KEENE CITY COUNCIL
Council Chambers, Keene City Hall
May 1, 2025
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- April 17, 2025 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Community Recognition - Ockle Johnson - Boston Marathon
2. Proclamation - National Kids to Parks Day
3. Proclamation - Bike Week
4. Proclamation - Frontline Workers

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

C. COMMUNICATIONS

1. Pamela Beaman/MCVP - Donation of Real Property - Lot 45 - Damon Court
2. Jeb Thurmond/Keene Marlboro Group LLC - Withdrawal of Ordinance O-2025-07: Relating to Amendments to the Zoning Map - 425 Marlboro Street

D. REPORTS - COUNCIL COMMITTEES

1. Verbal Update: Downtown Infrastructure Project

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Reallocation of Operating Funds - Recreation Center
2. 79E Community Revitalization Tax Relief Application for 34 Court LLC

G. REPORTS - BOARDS AND COMMISSIONS

1. Relative to Feather Signs in the Industrial and Industrial Park Districts
   Ordinance O-2025-08-A - Joint PB/PLD Committee
2. Relative to Single-Family Parking Requirements Ordinance O-2025-09 - Joint PB/PLD Committee

H. REPORTS - MORE TIME

1. Stephen Bragdon and Cheryl Belair - Safety Issues Associated with the Driveway at 82 Court Street
2. Ian D. Matheson - Court Street Pedestrian Safety Risks
3. Adam Toepfer - Request to Add Audio and Data Cables as Part of Downtown Infrastructure Project
4. Proposal to Add the Necessary Infrastructure to Accommodate Banners Across Main Street

I. ORDINANCES FOR FIRST READING

1. Relating to Amendments to the Land Development Code to Encourage Housing Development in Keene
   Ordinance O-2025-15
2. Relating to Water & Sewer Utility Charges
   Ordinance O-2025-16
3. Relating to Amendments to Definitions of the Land Development Code to Encourage Housing Development in Keene and the Definitions Relating to Charitable Gaming Facilities
   Ordinance O-2025-17

J. ORDINANCES FOR SECOND READING

1. Relating to an Amendment of the City Code, Regarding Stop Signs
   Ordinance O-2025-10-A
2. Relating to an Amendment of the City Code, Regarding Yield Signs
   Ordinance O-2025-11-A
3. Relating to an Amendment of the City Code, Regarding Traffic Signals
   Ordinance O-2025-12
4. Relating to an Amendment of the City Code, Regarding Vehicle Turning Limitations
   Ordinance O-2025-13-A

5. Relating to the Installation of a Stop Sign on Wilber Street at Water Street
   Ordinance O-2025-14

K. RESOLUTIONS

1. Relating to the 2025-2026 Operating Budget
   Resolution R-2025-12

NON PUBLIC SESSION

ADJOURNMENT

A special meeting of the Keene City Council was held on Thursday, April 17, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 6:15 PM for purposes of conducting a non-public session. Roll called: Kate M. Bosley, Laura E. Tobin, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Jacob R. Favolise, Catherine I. Workman, Bettina A. Chadbourne, Mitchell H. Greenwald, and Thomas F. Powers were present. Randy L. Filiault and Bryan J. Lake were absent. Michael J. Remy arrived at 6:40 PM.

NON-PUBLIC SESSION

At 6:15 PM Councilor Greenwald moved to go into a non-public session under RSA 91-a:3, II (c) for consideration of a matter which, if discussed in public, would likely adversely affect the reputation of a person other than a member of the City Council. The motion was duly seconded by Councilor Bosley. On roll call vote, 12 Councilors were present and voting in favor. Councilors Remy, Filiault, and Lake absent for the vote.

Mayor Kahn explained to the public that non-public sessions are typically held at the end of meetings. In this instance, the Council had a non-public session immediately prior to the start of the Council meeting. A motion by Councilor Greenwald was duly seconded by Councilor Bosley to keep the minutes of the non-public meeting non-public as the information could affect the reputation of any person other than a member of the public body itself. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Filiault and Lake were absent.

A true record, attest: Terri M. Hood

Deputy City Clerk

A regular meeting of the Keene City Council was held on Thursday, April 17, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:08 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Michael J. Remy, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Jacob R. Favolise, Catherine I. Workman, Bettina A. Chadbourne, Thomas F. Powers, and Mitchell H. Greenwald were present. Randy L. Filiault and Bryan J. Lake were absent. Councilor Greenwald led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to adopt the minutes of the April 3, 2025, meeting as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Filiault and Lake were absent.

ANNOUNCEMENTS

Mayor Kahn announced a Master Plan Future Summit on June 3, 2025, at 5:00 PM at the Keene Public Library, Heberton Hall. He encouraged the Council and public to attend.

The Mayor also advertised the Council's 2025 summer break: July 25–August 21. The dates of Standing Committee meetings surrounding the break will be announced later.

Lastly, the Mayor talked about Earth Day festivities, starting with Green Up Keene on Saturday, April 26, with a drive-thru supply pickup at Keene Public Works (350 Marlboro Street) from 8:00 AM–12:00 PM. Also on April 26, the Mayor encouraged the public to attend other Earth Day events on Railroad Square. Additionally, he announced the Public Works Department's Arbor Day event on April 28, planting two trees at 127 Washington Street with Franklin Elementary School students at 1:00 PM.

COMMUNITY RECOGNITION/PROCLAMATION - HANNAH SCHROEDER - NEW ENGLAND NEWSPAPER & PRESS ASSOCIATION AWARD RECIPIENT

Mayor Kahn welcomed Hannah Schroeder, Senior Visual Journalist at the Keene Sentinel, to honor her receipt of the New England Newspaper & Press Association Award. Also present from the Keene Sentinel were Sean Burke, James Rinker, and Sophia Keshmiri. The Mayor said that Ms. Schroeder followed a tradition of outstanding photographers at the Keene Sentinel, like Steve Hooper and Mike Moore. Mayor Kahn presented Ms. Schroeder with a Proclamation honoring her excellence and contributions to the community, officially congratulating her for her outstanding achievements and invaluable contributions to visual journalism, enriching the community's understanding and connections within the Monadnock region. Ms. Schroeder thanked everyone, including her wonderful coworkers and supporters, citing the incredibly talented staff at the Keene Sentinel who challenge and encourage her to better her work. She said everyone she met along the way made her think deeper about photojournalism and community.

CONFIRMATION - CONSERVATION COMMISSION

Mayor Kahn nominated Katie Kinsella to serve as a regular member of the Conservation Commission with a term to expire December 31, 2027. Mayor Kahn called her an outstanding

nominee and thanked Councilor Madison for recognizing the talent she would bring to the Commission. A motion by Councilor Greenwald to confirm the nomination was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Filiault and Lake were absent.

COMMUNICATIONS - KEENE SWAMPBATS - REQUEST TO DISCHARGE FIREWORKS - JULY 25, 2025; JIM COPPO/JIMMY TEMPESTA - REQUEST TO DISCHARGE FIREWORKS - FIRST RESPONDER APPRECIATION COMMUNITY DAY - AUGUST 24, 2025; & KEENE FAMILY YMCA - REQUEST FOR ROAD CLOSURE - SUMMIT ROAD - JUNE 8, 2025

The first communication was received from Kevin Watterson, President of the Keene SwampBats, requesting permission to discharge fireworks on Alumni Field on Friday, July 25, 2025, as part of their Host Family Appreciation Night festivities. A second communication was received from Jim Coppo and Jimmy Tempesta, requesting a license to discharge fireworks at Alumni Field as part of the First Responder Appreciation Community Day on August 24, 2025. A third communication was received from Kelly Fleuette, Senior Program Director of Keene Family YMCA, requesting the closure of Summit Road on Sunday, June 8, 2025, from 8:00 AM–11:00 AM for a Youth Triathlon Race. Mayor Kahn referred all three communications to the Planning, Licenses and Development Committee

COMMUNICATIONS - ADAM TOEPFER - REQUEST TO UPDATE AUDIO AND DATA CABLES AS PART OF DOWNTOWN INFRASTRUCTURE PROJECT; & IAN D. MATHESON - COURT STREET PEDESTRIAN SAFETY RISKS

The first communication was received from Adam Toepfer on behalf of Keene Pride and several other festivals, requesting the City consider incorporating XLR audio cables and fiber data cables, terminating to multiple RJ-45 jacks, into the downtown infrastructure to enhance the capacity and quality of festivals and events held in the downtown area. A second communication was received from Ian D. Matheson, requesting a review of the crosswalks along Court Street to address pedestrian safety concerns with signage or some other means to alert motorists. Mayor Kahn referred both communications to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION - JENNIFER NASCIMENTO - RESIGNATION - HUMAN RIGHTS COMMITTEE

A communication was received from Jennifer Nascimento, resigning from the Human Rights Committee after two years of service. A motion by Councilor Greenwald to accept the resignation with thanks was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Filiault and Lake were absent.

PATHWAYS FOR KEENE - REQUEST FOR USE OF CITY PROPERTY - 4 ON THE 4TH ROAD RACE - JULY 4, 2025

A Planning, Licenses and Development Committee report read, unanimously recommending the City Council grant permission to Pathways for Keene to sponsor a running race on Friday, July 4th, 2025, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of $1,000,000 listing the City of Keene as an additional insured. 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 an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 26 Community Events Budget. The payment shall be made within 30 days of the invoice date. Councilor Jones abstained. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Williams.

Councilor Jones pointed out a Conflict of Interest because of his membership on the Pathways for Keene Board. Hearing no objections from the Council, Mayor Kahn accepted the recusal.

The motion carried unanimously with 12 Councilors present and voting in favor. Councilor Jones abstained. Councilors Filiault and Lake were absent.

PLD REPORTS - KEENE PRIDE FESTIVAL - REQUEST FOR USE OF CITY PROPERTY - PRIDE FESTIVAL - SEPTEMBER 21, 2025; & OTTO'S FOOD AND DRINK - REQUEST FOR PERMISSION TO SERVE ALCOHOL - SIDEWALK CAFÉ

The first Planning, Licenses and Development Committee report was read, recommending granting Keene Pride permission to use downtown City rights-of-way on Sunday, September 21, 2025, for a Pride Festival, subject to the following: submission of a certificate of liability insurance in the amount of $1,000,000, naming the City of Keene as an additional insured; execution of a standard revocable license and indemnification agreement; agreement by the Petitioner to cover any City service costs exceeding the allocated City funding, with payment due within 30 days of invoicing; Licensee is permitted to place 12 total portable toilets and one dumpster in City parking spaces located at the following locations: The base of Washington Street, Railroad Street, Roxbury Plaza from Friday, September 19, 2025 to Monday September 22, 2025, the portable toilets will be chained together and affixed to ensure they are not vandalized while unattended overnight; submission of signed letters of permission from private property owners for any use of their property; and, compliance with all required permits, licenses, applicable laws, and any recommendations from City staff. The event footprint and layout shall include the traveled portions of Central Square, Washington Street from Vernon Street to Central Square, Court Street from Winter Street to Central Square, Roxbury Street from Roxbury Plaza (easterly side of Hannah Grimes Parking Lot) to Central Square, West Street from Federal Street to Central Square, Main Street northbound from Emerald Street/Eagle Court to Central Square, Railroad Square, Railroad Street from Roxbury Plaza to Church Street. Road closures may also extend to other streets as necessary for detour routes, with final closure and detour plans determined in coordination with City staff. The event will take place from 12:00 PM to 7:00 PM, with setup and cleanup times to be coordinated with City staff. Free parking is granted under the City's free parking policy for designated spaces on Washington Street and

Roxbury Plaza for equipment storage from September 22, 2025, as well as for event footprint on the day of the festival.

A second Planning, Licenses, and Development Committee report was read, unanimously recommending that Otto's Food and Drink be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code, and compliance with any requirements of the NH Liquor Commission. This license shall expire on March 1, 2026.

A motion by Councilor Bosley to carry out the intent of both Committee reports was duly seconded by Councilor Jones. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Filiault and Lake were absent.

PLD REPORT - POLICY ON THE DISCHARGE OF FIREWORKS

A Planning, Licenses and Development Committee report was read, recommending the City Attorney draft an Ordinance on fireworks that would incorporate the PLD Committee's recommendations. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones.

Councilor Williams was grateful to City staff and to the Committee for bringing this so far. He recalled talking about his concerns with fireworks on several occasions and did not want to belabor it. He thought this would provide an opportunity to build the City's policy and decide what the protocol would be if there would be four fireworks events scheduled at one place, like in 2024. This would place a maximum on any single location, which he called a good idea. He said they could still haggle over the details, but Councilor Williams appreciated how far this had come and everyone's work on it.

Councilor Haas added that the Committee was dedicated to finding a fair way to allocate the licenses, so everyone would have a reasonable chance to have one.

Mayor Kahn inquired about the timeline for this. Councilor Bosley said it would depend on the City Attorney's availability to develop the language, but it would likely come before the Council for first reading and return to the PLD Committee in May or June.

