for performing a regulatory update. The timeframe for this phase is estimated to be April through November of 2016. Preferably, the consultant selected for the first phase will have the expertise and interest in either overseeing or completing the work required for the second phase.

The second phase will involve the preparation of draft regulatory changes for consideration by City Council. It is anticipated that the work performed by the consultant in the first phase would be used to guide the revisions proposed in the second. This two-part process will allow the City to confirm the purpose and intent of the project, seek public input and support, and consider changes in the community since the project was first identified in 2010, before embarking on the task of writing comprehensive code changes. The second phase will probably take about two years.

For the first phase, they are proposing the Mayor form a Steering Committee to provide guidance to the consultant team and City staff. This committee would be composed of representatives from the private sector, community members, elected officials, and staff from various City Departments. It is anticipated that this committee will meet on a monthly basis to review and discuss project milestones with City staff and the selected consultant team.

Chair Richards asked for questions/comments from the Committee.

Councilor Sutherland asked how the City would operate to provide a variance from an existing standard or code. Mr. Lamb explained it depends on which standard they're talking about. For a land use variance (developing in a district where the use isn't allowed) one would go through the Zoning Board of Adjustment (ZBA). The Planning Board has jurisdiction over the site development rules (site plan review). Other Ordinances may or may not have a variance/waiver process; such as the Flood Plain Ordinance, which is very strict for a good reason. Mr. Lamb continued they would like to move from a multiple-stop shop to a one-stop shop to streamline the development process.

Councilor Jones commented what can go into institutional use can be problematic one day. He asked if it could be better defined or split-up into categories. Mr. Lamb agreed this is one of the sections of the Zoning Code that deserves quite a bit of work. He suggested the idea of having it based on where it's located across the City needs to be corrected; instead of being on a piece meal basis.

Councilor Hansel asked if it will be left to the consultant to identify which Land Use Code format is best for our long-term use. Ms. Kessler noted there are other types of codes out there and they have identified them (Keene uses traditional zoning). She continued they would like to bring on a consultant that can really explore all the options and present alternatives that are most compatible with the City's needs. Councilor Hansel also asked where they are with the Keene codes as compared to other municipalities; will this give Keene a competitive advantage. Mr. Lamb commented most cities in New Hampshire have a fairly traditional approach to land use. Keene has made some interesting changes, mostly through the overlay process. Dover has adopted for part of its city what is called a form-based code which is a more modern zoning approach.

Medard Kopczynski, City Manager commented he is glad to see the Committee has cleared its decks of some of its responsibilities because this project is going to be a major determinant for the future of the City. He continued what you're really looking at is probably creating something that is cutting-edge. Mr. Kopczynski suggested the Committee not concentrate just on zoning; the Committee will be looking at rewriting half the Code of Ordinances for the City. He added this is the most important project Council will ever do.

Chair Richards asked for any further questions/comments.

Ms. Kessler noted she forgot to add (Phase 1) is not just a review of our regulations, but also a review of regulatory processes.

Councilor Chadbourne related her experience where she had a discussion with the owner of Nano Technology, who pointed out how difficult it was to deal with Keene and how easy Swanzey was to deal with. Councilor Chadbourne commented this is an instrumental game changer and she is excited to be a part of it.

Councilor Jones commented on the Steering Committee asking if they will go through an ascertainment process; such as hearing from other groups such as the Agricultural Committee. He added there are many organizations that could participate and help provide guidance. Ms. Kessler noted there are outlines of where the public input will have input during Phase 1.

Councilor Chadbourne noted the Planning Department's staffing and asked if once they have the consultant/direction does the department have the staff to implement the changes decided upon. Mr. Lamb indicated they have the staff for Phase 1, but he is unsure about Phase 2.

There being no questions or comments from the Committee or public, Chair Richards asked for a motion.

Councilor Sutherland made the following motion which was seconded by Councilor Chadbourne.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends this update on the land use code update be accepted as informational.

City of Keene
NEW HAMPSHIRE

3B2

January 27, 2016

TO: Keene City Council

SUBJECT: Rules of Order Amendments

FROM: Kendall W. Lane, Mayor
Patricia A. Little, City Clerk

Recommendation:

Refer to the Planning, Licenses and Development Committee for their review and consideration.

Background:

These proposed amendments to the City Council's Rules of Order redistribute the workload of the three Standing Committees and clarify the participation of non-Committee members at Standing Committee meetings. In addition, the amendments eliminate the signature of the Committee Chair on Committee reports and the filing of quarterly attendance and more time reports. Finally, the amendments would recognize and codify the current tradition of Standing Committee Chairs presenting background information on their committee's recommendation.

Keene City Council
Rules of Order
Proposed Amendments

Amendment #1

SECTION 22. STANDING COMMITTEES. At the commencement of each municipal year, the following Standing Committees of the Council shall be appointed by the Mayor. All Standing Committees of the Council shall consist of five (5) members. No member shall serve on more than one Standing Committee of the Council at the same time. The first member named on each Committee to be Chairman; the second member named on each Committee to be Vice-Chairman. Items referred to Committee shall be in accordance with their areas of concern as set forth below:

Finance, Organization, and Personnel Committee

Assessment, budget, **cable franchise**, claims, **purchase and sale of real** ~~City owned~~ property **and its disposition,** finances, information **technology** ~~services~~, insurance, leases **and lease management,** organization, personnel, purchasing, ~~elections~~, and taxes.

Municipal Services, Facilities and Infrastructure Committee

~~Airport~~, cemeteries, **intermodal transportation** ~~downtown parking~~ facilities, infrastructure **management and planning**, fire, **public** health, human services, library, parks, police, recreation, **public** safety, **trail system,** traffic control, and youth services.

Planning, Licenses and Development Committee

Airport, Airport leases, Airport land use planning, ~~cable television~~, **broadband, college/city relations, enforcement of** codes ~~enforcement,~~ easements, economic development, floodplain, ~~general~~ development, housing, ~~infrastructure planning~~, land use, permits, licensing, management of open space, conservation, planning, Rules of Order, wetlands, and zoning.

~~No member of the Council who is not a member of the Committee may indicate how they will vote on an item on a Committee agenda; he or she~~ A Councilor who is not a member of the Committee may ask questions and participate in the discussion, but **may** not participate in the deliberations after a motion and 2nd has been made concerning an item on a Committee agenda. If the Committee votes to remove a matter from more time, it shall be placed on the agenda for the next scheduled committee meeting and prior notice shall be provided to all interested parties. If the Committee votes to go into non-public session, only the members of the Committee shall attend the session.

Amendment #2

All Standing Committees, except Finance, Organization and Personnel, shall normally meet on the Wednesday following a regularly scheduled Council meeting. The Finance, Organization and Personnel Committee shall normally meet on the first Thursday following the regularly scheduled Council meeting. Items to be submitted for the agenda packet must be filed with the City Clerk by 1:00 PM on the Tuesday before the Committees hold their regular meetings. ~~Not less than every three (3) months, the Chairman of each Standing Committee of the Council shall submit an attendance report for his or her Committee to the Council for its information. At the last meeting of the months of March, June, September, and December, all Committees shall list the subject matter of all matters pending before the Committee which has been granted more time.~~ A majority of each Committee shall constitute a quorum. The City Manager and those department heads needed by the respective committees shall normally attend the regularly scheduled Standing Committee meetings. The City Manager may designate a department head or other suitable person to represent him or her unless he or she is requested by the Committee to attend a particular meeting, but the Committee Chairmen will make arrangements to avoid conflicting demands on the City Manager's time.

