



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
Council Chambers A, Keene City Hall
December 11, 2024
6:00 PM

A. AGENDA ITEMS

1. Councilor Robert Williams - Policy on the Discharge of Fireworks
2. Sign Code Modifications Requested by Mayor Kahn
3. Relating to Amendments to the City of Keene Land Development Code, Definition of Charitable Gaming Facility
Ordinance O-2023-16-C
4. Relating to Amendments to the Land Development Code, Definition of Gaming Facilities
Ordinance O-2023-17-B
5. Relating to Development on Class VI Highways and Private Roads
Resolution R-2024-43
6. Rules of Order - Section 15. - Voting and Conflict of Interest - City Attorney

B. MORE TIME ITEMS

1. Relating to Licenses and Permits
Ordinance O-2024-18

NON PUBLIC SESSION

ADJOURNMENT

November 19, 2024

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

To the Honorable Mayor and City Council,

Large scale fireworks displays have become increasingly frequent in recent years and I am concerned that they are having a detrimental effect on the environment and on the quality of life in adjacent neighborhoods.

Fireworks are fun, but they are fun as an occasional treat. As they become more common, so too does concern about the problems they bring along with them. These problems include the cumulative effect of noise, air, and water pollution on local habitat, the disturbance caused to wild and domestic animals, including birds, bats, horses, and dogs, and the adverse impact that fireworks can have on people with conditions affected by sensory input, like autism or post-traumatic stress disorder (PTSD).

Thus, I am asking the City Council and City Staff to develop policy guidelines for the issuance of future fireworks display permits. Among other guidelines, I ask that we place a limit on the number of fireworks displays to be authorized in any single location during a calendar year.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bobby Williams", with a stylized flourish at the end.

Bobby Williams

City Councilor, Ward 2



CITY OF KEENE

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

AN ORDINANCE _____
Relating to the Sale, Possession and Display of Fireworks

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 removing the stricken text and inserting the underlined text in Chapter 42. "Fire Prevention and Protection", Article III. "Fireworks and Explosives" as follows:

Sec. 42-61. Sale, possession and display of fireworks.

No person within the city shall offer for sale, expose for sale, give or transfer to another, with or without consideration, display or have in his possession or custody, any ~~class B special non-permissible~~ fireworks, packaged or unpackaged, ~~or class C permissible and non-permissible consumer fireworks, packaged or unpackaged, or both,~~ without first obtaining a permit for sale, possession and display of fireworks from the city council and in accordance with the guidelines set forth under state and federal regulations.

A. Consumer Fireworks Conditions and Restrictions:

Any person wishing to discharge New Hampshire Permissible (Consumer) Fireworks shall comply with the following specific conditions and restrictions regarding their use. This is in addition to any applicable state law requirements.

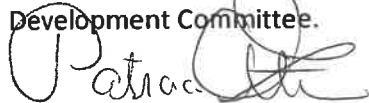
1. The person discharging fireworks must possess proof that he is the landowner of the location where the fireworks discharge will occur or has written permission from the landowner.
2. Fireworks shall not be ignited or possessed by minors (anyone under the age of 21).
3. The person discharging fireworks must be at least 21 years of age or older (Pursuant to state statute).
4. The person discharging fireworks must possess and make available upon request a valid photo identification listing their name, address and date of birth.

5. Fireworks shall be purchased from licensed Permissible Fireworks retailers in New Hampshire only. A Copy of the receipt of purchase must be kept and made available upon request.
6. The person discharging fireworks shall only purchase the quantity of fireworks needed for the planned display. Storage of Permissible fireworks is prohibited.
7. Fireworks shall be ignited a minimum of 50 feet from any public way, overhead utilities, structures, woodlands, property lines or boundaries.
8. The person discharging the fireworks is required to have a means of fire extinguishment readily accessible.
9. Anyone discharging or igniting fireworks shall not be under the influence of any drugs or alcohol.
10. Notwithstanding any other provision of City Code to the contrary, Permissible Fireworks shall only be discharged or used between the hours of 10:00 AM and 10:00 PM.
11. Fireworks can only be discharged on days when the Fire Danger Day is Class One, Two, or Three as determined by the New Hampshire Division of Forest and Lands – Bureau of Forest Protection.