Councilor Remy explained why he would vote against this. In part, there would need to be a fair way to allocate the licenses, stating that a "smart" person would apply for all five licenses at the beginning of the year and sell them to organizations wanting them. Until that was resolved, he did not want to change the Code to have a limit, and said better direction would be needed for that issue. The Mayor thought the Attorney would address that point in her draft. Councilor Bosley clarified that the Committee did not discuss this issue but said there would basically be two paths for it: (1) determine a date that all permit requests are required to appear before the City Council so the PLD Committee can review and assign them in a fair way, with preference to the 4th of July, and (2) allow the landowner to decide which individuals requesting permits hold the events on their property within the maximum number. Councilor Remy said he would still

ultimately have the same problem because a landowner could auction off spots on their land for thousands of dollars. Councilor Bosley acknowledged that possibility. Mayor Kahn said those details were not for debate at this meeting. Councilor Jones added the protection that these permits still have to come before the City Council for each fireworks display.

On a vote of 12–1, the motion to carry out the intent of the Committee report carried. Councilor Remy voted in opposition. Councilors Filiault and Lake were absent.

PLD REPORT - WITHDRAWAL: ORDINANCE O-2024-18 - RELATING TO LICENSES AND PERMITS

A Planning, Licenses and Development Committee report was read, recommending that Ordinance O-2024-18, which was introduced by City staff, be withdrawn.

Mayor Kahn expressed his intent to accept the report as informational. City Attorney, Amanda Palmeira, deferred to the Council but stated that if a Committee of five Councilors accepts something as informational, the procedure would be for the full Council to act on that as well. Councilor Bosley disagreed, stating that this process had been in place and the Council had discussed the Rule about consensus votes and accepting something as informational at length. She said items out of Committee were accepted by the Mayor as informational at Council regularly without an objection from a Councilor(s), which was what Councilor Bosley expected in this instance too. The City Attorney thought the difference in this situation was that the Council's past actions had been to accept the item as informational by consensus, so there would be an official Council action.

The City Clerk, Patty Little, thought the distinction was this being an Ordinance, which the Rules of Order stipulate the Council cannot act upon through a Committee report. The Clerk expressed her hope to see this Ordinance officially withdrawn by affirmative motion vs. filing as informational for a clearer record of the Council's action.

A motion by Councilor Bosley to withdraw Ordinance O-2024-18 on behalf of the City Clerk's office was duly seconded by Councilor Jones. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Filiault and Lake were absent.

FOP REPORT - ACCEPTANCE OF 2025 WELLNESS GRANT

A Finance, Organization and Personnel Committee report read, unanimously recommending the City Manager be authorized to do all things necessary to accept the 2025 Wellness Grant from HealthTrust of up to $2,500 to be used for employee wellness activities. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Filiault and Lake were absent.

FOP REPORT - LIFE INSURANCE AND LONG-TERM DISABILITY INSURANCE

A Finance, Organization and Personnel Committee report was read, recommending the City Manager be authorized to do all things necessary to execute a new multi-year contract renewing

coverage with Symetra to administer the City's Life and Long-Term Disability Insurance program. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Filiault and Lake were absent.

FOP REPORT - ACCEPTANCE OF LOCAL SOURCE WATER PROTECTION GRANT

A Finance, Organization and Personnel Committee report was read, recommending the City Manager be authorized to do all things necessary to accept, execute, and expend a Local Source Water Protection Grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of $12,800.00. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Madison stated a Conflict of Interest as an employee of New Hampshire Department of Environmental Services. Despite having nothing to do with this grant directly, he ran this specific grant program a few years prior. So, he requested recusal.

Councilor Roberts felt that because Councilor Madison no longer worked for this grant program, he would be well qualified to vote without prejudice. The Mayor thought the Council had faced this with others who had close associations though not direct approvals.

Councilor Favolise asked a question about the process when there is an objection to a unanimous consent to recuse, which he had not experienced yet; should there be a motion? The Mayor advised that there would not be a motion, just a vote to determine whether to accept the recusal.

Councilor Greenwald called for the vote on recusal. On a vote of 11–2, the motion to accept Councilor Madison's recusal carried. Councilors Roberts and Greenwald voted in the minority. Councilors Filiault and Lake were absent.

The motion to carry out the intent of the Committee report carried unanimously with 12 Councilors present and voting in favor. Councilor Madison abstained. Councilors Filiault and Lake were absent.

CITY MANAGER COMMENTS

City Manager, Elizabeth Ferland, announced that the City was accepting nominations for locations to plant new street trees in the City. Please visit www.SeeClickFix.com/Keene to start a new request and nominate a location by entering the address where you would like to see a tree planted; be sure to select "Request a New Tree" from the category list. Ideal locations include a grass belt at least five feet wide, no overhead utility wires, full sun exposure for most of the day, and a placement that does not obstruct traffic visibility.

Next, the City Manager recognized Deputy City Manager, Andy Bohannon, and Cheshire County HR Director, Kim May, who collaborated with Primex to bring leadership training to the region. On April 16, approximately 120 attendees from the City, County, and School District participated in a half-day training session held at The Colonial Showroom. The City Manager called it a tremendous success. She was grateful for their efforts in securing this valuable—and

free—training opportunity for our teams, who would typically have to travel to Concord for it. She hoped to continue it in the future.

On April 16, City Councilors received a joint press release from the City and Cheshire County, which the City Manager said addressed and corrected several inaccuracies that appeared in a recent Keene Sentinel Editorial that both the City and County felt were important to clarify for the record publicly.

The City Manager also updated the Council on a temporary staffing assignment. Ryan Lawliss was assigned additional duties conducting health inspections at food service establishments, schools, daycare centers, and other public or commercial food handling locations. Mr. Lawliss had served as Housing Inspector in the Community Development Department since August 2019. In addition to those qualifications, he completed food inspection services, including supervised inspections during a training phase starting in 2021, and solely performed over 100 food inspections since. Mr. Lawliss holds a master's degree in public health from Southern New Hampshire University. The City Manager expressed gratitude for his assistance during this transition.

Lastly, City Manager Ferland shared the current Red Flag Warning for high fire danger due to dry conditions. As a result, all permitted open burning and consumer fireworks discharge in Keene was suspend until further notice. Residents should check the Keene Fire Department for updates.

FOP REPORT - RULES SUSPENSION – UNH FUNDING - HB2

A motion by Councilor Powers was duly seconded by Councilor Remy to suspend Section 26 of the Rules of Order to introduce and act upon the Mayor's request for authorization to send a letter to the State Senate regarding House Bill 2. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Filiault and Lake were absent.

A motion by Councilor Powers was duly seconded by Councilor Remy to recommend that in addition to communications on legislative items of concern, the Keene City Council authorizes the Mayor and/or City Manager to write letters conveying the City's concern about NH House passed funding cuts to the University System of New Hampshire.

Both Councilors Favolise and Workman announced Conflicts of Interest due to having employment relationships with Keene State College (KSC), a member of the University system, and asked to be recused. Hearing no opposition from the Council, Mayor Kahn granted both recusals.

Councilor Powers stated what the letter was and his support, deferring to the Mayor for more explanation.

Mayor Kahn shared a letter addressed to the NH Senate Finance Committee regarding HB2. The Durham Town Manager was asked by his Town Council to draft a letter, which he submitted to the House that was much like the one the Mayor gave to this City Council. Durham's letter referred to a 30% reduction to the university system's budget, not knowing exactly how that

might be applied. The Mayor said that 30% reduction could clearly have a detrimental effect on access by NH and out-of-state students to KSC or affect the cost more directly and as such the access to KSC. He said that would obviously have a downstream effect on towns like Durham and the other towns of the university system. Based on the potential impacts to the State College located in this community and therefore the impact on the Monadnock region as a whole and the State of NH, Mayor Kahn thought it was important to send this letter to the NH Senate Finance Committee. Councilor Roberts did not think the State realized the risk they put colleges like KSC in with this action because other states like Massachusetts, for example, had just instituted two-year free community college. So, if NH increased tuition, especially for out-of-state students—Councilor Roberts said he would keep his child in their home state. He said he knew people who went to Mount Wachusett Community College's nursing program instead of River Valley Community College's because they could complete it quicker. So, Councilor Roberts reiterated that NH could not afford tuition going up.

Mayor Kahn pointed out that KSC was the lowest-cost residential college in the State of NH, calling it one competitive advantage attracting students to the area in addition to the College's programs.

Councilor Tobin added that in recent years, the manufacturing company she worked for had recruited interns from KSC. She knew KSC had been developing their internship programs and building relationships with the community around it, which had become an important part the College's identity. She thought that would make it more feasible for those students to stay in the area, which she said was really needed to share institutional knowledge.

The motion carried unanimously with 11 Councilors present and voting in favor. Councilors Favolise and Workman abstained. Councilors Filiault and Lake were absent.

MORE TIME PLD REPORT - COUNCILOR JONES - REQUEST FOR RESOLUTION (DECLARATION) HONORING THE LGBTQIA+ COMMUNITY

A Planning, Licenses and Development Committee report was read, recommending placing the Request for Resolution Honoring the LGBTQIA+ Community on more time. The Mayor granted more time.

RESOLUTION - RELATING TO ADOPTING THE PROVISIONS OF RSA 79-E "COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE" - RESOLUTION R-2025-09

A Planning, Licenses and Development Committee report read, unanimously recommending the adoption of Resolution R-2025-09. A motion by Councilor Bosley to adopt Resolution R-2025-09 was duly seconded by Councilor Jones. Councilors were provided with a color rendition of the 79-E map.

Councilor Jones called this a tool in the City's toolbox that the City was not referring to enough, especially with the development community. He thought the City needed to start promoting 79-E as well as Economic Revitalization Zones (ERZ), which could help with future development. He called this a good start.

The City Manager summarized the advantages of 79-E at the Mayor's request. By identifying a 79-E district—if applications come forward for potential improvements to a project—79-E allows projects meeting the necessary several criteria to request that the additional assessed value

from their improvements not be taxed for a period of up to five years. The City Manager said 79-E had been a helpful tool to keep the property value the same after the improvement is in place and allow the property owner to recoup some of those expenses by delaying the increased tax for a period of time of up to five years. In the end, it is a wonderful tool for the community because the property is improved and at the end of the five years, the City collects taxes on the full value.

Councilor Bosley added at this time, 79-E was really relegated to downtown Keene and for urban redevelopment. She hoped some changes would allow homeowners to use this tool residentially, which she said would be a great asset in trying to rebuild some neighborhoods.

Councilor Haas noted this was just to change the map and make the correction, but the PLD Committee looked forward to expanding this as much as possible in the future.

The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Filiault and Lake were absent.

RESOLUTION - RELATING TO THE APPROPRIATION OF FUNDS FROM THE GENERAL FUND UNASSIGNED FUND BALANCE - FIRE DEPARTMENT STAFFING RESOLUTION R-2025-11

A Finance, Organization and Personnel Committee report read, unanimously recommending the adoption of Resolution R-2025-11. A motion by Councilor Powers to adopt Resolution R-2025-11 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Filiault and Lake were absent.

CITY CLERK'S FINAL MEETING

Mayor Kahn led the Council in honoring the City's longest-serving City Clerk, Patty Little, at this her final City Council meeting after 44 as Clerk of the 46 years with City of Keene. The Mayor listed leadership characteristics that the City Clerk possesses. Not just knowledge and experience, but the knowledge and care around records retention, Right-to-Know Laws, elections, and Council Rules—keeping the Council on track. It would be hard for the Clerk's office to follow in her footsteps, but they were better prepared by her and more capable for it. The Mayor spoke about a notion in leadership and management of leading from behind, which he said the Clerk had always been able to do; visible, dominant, and always able to convey her opinions. She helped everyone do their jobs better because of her willingness and courage to step up as a leader. The Mayor cited Ms. Little's amazing character—not just humor and her ability to smile—but honesty and integrity that has been appreciated by all. The City Clerk's steadfast character was important to her work. Outside of traditional leadership, Mayor Kahn spoke about his appreciation for the Clerk's ability for accountability and desire to create a more accountable organization, which had guided responsibilities for transparency. Ms. Little held both herself and the organization to that accountability for 44 years as the City Clerk. The Mayor was grateful to have learned from her.

Clerk's office staff—Terri Hood (Deputy City Clerk), Kathleen Richards (Deputy City Clerk), and Heather Fitz-Simon (Administrative Assistant)—presented the City Clerk with flowers. Ms. Hood expressed how much Ms. Little means to the Clerk's office and how much they all love her and would miss her. While they were heartbroken to lose her because she was such a wonderful, caring, and supportive leader, they released her to find her joy in her next chapter. They

promised to do their best to make her proud and thanked Ms. Little for all the wonderful years with her as the City Clerk.

The City Clerk expressed how at peace she was knowing what good hands she was leaving the Clerk's office in. She was happy to be retiring. She thanked the Council (and past Councils), the Mayor (and past Mayors), and the City Manager (and past City Managers), stating that the support for the Clerk's office had been constant. Ms. Little was ready to retire and do the things she never did because serving this Council for 44 years was her priority. Everyone wished her well in that.