Amendment #3

SECTION 26. REVIEW OF ITEMS OF BUSINESS. Every Ordinance, Resolution, Committee Report, and any other document to come before the Council for consideration must be filed with the City Clerk by 4:00 PM on the Tuesday before the Thursday on which the Council holds its regular meeting. Ordinances, Resolutions, and documents, except Committee reports, to come before the Council for consideration shall be personally hand signed by those submitting same. ~~Committee reports shall be signed by the Committee chairman or his or her designee.~~

Amendment #4

SECTION 33. REPORT BY COMMITTEE. All matters referred to a committee must be reported out of that committee at the next regular meeting of the Council except a matter which is the subject of a pending public hearing or unless otherwise ordered by a majority of the Council Committee members present. Written testimony with regard to a public hearing shall be accepted by the City Clerk up until 1:00 PM on the Tuesday immediately preceding the committee meeting. Written testimony with regard to any other business before the committee shall be accepted by the City Clerk up until 4:00 PM on the Tuesday immediately following the committee meeting in order to be included in the agenda of the City Council meeting. A matter which is the subject of a public hearing must be reported out of a committee at the next regular meeting after the hearing unless otherwise ordered by a majority of the Council Committee members present. If not reported as above, or if immediate action is required, a motion by the City Council to call the matter out of committee will then be in order. Passage of that motion will

place the matter before the Council for consideration. **When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the committee's recommendation shall be verbally shared with the Council. Moving to carry out the intent of the committee report does not restrict the maker of the motion from speaking against the recommendation of the Committee.** ~~When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, the member shall be permitted to speak against the recommendation of the Committee.~~

3D1

City of Keene
NEW HAMPSHIRE

January 27, 2016

TO: Mayor and City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

SUBJECT: **REFERRED BACK – Emergency Operations Plan**

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends placing the Local Emergency Operations Plan on more time while City staff members draft the resolution to bring back.

Chairman/Designee

Background:

Fire Chief Mark Howard stated that the Local Emergency Operations Plan (LEOP) has been referred back to the Committee. He continued that after further review, staff found that the adoption of the LEOP, as stated in the City Code, is by resolution. His and Kürt Blomquist's intention is to work with other staff members, including the City Clerk, to draft that Resolution and bring it back to the MSFI Committee and the City Council. Also brought up was a request for the City Council to review the LEOP further. Chair Manwaring asked if he is looking for the committee to be placed on more time. Chief Howard replied yes, so staff can draft the resolution and bring it back.

City Manager Kopczynski thanked Councilor Powers for bringing this to their attention. He continued that the last time they did this they did not pass the plan by resolution – that has not been done since the early 1980s. At some point they want the City Council to look at changing the ordinance that requires the adoption to be done by resolution, but right now they will go through the process and draft a resolution. The City Council's review of the document will be done in non-public session, due to the sensitivity of it.

Chief Howard stated that yes, Mr. Blomquist found that from the 1980s forward the LEOP was not adopted by resolution, but this was not because any staff members were doing anything wrong. It is a matter of how you interpret the language in the City Code. Chair Manwaring replied that she read that part of the City Code and she agrees. She thanked Chief Howard and Councilor Powers.

Councilor Filiault made the following motion, which was seconded by Councilor O'Connor.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends placing the Local Emergency Operations Plan on more time while City staff members draft the resolution to bring back.

4A1

APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner M. Chalice, Keene Planning Department Date February 1, 2016

Address City of Keene, 3 Washington Street, Keene, NH, 03431

Telephone (603) 352-5474 Email: mchalice@ci.keene.nh.us

Existing Section Reference in Chapter 102, Zoning Ordinance § 241(a)

Does the amendment change the existing "Minimum Lot Size" **Yes** [ ] **No** [X]

Does the amendment change the existing "Permitted Uses" **Yes** [ ] **No** [X]

Brief Description of Proposed Change The intent is to add three district titles and to create three districts that accommodate economic changes and allow for mixed uses to increase economic viability. Additional intentions are to increase business opportunities, pedestrian amenities, solid single family neighborhoods and to reinvigorate this formerly vibrant neighborhood.

Petitioner's Signature Michele Chalice

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, and such change includes 100 or fewer properties, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. If the proposed amendment changes the boundary of a zoning district, the Petitioner shall submit a notarized list of all property owners within the zoning district directly affected by the proposed boundary line change, and of all property owners outside of the zoning district that abut the proposed boundary line change.

- 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. Two sets of mailing labels shall be provided.

Date Received by City Clerk _____ Fee Received $_____

Ordinance # O-2016-01 On City Council agenda 02-04-2016

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.

Proposal to Amend the Zoning Ordinance Regarding O-2016-01

February 1, 2016

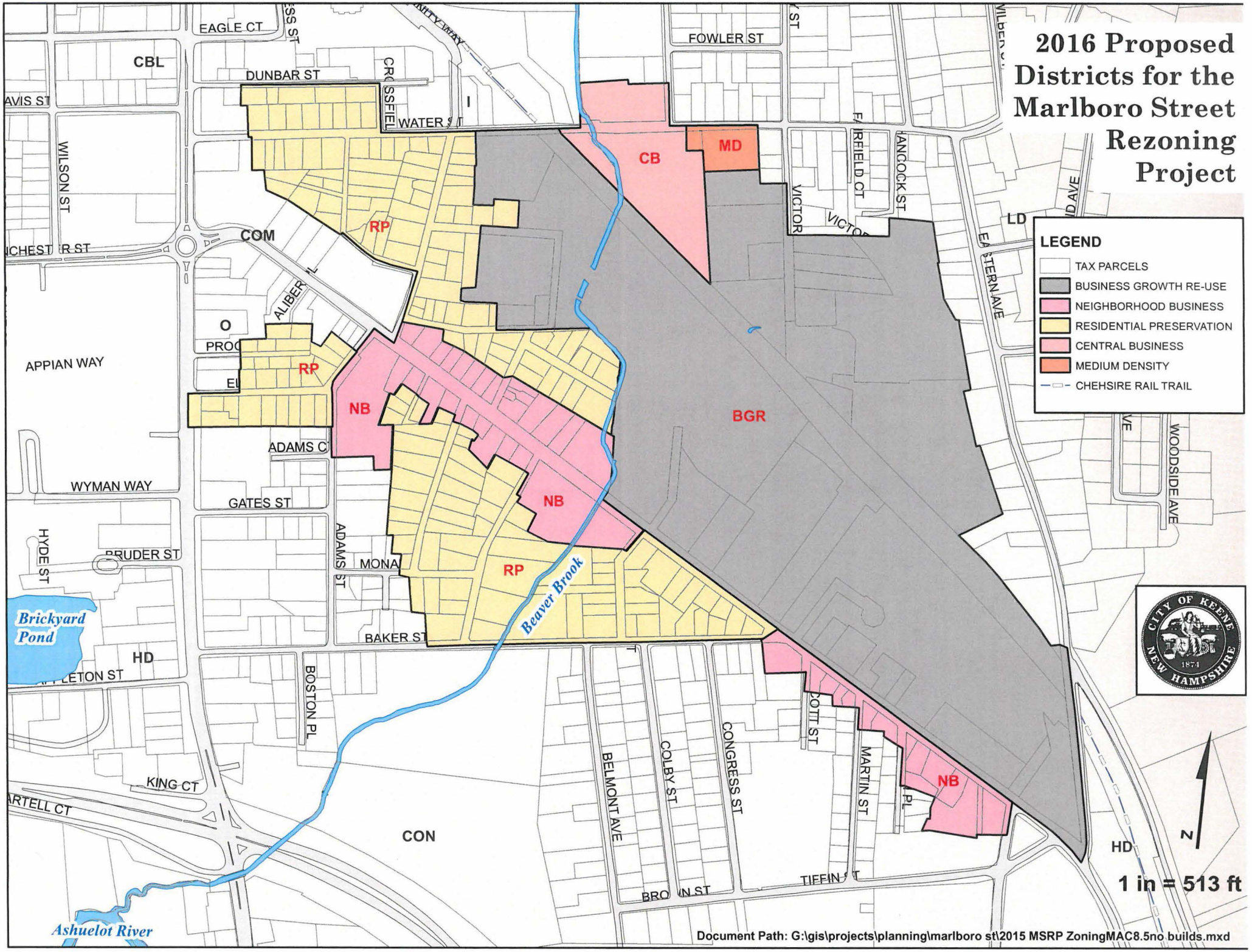
Ordinance O-2016-01 proposes to amend Keene's zoning districts in response to economic changes in a unique 266-acre area on the city's southeastern side along the Marlboro Street, Beaver Brook and the Cheshire Rail Trail corridors. This is proposed by establishing three new district titles as well as three new districts. The three, proposed, new districts are: a Business Growth and Reuse (BGR) district, a Neighborhood Business (NB) district and a Residential Preservation (RP) district. These districts will replace and modify existing Low Density, High Density, Industrial and Commerce Districts currently in this area.

