



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
Council Chambers A, Keene City Hall
June 12, 2024
6:00 PM

A. AGENDA ITEMS

1. Keene Downtown Group - Request to Use City Property - Wizarding Week
2. Madam Sherri's Lounge - Request to Serve Alcohol on City ROW - Adjacent to Railroad Square
3. Kiwanis Club of Keene - Request to Use City Property - Tree Lighting Ceremony
4. Attorney Thomas R. Hanna/BCM Environmental & Land Law, PLLC - Donation of Land at 0 Ashuelot Street - Compensatory Flood Storage
5. Warrant for Unlicensed Dogs - City Clerk
6. Relating to Sidewalk Cafe Enforcement Measures
Ordinance O-2024-06-B

B. MORE TIME ITEMS

1. City Council Rules of Order Amendments

NON PUBLIC SESSION

ADJOURNMENT

Keene City Council
3 Washington Street
Keene, NH 03431

Monday, May 20, 2024

Dear Members of the Keene City Council,

I am writing to request the temporary closure of Church Street, specifically between The Fairfield Hotel and the Hannah Grimes Market Place, on Saturday, July 27th for a "Diagon Alley" themed street fair. This event will be a highlight of the Wizarding Week taking place in Keene from July 22nd to July 28th, 2024.

The street fair will feature up to three food trucks, various craft vendors, and street performances. Sponsored by the Keene Downtown Group and supported by our dedicated volunteers, the event aims to enhance the food service options available during the weekend and to provide engaging, family-friendly entertainment.

We anticipate that the "Diagon Alley" street fair will draw hundreds of visitors to downtown Keene, contributing to the local economy and fostering community spirit. This themed event will offer a unique opportunity for vendors to sell Harry Potter-themed goods, which we believe will be a big hit among attendees of all ages.

Our goal is to establish this as an annual event that grows in popularity each year, thereby attracting more visitors and further supporting downtown businesses.

We hope that you will consider our request favorably and support this initiative, which promises to be a delightful addition to Keene's vibrant community events. Thank you for your time and consideration.

Sincerely, 
Adam Berube
Keene Downtown Group



To: Keene City Council
Re: Outdoor Patio

This is a formal request to allow our new restaurant the ability to serve alcohol on our outdoor patio in Railroad Square. We will be using the same footprint as previously approved for Hennessy's as well as the same fence and tables. There are 48 seats in the patio area to be contained inside the fenced area. Thank you for your consideration.

Sincerely,

Adam Toepfer, Managing Member

Patrick Brown, Managing Member

Paul M. Mekdeci, Managing Member



Kiwanis®

KEENE KIWANIS FOUNDATION

63 Emerald Street
PMB 451
Keene, NH 03431
keenekiwanis.org

OFFICERS 2022-2023:

Pete Southwell
President

Eli Rivera
Past President

Art Walker
President-Elect

Pam Wilson
Treasurer

Janet Genatt
Assistant Treasurer

Peg Bruce
Assistant Treasurer

Peg Bruce
Secretary

Pam Wilson
Assistant Secretary

DIRECTORS:

Carl Allen

Patti Hurd

Jen Rivera

Diana Sommer

Patricia Spears

Art Trombly

PAST PRESIDENTS:

Eli Rivera 2022-2023

January 12, 2024

Mayor Kahn and the Keene City Council
3 Washington Street
Keene, NH 03431

Re: 11/29/2024 Kiwanis Club of Keene Tree Lighting Celebration, Central Square, Keene, NH

Dear Mayor Kahn and the Keene City Council:

The Kiwanis Club of Keene and the Keene Kiwanis Foundation request a license to produce the 2024 Kiwanis Club of Keene Tree Lighting Celebration. The proposed date and time of the event is November 29, 2024, 5 p.m. to 8:00 p.m. This event continues to compliment the Kiwanis' mission of supporting our local youth.

Keeping with tradition, we would once again like to decorate the Bandstand on Central Square with lights, wreaths, garlands, and bows; decorate the city tree on Central Square with lights and hope to again have a second tree with battery operated mini lights on the Roundabout at the Marlboro Street and Winchester Street intersection. We plan to do the decorating of Central Square on a Saturday in the month of November 2024 and take the decorations down by the second week of February 2025. If possible, we would keep the lights on through the Ice and Snow Festival, weather and City permitting. We plan to continue to string bars of soap on the trees to deter the squirrel population from damaging the light strings. No lights have been damaged so far in 2023/2024.

The 2023 event was enjoyed by a very large group. The decorations are very much appreciated by our community. The children enjoyed the entertainment of the Nelson Town Band and the Keene Cheshiremen Chorus including a Sing Along and Mrs. Claus reading "Twas the Night Before Christmas". Santa's grand entrance on the ladder truck with assistance from Keene Fire Department was especially spectacular! Each year Kiwanis youth groups participate and provide cookies and we provide cocoa for hot chocolate. Kiwanis distributed 600 Christmas bells for the children to ring as Santa rounds the Common. We greatly appreciate the support of the City of Keene departments who work together with Kiwanis to make the community event special each year!