Councilor Powers also honored the City Clerk, even coordinating his tie with her outfit. He noted how she had spoken about retiring for some time but kept showing up. Now, Ms. Little would join the "4:00 PM Club," a monthly get-together of the retired City of Keene department heads. He spoke about Ms. Little being the strong, southern daughter of a Marine. Before he was introduced to her, former City Manager Pat McQueen told him to keep an eye on Ms. Little, and the Councilor said he was right because Ms. Little keeps pushing. For example, she frequently won requests for more floor space for the Clerk's office. He explained that the office needed more space—in part—because daily at 6:00 AM the Clerk would bring her two small children with her from Marlow to pass time before school. Councilor Powers said Ms. Little had been so successful as City Clerk for 44 years because of the way she approached it, with her bottom line being to serve the City Council and doing it right.– Over those years, Councilor Powers said Ms. Little had become an NH person with a love for antiques, old cars, and more. However, he noted that she had to give up her pick-up truck in favor of something that would accommodate the grandkids. He joked about where she got her love of cows, which Ms. Little said was her husband's love, not hers. Councilor Powers noted that every day, the City Clerk is up to milk her cow at 6:00 AM and will have her list of chores in mind by the time she is finished. So, he gifted her with a reading lamp from the City Council for light on those mornings. The Clerk noted that her home was full of lamps, which would be a welcome addition. She was grateful.

Mayor Kahn shared a story of Governor Sununu visiting the Clerk's office after the successful election implementation and the City Clerk learning that the Governor had many license plates he was giving to distinguished people in the state. Ms. Little expressed her desire and received two. The Mayor said the Clerk then politely mentioned that she never had any Senate plates. So, the Mayor had searched, and he presented the City Clerk with one of his former Senate plates. Ms. Little explained that she and her husband are license plate collectors in an international club of license plate collectors, owning about 10,000 plates. It meant a lot to have one from Mayor Kahn.

Ms. Little thanked everyone for their support.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 8:25 PM.

A true record, attest:

04/17/2025

City Clerk

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Pamela Beaman

Through: Patricia Little, City Clerk

Subject: **Pamela Beaman/MCVP - Donation of Real Property - Lot 45 - Damon Court**

Recommendation:

Attachments:
1. MCVP Lot 45 donation to City of Keene 042225_redacted

Background:
Pamela Beaman representing MCVP has written to donate MCVP interest in the property located on Damon Court, identified as Lot 45 on Tax Map Number 553 045 000 000 000 to the City of Keene via a Quitclaim Deed.

MONADNOCK CENTER for VIOLENCE PREVENTION
Empowering Survivors, Breaking the Cycle

April 22, 2025

City of Keene
Attn: Mayor and City Counsil
3 Washington Street
Keene, NH 03431

Subject: Donation of Property – Damon Court Lot 45, Keene, NH (Tax Map #553 045 000 000 000)

Dear City of Keene Officials,

On behalf of Monadnock Center for Violence Prevention (MCVP), I am writing to formally express our intent to donate our organization's interest in the property located on Damon Court, identified as Lot 45 on Tax Map Number 553 045 000 000 000, to the City of Keene via a Quitclaim Deed.

As a nonprofit organization dedicated to providing critical services and support to members of our community, it is important that our resources be directed where they can do the most good. Unfortunately, the above-referenced property is of no practical use to our organization. Due to city ordinances, we are unable to use the parcel for parking or other functional purposes.

Additionally, the property includes a retaining wall in need of significant repairs, the cost of which is prohibitive for our organization. We also understand the city may have future infrastructure plans in the area, including potential bridge-related improvements, and the property may be of greater value to the municipality in that context.

It is with these considerations in mind that we respectfully offer to transfer ownership of the parcel to the City of Keene through a Quitclaim Deed. We hope this donation will benefit the city and its future development plans more than it ever could our organization.

Please feel free to contact us if there are any forms, meetings, or other requirements needed to facilitate the transfer.

Sincerely,

Pamela J Beaman

Pamela Beaman, MCVP Chairperson, Board of Directors

[redacted]

Monadnock Center for Violence Prevention (MCVP), 12 Court St, Keene, NH 03431

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Jeb Thurmond

Through: Patricia Little, City Clerk

Subject: **Jeb Thurmond/Keene Marlboro Group LLC - Withdrawal of Ordinance O-2025-07: Relating to Amendments to the Zoning Map - 425 Marlboro Street**

Recommendation:

Attachments:
1. Communication_Thurmond

Background:
Jeb Thurmond representing Keene Marlboro Group LLC, has requested the withdrawal of Ordinance O-2025-07: Relating to Amendments to the Zoning Map - 425 Marlboro Street.

FROM THE DESK OF

Jeb R Thurmond, Keene Marlboro Group LLC

April 28, 2025

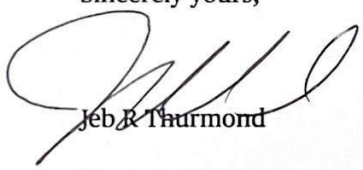
Mari Bruner, Senior Planner

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

To Whom it may concern.

Please accept this letter as an official written request to withdraw my petition for a change of zoning for the property owned by Keene Marlboro Group, LLC located at 425 Marlboro Street, Keene NH 03431, effective immediately.

Sincerely yours,



Jeb R Thurmond

Manager KMG LLC

1234 MAIN STREET ANYTOWN, STATE ZIP (123)-456-7890 NO_REPLY@EXAMPLE.COM

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Verbal Update: Downtown Infrastructure Project**

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the presentation as informational.

Attachments:
None

Background:
Public Works Director Don Lussier stated that this is the Committee's monthly update on the downtown project. He continued that during the last month, he is sure many people saw the drill rigs operating on Main St. The geotechnical borings and test bits were completed. The bottom line is that nothing surprising was found, nothing that would change design parameters for the structures. That was a good result.

Mr. Lussier continued that the other item he wanted to mention was the Project Ombudsman position they talked about, which the City has advertised. In the last two weeks, they have interviewed three candidates and are currently going through the process of checking references. They expect to recommend that the City Manager extend an offer to one of the candidates within the next couple of weeks. He hopes that candidate will start in early June, and he hopes to introduce the person to the MSFI Committee at their June meeting.

Mr. Lussier continued that regarding sidewalk cafes, at last week's Council meeting there was a withdrawal of the Ordinance that the City Clerk's Office had put forward. Having talked through it, they decided that rather than having an Ordinance that said people cannot have (sidewalk) cafes during the construction period, they will manage it through additional restrictions and conditions that will be part of the sidewalk café licenses during the construction timeframe. They invited all the current licensees to a meeting on April 7, and a few were able to attend. At that meeting, he rolled out a set of proposed conditions staff thinks they can add to the licenses. If the licensees can live with that, so can the City, in terms of managing the construction.

Mr. Lussier continued that his first condition is no sidewalk cafes or sidewalk commerce within the

“active construction zone.” Each year, there is a phase. For 2026, it will be Central Square and Main St. to approximately the Lamson St./Church St. area. Within that phase, the work will be divided into sub-phases. They will work on, say, the east side of Central Square for two weeks, then move to the north side of Central Square. The “active construction area” will be the area of the sub-phase, and within that active construction area, you will not be able to have your sidewalk café in operation. However, outside of that active construction area, you can operate according to your existing license footprint. With that, the City would reserve the right to modify the license footprint. As construction progresses and conditions change, there is (for example), a new landscaped island here so we have to scootch this corner or cut off this area of your sidewalk café. Those modifications will be adjusted on the fly as the construction progresses. The City will agree to notify the licensees at least seven days prior to the contractor moving from one area to another. Thus, the licensees will have at least a week to know when they will need to move their furniture out of the way. Licensees will need to remove their furnishings by 6:00 AM on the day construction starts in that area. All of the normal operating conditions that are already part of the license will remain, and they are adding one more, which is essentially that in the event of unforeseen circumstances, some sort of emergency, the City reserves the right to shut down a sidewalk use immediately because it is unsafe or the water main under the patio just blew, or something like that.

Mr. Lussier continued that they shared those suggested conditions with a few of the license holders who came, and there were not a lot of objections. Generally, people agreed with the conditions. The next step is for the staff to draft the actual license language. They will send a draft list of license conditions to all the current license holders so they can see what staff expects it to look like for next year.

Mr. Lussier continued that during that meeting with license holders, one item came up. Someone raised concerns about one of the design features they have discussed. The sidewalk commerce zone will be up against the building face throughout the project. The goal was to create, ideally, at least a 10-foot sidewalk commerce zone for all the businesses downtown. They are not able to get that 100% of the time in all locations, but it is close, and certainly much more consistent than they are able to accommodate today. Some concerns were raised about that feature. To summarize, the concerns are loss of space compared to existing conditions; the risk of someone seated against a plate glass being able to break it, which is a safety concern; and a loss of privacy, with diners on the inside of the storefront and diners on the outside being in close proximity. To help flesh out this concern, he asked Stantec to provide example layouts of different areas of the sidewalk cafes. He stressed that what he was showing the Committee are just examples. He added that Stantec and City staff are not restaurant designers; there are many ways to arrange these patios. He just asked Stantec for some reasonable layouts that might work within the designated commerce zone.

Mr. Lussier displayed an example layout for the west side of Central Square. He indicated Fritz’s location. Fritz has three picnic tables in front of their own storefront and in front of the Chamber of Commerce. He believes the Chamber allows them that space, which is not to say the Chamber will always be there or always grant that permission, but for now they assume that understanding continues. There is an area with four-person tables in front of the Chamber’s ramp, and two six-person tables in front of Fritz’s. The fenced area delineates the area where alcoholic beverages are served and for the Pour House. Of course, they need to keep openings for access to the different occupancies to that building, but they accommodate a two-person table, a bench or bar top that they calculated would be up to eight seats, a six-person table, a couple of four-person tables, and another bar top that would accommodate about 15 people. Comparing this to existing conditions, he does not know if Fritz’s tables are six-person or eight-person picnic tables. He is not sure what their licensed

number of diners is, but it is between 18 and 24 with their three tables. The proposed conditions can accommodate 20. Again, this is one potential layout, not the only one.

Mr. Lussier continued that the Pour House's existing license includes 32 seated diners and 18 patrons at the bar tops. The proposed condition is for 20 table diners and 23 patrons at the bar top. They looked at the north side of Central Square. The Life is Sweet patio, with their existing license, has 15 (people at) tables and two small benches. In the proposed condition Stantec laid out within the 10-foot sidewalk commerce zone, they can accommodate 16 seated positions plus the two benches. The Stage's license has 32 seated table positions, and the proposed is also 32. The Stage is using small four-person tables. The ones Stantec's layout uses are 48"x30", which he thinks are larger than the current tables. If the Stage uses their current tables, there might be more room than shown, but this is just an example.

Mr. Lussier continued that the point is there will be changes for some business owners, in terms of what their sidewalk commerce zone can accommodate, but generally, it is close to the existing conditions, or better, in some cases. Outside these areas they laid out, there will be many storefronts that have very limited seating now or have no capacity to have outdoor seating that will be accommodated for that outdoor commerce or outdoor dining in the future. So, on balance he thinks it is still a net benefit.

Chair Greenwald stated that his only question regarding Mr. Lussier's update is whether there are any more decisions the Committee needs to make. Mr. Lussier replied not at this time.

Councilor Favolise stated that he knows it is probably still in development as they on-board the Project Ombudsman, but there was some conversation at the last verbal update that he continued with staff after the meeting, regarding what the Ombudsman's role will look like over the summer. He continued that one reason he was comfortable with voting to delay the project by a year was to give time for the Ombudsman to really start building those relationships. He does not necessarily need an answer at this meeting, but he would like a sense of what that relationship-building will look like pre-construction.

Councilor Favolise continued that his other question is whether the "active construction area" Mr. Lussier verbally mentioned is the same as what the slides call the "active zone." If so, he would stress the importance of being as consistent as possible. This will be a confusing enough time for downtown business owners. It would help to be as consistent as possible with communications. He appreciates the monthly updates.

Chair Greenwald stated that he would like to mention something that was not in Mr. Lussier's presentation, which is that outdoor dining or outdoor sales is a privilege. It is a license, not a right. That is something to keep in perspective. It is great that staff is reaching out and providing concept plans for potential seating, but like Mr. Lussier said, it will change, and that is fine. The merchants will figure out what is most advantageous for them, and we will all get through this.

Chair Greenwald asked if there were further questions or comments from the Committee. Hearing none, he asked for public comment.

Dorrie Masten stated that she owns the stretch of real estate that includes the Pour House, Fritz's, and Cholly & Waldo's. She continued that there was a big meeting here in March. Mr. Goodell presented ways to change the cityscape for cafes. At that time, they were going to wait until the

downtown project was done and then decide where things were going. A recent, surprise visit from Mr. Lussier showed her where her patio would go, as it is right now. She was very upset. She looked back at her communications with the City Manager, who had been in the meeting with the merchants. She had said, and ended her email with, *"We remain committed to reviewing concerns in good faith. Public Works will assess what the layout will look like at your location once construction is complete."* At the meeting, Mr. Lussier also told them that if they had more concerns, they could come to this (Committee) meeting. The plan that was on the website shows nine tables in front of the Stage and eight in front of the Pour House. That is impossible. When she asked Mr. Lussier, he said they were simply dropped in there for a visual; it was not to scale. She has a big problem with that, considering all the tax dollars they have paid. Tonight, Mr. Lussier showed new visuals. Even looking at those new visuals from tonight, she can point out that those tables cannot go there. Common sense tells you tables cannot go in front of doors.