The intent of the Business Growth and Reuse District is to enhance the economic vitality of the former Industrial District. This will happen by expanding and allowing mixed uses of new technology businesses as well as the clean manufacturing, processing, assembling and wholesaling of their products within a walkable, human-scaled place along a more scenic Beaver Brook. These types of companies seek well-educated employees. These types of employees seek to live at the what's now called an "Urban/Rural" edge, close to nature where they and their future family can play, but also close to technology and culture; where they can walk to work, school and wherever they need to go on a daily basis. They want a walkable or a bikeable lifestyle, exactly what Keene is so close to being able to offer.

The intent of the Neighborhood Business District is to provide those businesses where people want to walk to do their daily errands from work, reinvigorating the historically vibrant Marlboro Street, gateway into the City's downtown. Existing employees from Markem-Imaje, C&S, Timken will walk at lunchtime to pick up a gift, to get glasses and mail a package. New workers and residents will come out for a bicycle ride and dinner. The recommended changes would bring these new businesses right up to the sidewalk on Marlboro Street offering the possibility of sidewalk cafes and seating as on Main Street. These businesses will be smaller, sized, and also similar to downtowns. Apartments and condominiums will be allowed above the shops. Shade trees along the sidewalk will bring the scale back down to that of pedestrians, making it much more comfortable and pleasant for people to walk; do errands, shop and stop for coffee, lunch and to pick up necessities on their way home from work.

The intent of the Residential Preservation District, formerly Low and High Density Districts, is to provide and/or re-create neighborhoods of residential properties that prioritize family units. The last zoning aspect of the Marlboro Street project is the attention needed to the remaining single family homes left among many dilapidated, rental houses that resulted from the last several decades' economic market changes. With the right tax incentives, new employees may be incentivized to join the existing families in the Marlboro Street area, be part of renovations; reviving these neighborhoods back into a stable, inviting walkable community.

The result over time will be a collaborative and synergistic arrangement of uses, places and people to attract developers and a variety of businesses, bringing new employment opportunities for both young and seasoned professionals. The proposed ordinances are one part of the larger Marlboro Street Rezoning Project which began in 2012, with a successful $50K grant application from the NH Community Planning Grant program combined with the required local match of $30K from the City of Keene's CIP budget. Over the next two years, with the assistance of a consultant team of five firms and a ten person Advisory Committee, the Marlboro Street Re-Zoning project developed innovative zoning and land-use regulations for Keene's Marlboro Street area. Staff have reviewed and modified the consultant team's original zoning recommendations to balance commercial, residential, and environmental demands in a more stream-lined manner. Design Guidelines and Stormwater Management recommendations are to follow. O-2016-01 is submitted with O-2016-02, to amend the City's Zoning Map which will reflect these district changes; the two ordinances are intended to work together.


2016 Proposed Districts for the Marlboro Street Rezoning Project
LEGEND
TAX PARCELS
BUSINESS GROWTH RE-USE
NEIGHBORHOOD BUSINESS
RESIDENTIAL PRESERVATION
CENTRAL BUSINESS
MEDIUM DENSITY
CHEHSIRE RAIL TRAIL
CB
MD
RP
BGR
NB
RP
NB
RP
NB
NB
CBL
COM
O
LD
HD
CON
HD
EAGLE CT
DUNBAR ST
FOWLER ST
WILSON ST
APPIAN WAY
WYMAN WAY
GATES ST
ADAMS CT
BRUDER ST
HYDE ST
BAKER ST
BOSTON PL
KING CT
BELMONT AVE
COLBY ST
CONGRESS ST
MARTIN ST
TIFFIN ST
WOODSIDE AVE
FAIRFIELD CT
ANCOCK ST
EASTERN AVE
Beaver Brook
Brickyard Pond
Ashuelot River
CITY OF KEENE NEW HAMPSHIRE 1874
N
1 in = 513 ft
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ORDINANCE

CITY OF KEENE

4A2

O-2016-01

Sixteen

In the Year of Our Lord Two Thousand and .....

AN ORDINANCE Relating to the Creation of a Residential Preservation District, a Business Growth ~~and Re-Use District and a Neighborhood Business District~~

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 inserting the bolded text and deleting the stricken text, as follows:

1. That the Ordinances of the City of Keene, Article IV. Division I. Section 102-241(a). Establishment and boundary lines, are amended by **adding** the following districts to ***District Titles*** as follows:

    a) **Residential Preservation - RP**
    b) **Business Growth and Re-Use - BGR**
    c) **Neighborhood Business – NB**

2. That the Ordinances of the City of Keene, Article IV. is amended by adding the following Districts:

Division 21. - Residential Preservation (RP)

Sec. 102-770. – Intent

The intent of this Residential Preservation District (RP) is to provide and/or re-create a neighborhood of residential properties that prioritizes family units. The RP has a mix of small to large residential house types. There are shallow front setbacks and shallow to medium side setbacks; with variable, private landscaping, streets with curbs, sidewalks, and shade trees that define medium to large blocks.

(1) Prioritize residential uses with proximity to small, urban green spaces connected to walk and bike locations along and into the connecting streets and districts;

PASSED

(2) Encourage an environment where buildings are arranged, sized and scaled according to the needs and comfort of pedestrians;

(3) Encourage and/or maintain walk and bike-friendly connections throughout the district and along streets;

Sec. 102-770.1 - Permitted Principal Uses – Any mixture of these primary uses is permitted:

Permitted Uses	Subject to the Following:
Accesory Dwelling Unit (ADU)	<1,500 SF
Dwelling, single-family	
Noncommercial Raising of Farm Animals	
Nursery or Child Care	< 2,500 SF

Division 22 - Business Growth and Re-Use District (BGR)

Sec. 102-771.0 – Intent

The intent of this district is to enhancing the economic vitality of the area by re-developing the area with new technology companies as well as clean manufacturing, processing, assembling and wholesaling businesses within a walkable, human-scaled location. The district can also provide additional height, density, and mixed-use incentives to attract redevelopment adjacent to Keene's urban core. Existing infrastructure and services as well as access to the Cheshire Rail Trail can maximize smart growth possibilities. Creative development opportunities abound alongside the Beaver Brook corridor, within Keene's environmentally-progressive planning policies and adaptive re-use is strongly encouraged.

1) Create conditions suitable to co-exist adjacent to residential neighborhoods;
2) Create conditions which support that of a high quality, walkable community. A "Walkable Community" being an economically thriving, livable, aesthetically harmonious, ecologically sustainable place that gives their residents a variety of safe transportation choices and improved quality of life.
3) Create a sense of place through enhancing public access, providing landscape amenities, ensuring proper lighting and promoting an aesthetically-pleasing streetscape;
4) Connect uses and buildings while prioritizing pedestrian and bicycle access separate from vehicular access;
5) Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create "outdoors rooms", a critical element of "place-making"; aiming for ratios of building facades to roadway widths from 1:2 to 3:2;
6) Recognizing as well as the role of large street trees which also play an important role in creating a pedestrian scale. Pedestrian comfort being another critical element to the vitality of these new places being created;
7) Reduce the impacts of parking through its placement behind or alongside buildings;

8) Provide open space and landscaping to create shade and small, public spaces for social interaction, enhancing the visual appearance and appeal of the individual properties along Marlboro Street and connecting streets;
9) Provide trails for pedestrians and bicyclists to ensure that Keene's walkable and bicycle-friendly environment is extended along Marlboro Street and into the connecting streets and neighborhoods;
10) Provide pedestrian amenities such as kiosks, stands, street furniture, drinking fountains, trash and recycling receptacles,
11) Enhance the visual appearance of the individual properties, Marlboro Street, and connecting streets;
12) Provide location-sensitive transitions between neighborhoods and uses along Marlboro Street; and
13) Provide shade and public spaces for social interaction.