Feel free to contact me should there be any questions. I can be reached at 603-762-7276 or at keenekiwanisinfo@gmail.com.

Thank you for your consideration of this request.

Sincerely,

Peg Bruce
Kiwanis Club of Keene/Keene Kiwanis Foundation
63 Emerald Street, PMB 451
Keene, NH 03431
603-762-7276

VIA ELECTRONIC SUBMISSION

June 1, 2024

Keene City Council
Attn: Patricia A. Little, City Clerk
3 Washington Street
Keene, NH 03431

Re: Donation of Land at 0 Ashuelot Street to City of Keene for Use as a City Park

Dear Mayor Kahn and City Councilors:

I represent JRR Properties, LLC (“JRR”), owner of the 3.5-acre parcel (“Subject Parcel”) at 0 Ashuelot Street (Tax Map 56, Lot 1), which is an undeveloped lot on the Ashuelot River. In July of 2022, the City Council voted to accept the donation of approximately ± 2.5 acres of this parcel for use as a city park and authorized the City Manager to enter into a gift agreement with JRR. The agreement between the City and JRR was executed in February of this year and was recently amended to extend the timeframe for JRR to submit the subdivision application to the Planning Board.

JRR is donating the remaining ± 1 acre of the Subject Parcel to the Monadnock Conservancy for the Conservancy’s regional headquarters. The majority of the Subject Parcel is in the 100-Year Floodplain. This means that the Conservancy’s proposed development, which includes a net-zero building and adjacent parking area, will require offsite compensatory flood storage. The City’s Floodplain Regulations permit compensatory storage to mitigate for any loss in flood storage capacity in the 100-Year Floodplain as a result of fill from development. The Conservancy’s engineer and design team have determined that the only location available for the required compensatory storage is on a portion of the adjacent ± 2.5 acre of land that will be donated to the City.

The purpose of this letter is to request conditional approval from the City Council to allow the Monadnock Conservancy to locate the compensatory storage on a portion of the land that will be donated to the City. The approval sought from the City Council is conditional, because it is not yet possible to specify the exact size and location of the proposed offsite flood storage. This information cannot be finalized until a Floodplain Permit and Alteration of Terrain (AoT) Permit are obtained from FEMA and the NH Department of Environmental Services, respectively. We are, however, able to estimate the approximate size and location of this flood storage area. See the attached plan entitled “Concept Plan #2,” prepared by SVE Associates on March 19, 2024.

We have met with City staff to explain this situation, and we received an email, dated April 25, from Evan Clements indicating support. See copy of email attached. We have also been in

conversation with the City's Floodplain Manager, Michael Hagan, regarding the uses that are permitted in the compensatory flood storage area. He noted that the storage area would have to remain as open space and that any structures located in this area would need to be subtracted from the total calculation for compensated flood storage. If the City permits the Monadnock Conservancy to locate its required compensatory flood storage on the City-owned portion of the Subject Parcel, it is possible to expand this flood storage area in the future to accommodate the City's park development in the floodplain.

If the City Council approves the location of the flood compensation storage area on its donated land, I propose that such approval be conditioned on acceptance by the City Manager of the final determination of the location and size of the area and on acceptance of an easement from the City to the Monadnock Conservancy in a form and with language acceptable by the City Attorney.

I am available to answer questions regarding this request and will be present at the June 13, 2024 Finance, Organization and Personnel Committee meeting.

Sincerely,



Thomas R. Hanna
(603) 352-1928
hanna@nhlandlaw.com

cc: Thomas P. Mullins, Esq.
Jessica Quinn, Manager of JRR Properties, LLC
Ryan Owens, Executive Director of The Monadnock Conservancy
Liza Sargent, P.E., SVE Associates

enc: "Concept Plan #2" Prepared by SVE Associates on March 19, 2024
Email from Evan Clements, dated April 25, 2024

Thomas Hanna

From: Evan Clements <eclements@keenenh.gov>
Sent: Thursday, April 25, 2024 11:12 AM
To: Jesse Rounds; Liza Sargent
Cc: Thomas Hanna
Subject: RE: AOT-1940 Asheulot Street, Keene

Good morning Liza,

We have confirmed that the City is comfortable with the compensatory storage for the proposed development being on a portion of the lot to be donated. My understanding is that was part of the lot donation agreement, or at least understood by the City to be the case when the agreement was made.

In regard to the existing conditions plan for the proposed development, we consider the grass field to be the existing condition as that is the current state of the lot when the site plan application will be submitted.