Ms. Masten continued that she understands that outdoor dining is a privilege. But as Councilor Filiault said, they should try their best to say yes, instead of saying no right away. The only thing stopping her, George Benik of the Stage, and the Tavern from having their patios just the way they are is the bike lane. Central Square is busy, and they are thankful to have successful restaurants and businesses, but "it does not work." The visual Mr. Lussier showed for The Stage showed tables side by side. If the tables are side by side, it gives a single server three feet to walk in. That is not handicapped accessible. She is sure George would make any changes necessary to accommodate a customer, as would she, but two servers passing each other with their trays would be very difficult. Also, sitting right next to the glass with another customer inside Fritz's window would be an awkward dining experience for anyone. As the Committee knows, every table and chair is income for them. It is not for her and George to drive fancy cars. Their money trickles down to their employees, provides jobs, and brings people downtown. Eliminating their patios and tables does not benefit anyone. They are not asking for a lot. It is two streets. If someone cannot walk two blocks, they probably do not belong on a bicycle. And it is two streets where there is a dangerous crosswalk. On the plan, the bike path that comes off Central Square crosses a busy street, as they just heard from prior testimony about Court St. traffic going fast. You could be coming down Court St., crossing the sidewalk at the same time as the bicycles are going, where they could stop right there and walk in whichever direction they are going to go in, by one block. Again, it is doable. If you just say no, you are not benefiting anyone. If it is doable and it will benefit the community, why not? Why not make the effort? If anything, it saves money, because they do not have the bike path.

George Benik of the Stage restaurant stated that he had some concerns about the layout of the map that was given to him, but he sees that there is a new design that he was not aware of. He continued that he would like a map of the actual distances that they will be working with. For example, he wants to know whether he has 10 feet, or 10.5 feet, and where his allocated sidewalk café will be designated to. The Stage has 30-inch tables; they are not big. Mostly, they put those tables together and move them around. There is concern with the entryways and how many tables they can get between. They have two big 8-foot entryways, so they are losing all that space that they utilize now, that they pay for with their license. He wants a better evaluation from staff or a designer, with the Stage's tables, the ones they are going to use in that area the City has allocated for them. Then maybe they could work something out. Maybe they could take a little bit more sidewalk space, which would be for Stantec or the engineers and designers to accomplish. He does well with the Stage's outdoor café. It was the first restaurant to have an outdoor table. The City Clerk's Office gave them a license and they put small tables out when they just had the one store. They have been doing this a long time, and they know things change, but he just wants a little more clarity and actual dimensions so he knows where the Stage's outdoor café will be placed and how much space it will be.

Chair Greenwald asked the Public Works Director if they have the base drawings to a point that Mr. Benik can reference.

Mr. Lussier stated that he was going to suggest that staff can offer Mr. Benik the same assistance they provided to the Pour House, which is to go to the site and mark out in white spray paint where that designated area for the patio would be. He continued that he wants to point out that what they are calling the “sidewalk commerce zone” is not a different material or treatment, it is just part of the sidewalk. They are saying that when a business owner wants to have that outdoor commerce, that this is the area that is designated for it. In Mr. Benik’s case with the Stage restaurant, it is the width of his property, 10 feet out from the building. Staff can go mark that out. In terms of laying it out with his specific tables, he would shy away from that. They are not restaurant designers, and different restaurant owners might use tables of different shapes or sizes. Public Works is trying to provide the Committee with a sense of what the impacts would be, but neither he nor Stantec is in any way qualified to determine the optimum layout for any particular restaurant. He could provide them with some scaled drawings, and they could cut out shapes, put them on, and play with how they want to lay out their space.

Ms. Masten stated that when they go out and mark Mr. Benik’s patio, it might be helpful to have someone from the Fire Department along, because the drawings for the Pour House have tables in front of the exit doors. She continued that she wants to make sure everyone understands the amount of table space being taken away from them by doing this. It is significant. She would like someone from the Fire Department to accompany them to clarify where they are allowed to put tables and chairs.

Chair Greenwald replied that as he understands it, Public Works will provide a blank map, on which Ms. Masten and Mr. Benik can design their own spaces. He continued that then they will have to run it through Code Enforcement and the Fire Department to make sure it is safe. The City will not design the space. Ms. Masten replied that they just want everyone on the same page, regarding not having tables or chairs in front of the doors.

The City Manager stated that sometime in March or around the timeframe of when the discussion about outdoor dining happened, a letter was submitted and referred to the Planning, Licenses, and Development (PLD) Committee. She continued that it was about the licensing, not the layout. It was more about the rules for outdoor cafes. The City Clerk’s Office said they would deal with it later, after the construction was done. She will pull those meeting minutes to see.

Councilor Tobin stated that she can appreciate how challenging a lot of this will be. She continued that she thinks the reason they decided to postpone the project for a year was so that there would be time to work out a lot of these details and to be able to have this back and forth. They are working on getting the Ombudsman. Until that happens, she appreciates the work staff has put in to meet these needs.

Councilor Filiault stated that having owned a downtown business, he can appreciate what business owners go through, dealing with City Council, which is sometimes not fun. He can appreciate both sides. He hopes that when this comes back next month, they will have more answers.

Councilor Workman stated that she wants to remind the public of the reason why they are even changing and reconfiguring the sidewalk café placements. She continued that it was not just for bike

lanes. She has been a Council member since 2020. Every summer, she receives complaints from pet owners, people with children, and others about not feeling welcomed downtown because it is designed for and prioritizes restaurants and bars, and they have a hard time just walking down the sidewalk. This is about trying to balance the wants and needs of an entire city. They also really debated about cutting across the sidewalk, and the safety of not only pedestrians, but also waitstaff. They have considered many different variables, and as Chair Greenwald said, they are doing their best, but again, sidewalk cafes are privileges, not a right.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the presentation as informational.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Andrew Bohannon, Deputy City Manager

Through: Elizabeth Ferland, City Manager

Subject: **Reallocation of Operating Funds - Recreation Center**

Recommendation:
Move that the Finance, Organization and Personnel Committee recommend that the City Council reallocate $20,000 from the Facilities – DPW (65316672) operating budget to the Brian A. Mattson Recreation Center Renovation Project (65J0004A).

Attachments:
None

Background:
The Brian A. Mattson Recreation Center Renovation project received a $801,250 CDFA – Community Center Investment Program grant in 2023, and the City's capital reserve provided $285,000 (original project total $1,086,250) for improvements to that included a Level 2 Energy Audit, upgrades to the HVAC systems, new boilers, new windows, a lobby renovation, and a new ADA ramp to the veterans' memorial.

However, as with many renovations, unknown costs begin to change the project budget with various change orders. This additional funding will allow the project to be completed with the recent change order requests, which are within the City Manager's authorization. Through past Council authorizations of reallocation of funding and donations, the current project budget is $1,353,486.00, a difference of $267,236.00.

The CDFA grant award is to be completed by August 30, 2025, and the project is currently on schedule to be completed by the end of June, and within the program guidelines.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Daniel Langille, City Assessor

Through: Elizabeth Ferland, City Manager

Subject: **79E Community Revitalization Tax Relief Application for 34 Court LLC**

Recommendation:

That the Mayor set a public hearing regarding a 79-E Community Revitalization Tax Relief application submitted by Zach Luse for the property at 34 Court Street and owned by 34 Court LLC

Attachments:

1. 79E Committee checklist - 34 Court
2. 34 Court LLC 79-E Documents
3. CC Resolution

Background:

The City's 79-E Committee has completed its review of the application submitted by Zach Luse, on behalf of 34 Court LLC, for temporary tax relief through the City's 79-E Community Revitalization Tax Relief program. The Committee has determined that the application is complete, and a public hearing should be scheduled in accordance with RSA 79-E:4,II. The proposed project will redevelop the second floor of a historic building into an indoor beer garden. The full application is attached to this memorandum.

CITY OF KEENE RSA 79-E COMMITTEE REPORT

Property Owner: 34 Court Street LLC

Property Location: 34 Court Street

Applicant: Zach Luse

Date application submitted: 4/24/2025 **Date of Committee Review:** 4/28/2025

- **Is property located within the 79-E district?** ☒YES ☐NO
- **Is property located within a TIF District?** ☐YES ☒NO
- **Does the project require additional infrastructure by the City?** ☐YES ☒NO
- **Is the property listed or eligible to be listed on the national or state register of historic places and a copy of historic designation submitted?** ☒YES ☐NO
- **If yes, does the project devote at least $5,000 to energy efficiency?** ☒YES ☐NO ☐N/A
- **Does project replace or redevelop an existing structure?** ☐REPLACE ☒REDEVELOP
- **If a replacement, has HDC approval been obtained?** ☐YES ☐NO ☒ N/A
- **Are project cost estimates provided?** ☒YES ☐NO
- **Does the estimated project cost exceed the 75,000 minimum?** ☒YES ☐NO
  Summary of work:
  2nd Floor renovations, Energy efficiency upgrades, interior alterations, kitchen, bar, bathrooms
- **What is the proposed use of the building?**
  First floor to remain office Use, 2nd floor will be indoor beer garden w/small kitchen
- **Does the project include one or more required public benefit(s)?** ☒YES ☐NO
- **Does the project comply with the Master Plan?** ☒YES ☐NO
- **Does the proposed use meet current zoning regulations?** ☒YES ☐NO
  Notes:
- **Is the application complete with necessary documentation?** ☒YES ☐NO
- **Has the owner agreed to the execution and recording of a covenant?** ☒YES ☐NO

SUMMARY OF PUBLIC BENEFITS (as proposed by the applicant):
See application for full details

April 23, 2025

Mayor Jay Kahn And Keene City Council
3 Washington Street
Keene, NH 03431

Re: RSA 79-E for 34 Court St Project

Honorable Mayor and City Council:

My name is Zach Luse, Founder and CEO of Paragon Digital Marketing, headquartered in the heart of downtown Keene. I'm also the proud owner of the former church building at 34 Court Street. This beautiful building is an architectural and cultural landmark listed on the National Register of Historic Places, featured on the New Hampshire Preservation Alliance's Seven to Save List, and a key part of Keene's Downtown Historic District. It is the last of the three historic churches that once stood at the end of Court Street.

Five years ago, Paragon became the first business in Keene to utilize RSA 79-E, the Community Revitalization Tax Incentive. It proved critical in restoring and repurposing 34 Court Street. Thanks to that support, we were able to breathe new life into this historic structure. Today, Paragon continues to thrive — creating high-quality local jobs, generating global revenue for the city, and producing more solar energy than we consume, with the surplus benefiting our neighbors through the grid.

Now, I am writing to request your support once more, as we propose the next chapter for this beloved building: Platz Beer Garden. This new venture will transform the long-vacant sanctuary — unused for nearly 15 years — into a vibrant, family-friendly beer garden inspired by traditional German beer halls and the spirit of community. Platz will feature local and international beer and wine, quality counter-service food, non-alcoholic options, and free popcorn — all in a space that feels like an inviting backyard patio beneath cathedral ceilings.

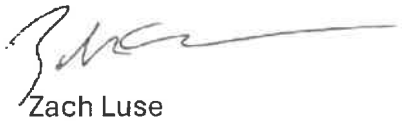
Platz will create 2–3 full-time jobs and several part-time positions while offering a welcoming and unique gathering space. More importantly, it will breathe new life into a historic sanctuary—once again, becoming a place where families and friends can connect, celebrate, and share in the spirit of community. Honoring Keene's partnership with its sister city, Platz will feature beer from Einbeck, Germany, alongside local brews, fostering a cultural bridge and creating a shared sense of place rooted in both tradition and togetherness.

The temporary property tax relief provided under RSA 79-E will allow us to invest more deeply in energy efficiency, restoration, job creation, and community engagement. I believe

our attached application clearly demonstrates how this project supports the goals laid out in the City of Keene's Comprehensive Master Plan and Sustainable Energy Plan.

I respectfully ask for your consideration of the maximum relief under RSA 79-E—five years—to help make this transformative project a reality. Thank you for your time, attention, and continued support for initiatives that build on Keene's unique character and strengthen our shared future.

Warm Regards,



Zach Luse

Founder & CEO, Paragon Digital Marketing
Owner, 34 Court Street
Owner, Platz Beer Garden
Proud Keene Resident

Community Revitalization Tax Relief Incentive (RSA 79-E)

KEENE
NEW HAMPSHIRE

APPLICATION FORM

Contact throughout the application process will be made with the Applicant listed below. The property owner or a designated agent may act as the Applicant.

Property Owner:

Print Name: 34 Court LLC

Address: 63 Emerald St #468

City: Keene State: NH Zip: 03431

Phone: 603-399-6400 Email: zach@paragondigital.com

Applicant (if different from owner):

Print Name: Zach Luse

Address: 34 Court St

City: Keene State: NH Zip: 03431

Phone: 603-399-6400 Email: zach@paragondigital.com

Building Information:

Building Name (If Any): Former Grace Methodist Church

Building Address: 34 Court St

Tax Map Lot #: 568-022-000-000-000 Zoning District: Downtown Core

Cheshire County Registry of Deeds Book #: 3039 Page#: 0877

Gross Square Footage of Building: 11,127 Year Built: 1869

Is the building eligible for listing or listed individually on the National or State Register of Historic Places or located within a locally designated, State or National Historic District? No: _____ Yes*: X

**If yes, provide a copy of the approved designation by the National or State Register of the building or the district*

Does the property currently have any credit or exemption from real estate tax assessment?
No: _____ Yes*: X *If yes, please describe:

This property has a solar exemption and a previous 79-E exemption that will be expiring this year.