B. Enforcement.

1. Any sworn law enforcement officer of the city, county or state, as well as the fire chief or their designee shall be empowered to enforce this ordinance.
2. Persons found in possession of, or discharging Non-Permissible Fireworks shall be subject to the penalties outlined in NH RSA 160 – B. This section shall not apply to those individuals that hold valid Certificates of Competency issued by the NH Department of Safety and hold a valid Display Fireworks Permit issued in accordance with RSA 160-B and Saf-C 5000, or any other ordinance. Nothing in this ordinance shall preclude any sworn police officer from enforcing any section of NH RSA 160 – B, or NH RSA 160 – C.

In City Council March 16, 2023.
Referred to the Planning, Licenses and
Development Committee.



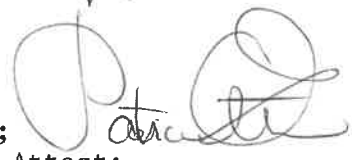
City Clerk



George S. Hansel, Mayor

A true copy;

Attest:



City Clerk

PASSED April 20, 2023



September 30, 2024

Dear Councilors,

I am writing to request an amendment to the City's prohibition on animated signs that would permit "Blade Signs" in Industrial Zones. Most important to the current prohibition defined in Keene's Land Development Code Article 10.3 is that the sign "does not interfere with travel or maintenance of the public right of way." While the current prohibition makes sense in a commerce and residential zones, I believe this prohibition is overly restrictive when applied to an industrial zoned property. I ask that the Council add an exception for blade signs at industrial zoned properties and help the City's manufacturers recruit the personnel necessary to grow and sustain their businesses.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Kahn'.

Jay Kahn
Mayor

Cc: City Manager Dragon
City Attorney Mullins
City Clerk Little

10.3 PROHIBITED SIGNS

The signs in Table 10-2 shall be prohibited in every zoning district, unless noted otherwise in this Article.

Table 10-2: Prohibited Signs

Prohibited Sign Types	Exceptions
Abandoned / Nonapplicable	Monument Signs are allowed
Sign with a sign face area > 200 sf	-
Sign erected or attached to Central Square common or Railroad Square	The temporary use of handheld signs is allowed.
Animated Sign	Revolving Barber Poles 4-ft high by 1-ft wide or less (may be internally illuminated & mounted on the business frontage) 1 flag / tenant frontage that is 15-sf or less, removed at closing, attached to a wall, and does not interfere with travel or maintenance of the public right of way.
Channel Letter Signs & Reverse Channel Letter Sign	Allowed in BGR, DT-C, DT-G, DT-L, DT-E, CL, COM, CP, HC, I, IP, NB
Internally illuminated Sign	Allowed in BGR, DT-C, DT-G, DT-L, DT-E, CL, COM, CP, HC, I, IP, NB
Electrically Activated Changeable Copy Signs	-
Fluorescent Sign	-
Obscene Sign (per NH RSA 571-B:1)	-
Balloon Sign	Allowed as a Temporary Sign
Off-premises Sign	Allowed if permitted by state law
Reflectorized Sign	-
Roof Sign	May be mounted on architectural projections (e.g. canopies), eaves, or mansard facades
Snipe Sign	-

10.4 STANDARDS FOR ALL SIGNS

10.4.1 Placement and Location

- A.** Each sign shall be located on the same site as the subject of the sign.
- B.** No sign, other than signs placed by agencies of government with appropriate jurisdiction, shall encroach upon or over a public right-of-way without approval from City Council.
- C.** No sign shall cover any portion of any building wall opening or project beyond the ends or top of the building wall to which it is affixed.