Sec. 102-771.1 - Permitted Principal Uses – Any mixture of these primary uses is permitted:

Permitted Uses	**Subject to:**
Assembly	Any one use may occupy no more than 20,000 gross square feet of floor space.
Bulk Storage & Distribution of goods, accessory to main manufacturing use	Any one use may occupy no more than 20,000 gross square feet of floor space.
Clinic	Any one use may occupy no more than 20,000 gross square feet of floor space.
Dwelling, Multi-Family	Special condition mixed use only when connected to a particular commercial or specific industrial use. See criteria.
Greenhouse/Nursery	
Health & Fitness Center	Special exception required for all outdoor activities. Accessory use only.
Historic Site, Open to Public	
Home Office	
Institutional Use	Special exception. Subject to conditions and limitations as specified in Division 12 of Article V pertaining to institutional uses.
Live/Work Unit	
Manufacturing/Processing	Any one use may occupy no more than 20,000 gross square feet of floor space.
Neighborhood Grocery Store	< 1,500 SF

Nursery/Child Care Facility	Special Exception
Office/Small Scale Corporate/ Business or Professional Purposes	Any one use may occupy no more than 10,000 gross SF of floor space
Research & Development	Any one use may occupy no more than 20,000 gross square feet of floor space.
Restaurant	As distinguished from a bar and less than 50 seats.
Warehousing	Any one use may occupy no more than 20,000 gross square feet of floor space.
Training Programs; Undergraduate & Graduate	Any one use may occupy no more than 20,000 gross square feet of floor space.
Wholesaling	Any one use may occupy no more than 20,000 gross square feet of floor space.

Sec. 102-771.2 – General

(1) Buildings may have more than one principal façade and/or entry.
(2) New buildings which have a property line along Beaver Brook are encouraged to "face" Beaver Brook as an amenity. Beaver Brook has a legal "floodway" on either side of its banks which form a "No-Build Setback Strip." This strip is dry most of the year.
(3) For ecological and aesthetic reasons, the City encourages this "No-Build Setback Strip" to be maintained as an open, strip of native grasses and wildflower meadow from NH Route 12 to Railroad Street. The City also encourages an easement be granted to the City for a passive walking and bicycling trail connection from NH Route 12 along Beaver Brook to the City's Rail Trail connection at Water Street.
(4) Service alleys shall be no more than 15 feet wide.
(5) Lighting and windows onto a service alley shall be placed at regular, evenly-spaced intervals.
(6) Ground-level HVAC units are not permitted, unless completely screened from street, sidewalk, path and street views.

Sec. 102-771.3 – New Building Incentive Option

Application procedures and information required.

(a) Upon application, the zoning administrator shall begin the process for evaluating whether or not a project is eligible for the incentives contained within the BGR district. The applicant shall be responsible for submitting a letter of intent, application form and application fee (collectively identified as the "application") to the zoning administrator to initiate this process.

(b) The letter of intent, signed by the applicant and property owner, or his authorized agent, shall include a narrative that addresses the following:

(1) A description of the complete project and what strategies will be employed to obtain a green building certification.

(2) The green building system and level of attainment proposed for the project.

a. LEED®, Green Globes, the National Green Building Standard (ICC 700), and the International Green Construction Code are the acceptable Green Building Rating systems for this article.

b. Demonstrated compliance with these systems will permit pre-certification.

(3) All necessary information to allow an informed decision regarding the applicant's ability to comply with the chosen rating system.

(4) Statement that the applicant releases the City of Keene, its officers, employees, agents and servants from any liability if the applicant is unsuccessful in efforts to attain green building certification or equivalent, as identified in this article.

(c) With the letter of intent, the applicant will choose a third party reviewer from a listing of third party reviewers maintained by the code enforcement department. The applicant can provide a third-party nomination to the code enforcement department, but acceptance of the third party shall be at the sole discretion of the department. The costs and expenses of the third-party reviewer shall be paid by the applicant at the time of the filing of the application. Within 35 business days, the third-party reviewer will make a determination of the project's ability to achieve a minimum green building pre-certification status for one of the following rating systems:

LEED ®	LEED ® Silver
Green Globes	Two Green Globes
National Green Building Standard (ICC 700)	Silver - Green Building; and/or Two Stars - Site Design and Development
International Green Construction Code	Minimum compliance with the code and compliance with the adopted levels in Table 102.4.12.
Allowable Green Building Systems	

(d) Within ten business days after receipt of third-party review, results and commentary, the zoning administrator shall determine in writing if the project is:

(1) Eligible for BGR district incentives.

(2) Ineligible for BRG district incentives.

(e) Once the zoning administrator has issued a decision that the project is eligible, the applicant cannot change the proposed green building rating system without first obtaining the approval of the zoning administrator. In making this re-determination, the zoning administrator may require that the proposed change(s) be submitted to a third-party reviewer as provided by this article.

(f) Upon application, the applicant shall submit the review of the third-party and any acceptances or certifications from green rating agencies to demonstrate compliance with the proposed green building rating system or code.

(g) Prior to the issuance of a certificate of occupancy, the zoning administrator shall receive certification or documentation from the qualified third-party reviewer that the as-built project has achieved the proposed rating system. No certificate of occupancy or temporary certificate of occupancy shall be issued without demonstrated evidence supplied by the applicant and third-party reviewer that the project has achieved the proposed level of green building compliance.

Sec. 102-771.4 – Density, Height, Dimensional Incentives

Projects that meet eligibility may take advantage of additional building height opportunity.

Table I: Dimensional Regulations for Eligible BGR Projects

Maximum Building Height	Minimum Lot Size	Minimum Building Setbacks	Minimum Setback Between Structure & New Parking Lots	Minimum Open Space Setbacks; New Structure further from 100-year Floodway	Minimum Landscape Buffer from Structure:	Sidewalk Widths
4	10,000SF	20' Front	20'	20' Front	10' Front	10/20'*
		20' Side		20' Side	10' Side	
		20' Rear		20' Rear	10' Rear	

* Sidewalk widths along streets within the BGR district shall be no less than ten feet off street and 20 feet along a street.

(1) A new structure constructed within the BGR District shall have no fewer than two stories.

(2) There shall be a maximum structure setback of five feet from any Marlboro Street property line. Minor deviations equal to a maximum of 25 percent of street frontage are permitted for parks, open space, plazas or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.

(3) There shall be a maximum structure setback of ten feet from any street frontage property line in the BGR District. Minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.

(4) First floors are to be used only for vehicular or bicycle parking.

Sec. 102-771.5 – Adaptive Re-Use Incentive Option

The City encourages reuse of existing buildings whenever possible for reasons of existing infrastructure efficiency, possible historical preservation and potential smart growth advantages.

Project Incentives: Adaptive Reuse Projects that comply with the majority of existing Development Standards and a solid set of Smart Growth Principles can also be eligible for the following incentives:

(1) The project can exceed the maximum density for the site provided the Adaptive Reuse Project is in compliance with the development standards.
(2) Existing building setbacks may remain and shall be considered legal nonconforming, but no further encroachments shall be permitted into any nonconforming setback.
(3) The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legal nonconforming, and any rooftop construction shall be included within the height exemption.
(4) A new loading zone shall not be required if the existing building does not have an existing loading zone.
(5) New parking spaces shall not be required for any converted use within the building, but any new square footage that includes any new units shall require additional parking at a minimum rate of 2 spaces per unit.

Sec. 102-771.6 - Parking Regulations and Incentives

(1) Parking Regulations - Shared parking to reduce the total number of parking spaces required for properties within this zone will be allowed as permitted under *Chapter 102 Zoning: Article XIV. Shared Paring with the Sustainable Energy Efficient Development (SEED) Overlay.*
(2) Parking lots shall not be permitted at transition points into and out of the BGR district unless screened with landscaping and/or, fencing, existing buildings, new buildings.
(3) Parking lots shall be located at the rear or side of a building(s).
(4) The following parking requirements shall apply for an eligible project:
    a) This article shall supersede parking requirements established in section 18-253.
    b) Shared parking shall be permitted, pursuant to section 102-1450 - section 102-1456;

c) The maximum allowable distance between any property and the location of any off-site parking shall be 750 feet, pursuant to section 102-978;

The number of parking spaces required for eligible projects within the BGR district shall comply with the parking requirements established in Table II: Parking Calculations for Eligible Projects within the BGR district.