Continue

Return this completed application to:
COMMUNITY DEVELOPMENT DEPARTMENT
3 Washington St, 4th Floor
Keene, NH 03431
Phone: (603) 352-5440

OFFICE USE ONLY
Date Submitted: _____
Received by: _____
Date Complete: _____

Project Information:

Describe Existing Uses *(include detail on the current uses of the building/site, number of units by type and size, number of employees, etc.)*:

The property at 34 Court St is a 11,875 square foot church located on a 0.18-acre lot in the Downtown Core Zoning District. The current use of the property is office space and church assembly space (place of worship). The current offices of Paragon Digital Marketing occupy approximately 4,000 square feet on the first floor. The church space occupies about 5,785 square feet on the second floor and mezzanine. The remaining area consists of common areas and utility/mechanical room spaces.

Describe Proposed Uses *(include detail on proposed use of the building/site, number of units by type and size, number of employees, etc.)*:

The proposed project would convert the current church space to an indoor beer garden that serves beer, wine and non-alcoholic beverages. A small kitchen will be added to the space to prepare simple foods with counter service. Bathrooms will also be added to the space. The main space on the second floor will have seating for 104 customers, the mezzanine will have seating for 52 customers. There will be 2-3 full-time employees, and several part-time employees scheduled based on demand.

Is a change of use associated with this project? No: ____ Yes*: X

*If yes, please describe:

A change of use for an indoor beer garden and office space was approved on 4/23/25. The church/place of worship to a bar/restaurant use will be converted to an indoor beer garden (the second floor and mezzanine). The first floor will remain in its current use as office space.

Will any state or federal grants or funds be used to finance the rehabilitation or construction? No: X Yes*: ____

*If yes, what is the amount of the aid?

Note: Rehabilitation or construction subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50% of construction costs from state or federal programs are not eligible for 79-E tax relief.

Does the project involve the replacement of an existing structure? No: X Yes*: ____

*If yes, following materials shall be submitted with this application:

- ☐ A New Hampshire Division of Historical Resources individual resource inventory form, prepared by a qualified architectural historian.
- ☐ A letter from the Keene Heritage Commission that identifies any and all historical, cultural and architectural value of the structure(s) that are proposed to be replaced and the property on which those structures are located.

Note: This application shall not be deemed complete and the governing body shall not schedule the public hearing on the application for replacement of a qualifying structure as required under RSA 79-E:4,II until the inventory form and letter from the Heritage Commission, as well as all other required information, have been submitted, if required.

Describe the work to be done and estimated cost (Attach additional sheets if necessary)

1. Attach a copy of a contract, contractor estimates, or itemized list of materials
2. Attach a project narrative, building plans or sketches, renderings or photographs to help explain the proposed rehabilitation or construction.

Structural: Engineering and boiler room roof reinforcement	10,000 $
Exterior Alterations (storefront, walls, windows, doors, etc.): Screening for HVAC Equipment	8,000 $
Interior Alterations (walls, ceilings, moldings, doors, etc.): New partitions, doors and finishes.	84,000 $
Electrical: Electric Service upgrade to support heat pumps and wiring for kitchen, bathrooms and bar.	80,000 $
Plumbing/Heating: Replacement of oil boiler with commercial energy efficient VRF Heat pumps. Install 4 energy recovery ventilators. Plumbing for kitchen, bathrooms and bar.	387,000 $
Mechanical:	$
Energy Efficiency: Insulation, Air Sealing, LED Lighting	59,000 $
Other: Fire Alarm & Suppression System Modifications, Architects & Engineers	30,000 $
TOTAL ESTIMATED PROJECT COST: ***Note: To be considered for this tax relief incentive, the project costs must be $75,000 or greater.***	$ 658,000

Expected Project Start Date: 5/15/2025

Expected project completion date: 9/1/2025

Public Benefit (Attach additional sheets if necessary)

In order to qualify for tax relief under this program, the proposed work must provide at least one of the public benefits listed below. Greater consideration will be given to projects that provide three or more public benefits. Any proposed replacement must provide one or more of the public benefits listed below to a greater degree than would a substantial rehabilitation of the same structure.

Enhances the economic vitality of downtown areas. No: ___ Yes*: ✓
***If yes, please describe**:

See Attached Explanation

Enhances & improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located. No: ___ Yes*: ✓
***If yes, please describe:**

See Attached Explanation

Promotes the preservation and reuse of existing building stock by the rehabilitation of historic structures, in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation. No:___ Yes*: ✓ ***If yes, please describe:**

See Attached Explanation

Promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan. No: ___ Yes*: ✓ ***If yes, please describe:**

See Attached Explanation

Will add to the City's employment base by creating at least one new, full-time job in Keene's downtown area. No:___ Yes*: ✓ ***If yes, please describe:**

See Attached Explanation

Directly supports the integration of public art in the downtown. No: ✓ Yes*: ___
***If yes, please describe:**

Promotes development of a sustainable building stock in the downtown that achieves a nationally or internationally recognized green building standard (e.g. LEED, Green Globes, National Green Building Standard, and International Green Construction Code). No: ✓ Yes*: ___
***If yes, please describe:**
Although we are not pursuing a green building certification, we have performed commercial energy audits and striving for the greatest efficiency we can attain within our budget. We want the building to be as healthy, energy efficient and sustainable as possible.

Maintains owner occupancy of a residential building or it returns a residential building to owner occupancy. No: ✓ Yes*: ___ ***If yes, please describe:**

Results in an increase in energy sustainability in conformance with the City adopted greenhouse gas initiatives as determined by a home energy score of at least six (6), and demonstrated carbon emission reduction of at least 10%. No: ___ Yes* : ✓ ***If yes, please describe:**

See Attached Explanation

Affidavit

I (we) hereby submit this application under the Community Revitalization Tax Relief Incentive Statue (NH RSA 79-E) and attest that to the best of my (our) knowledge all of the information herein and in the accompanying materials is true and accurate.

I (we) have reviewed the statute and Resolution R-2017-41 (see attached) and understand that:
a) This application will be reviewed for completeness;
b) There will be a public hearing to evaluate the merits of this application;
c) If this application is approved by City Council, I (we) will need to enter into a covenant with the City; and
d) I (we) may be required to pay reasonable expenses associated with the creation of the covenant.

I (we) understand this application will not be determined as complete and recommended to the City Council until all of the necessary information is provided.

IMPORTANT:
Per RSA 79-E:13, the base or "original" assessed value for any tax relief period is set only after the following two conditions are met:

1. Approval by City Council; and
2. The Applicant has entered into a covenant with the City of Keene to protect the public benefit.

Tax relief granted will pertain only to assessment increases attributable to the substantial rehabilitation or replacement performed under the conditions approved by the City Council and not to those increases attributable to other factors including but not limited to market forces.

34 Court LLC		Zachary Luse	4/24/2025
APPLICANT	(signed)	(name printed)	(date)
34 Court LLC		Zachary Luse	4/24/2025
OWNER	(signed)	(name printed)	(date)

NOTE: Owner must sign this Affidavit, if Owner is not the Applicant

Project Narrative - 34 Court Street

The property at 34 Court Street is an 11,875-square-foot historic church located on a 0.18-acre lot in Keene's Downtown Core Zoning District. The structure currently serves a mixed-use purpose: approximately 4,000 square feet on the first floor houses the offices of Paragon Digital Marketing, while the remaining space—about 5,785 square feet on the second floor and mezzanine—is a largely unused church sanctuary. Additional square footage comprises common areas, mechanical rooms, and utility space.

The proposed project seeks to revitalize the vacant sanctuary by converting it into **Platz Beer Garden**, a vibrant indoor gathering space modeled after traditional German beer halls and community festivals. The beer garden will serve local and international beer, wine, and non-alcoholic beverages. A small kitchen will provide high-quality, casual fare through counter service, and restrooms will be added to the space. A portion of the existing choir loft will be extended to create usable space above the new kitchen and restrooms.

A significant portion of the renovation budget is allocated toward **energy efficiency upgrades and sustainability**, ensuring the building remains functional, comfortable, and environmentally responsible for future generations.

Exterior Alterations

Exterior changes are minimal and designed to respect the historic nature of the building. Necessary modifications include:

- Installation of HVAC equipment, which will be screened from neighboring properties and positioned with at least a three-foot setback from roof edges.
- Conversion of a rear window into an emergency exit door. The window is located at the back of the building and only visible from Center Street across a neighboring driveway.
- Replacement of deteriorated, yellowed plexiglass covering a dormer window opening that is barely visible from public vantage points. The window opening does not contain a window and is open to the attic. It will be replaced with a wood panel featuring a louvered vent to blend more harmoniously with the building's character.

These alterations aim to balance modern functionality with preservation of the building's historic facade.

See attached images and mockup.

Interior Alterations

- First Floor: The office use will remain unchanged. Two hallways will be constructed to improve access to the elevator for deliveries and ADA compliance, as well as provide a new rear egress through an existing interior stairwell.
- Second Floor (Sanctuary): This area will be transformed into the main space for Platz Beer Garden. Key improvements include:
    - Addition of restrooms and a small commercial kitchen.
    - Extension of the choir loft above these rooms to enhance the space.
    - All alterations are designed to preserve the sanctuary's unique architectural features, with a commitment to retaining as much original detail as possible.

Replacing outdated, energy-intensive systems is central to the project's goals. Planned upgrades include:

- Removal of the oil-fired steam boiler, radiators, and associated piping.
- Installation of energy-efficient air-source heat pumps for heating and cooling.
- Addition of energy recovery ventilators to comply with modern code and improve indoor air quality.
- Aerobarrier air sealing of the building envelope—an innovative approach that was previously used on the first floor with excellent results.
- Attic insulation upgrades to reduce energy loss and improve overall comfort and efficiency.

These updates reflect a strong commitment to reducing the building's environmental footprint while enhancing long-term viability.

See attached floor plans for more details.

Material Selection

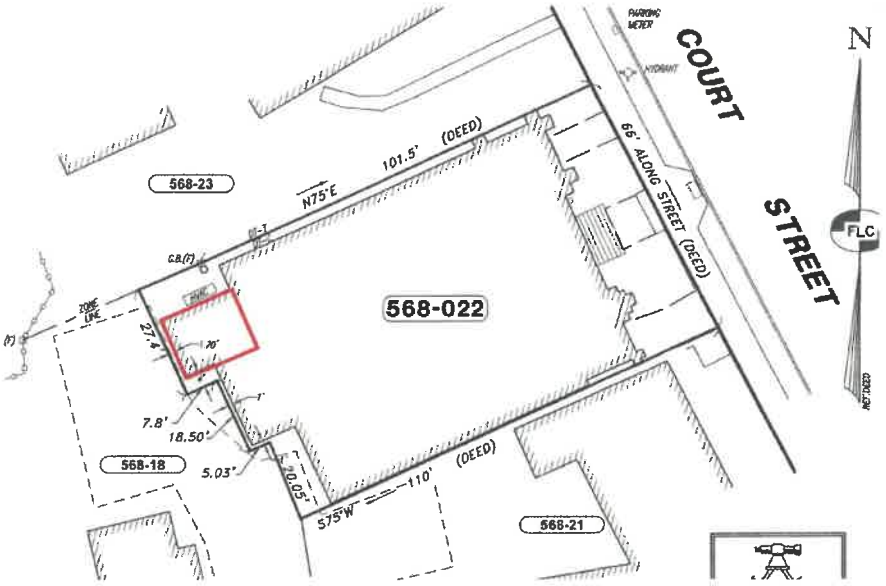
Wherever possible, existing materials are being salvaged and reused to preserve the building's historical character. Examples include:

- Reclaimed **flooring**, **pews**, **woodwork**, and **original window sashes**.
- New materials will be selected to complement and enhance the original features, ensuring a seamless integration of old and new.

Site Features / Landscape Features

No significant exterior landscaping or site work is planned. The scope will be limited to general site clean-up and ongoing maintenance. The focus remains on the thoughtful and sustainable adaptation of the existing structure.