10.4.2 Construction and Maintenance

- A.** No sign shall be erected, constructed, relocated, or otherwise maintained such that it does any of the following.
 - 1.** Obstructs the free and clear vision of motorists or pedestrians in their travels.
 - 2.** Causes distraction to motorists on adjacent public rights-of-way.
 - 3.** Obstructs, interferes with, or may be confused with any government sign, restrictive sign, directional sign or other authorized traffic sign, signal, or device.
 - 4.** Uses a revolving beacon.
 - 5.** Obstructs any ingress/egress, inhibits light and ventilation, or constitutes a fire hazard.
- B.** All signs and sign structures, including supports, braces, guys, and anchors, shall be kept in good repair and appearance in accordance with the provisions of this Article, and shall comply with all applicable construction standards, codes and regulations.

10.4.3 Sign Area

- A. Max Sign Face Area.** The maximum allowance for sign face area is included in Table 10-3 for wall-mounted signs, and Table 10-4 for freestanding signs, unless otherwise noted in this Article.



CITY OF KEENE

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

AN ORDINANCE Relating to Amendments to the Land Development Code, Permitted Uses in the Downtown Core and Commerce Districts

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

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

1. Amend Section 8.3.2. of Article 8 to add a definition for “Charitable Gaming Facility” under the category of Commercial Uses, as follows:

I. Charitable Gaming Facility

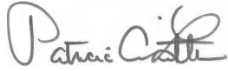
1. Defined. Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Charitable Gaming Facilities may offer Lucky 7, as defined in RSA 287-E, as long as their use complies with all licensure and operation requirements under RSA 287-E and rules published by the New Hampshire Lottery Commission. This use includes facilities licensed to operate Bingo or bingo style games as Commercial Halls (287-E:1, V-a) or as Host Halls (RSA 287-E:1, X).
2. Use Standards
 - a. Only one Charitable Gaming Facility shall be permitted per lot.
 - b. Charitable Gaming Facilities, as defined, are permitted on parcels greater than 1.25 acres in the following areas of the Commerce District:
 - i. Land with frontage on West Street west of Island Street. The principal entrance of such businesses shall face West Street or be in a plaza where the storefront faces the parking areas that have a common boundary with West Street.
 - ii. Land with frontage on Winchester Street south of Island Street and north of Cornwell Drive. The storefront of such a business shall face Winchester Street or be in a plaza where the storefront faces the parking areas that have a common boundary with Winchester Street.
 - iii. Land with frontage on Main Street south of NH Route 101 and north of Silent Way. The storefront of such a business shall face Main Street.

- iv. Land with frontage on Key Road.
 - v. Land with frontage on Ashbrook Road.
 - vi. Land with frontage on Kit Street.
- c. All Charitable Gaming Facilities shall be subject to the following distance requirements, measured in a straight line, without regard to intervening structures from the property line of any site, to the closest exterior wall of the Charitable Gaming Facility.
- i. No Charitable Gaming Facility shall be located within 500 feet of another Charitable Gaming Facility either existing or for which a building permit has been applied.
 - ii. No Charitable Gaming Facility shall be permitted within 250 feet of any place of worship, child daycare center, or public or private school.
 - iii. No Charitable Gaming Facility shall be permitted within 250 feet of any Single-Family, Two-Family, or Multifamily dwelling.
 - iv. No Charitable Gaming Facility shall be permitted within 250 feet of a residential zoning district.
- d. Minimum Square Footage. The gaming floor of the facility, defined as the area within a gaming location authorized by the State of New Hampshire, shall have a minimum area of 10,000 square feet.
- e. Parking and traffic.
- i. Commercial loading zones shall be screened from public rights-of-way and abutting residential properties in accordance with Section 9.4.4 of this LDC.
 - ii. A traffic study shall be required which demonstrates that the project will not diminish the capacity or safety of existing city streets, bridges or intersections.
 - iii. Proposed uses or development shall comply with the City's Noise Ordinance in the City Code of Ordinances and the Noise Limits in Article 18 of this LDC.
 - iv. Bus and truck loading and parking is required to be screened from the public right-of-way and any abutting residential properties in accordance with Section 9.4.4 of this LDC.
 - v. Off-street parking shall be provided at a ratio of not less than .75 parking spaces for each gaming position.
2. Amend Section 8.4.2.C.2.a, "Specific Use Standards" of Article 8 to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District, as follows:
- a. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts and by special exception from the Zoning Board of Adjustment in the Downtown-Growth Districts.
3. Update Table 8-1 "Permitted Principal Uses By Zoning District" in Article 8 and Table 5.1.5

“Permitted Uses” in Article 5 to display “Charitable Gaming Facility” under Commercial Uses as permitted with limitations.