Let me know if you have any questions.

Be well,

Evan

From: Jesse Rounds <jrounds@keenenh.gov>
Sent: Monday, April 22, 2024 3:07 PM
To: Liza Sargent <lsargent@sveassoc.com>; Evan Clements <eclements@keenenh.gov>
Cc: Thomas Hanna <hanna@nhlandlaw.com>
Subject: RE: AOT-1940 Asheulot Street, Keene

Thank you Liza. We'll review and get back to you.

Jesse



Jesse Rounds
COMMUNITY DEVELOPMENT DIRECTOR
City of Keene
3 Washington Street
Keene, NH 03431
(603) 352-5440
KeeneNH.gov

From: Liza Sargent <lsargent@sveassoc.com>
Sent: Monday, April 22, 2024 2:16 PM
To: Evan Clements <eclements@keenenh.gov>; Jesse Rounds <jrounds@keenenh.gov>
Cc: Thomas Hanna <hanna@nhlandlaw.com>
Subject: FW: AOT-1940 Asheulot Street, Keene

Evan,



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.5.

Meeting Date: June 12, 2024
To: Mayor and Keene City Council
From: Patricia Little, City Clerk
Through:
Subject: Warrant for Unlicensed Dogs - City Clerk

Council Action:

In City Council June 6, 2024.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

That the City Council issue a warrant for unlicensed dogs pursuant to NHRSA 466:14, and that the City Clerk's office and the Keene Police Department be directed to issue civil forfeitures to those dog owners who have failed to license their dog by April 30, 2024.

Attachments:

None

Background:

State Statute provides that the City Council authorize the annual warrant for unlicensed dogs. The civil forfeiture carries a \$25.00 fine that must be paid by the dog owner within 15 days of receiving notice. State statute also provides that failure to license a dog and pay the civil forfeiture could result in a complaint being filed with Keene's Eighth Circuit Court.

This year, the City Clerk's Office is again presenting two authorization lists. The first is a list of owners who have not renewed their dog's license for this year. The list of non-renewed dogs includes approximately 366 dog owners, with 467 dogs remaining unlicensed. The second list represents owners for which the City Clerk has received a notification from a local veterinarian that the dog has received its first rabies vaccination. Veterinarians are required by Statute to notify the City Clerk, and the City Clerk's Office is then required to follow up with these dog owners to ensure they obtain a license. This notification entails sending the owner a letter notifying them of the obligation to license their pet. The list of new dog owners includes approximately 100 owners, with 106 unlicensed dogs.

The following mechanisms for reminding dog owners of the licensing requirement were followed: 2 official publications appeared in The Keene Sentinel, monthly reminder emails were sent to dog owners beginning in February, reminder postcards were sent to owners with no email address in April and automated phone calls were made to all owners remaining on the warrant list. The City Clerk's Office has issued 2,709 dog licenses for the 2024-2025 license period. Civil Forfeitures are typically issued on or around July 15th and are due within 15 days of issuance. The City Clerk's Office will continue its outreach efforts to further reduce the number of fines that must be sent.



CITY OF KEENE

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

AN ORDINANCE Relating to Sidewalk Cafe Enforcement Measures

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

That Chapter 46 “LICENSES AND PERMITS” of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded, underlined text in the following sections: Sec. 46-94. Fair hearing and review by city manager; Sec. 46-1193. Term of license; Sec. 46-1194. - Conditions of license; and adding a new section relating to enforcement identified as Sec. 46-1195. – Enforcement.

Sec. 46-94. - Fair hearing and Petition for review by city manager.

- (a) **Unless otherwise specified in this chapter,** A any person who has been aggrieved by any decision of a designated city official to grant, deny, suspend, revoke or modify a license may petition the city manager for review of that decision. **Said petition must be submitted in writing to the City Manager's Office and shall include: licensee name, address, licensed premises, type of license issued, duration of license, and specific documentary evidence or arguments as to why the decision of the designated licensing official was unreasonable or unwarranted.**
- (b) Before a currently valid and lawfully issued license may be suspended, revoked, or modified, a fair hearing shall be afforded the license holder. Reasonable notice will be provided stating the reasons for such hearing and the action which may be taken. The hearing shall be before the city manager, the police chief, and the city clerk. The majority of such panel **city manager** shall decide what action shall be taken by the designated licensing official after hearing the evidence and arguments for and against the action.
- (c) A license may be suspended, ~~revoked or modified~~ by the designated licensing official, ~~with the concurrence of the city manager,~~ without **prior notice or** a hearing in cases of fraud or emergency **the event of a lawfully declared emergency, or in the event of an immediate threat to public health and safety, as determined by the licensing official; provided,** however, in such cases **that in any such event,** the license holder may petition that for a hearing **under paragraph (a), to** be conducted as promptly thereafter as may be **as is** reasonable and practicable **given the circumstances of the suspension.**

Sec. 46-1193. - Term of license.