Images and Attachments



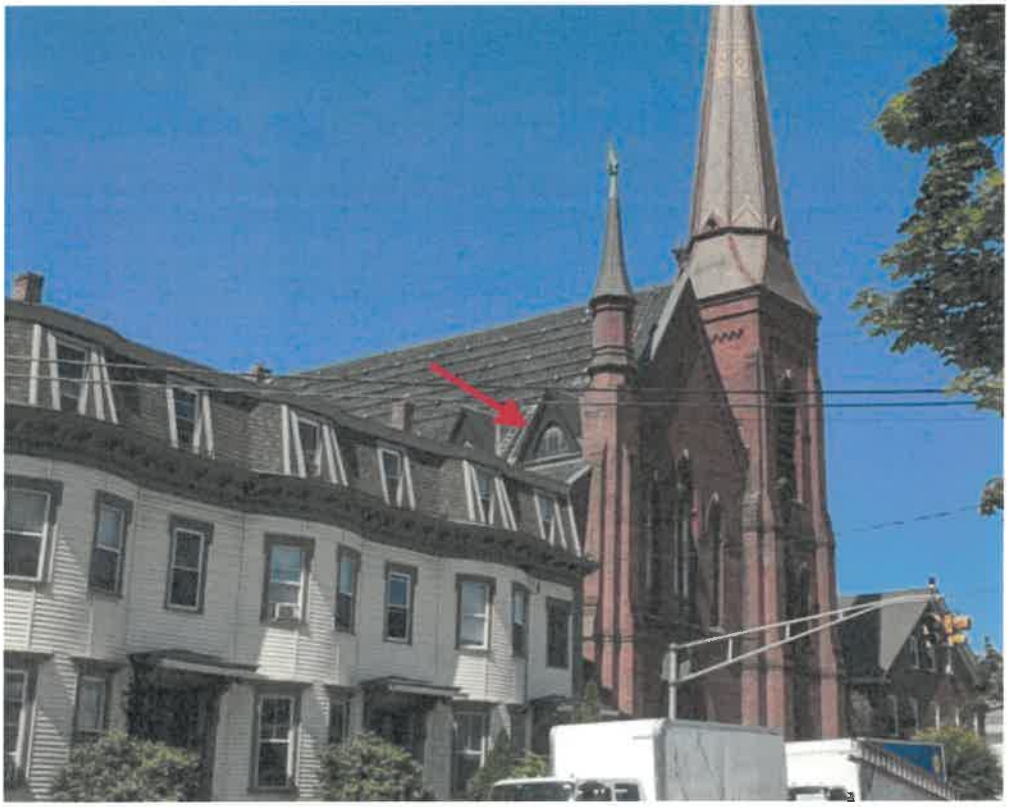
Location of Boiler Room

View of Boiler Room from Rear – HVAC Equipment will be placed on the roof and screened with wood louvers to allow air flow to the equipment while masking the equipment from neighboring properties.

Existing Window at rear of building.

Mockup of door installed in window opening. Door to be painted bronze to match trim.

The dormer window opening on the right will be converted to a louvered vent.



View of dormer window opening from East Side of Court St just south of the building.

Public Benefit

Enhances the economic vitality of downtown areas.

Having a thriving downtown is essential to the success of Platz Beer Garden. Being part of the downtown Keene community is deeply important to Platz, Paragon, and Zach. Platz brings a one-of-a-kind gathering space to downtown that not only serves as a welcoming place for the community but also stands out for its unique setting and expansive selection of beer and wine — features that will attract both locals and visitors to Keene.

Bringing residents and visitors to downtown Keene helps maintain a thriving and vibrant downtown. Platz is committed to investing in downtown Keene, supporting local businesses and partnering with initiatives and projects that promote the city.

Direct contributions to the economic vitality of downtown include:

Attracting Foot Traffic and Complementary Spending

Platz will serve as a **destination**—drawing both locals and visitors downtown. This increase in foot traffic can benefit nearby businesses such as:

- Retail shops
- Restaurants and cafes
- Local breweries
- Local entertainment venues
- Cultural and arts organizations

People coming for a drink, a meal, or an event at Platz are likely to **spend more time and money in the area**, extending their stay and exploring more of what downtown Keene has to offer.

Arts and Culture

Platz will directly support arts, culture and tourism through:

- Hiring local musicians to play background music.
- Collaborating with and supporting local organizations that are integral to our community like the Colonial Theatre.
- Partnering with local yoga studios to host Sunday Yoga and Mimosas.
- Working with and participating in downtown festivals and integrating our space as an extension these events.
- Featuring local art and history throughout our space.
- Providing a space for local non-profits and clubs to meet and gather.

Adaptive Reuse as a Catalyst

Transforming a long-vacant historic building into a thriving business can **inspire other downtown property owners** to reinvest in their buildings. This sets an example for:

- Sustainable development
- Historic preservation with modern use

It signals that Keene is a place where **innovation and tradition meet**, encouraging further private-sector investment.

Tax Revenue and Value Creation

Even with the temporary tax relief under RSA 79-E, long-term impacts include:

- Increased assessed value of the property
- New rooms and meals tax revenue
- More jobs and income generating taxable economic activity

Once the RSA 79-E period ends, the city benefits from a **stronger, more valuable property** and downtown tax base.

Platz, Paragon and Zach are dedicated to downtown Keene and our community; this project will allow Platz to thrive in our small city while directly and indirectly supporting the economic vitality of downtown.

Enhances & improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located.

The former Grace Methodist Church is the last of 3 historic Court Street churches. The other two were demolished in the 1960's. The building is located in Keene's Historic District and was added to the National Historic Register of Historic Places in 1985. This historic building was also listed as one of New Hampshire Preservation Alliance's Seven to Save. The structure remains mostly as it was when it was completed in 1869. I intend to maintain the historic character of the building as much as possible while adapting it for modern use. The stained glass, woodwork and architectural details of the building will be retained and restored over time. We have already invested extensively into repairing masonry and brickwork, reglazing and preserving stained glass and restoring and painting exterior woodwork. We intend to continue this work over the coming years. The income generated by Platz will help fund future restoration of the exterior of the building including restoration of the steeple and spire.

Promotes the preservation and reuse of existing building stock by the rehabilitation of historic structures, in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.

The following guidelines that apply to this project from the U.S. Secretary of the Interior's Standards for Rehabilitation are being adhered to wherever possible:

- Insulation and air sealing will be done in a manner that the preserves the historic character of the building. (Page 56)
- Restoration and preservation of the stained-glass windows will continue. Window frames and all exterior trim will remain intact and be restored. (Pages 25-26)
- The floor plan will remain open and new bathrooms and kitchen have been designed in a way to minimize any interruption of the space and the stained-glass windows. (Page 37)
- Original woodwork and hardwood floors will be restored wherever possible. (Page 38)

Promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan.

This project aligns with the City of Keene's Comprehensive Master Plan in numerous ways. Here are several examples from the Master Plan that are directly supported by this project:

- **Character-defining features of historic buildings should be preserved.** (Page 40)
- It is imperative to the community's success and quality of life that historic areas are protected and preserved as much as possible, **while also adaptively reusing historic resources for modern, sustainable uses.** (Page 52)
- Traditionally, historic buildings have not been viewed as "environmentally sound" structures since older buildings are often assumed to be inefficient. However, **restoring and renovating these buildings is more environmentally sound and energy efficient than building new ones**, especially after they are retrofitted with energy upgrades. In addition, the dense development pattern indicative of many historic downtowns and neighborhoods **promotes walkability** and allows residents to be automobile-independent. (Page 52)
- The **identification and recruitment of uses for the community's historic buildings in downtown is important** to the city's economic development. (Page 53)
- We should continue to **strive for energy efficiency in all buildings** in the community. (Page 67)

- The city and community should **actively pursue the integration of renewable, large- and small-scale energy sources**, such as wind**, solar,** and geothermal, into the community's energy mix. (Page 67)
- **New jobs must be a primary objective for Keene** and the region. **High quality jobs that pay a living wage are viewed as imperative to Keene's long-term economic sustainability**, expansion of tax base and lessening the tax burden on homeowners. Growing the job base will require a multi-pronged approach including **fostering local start-up companies, retaining and expanding existing firms**, and new business recruitment. (Page 70)
- Since the creative economy also strengthens traditional economic sectors by creating new jobs in the technical, service, and management areas and also promotes community vitality and quality of life, **we should pursue ways to support creative industries**, cultural non-profit organizations and individual artists to further expansion of the creative economy in the community and region. (Page 76)
- **Reduces sprawl** and the inefficient use of resources (Page 38)
- We intend to install a **public bike maintenance station** on the property. This was planned with the previous project but some of our plans were disrupted by the pandemic. The location also **promotes walking to downtown businesses and other restaurants as well as walking in the surrounding neighborhood**. (A Walkable Community – Encourage Walking and Bicycling, Page 56)

Will add to the City's employment base by creating at least one new, full-time job in Keene's downtown area.

These improvements will allow Platz to hire 2-3 full-time employees and several part-time employees in downtown Keene.

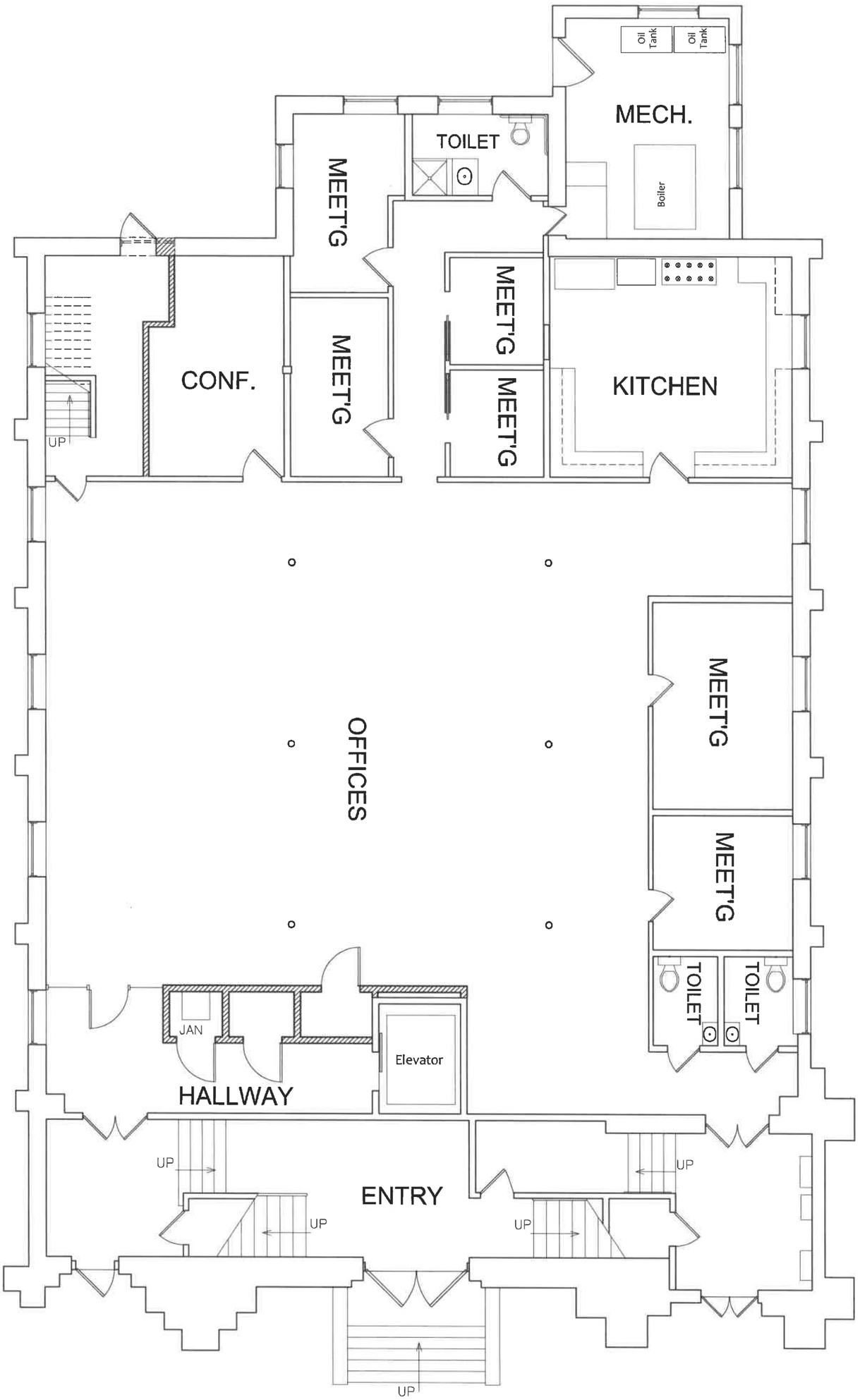
Platz is committed to paying a living wage to all employees and creating good paying jobs. We believe our employees are our greatest asset and strive to provide a healthy, happy and fun workplace with great culture and benefits.

Platz will have live background music during all peak times, so we will frequently hire local musicians and artists to perform. This will create additional employment opportunities in the arts.

Results in an increase in energy sustainability in conformance with the City adopted greenhouse gas initiatives as determined by a home energy score of at least six (6), and demonstrated carbon emission reduction of at least 10%.

The first floor of the building was converted to mini-split heat pumps for all its heating and cooling needs. The solar array provides all of the power needed for the first floor and Paragon's operations.

The second floor and mezzanine of the building currently relies on a large oil steam boiler which would result in thousands of gallons of fossil fuel consumption each winter. By adding insulation, air sealing and replacing the boiler with high efficiency commercial air source heat pumps, we will completely eliminate our reliance on fossil fuels. The remaining light fixtures and any new lighting will all be LED. We've done extensive work with energy auditors and mechanical engineers to focus on making the space as energy efficient as possible within our budget. These improvements also align with the City's Sustainable Energy Plan and goal to switch to 100% renewable energy by 2030.