Table II: Parking Calculations for Eligible Projects within the BGR District						
USE CATEGORY	**MINIMUM**					
Dwellings & Apartments	1-25 Dwelling Units: 2.0 spaces per unit					
	26-50 Dwelling Units: 1.75 spaces per unit					
	51-100 Dwelling Units: 1.5 spaces per unit					
	100-150 Dwelling Units: 1.25 Spaces per unit					
	> 150 Dwelling Units: 1.0 spaces per unit					
Hotel, Motel, or Tourist Homes	One (1) per sleeping room		One (1) per five (5) seats in ancillary restaurants		One (1) per 500 s.f. of other areas	
Restaurant, Theatre, Auditorium, Church, Places of Indoor Assembly	One (1) per every four (4) seats					
Retail	General Retail: one (1) per 275 s.f. of floor area					
Offices	One (1) per 300 s.f. of gross floor area					
Wholesale & Storage	One per 3,000 s.f. of gross floor area					
Live/Work Space	One per 2,500 s.f. of gross floor area					

Sec. 102-771.7-.9 – Reserved

Division 23 - Neighborhood Business District (NB)

Sec. 102-772.0 – Intent

These will be mixed use districts with small businesses to support the adjacent neighborhoods and workplaces. The district NB is intended to enhance the visual character of the existing commercial corridors as well as to encourage site designs that promote pedestrian circulation, small urban parks and transportation alternatives along Marlboro Street. Some uses which are not retail or service in nature are also allowed so that a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local scale and to limit adverse impacts on

nearby residences. Development is intended to be pedestrian-oriented and compatible with surrounding residential areas. A mixture of uses side by side and in the same structure is to be encouraged. Location of parking is limited, since its appearance is generally out of character with the surrounding residential development.

(1) Reduce the multiple impacts of automobile parking by limiting the number of spaces per parcel, avoiding large expanses of automobile parking lots facing the streets while providing safe, secure and convenient bicycle parking opportunities.

(2) Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create "outdoors rooms", a critical element of "place making"; aiming for ratios of building facades to roadway widths from 1:2 to 3:2;

(3) Utilize large street trees which also play an important role in creating a pedestrian scale. Pedestrian comfort being another critical element to the vitality of these new places being created;

(4) Create walk and bike-friendly connections throughout the district and along streets.

(5) Create an outdoor experience adjacent to buildings, different from the downtown.

(6) Connect uses and buildings within the Neighborhood Business Districts through pedestrian and vehicular access, prioritizing pedestrian and bicycle access above vehicular access;

Sec. 102-772.1 – Permitted Principal Uses – Any mixture of these primary uses is permitted:

Permitted Uses	**Subject To:**
Greenhouse, Nursery	< 5,000SF
Health & Fitness Center	< 2,500 SF
Dwelling Unit, Multi-Family	
Neighborhood Grocery Store	< 1,500SF
Nursery/Child Care	< 3,000SF
Office, Professional	< 2,500 SF
Historic Site Open To the Public	
Restaurant	< 4,000SF
Retail Sales/Service	< 2,500SF
Funeral Parlor	< 3,750SF

Sec. 102-772.2 – General

(1) Sidewalk widths along Marlboro Street shall be no less than ten (10) feet and no greater than twenty (20) feet, depending on the highest volume of usage.

Sec. 102-772.3 – Adaptive Re-Use Incentive Option

Project Incentives: Adaptive Reuse Projects that comply with the Development Standards are eligible for the following project incentives:

(2) The project can exceed the maximum density for the site provided the Adaptive Reuse Project is in compliance with the development standards.
(3) Existing building setbacks may remain and shall be considered legal nonconforming, but no further encroachments shall be permitted into any nonconforming setback.
(4) The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legal nonconforming, and any rooftop construction shall be included within the height exemption.
(5) A new loading zone shall not be required if the existing building does not have an existing loading zone.
(6) New parking spaces shall not be required for any converted use within the building, but any new square footage that includes any new units shall require additional parking at a minimum rate of 2 spaces per unit.

Sec. 102-772.4 – Parking Regulations - Shared parking to reduce the total number of parking spaces required for properties within this zone will be allowed as permitted under *Chapter 102 Zoning: Article XIV. Shared Paring with the Sustainable Energy Efficient Development (SEED) Overlay.*

Sec. 102-772.5-.9 – Reserved

3. That the Ordinances of the City of Keene, Article I, Section 102-2. Definitions, are amended by revising the following definitions to read as follows:

Alteration - ~~as applied to a building or structure, means a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.~~ **means any construction or renovation to an existing structure other than repair or addition. Applied to a building this means a change or rearrangement in the structural parts, and can include flood proofing or other modifications.**

Area, Building – ~~means the maximum horizontal cross section area of the main building and accessory structures on a lot.~~ **means the horizontal area measured within the outside of the exterior walls of the ground floor of all principle and accessory buildings on the lot. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.**

Attic, habitable – means an attic which has a permanent stairway as a means of access and egress. ~~and in which the ceiling area at a height of at least seven feet four inches above the attic floor is not more than one-third the area of the floor next below.~~

Bed and Breakfast – ~~means a house or portion thereof where short term lodging rooms and meals are provided. The operator of the bed and breakfast shall live on the premises.~~
means a residential structure consisting of nine(9) or fewer bedrooms rented on a temporary, short term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on-site management on a twenty-four (24) hour basis. Breakfast shall be the only meal served and shall be served to registered guests only.

Building – ~~means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property.~~ **Any structure used or intended for supporting or sheltering any use or occupancy.**

Building Height – means the vertical distance measured from the grade plane ~~of the lot grade to the highest point of the roof, excluding chimneys, ventilators, tanks and other accessory features required above the roof. Also excluded are: towers, spires, domes and similar ornamental features, if not used for living purposes; barns, silos, and other farm buildings and structures required for agricultural purposes; and towers for transmission and communication lines, radio towers, fire towers, water towers and airplane beacons.~~ **to the average height of the highest roof surface as defined in the latest-adopted version of the NH State Building Code, with the exception that grade plane shall refer to mean natural grade and not the finished ground level.**

Dwelling, Unit – ~~means a room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating. Also, a room or group of rooms within a group home, with or without cooking and eating facilities occupied by not more than two persons.~~ **means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Structure types:**

A. ***Accessory Dwelling Unit:*** ***A dwelling unit, for use as a complete independent living facility, located on the same zoning lot as a detached single-family or attached single-family dwelling. The second unit is created auxiliary to, and is always smaller than the detached single-family or attached single-family dwelling.***
B. ***Attached Duplex:*** ***A duplex located on its own lot, which shares one or more common or abutting walls with one other duplex.***
C. ***Attached Single-Family Dwelling:*** ***A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units; does not share common floor/ceilings with other dwelling units. As attached single-family dwelling is also called a townhouse, rowhouse or a common-wall house on a fee simple lot.***

D. ***Attached Multi-Family Dwelling:*** *– more than three (3) units on a lot.*

E. ***Detached Single-Family Dwelling:*** *A detached dwelling unit located on its own lot, designed for, or intended to be occupied by one family.*

F. ***Duplex/Two-Family Dwelling:*** *Abuilding or portion thereof designed, occupied or intended for occupancy a complete, independent living facility for the exclusive use of one family, including permanent full provisions for sleeping, eating, cooking and sanitation. A dwelling unit shall have no more than one kitchen and shall provide complete internal access to all rooms in the unit. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly incidental and accessory, such as an outdoor grill or a wet bar.*

G. ***Manufactured Home:*** *A factory-built, single family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, that is transportable in one or more sections, is built on a permanent chassis, is designed to be used as a year-round, permanent, single family dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of initial delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. This definition does not include a recreational vehicle, mobile home, or modular home.*

H. ***Multi-Dwelling Structure:*** *A structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate zoning lots.*

Hotel/**Motel** – ~~shall mean a building or group of buildings which provides sleeping accommodations on a transient basis, with or without meals, but without separate cooking facilities for individual occupants.~~ **means a building or group of detached or connected buildings, containing six or more guest rooms, designed or used primarily for providing sleeping accommodations for travelers and/or tourists on a daily or weekly rate basis or a period less than six months. Such establishments shall provide customary hotel/motel services such as linen, maid service, communication service, etc. Said use may also contain such ancillary facilities as conference facilities, restaurant, bar, recreational facilities, ballroom, banquet room and meeting rooms.**

Manufacture/Manufacturing – ~~means the act of making goods or articles from raw materials or unfinished products and includes processing and assembling.~~ **means the processing, assembling, and/or converting of raw, unfinished materials or products into articles or substances of different character, or for a different purpose.**

Nursery/Child Care Facility – ~~means a place where seven or more preschool children are cared for temporarily in their parents' absence. This is not intended to prohibit the care of school-age children temporarily in their parents' absence.~~ **means an establishment for the care and supervision of a person or child away from the person or child's home and apart from the person or child's family.**

Day Care Center: A facility with provides care, protection and supervision of people for a period of less than 24 hours for more than five people unrelated to the operator, which is licensed under the provisions of F.S. §402.302. See also Day Care, Family.