All licenses issued under this division shall expire on ~~March~~ **November** 1 next following their date of issuance. **The city manager shall have the authority to extend all current licenses for additional 10-**

day timeframes in November, weather permitting. Notice of such extensions shall be provided to all licensees in writing prior to November 1, or the expiration of the prior 10-day extension. There shall be no pro-rated license fees to reflect sidewalk café dining for a portion of the year.

Sec. 46-1194. - Conditions of license.

- (a) A sidewalk café shall not obstruct snow removal equipment or impede winter maintenance operations in any way. **Unless a 10-day extension has been permitted by the city manager, all obstructions shall be removed from the right-of-way on or before November 1 until the following March April 1.** Any fence or other barrier to the public way shall be erected in a non-invasive and non-destructive manner. The method of affixing the same shall be reviewed and approved by the public works department prior to installation.
- (b) Licensees holding a valid license from the state liquor commission may also serve alcoholic beverages or liquor at the sidewalk café when permitted to do so by the city clerk; provided however that if the application to serve alcohol is a first request by a licensee, then the initial license shall be granted by the city council. Any permission granted by the city clerk will be subject to any requirements of the state liquor commission.
- (c) Licensees, whether providing table service or selling take-out items, shall not allow more patrons than can be seated to congregate at the sidewalk café. **Licensees shall not permit patrons to move tables and chairs within the café space in a way that would conflict with existing city code or license conditions.**
- (d) Sidewalk cafés must be kept clear of litter, food scraps, and soiled dishes, and shall be cleaned on a daily basis. Licensees which do not provide outside table service shall provide at least one waste storage container approved by the solid waste director or his designee for use by sidewalk café patrons, and the location of any such container shall be noted on the plot plan submitted with the sidewalk café application.
- (e) Plants shall be properly maintained and stressed or dying plants shall be promptly replaced.
- (f) Outdoor furniture and equipment including chairs, tables, planters, fences or barriers shall be maintained and suitable for their intended purpose.
- (g) At least 15 days prior to the expiration date of the insurance coverage, the licensee agrees to deliver to the city clerk a certificate of insurance naming the City of Keene as an additional insured.
- (h) Licensees with alcohol service shall comply with all state liquor commission rules.
- (i) Licensees shall not close for more than 45 consecutive days, unless the restaurant is seasonal in nature.
- (j) Licensees shall comply with the approved plot plan and shall at all times allow for the unimpeded public use of the public way.
- (k) Licensees shall comply with such other conditions as may be required by the city clerk, **including compliance with the City of Keene Sidewalk Cafe Guidelines issued jointly by the city clerk and the public works director.**

Sec. 46-1195. - Enforcement

A sidewalk café license and the conditions thereof may be enforced, suspended, modified, or revoked upon receipt by the city clerk or designee upon receipt of evidence of noncompliance of any sidewalk café license condition or upon receipt of police complaints related to the outdoor dining area, subject to the following:

- (a) All complaints received will be reviewed by the appropriate city department or departments to determine the appropriate corrective action.
- (b) ~~For issues related to life safety, the licensee will be notified by email or phone call and shall be afforded a 24-hour period within which to take corrective action.~~ Life-safety related issues will be subject to the terms, conditions and enforcement measures set forth by the department or departments charged with handling the issue. Departments will notify the city clerk of the disposition of the complaint and/or next steps to resolve the issue, up to and including revocation of the license.
- (c) For issues related to ADA accessibility, or any other conditions of license identified in section 46-1194, licensees will be notified by email or phone call and shall be afforded a reasonable timeframe within which to take corrective action. Failure to correct the issue within the prescribed timeframe may result in the issuance of a written Notice of Corrective Action that will be sent by first class mail to the licensee.
- (d) Three or more written Notices of Corrective Action during the license period may be considered prima facie evidence of the failure to comply with section 46-1194 that will be taken into the consideration of a license application the following license year.
- (e) If a noncompliance issue remains unresolved despite the city's attempts to work with the licensee, the city reserves the right to notify the licensee in writing to remove items from the city right-of-way within fourteen days of the issuance of such notice. If the licensee fails to remove items, the items will be removed by the public works department at the expense of the licensee, and licensee shall lose their ability to apply for a license the following license year.
- (f) If the city clerk becomes aware of a restaurant expanding the service or seating of the restaurant onto the city right-of-way without a sidewalk café license, the entity will be immediately notified that a license is required and provided up to seven days to apply. Any restaurant that does not come into compliance within the afforded timeframe will be subject to a violation under Section 46-33 of this code, and items will be removed by the public works department at the expense of the business owner.

Jay V. Kahn, Mayor