4. Amend Table 9-1 “Minimum On-Site Parking Requirements” in Article 9 to display “Charitable Gaming Facility” under Commercial Uses with a minimum on-site parking requirement of 0.75 spaces per gaming position.

In City Council November 7, 2024.
Public Hearing set for Thursday,
December 5, 2024, at 7:00 PM.



City Clerk

Jay Kahn, Mayor



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Definition of Charitable Gaming Facility

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

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

1. That Article 28 “Defined Terms” be amended to include a definition for “Charitable Gaming Facility,” as follows:

Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D, and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Charitable Gaming Facilities may offer Lucky 7, as defined in RSA 287-E, as long as their use complies with all licensure and operation requirements under RSA 287-E and rules published by the New Hampshire Lottery Commission. This use includes facilities licensed to operate Bingo or bingo style games as Commercial Halls (287-E:1, V-a) or as Host Halls (RSA 287-E:1, X).

2. That Article 28 “Defined Terms” be amended to include a definition for “Gaming Position,” as follows:

Gaming Position – One seat at an electronic gaming machine or a gaming table.

Jay Kahn, Mayor



CITY OF KEENE

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

A RESOLUTION Relating to Development on Class VI Highways and Private Roads

In accordance with NH Revised Statute Annotated 674:41, I (c) and (d) et. seq., if the street giving access to the lot upon which a building permit is proposed is a Class VI highway or a private road, the City Council may, by majority vote, authorize the issuance of a building permit for the erection of buildings on said Class VI highway / private road or a portion thereof, provided that the City Council finds that the following criteria are met:

1. The proposed development is consistent with either the existing or desired development pattern.
 - a. The desired development pattern shall be based on the Future Land Use section of the adopted Master Plan.
 - b. The established development pattern shall be based on abutting properties and properties within 200 feet of the boundaries of the lot upon which a building permit is proposed.
2. The proposed development will be established, maintained, and operated so as to not endanger public health, safety, or welfare.
3. The proposed development will not place an excessive burden on public improvements, facilities, services, or utilities.
4. All requirements of NH Revised Statute Annotated 674:41 shall be met.

In City Council November 21, 2024.
Referred to the Planning, Licenses and
Development Committee.


City Clerk

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.6.

Meeting Date: December 11, 2024
To: Planning, Licenses and Development Committee
From:
Through:
Subject: Rules of Order - Section 15. - Voting and Conflict of Interest - City Attorney

Recommendation:

Attachments:

1. SECTION_15.____VOTING_AND_CONFLICT_OF_INTEREST - Special First - TM RL
12.09.24_updated

Background:

SECTION 15. VOTING AND CONFLICT OF INTEREST.

Every Councilor present when a vote is required shall state their vote except when the Councilor has a conflict of interest in the matter under consideration. A Conflict of interest shall be defined to exist when a proposed action, decision, or discussion ("Issue" "Item") presented to the City Council for consideration, would affect the Councilor's special interest ("Special Interest"). pecuniary or personal interests. A pecuniary interest is any private financial interest, whether in the form of money, property or other commercial or financial consideration, the primary significance of which is an economic gain to the Councilor which is not otherwise available to the public generally ("Pecuniary Interest"). A personal interest is any interest of a Councilor in the outcome of an Issue which would provide a financial benefit to any individual, group, or organization in which the Councilor has an interest, and which would (or could be reasonably perceived to) inhibit the impartial judgment of, or decision on, the Issue by the Councilor ("Personal Interest"). Membership in an organization generally, and not in a leadership capacity, shall not be considered a Personal Interest. A Special Interest shall be defined as follows:

Any financial or non-financial personal interest in the outcome of an Issue that is the subject of official activity, distinct from and greater than the interests of the public at large:

- (i) A financial interest exists where a City Councilor or Household Member, or a person or organization, whether nonprofit or for profit, by which the City Councilor is employed, or from which the City Councilor receives compensation, to act as the person's or organization's agent or advocate, could stand to gain or lose anything of material value as a result of the official activity.
- (ii) A non-financial personal interest exists where a City Councilor or Household Member has a substantial interest in the welfare of an organization, whether nonprofit or for profit, by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director ("Substantial Interest").
- (iii) A City Councilor or Household Member's ownership of securities of a publicly traded corporation shall not be construed to constitute a Special Interest in matters that may affect the corporation unless the City Councilor or Household Member serves as an officer, board member, trustee or director of the corporation or owns more than one percent of the outstanding securities of the corporation.

Substantial Interest in an organization shall include any of the following factors:

- A i. The person founded the organization;
- ii. The person is a substantial contributor to the organization;
- iii. The person's compensation is primarily based on revenues derived from activities of the organization, or of a particular department or function of the organization, that the person controls;
- iv. The person has or shares authority to control or determine a substantial portion of the organization's capital expenditures, operating budget, or compensation for employees;
- v. The person manages a discrete segment or activity of the organization that represents a substantial portion of the activities, assets, income, or expenses of the organization, as compared to the organization as a whole; or
- vi. The person owns a controlling interest (measured by either vote or value) in a corporation, partnership, or trust or other entity.

A ~~Conflict~~ Special Interest of interest shall be deemed to exist when any person living in the same domicile as the Councilor's (excluding persons with a leasehold interest) and who shares a common economic interest in the expenses of daily living with the Councilor, including but not limited to a spouse, parent, or child 18 years of age or older, or other member of the Councilor's immediate family living in the same household ("Immediate FamilyHousehold Member") has a Pecuniary InterestSpecial Interest in a proposed Issue. A Councilor with a conflict of interest- Special Interest on a Council agenda shall file with the City Clerk the written particulars of the conflict of interest Special Interest for inclusion on the Council agenda. If the conflict Special Interest becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest Special Interest. The question of whether or not a conflictSpecial Interest exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflictSpecial Interest of interest shall not

vote on the question of the existence of the ~~conflict~~Special Interest of interest. When a ~~C~~onflict Special Interest of interest is determined by the City Council to exist, the member having the ~~conflict~~Special Interest shall be prohibited from participating in the discussion and the vote on the Issue. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a ~~conflict~~Special Interest of interest may discuss the Issue in which he or she has a ~~conflict~~Special Interest with any other Councilor in any other place or any other time. If a Councilor with a ~~conflict~~Special Interest of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a ~~conflict~~Special Interest of interest may raise the issue on his or her own motion. The Mayor shall also be subject to the Rule ~~on~~on Conflict of Interest notwithstanding whether or not the Mayor is entitled to vote on an Issue. The question of whether or not a Conflict of Interest exists is subject to debate. The question will then be decided by the Council as set forth above.

The Mayor and Councilors shall file with the City Clerk in January of each year a Statement of Special Interests on a form prepared for that purpose by the City Clerk. The Statement of Special Interests shall identify for the Mayor and for each Councilor and for each ~~other person in the Immediate Family Household Member~~ the person's employer, and ~~for the Mayor and for each Councilor,~~ any board, commission, organization, association, or other entity in which the Mayor and Councilor ~~or Household Member has a Substantial Interest. is a member of, and whether or not the person holds a leadership position in that organization.~~ The Statement of Special Interests shall be available in the Office of the City Clerk for public inspection.

(Amended 6-5-1975, 4-15-1976, 4-20-1978, 4-17-1980, 6-18-1981, 8-2-1984, 4-18-1991, 2-17-2005, 6-5-2008, 1-18-2018, 6-18-2020, 4-7-2022)