Day Care, Family: Family day care home means an occupied residence in which care is regularly provided for people from at least two unrelated families and which receives a payment, fee or grant for any of the people receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for five or fewer persons, which shall include those people under 13 years of age who are related to the caregiver.

Nursery/Greenhouse – ~~means a place where plants are raised or grown.~~ **means an enterprise that conducts the retail and/or wholesale business of plants grown on the premises, as well as accessory items directly related to their care and maintenance.**

Open Space – ~~means land within or related to a conservation residential development, which is set aside for conservation purposes, in accordance with section 102-289. Open space is subject to use limitations as set forth in section 102-288(4) and is intended for the common use, benefit and enjoyment of the residents of the conservation residential development and/or the general public. Open space may be held jointly by the owners of other lands in the conservation residential subdivision, a developer prior to completion of a conservation residential subdivision development, a homeowner's association, the city, or a third party conservation organization.~~ **means land intended to remain undeveloped for use as active or passive recreation areas or for resource protection.**

Recreation Area – ~~means an area designed primarily for activities, either active or passive, normally considered as recreation.~~ **means a parcel of land for the refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of a property or its wildlife. (Term is currently used in Div. 3 Conservation Residential Development Sec. 102-272 Permitted uses)**

Research and Development Laboratory – ~~means a place devoted to activities engaged in refinement, investigation or experimental study of methods to improve processes or products. Manufacturing of products is not included within this definition.~~ **means a structure or complex of structures designed or used primarily for research development functions related to**

industry and similar fields of endeavor that do not involve the mass manufacture, fabrication, processing, or sale of products.

Restaurant – means ~~any place where food or drink is prepared or served to the public for consumption on the premises. The term "food" includes beverages~~ **means a structure in which the primary use in the preparation, cooking, consumption and sale of food and beverages.**

4. That the Ordinances of the City of Keene, Article I, Section 102-2. Definitions, are amended by removing the following definition:

~~Commercial Lots means any parking lot that provides parking for nonresidential uses or for multi-family dwelling units, defined here as any structures containing more than two dwelling units.~~

~~Dwelling, duplex, means a building or structure limited to two individual dwelling units.~~

~~Dwelling, multifamily structure, means a building containing three or more dwelling units.~~

~~Dwelling, single-family, means a building used and intended to be used as a single habitable unit for one family, with facilities used or intended to be used for living or sleeping, and including facilities for cooking and eating.~~

~~Motel shall mean a building or group of buildings with direct access to each unit from the outside, and with an on-site parking space for each unit, which provides sleeping accommodations primarily for transients traveling by motor vehicle, with or without meals and/or cooking facilities for individual occupants.~~

~~Mixed-use means a combination of different permitted uses within a single building or lot.~~

5. That the Ordinances of the City of Keene, Section 102-2. Definitions, are amended by adding the following definitions:

Bar **– means any establishment devoted primarily to the selling, serving and drinking of alcoholic beverages.**

Bed and Breakfast Inn **– An owner or operator-occupied single-family detached dwelling unit which contains no more than one kitchen and five (5) or fewer guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests, other than temporary personal guests of the family in the dwelling unit, for compensation with or without meals.**

Commercial Parking Lots **– Premises designed and used exclusively for the parking of motor vehicles for a fee. Or a parking lot for a building to be approved by the Planning Board.**

Exterior Storage **– Includes the outdoor storage of goods that generally have little or no differentiation by type. The goods may be for sale or lease, but f so, they are the types that customers generally do not inspect and compare. Exterior storage includes the storage of raw or finished goods (packed or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; and other similar items. Examples are lumberyards, tool and equipment rental, bark chip and gravel sales, and storage of goods used in manufacturing. Damaged or inoperable motor vehicles or motor vehicles that have missing parts that are kept outside are included as exterior storage. The storage of motor vehicles that do not have any missing parts or damage that is visible from the outside of the vehicle is considered parking rather than exterior storage. The storage of motor vehicles that have minor dents or other minor defects in the body is also considered parking rather than storage if the motor vehicle is in working order. See also Exterior Display.**

Exterior Display **– Is an outdoor showroom for customers to examine and compare products and includes the outdoor display of products, vehicles, equipment and machinery for sale or lease. The display area does not have to be visible to the street. Examples of uses that often have exterior display are motor vehicles and boat sales, and plant nurseries. Outdoor display of vehicles is separate from required parking spaces under the zoning ordinance. This does not include goods that are being stored or parked outside. It does not include damaged motor vehicles, vehicles or equipment being serviced, and other similar products. See also Exterior Storage.**

Impervious Surfaces **– Those surfaces and development features on a lot which are non-porous and which substantially prevent rain or storm water from absorbing or percolating into the ground beneath them. Impervious surfaces include, but are not limited to: roof areas, structures, patios, sidewalks, driveways, parking areas, swimming pools and other development features surfaced with non-porous materials.**

Mixed-Use Development **– A development on one zoning lot that combines uses with commercial and/or office uses, consisting of one or more buildings. See also section II-303(b) and residential structure types, live/work unit.**

Neighborhood Grocery Store **– Establishments primarily engaged in the provision of frequently or recurrently needed food for household consumption, such as prepared food, beverages, limited household supplies and hardware, less than or equal to 1,500 square feet.**

Porous Surface **– A surface that presents an opportunity for precipitation to infiltrate (soak) into the ground.**

_____

Kendall W. Lane, Mayor

4A3

APPLICATION TO AMEND THE ZONING MAP

Petitioner Michele Chalice, Planner, Keene Planning Department Date 01/23/2016

Address 3 Washington Street, Keene NH 03431 ,

Telephone (603) 352-5474 Property Owner varies

Location of Property to be Rezoned An area bounded by Main St./Water St./Eastern Ave./Brown St. Described as the Marlboro Street Re-Zoning Project Area

Approximate Acreage 266 Present Zoning District varies Proposed Zoning District varies

Validation of parcel ID# by the Assessing Department

Assessing Department Staff

Petitioner's Signature

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

- A properly drafted Ordinance containing the full description of the property to be rezoned and the proposed amendment along with a typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- A notarized list of property owners/agents within the boundary of the area or areas proposed for rezoning as well as the names of all abutters of the property. This list shall include the tax map number and address of each abutter and 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.
- Three maps showing the boundary of the area or areas to be changed, one at 8 1/2" x 11" and two at City tax map scale.
- $100.00 application fee plus an additional $10.00 per acre or lot for a total sum not to exceed $500.00 as well as the publication and postage fees identified below. Check made payable to City of Keene.

Ordinance Number O-2016-02 Date Received by City Clerk 2/3/2016

Application Fee @ $100.00	$ n/a
Area Fee @ $10/00 per acre	$
Publication of Notice in The Keene Sentinel @ $90.00	$
Postage Fees for property owners/ agents and abutters. Total # of notices ____ @ .48	$

The petitioner is also responsible for the publication costs for the public workshop before the joint Planning Board and Planning, Licenses and Development Committee. Additional costs will be collected by the Planning Department for the mailing costs associated with the public workshop as well as the publication of the public workshop notice.

Proposal to Amend the Zoning Ordinance Regarding O-2016-02

February 2, 2016

Ordinance O-2016-02 modifies the existing zoning map to reflect the addition of three new districts: a Business Growth and Reuse (BGR) district, a Neighborhood Business (NB) district and a Residential Preservation (RP) district. These districts will replace and modify existing Low Density, High Density, Industrial and Commerce Districts currently in the 266-acre area on Keene's lower east side.

These map changes are part of a larger endeavor, the Marlboro Street Rezoning Project which began in 2012 with a successful $50,000 grant application from the NH Community Planning Grant program combined with the required local match of $30,000 from the City of Keene's Capital Improvement Planning budget. Over the next two years, with the assistance of a consultant team of five firms and a ten-person Advisory Committee, the Marlboro Street Re-Zoning project developed innovative zoning and land-use regulations for Keene's Marlboro Street area. O-2016-02 is submitted with O-2016-01, to amend the City's zoning ordinance with these three new district titles and districts; the two ordinances are intended to work together.

ORDINANCE

CITY OF KEENE

4A4

O-2016-02

In the Year of Our Lord Two Thousand and .....Sixteen.....