GROUND LEVEL FLOOR PLAN 1/8" = 1'-0"

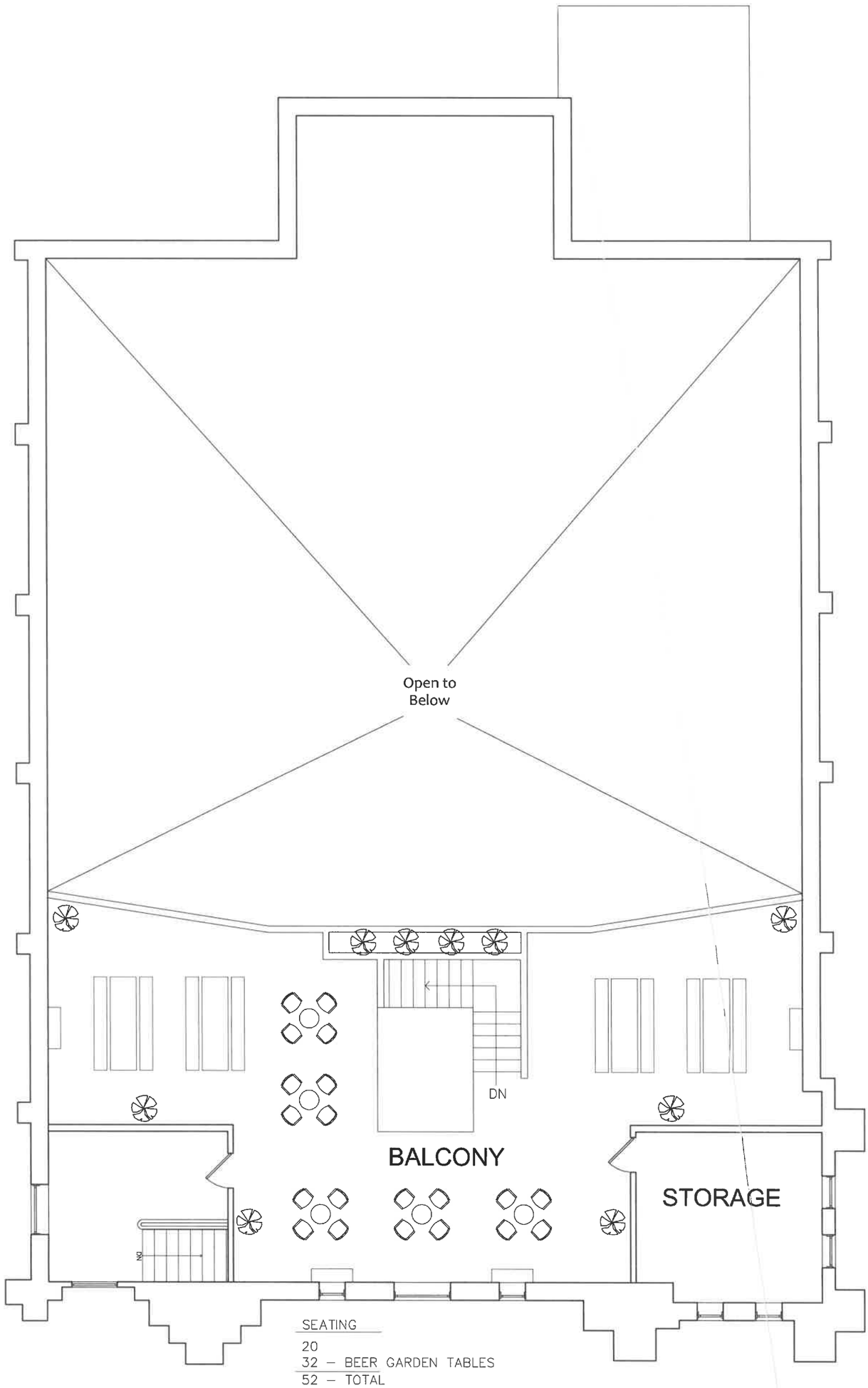
2-18-2025

DANIEL SCULLY ARCHITECTS
·59 CHARCOAL ROAD, DUBLIN, NH 03444
·603/357-4544 ·

COURT STREET BEER GARDEN

KEENE, NEW HAMPSHIRE

SD-0B



SEATING

20
32 – BEER GARDEN TABLES
52 – TOTAL

BALCONY PLAN

1/8" = 1'-0"

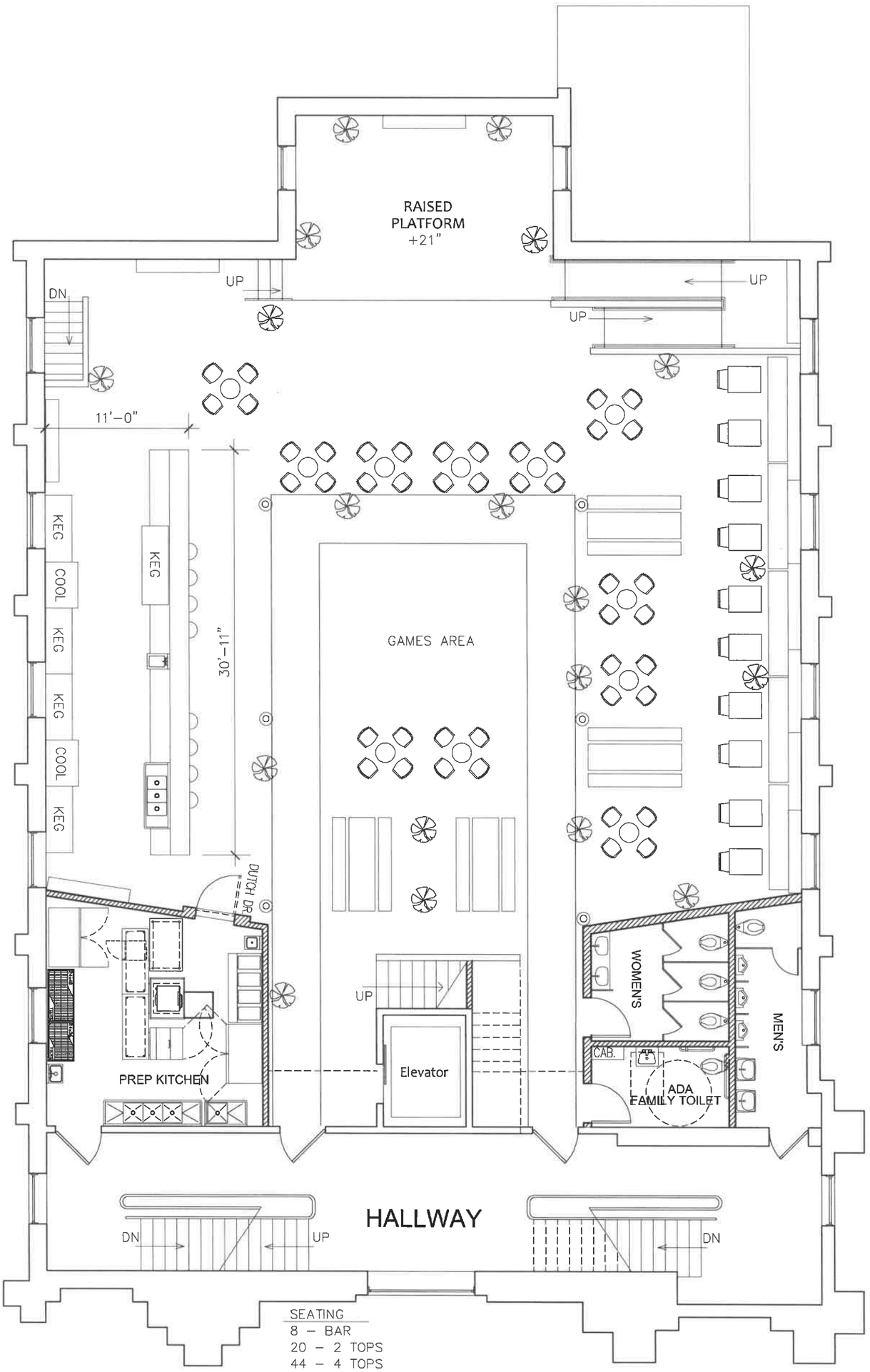
02-18-25

DANIEL SCULLY ARCHITECTS
· 59 CHARCOAL ROAD, DUBLIN, NH 03444
· 603/357-4544 ·

COURT STREET BEER GARDEN

KEENE, NEW HAMPSHIRE

SD-2



SEATING
8 – BAR
20 – 2 TOPS
44 – 4 TOPS
32 – BEER GARDEN TABLES
104 – TOTAL

FLOOR PLAN

1/8" = 1'-0"

2-18-2025

DANIEL SCULLY ARCHITECTS
·59 CHARCOAL ROAD, DUBLIN, NH 03444
·603/357-4544·

COURT STREET BEER GARDEN

KEENE, NEW HAMPSHIRE

SD-1B

wv engineering associates, pa.
11 king court, keene, new hampshire 03431

www.wvengineering.com
t: 603.352.7007

April 15, 2025

Mr. Zach Luse
Paragon Digital Marketing
34 Court Street
Keene, NH 03431

Re: **Platz Beer Garden**
34 Court Strteet
Keene, New Hampshire
Electrical Design
WVA Project No. 25051

Dear Zach:

We are pleased to submit the following proposal for electrical design for the Platz Beer Garden, to be located on the 2nd floor of the Former Methodist Church building at 34 Court Street.

Engineering work is for electrical servic sizing and design, layout of electrical power, lighting, and telecom, devices, circuiting, and electrical equipment specification. Final drawings and specifications will be stamped and suitable for permitting.

WVA Scope of Services

- Attend a kick off meeting with you to review existing conditions, discuss electrical concepts and preliminary layouts, confirm the project scope, schedules and budgets.
- Electrical design for electrical systems shall include contract drawings and specifications. The documents shall be suitable for negotiation with suppliers and sealed for permits.
- Prepare layout of contract drawings based on our kick off meeting with sizing, placement of equipment, and distribution. Deliver a check set to your office for review and comment.
- Finalize design drawings and specifications, incorporate review comments and corrections.
- Prepare Design Affidavits and COMcheck documents if required for permitting.

Construction Admin

- Review electrical submittals.
- Attend construction job meetings, as requested by your office.
- Prepare a Construction Affidavit and punch list electrical work at project substantial completion.

Services Provided to the Engineer

- Liaison between our office, the owner, and state and local agencies.
- Building background drawings suitable for our use.
- Equipment cuts of all owner or vendor furnished equipment requiring electrical service.
- Printing and distribution of construction drawings and specifications.
- Construction administration at bidding and thereafter.

Engineering Fee for Services

Our fee for Engineering services as outlined in our scope of services, including normal reimbursable expenses for mileage, postage, photography and printing, will be billed hourly not to exceed a lump sum of Six Thousand Seven Hundred Dollars ($6,700.00).

Thank you for the opportunity to submit this proposal. If there are any questions concerning any of the above, do not hesitate to contact us.

Sincerely,

WV Engineering Associates, PA

Charles F. Herr, PE

Proposal Acceptance:

_____
Signature

_____
Date

encore
FIRE PROTECTION

Previously Life Safety Fire Protection & Capitol Alarm Systems

From | **Encore Fire Protection**

97 Lower Jaffrey Road
Dublin NH 03444
1-877-433-3300
https://www.EncoreFireProtection.com
If you have any questions or concerns please reach us at servicelocation14@encorefireprotection.com

Quote No.	**2137610**
Type	Installation
Prepared By	Jeffrey Denis
Created On	04/07/2025

Quote For | **New Customer Request - New Hampshire**

Court Street Beer Garden
34 Court Street
Keene NH 03431

Description of Work

Quote Includes:

1. Fire sprinkler design submitted to the Keene Fire Department for approval. Permit to be obtained prior to start of work.
2. Existing wet fire sprinkler system to be extended to protect new ground floor closets, second floor prep kitchen and second floor bathrooms. Above ceiling sprinkler protection to be provided at new second floor dropped ceilings. System modifications to meet NFPA 13 standards.
3. Pipe to be schedule 10 and 40 black steel connected with listed grooved and cast-iron threaded fittings.
4. Pipe to be supported to NFPA 13 standards.
5. Sprinklers to be quick response brass uprights and concealed pendent type with white cover plates.
6. System testing and inspection with the Keene Fire Department.

Quote Excludes:

1. Painting of pipes.
2. Modifications to the existing fire sprinkler system due to conflicts with new mechanicals (if required).

Services to be completed

Sprinkler
Extend existing wet fire sprinkler system to protect ground floor closets and second floor prep kitchen & bathrooms. Modifications to meet NFPA 13 standards.

Sprinkler
Finish installation, system testing & final inspection.

GRAND TOTAL **$9,500.00**

Terms and Conditions

Warranty:

Life Safety Fire Protection, Inc. (Company) warrants that all materials and equipment shall be new and that all work shall be of good quality, free from faults and defects for a period of one year from the date of completion.

Terms:

1. Payment terms are NET 30 with no retainage.

2. In the event customer fails to make payment pursuant to this proposal (this Proposal), Customer agrees that Customer shall be entirely responsible for any and all costs of collection, including, but not limited to attorneys fees.