AN ORDINANCE Relating to Change of Zone – Marlboro Street Project Area and its Parcels

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

That Chapter 102, the Zoning Ordinance of the City of Keene, New Hampshire, as amended, be and hereby further amended by changing the zoning designation on the Zoning Map of the City of Keene, as adopted by the Keene City Council on December 15, 1977, as part of Chapter 102 entitled, "ZONING", of the said Ordinances, from:

High Density (HD), Low Density (LD), Commerce (C) and Industrial (I)

to

Residential Preservation (RP), Business Growth and Re-Use (BGR), Neighborhood Business (NB), Medium Density (MD) and Central Business (CB)

on the following parcels:

That the following tax parcels will change from zoning district INDUSTRIAL to **NEIGHBORHOOD PRESERVATION**:

027010150000	027010220000	027010100000
027010130000	027010150100	027010120000
027010110000	027010150200	027010140000

That the following tax parcels will change from zoning district HIGH DENSITY to **NEIGHBORHOOD PRESERVATION**:

027020150000	030020090000	028010130000
028010110000	028030130000	028010040000
028010120000	030020300000	028010050000
028010140000	028010080000	028010060000
030020070000	023010100000	028030090000
030020110000	023010110000	028030120000
028010070000	028010030000	028030210000
028030050000	023010070000	028010310000
028010090000	023010080000	029050040000
028030260000	023010090000	028030070000
028010100000	023010120000	029050060000

PASSED

028030080000	028030160000	028030220000
028030110000	027020070000	028030230000
028030060000	030020240000	023010060000
027020100000	030020250000	029050070000
027020120000	030020270000	030020350000
027020130000	023010030000	030020290100
030020050000	023010040000	030020290000
028010300000	023010050000	030020310000
029050020000	028030250000	023010130000
029050050000	028030100000	023010140000
027020060000	028030140000	023010150000
027020050000	029050030000	027020040000
027020080000	028030170000	027030140000
027020110000	028030180000	027020150000
028030240000	028030190000	028010110000
027020090000	028030200000	028010120000

That the following tax parcels will change from zoning district INDUSTRIAL to **BUSINESS GROWTH AND RE-USE**:

030020200100	031010120000	027010010100
027010160000	026010280000	026010190000
026010210000	031010120200	027010250000
030020380000	031010180000	026010250000
027020160000	030020200000	026010160000
026010170000	026010150000	030020200000
027010040000	027020010000	032010010000
027010010000	031010170000	
026010260000	027010010200	

That the following tax parcels will change from zoning district COMMERCE to **NEIGHBORHOOD BUSINESS**:

029040090000	029030130000	030020210000
030020130000	029040070000	037050050000
033010080000	030020260000	037070050000
029040100000	029030180000	037070040000
029030190000	029050100000	037070010000
030020340000	030020170000	037060010000
029050140000	029050080000	037070030000
029030120000	029050120000	037070020000
029040080000	029050010000	037060420000
030020390000	029030200000	037010110000
030020190000	030020320000	037060020000
029050130000	029050090000	037010020000
029040110000	033010040000	037060430000

031030010000
037070060000
029050110000

That the following tax parcels will change from INDUSTRIAL zoning district to **CENTRAL BUSINESS** zoning district:

027010060000 Bentley Commons
027010050000 Warner, Evelyn B
024010010000 Findings Realty Inc.

That the following tax parcels will change from INDUSTRIAL zoning district to **MEDIUM DENSITY** zoning district:

027010240000 Christopher C Hamblet

_____

Kendall W. Lane, Mayor

4B1

APPLICATION TO AMEND THE ZONING MAP

Petitioner: **Keene Public Library Board of Trustees** Date: **01/28/2016**

Address: **60 Winter Street, Keene, NH 03431**

Telephone: **(603) 352-0157** Property Owner: **City of Keene**

Location of Properties to be Rezoned: **76 Winter Street** (tmp# 001-01-006); **86 Winter Street** (tmp# 001-01-004); **105 West Street** (tmp# 001-01-005)

Approximate Acreage: **1.238 acres** (76 Winter Street = 0.803 acres; 86 Winter Street = 0.194 acres; 105 West Street = 0.241 acres)

Present Zoning District: **Office** Proposed Zoning District: **Central Business**

Validation of parcel ID#s by
the Assessing Department

Assessing Department Staff

Kathleen Packard
Petitioner's Signature

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

- A properly drafted Ordinance containing the full description of the property to be rezoned and the proposed amendment along with a typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- A notarized list of property owners/agents within the boundary of the area or areas proposed for rezoning as well as the names of all abutters of the property. This list shall include the tax map number and address of each abutter and 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.
- Three maps showing the boundary of the area or areas to be changed, one at 8 1/2" x 11" and two at City tax map scale.
- $100.00 application fee plus an additional $10.00 per acre or lot for a total sum not to exceed $500.00 as well as the publication and postage fees identified below. Check made payable to City of Keene.

Ordinance Number O-2016-03 Date Received by City Clerk Jan. 28. 2016

Application Fee @ $100.00	$ n/a
Area Fee @ $10/00 per acre	$ n/a
Publication of Notice in The Keene Sentinel @ $90.00	$ n/a
Postage Fees for property owners/ agents and abutters. Total # of notices ____ @ .48	$

The petitioner is also responsible for the publication costs for the public workshop before the joint Planning Board and Planning, Licenses and Development Committee. Additional costs will be collected by the Planning Department for the mailing costs associated with the public workshop as well as the publication of the public workshop notice.

Application to Amend the Zoning Ordinance (Library Annex & Adjacent Properties)

Narrative

The Friends of the Keene Public Library and the Keene Public Library Board of Trustees purchased the property now known as the Library Annex in 2003 and donated it to the City. For a period, the former owners of the building, the Jerusalem Lodge #104 of Free and Accepted Masons, leased the second floor space while they sought a permanent location for their Lodge. During this time, the complete functions of the Annex were not fully developed. Over the years, some improvements have been made to the building, which has been used by both the library and community groups for hosting programs and events.

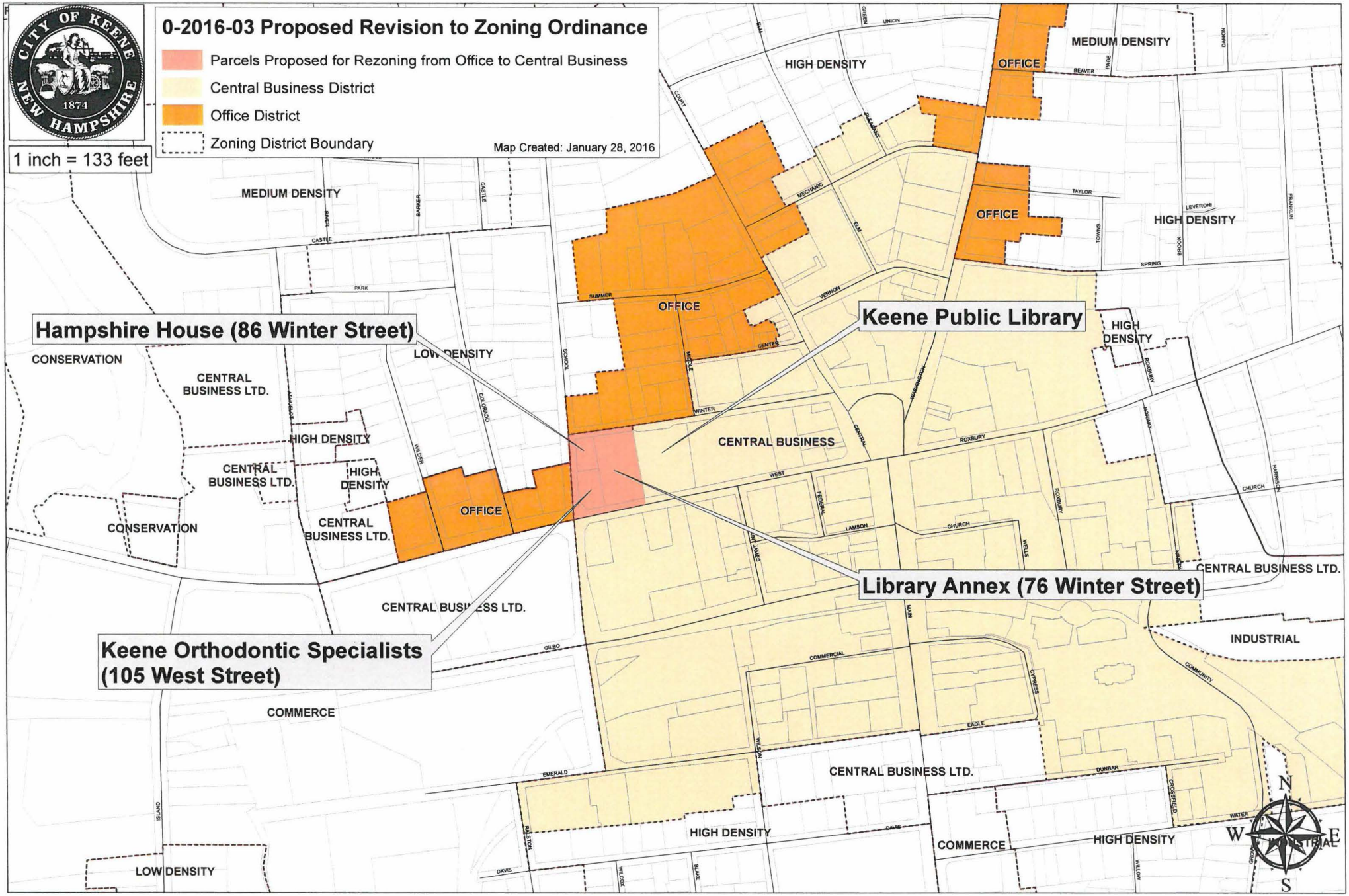
Although both the Keene Public Library and the Library Annex are owned by the City of Keene and provide library services, they are currently in two different zoning districts. The library property is located in the Central Business District and the adjacent Library Annex property is in Office District. While there is leased office space within the Library Annex, the predominant use of the building is for library and community programming.

After a review of the zoning ordinance and zoning map, it was determined that the primary uses of the Library Annex property are more closely aligned with the intent of the Central Business District than the Office District. The owners of abutting properties feel similarly and have requested that their properties also be considered as part of this application. These properties include: the Hampshire House (86 Winter Street), which is owned by Cheshire Housing; and Keene Orthodontic Specialists (105 West Street), which is owned by Dr. Lance Miller.

The intent of the Central Business District is to be the center or hub of the community providing commercial, financial, retail, government and multifamily uses side by side (Section 102-481 of Keene City Code). Whereas, the intent of the Office District is to provide for noncommercial offices within walking distance to the downtown providing uses that are low intensity such as professional offices (Section 102-601 of Keene City Code). The Library Annex, as an extension of the Keene Public Library, is an important community facility within the downtown of Keene. The Hampshire House and the Keene Orthodontic Specialists are commercial uses that are better suited for the Central Business District than the low intensity Office District. Rezoning these three properties from Office to Central Business would make them more conforming and would further support good zoning practice.

The City of Keene Comprehensive Master Plan recognizes the importance of the availability of a wide-range of formal and informal, community based, adult-education program and resources to ensure that all individuals have opportunities to maintain and enhance their skills. On page 110 of the Master Plan, it states, "support of our library and its programs is integral to this strategy." Rezoning the Library Annex property from Office to Central Business would encourage the enhanced use of this property as a core community facility and space for community-based education and programming.

In addition, it should also be noted that all three properties are within the City's Downtown Historic District and would continue to fall under the jurisdiction of this District.


0-2016-03 Proposed Revision to Zoning Ordinance
Parcels Proposed for Rezoning from Office to Central Business
Central Business District
Office District
Zoning District Boundary
Map Created: January 28, 2016
1 inch = 133 feet
Hampshire House (86 Winter Street)
Keene Public Library
Library Annex (76 Winter Street)
Keene Orthodontic Specialists (105 West Street)
MEDIUM DENSITY
HIGH DENSITY
OFFICE
CONSERVATION
CENTRAL BUSINESS LTD.
CENTRAL BUSINESS
LOW DENSITY
COMMERCE
INDUSTRIAL

ORDINANCE

CITY OF KEENE

4B2

O-2016-03

In the Year of Our Lord Two Thousand and Sixteen

AN ORDINANCE ~~Relating to Change of Zone – Keene Public Library Annex and Adjacent Parcels~~

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

That Chapter 102, the Zoning Ordinance of the City of Keene, New Hampshire, as amended, be and hereby further amended by changing the zoning designation on the Zoning Map of the City of Keene, as adopted by the Keene City Council on December 15, 1977, as part of Chapter 102 entitled, "ZONING", of the said Ordinances, from Office (O) to Central Business (CB), on the following parcels:

001-01-006-0000	76 Winter Street
001-01-005-0000	105 West Street
001-01-004-0000	86 Winter Street

_____

Kendall W. Lane, Mayor

PASSED

City of Keene
NEW HAMPSHIRE

4C1

January 27, 2016

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

SUBJECT: Bicycle/Pedestrian Path Advisory Committee

Recommendation:

Refer Ordinance O-2016-05 to the Municipal Services, Facilities and Infrastructure for their review and consideration.

Background:

Ordinance O-2016-05 would remove the requirement that three members of the Bicycle/Pedestrian Path Advisory Committee be members of the Board of Directors of Pathways for Keene. Although there is significant overlap between the focus areas and functions of these two groups, the requirement that three of the seven members be Pathways Board members is difficult to achieve from a practical perspective.

ORDINANCE

CITY OF KEENE

4C2

O-2016-05

In the Year of Our Lord Two Thousand and Sixteen

Relating to the Bicycle/Pedestrian Path Advisory Committee

AN ORDINANCE

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

That the Ordinances of the City of Keene, as amended are hereby further amended by deleting the stricken text in section 2-712 "Membership" of Division 5 "Bicycle/Pedestrian Path Advisory Committee" of Article IV "Board and Commissions" of Chapter 2 entitled "Administration" as follows:

Sec. 2-712. - Membership.

The bicycle/pedestrian path advisory committee shall consist of seven regular members and two alternate members. All appointed citizens to the committee must be city residents and must represent a cross section of bicycling clubs, organizations and interests in the city. ~~Three members of the committee shall be members on the board of directors of pathways for Keene.~~ Members shall be appointed by the mayor as provided in the Charter, section 29.

Kendall W. Lane, Mayor

PASSED

6A1

CITY OF KEENE
NEW HAMPSHIRE

Public Works Department

Date: February 2, 2016

To: Mayor and City Council

Through: Medard Kopczynski, City Manager

From: Donald R. Lussier, P.E., City Engineer

Subject: Resolution R-2016-03

Recommendation:

Resolution R-2016-03 have a first reading and be referred to the Finance, Organization and Personnel Committee.

Background:

The City's FY16 – FY21 Capital Improvement Plan allocated approximately $2 Million in FY17 for the reconstruction of Runway 14/32. The work is anticipated to include replacing the runway surface, reducing the runway width and relocating the lighting system. That CIP also listed "Prior Year" expenditures of $289,000 for design services. However, the design phase has not yet begun. Last year's CIP should have listed the Design Fee as a FY16 expense. Resolution R-2016-03 is intended to correct this clerical error by appropriating the estimated design fee to the current fiscal year.

As a Block Grant State, the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics administers Federal Aviation Administration activities and grants for the Dillant-Hopkins Airport. The NHDOT has applied for the funding and these funds are available once the City formally submits its grant application. The grant will cover the engineering costs for the proposed reconstruction of Runway 14/32 with cost-sharing levels of 90% Federal, 5% State and 5% local funds.

It should be noted that the proposed FY17 – FY22 CIP currently under review includes the same estimated design fee of $289,000 as a FY17 expense. However, the grant application schedule requires the City to begin the project prior to the start of the new fiscal year.

CITY OF KEENE

6A2

R-2016-03

Sixteen

In the Year of Our Lord Two Thousand and .....

Relating to appropriations for airport improvement projects

A RESOLUTION .....

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

That the sum of two hundred eighty nine thousand dollars ($289,000) is hereby appropriated in the 2015-2016 fiscal year for the purpose of funding a professional services contract for the following project at the Keene Dillant-Hopkins Airport:

1. Runway 14/32 Reconstruction Project, in the amount of $289,000.

Said appropriation to be funded by the General Fund unallocated fund balance. Upon award and acceptance of federal and state grants, this appropriation, less the requisite City grant match, will be returned to the General Fund unappropriated fund balance.

_____

Kendall W. Lane, Mayor

PASSED