3. Unless otherwise specified, all installations (the Services) will be conducted between Monday & Friday, 7:00am 3:30pm Eastern Standard Time. Customer shall be subject to a minimum service charge for scheduled installations cancelled without a 24hr notification.

4. Company shall be admitted into all areas of the Premises for the purpose of providing the Services. Appropriate and reasonable notice will be given by Customer to any occupant and notify all parties that may be affected by alarms initiated during installation. This may include parties such as the building occupants, the fire alarm system monitoring company, and the public fire service.

5. Customer may not transfer or assign this Proposal.

6. If a dispute arises out of or relates to this Proposal, and if the dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by mediation administered by the American Arbitration Association under its Commercial Mediation Procedures before resorting to arbitration, litigation, or some other dispute resolution procedure.

7. Customer assumes the entire responsibility and liability for and shall defend, indemnify and hold Company, its agents, employees and officials (hereinafter Indemnitee) harmless from any and all claims, demands, damages, expenses, losses, fines, penalties or liabilities (collectively, Claims), arising from, resulting in any manner directly or indirectly from, or connected with, Companys performance of the Services. Customers obligation to defend, indemnify and hold Indemnitee harmless shall include, but is not limited to, Indemnitees attorney and expert fees, court costs, and all other Claim-related expenses, to the fullest extent permitted by law, subject only to the limitations provided below. Customers duty to indemnify shall not apply to liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from: (a) the sole negligence of Indemnitee, or (b) the concurrent negligence of (i) Indemnitee, its agents or employees and (ii) Customer, its agents or employees, with such liability limited to the extent of Customer or Customers agents or employees negligence. The provisions of this section shall survive termination or expiration of this Proposal.

8. This Proposal and all matters relating thereto shall be governed and construed in accordance with the laws of the State of New Hampshire without regard to the conflicts or choice of law provisions thereof. Each party hereby consents to the exclusive personal jurisdiction of the State of New Hampshire and further agrees that the exclusive venue for any such action shall be the Courts of the State of New Hampshire located in the County of Hillsborough.

9. Companys liability to Customer arising from performance under this Proposal shall be limited to the price for Services under this Proposal. In no event shall the Company be liable for any special, indirect, incidental, consequential, or liquidated, punitive or any economic damages of any character, including but not limited to loss of use of the Customers property, loss of profits or loss of production, whether claimed by the Customer or any third party, irrespective of whether claims or actions for such damages are based upon contract, warranty, negligence, tort, strict liability or otherwise.

10. If any term, clause or provision of this Proposal is judged to be invalid and/or unenforceable, the validity and/or enforceability of any other term, clause or provision in this Proposal shall not be affected thereby.

By my signature below, I authorize work to begin and agree to pay the Grand Total according to the terms and conditions of this agreement.

Name: _____ Date: _____

Signature: _____

Proposal

PINNEY PLUMBING & HEATING
PO BOX 87
WEST SWANZEY NH 03469-0087
603-357-0944 603- 924-7588

February 11, 2025
Reference #: 15242-102
Tech: MARC
Due Date: 3/13/2025

ZACHARY LUSE
34 COURT STREET
KEENE, NH 03431

Job Name:
ZACH LUSE
34 COURT STREET
KEENE, NH 03431

603-903-7312 ZACH C.

603-903-7312 CELL

We Hereby Submit Specifications And Estimates For:

Installation and supplying of materials for budget numbers to install HVAC equipment per Design Day Mechanicals option 3, three phase VRF ASHP design and specifications at 34 Court St, Keene, NH.

This proposal is based on the Scope of work provided by Design Day Mechanicals and is not a fully engineered plan.
This proposal does not include any demolition of the existing boiler or existing piping associated with the boiler.
This proposal does not include any demolition of existing plumbing or domestic water piping.
This proposal does not include any demolition of existing electrical equipment or components.
This proposal includes plumbing for condensate drains only. No other plumbing is included in this proposal.
This proposal does not include any domestic water piping.
This proposal does not include the installation of any electrical services required for the proposed HVAC equipment.
This proposal does not include any crane or rigging work required.
This proposal does not include any scaffolding or lifts (if needed)
This proposal does not include any carpentry or patching of drywall.
This proposal does not include any fire protection.
This proposal does not include any concrete cutting or patching.
This proposal does not include any costs associated with mechanical engineered stamped plans for permitting.
Any general contracting in relation to coordinating or scheduling of others is not a part of this proposal.

Note - Any material price increases at the time of installation will be added to the cost of the installation.

We propose hereby to furnish material and labor - complete in accordance with the above specifications, for the sum of: $337,425.00

Payment to be made as follows:

50% deposit upon acceptance of proposal. Balance upon completion unless other arrangements are made previously.Credit Card payments subject to 3% surcharge

All work performed by us is warranted against defect in material and workmanship for a period of one year from the completion date of this contract. This warranty does not include damages due to abuse, misuse, owners inattention, unattended property or freezing temperature in any way. Any alteration or deviation from above specifications involving extra costs will become an extra charge over and above the estimate. This proposal may be withdrawn by us if not accepted by the above due date. Material prices may be subject to increases based on vendor costs at time of purchase. Credit Card payments subject to 3.0% surcharge. We maintain the right to mechanics lien in the event of non payment.

Authorized Signature _____ **Acceptance Signature** _____ **Date** 4/22/2025

Estimate

PO Box 2142
Concord, NH 03302
P: 603-415-1115
F:
E: info@neairsealing.com
W: www.neairsealing.com

Northeast Air Sealing

Estimate #: 11925-00
Date: 02/24/2025
Terms: Due on receipt
PO #:
Plan ID:

Sales Rep: Rich Burns
Phone #: 603-491-4476
Email: rich@neairsealing.com

Customer Name:
Zach Luse
34 Court St
Keene, NH 03431
zach@paragondigital.com
P: 603-399-6401 (W) A: 603-903-7312 (C)

Job Name:
Aerobarrier
34 Court St
Keene, NH 03431
zach@paragondigital.com
P: 603-399-6401

Description	Total
ATTIC PACKAGE:	Package Accepted (please circle one): YES / NO
All of the loose fill fiberglass will be removed to air seal and install closed cell foam.	$12,986.00
6" closed cell spray foam on the slopes	$51,786.00
3" closed cell spray foam on the vertical walls in the attic	$5,817.00
ATTIC PACKAGE TOTAL: $70,589.00 (Package Is Included In Total)	
BELL TOWER PACKAGE:	Package Accepted (please circle one): YES / NO
6" Urethane (R42) - attic hatch	$211.86
Attic, flat-open, R50	$1,101.76
BELL TOWER PACKAGE TOTAL: $1,313.62 (Package Is Included In Total)	
SMALL ATTIC ABOVE THE STAIRS PACKAGE:	Package Accepted (please circle one): YES / NO
Attic, flat-open, R50	$1,101.76
Insulation dam, min 1/2" wood w/reinforced corners	$122.40
Remove & dispose of existing insulation	$616.00
6" Urethane (R42) - attic hatch	$94.16
SMALL ATTIC ABOVE THE STAIRS PACKAGE TOTAL: $1,934.32 (Package Is Included In Total)	
CRAWLSPACE/RIGHT FRONT ENTRANCE PACKAGE:	Package Accepted (please circle one): YES / NO
12 mil poly, 12" overlapped & sealed seams, mechani	$1,691.80
3" closed cell spray foam on the walls in the right-front entrance	$2,016.00
3" closed cell spray foam in the crawlspace	$976.50
Apply Intumescent Paint Covering (per fire code)	$1,311.00
CRAWLSPACE/RIGHT FRONT ENTRANCE PACKAGE TOTAL: $5,995.30 (Package Is Included In Total)	
AIR SEALING PACKAGE:	Package Accepted (please circle one): YES / NO
Estimated labor & materials to air seal the building as noted in the work description.	$2,851.42

Note: Some of this labor may not be necessary after air sealing the attic. More testing will be done before moving forward.

Estimate

PO Box 2142
Concord, NH 03302
P: 603-415-1115
F:
E: info@neairsealing.com
W: www.neairsealing.com

Northeast Air Sealing

Estimate #: 11925-00
Date: 02/24/2025
Terms: Due on receipt
PO #:
Plan ID:

Sales Rep: Rich Burns
Phone #: 603-491-4476
Email: rich@neairsealing.com

Customer Name:
Zach Luse
34 Court St
Keene, NH 03431
zach@paragondigital.com
P: 603-399-6401 (W) A: 603-903-7312 (C)

Job Name:
Aerobarrier
34 Court St
Keene, NH 03431
zach@paragondigital.com
P: 603-399-6401

AIR SEALING PACKAGE TOTAL: $2,851.42 (Package Is Included In Total)

AEROBARRIER PACKAGE: Package Accepted (please circle one): YES / NO

Install Aerobarrier with a target of 1.0 ACH50	$8,908.00

AEROBARRIER PACKAGE TOTAL: $8,908.00 (Package Is Included In Total)

Please circle "YES" next to each package being accepted then sign and date below. All jobs require a 50% deposit; payable by check, cash, Visa, MC or Discover; credit card payments may be made online https://neairsealing.com/contact. Balance due at job completion. Upon acceptance by you, Northeast Air Sealing will perform the services described in the estimate. Any additional services requested by you and not covered by the estimate will incur additional charges.
If spray foam is being installed in your home, you will need to vacate the property during the spray foam installation and for 24 hours after installation.
Your signature is acknowledgement and agreement to these terms.

AUTHORIZED SALES SIGNATURE DATE

SIGNATURE PRINT NAME DATE

Subtotal: $91,591.66

GrandTotal: **$91,591.66**

QUALITY INSULATION

WORK AGREEMENT

License #:NONE ON FILE

Branch#: 675 | 110 Perimeter Rd | Nashua, NH 03063-1301 | (603) 889-6647

CUSTOMER/BUILDER
PARAGON DIGITAL / New
34 COURT ST
KEENE STATE COLLEGE, NH 03435
(603) 903-7312

JOB SITE INFORMATION
34 COURT ST
KEENE STATE COLLEGE, NH 03435

TRADE: INSULATION
QUOTE #: 83039804 / 1
ISSUE DATE: 08-26-2024
SALES PERSON: Russell, Michael C

Base

Work Area	Item	Notes
Ceiling Area Vaulted	INSULATION-REMOVAL-HAUL OFF	REMOVE AND DISPOSE OF THE EXISTING INSULATION IN THE STEEP VAULTED CEILINGS OF THE SANCTUARY. THIS INCLUDES THE COSTS OF DUMPSTER RENTAL(S).
Ceiling Area Vaulted	R-38 HFO REG = 5.25 Nominal Inches & Thermal Barrier Coating CLOSED CELL FOAM	INSTALL R38 CLOSED CELL FOAM AND THERMAL BARRIER PAINT ON THE BACKSIDE OF THE LATHE AND PLASTER IN THE STEEPEST PORTION OF THE SANCATUARY. INCLUDES UP AND AROUND THE DORMERS/ WINDOWS
Ceiling Area Flat	R-38 HFO REG = 5.25 Nominal Inches & Thermal Barrier Coating CLOSED CELL FOAM	INSTALL R38 CLOSED CELL FOAM AND THERMAL BARRIER PAINT ON THE BELL TOWER FLAT CEILING.
Attic Access	SHEATHING SP ATLAS SHEATHING, 2", 4'X8' SHT	TREAT EACH ACCESS PANEL WITH 4" FOAM BOARD AND WEATHER STRIPPING.
Attic	IBL USG ALL-IN-ONE ALL-BORATE 25 LB R-38 BLOW	OPEN BLOW BOTH SIDE PORTIONS OF THE SANCTUARY WITH R38 CELLULOSE, ASSUMES ~R19 MINIMUM IN THE ATTIC SPACES. ONCE SIDE OF THE ATTIC WILL NEED TO BE ACCESSED FROM THE ROOF. INLCLUDE ATTIC FLAT AT TEH TOP OF THE STAIRS
Attic KneeWall	R-21 HFO REG = 3 Nominal Inches & Thermal Barrier Coating CLOSED CELL FOAM	INSTALL 3" CLOSED CELL FOAM AND THERMAL BARRIER PAINT ON THE ATTIC KNEEWALL ADJACENT TO CONDITIONED SPACE.

BASE TOTAL: **$40,100.00**

OPTIONS - Initial the sections that you would like added and/or reduced from base total.

CRAWLSPACE

Work Area	Item	Notes
Crawl Ground Cover	DURASKRIM II 16' X 100'	INSTALL DURASKRIM GROUND COVER MEMBRANE OVER THE EXISTING PLASTIC. FOAM ALL OF THE SEAMS AND PENETRATIONS WITH CLOSED CELL FOAM.
Crawl Ground Cover	R-11 HFO REG = 1.5 Nominal Inches CLOSED CELL FOAM	FOAM PENETRATIONS/ SEAMS IN THE DURASKRIM

Initial:_____ TOTAL for option: **+ $1,940.00**

NOTE: This agreement consists of multiple pages. If you do not receive the number of pages noted below, please contact Contractor directly at the telephone number stated above.

Draft stop, fire block, fire stop (IBC 718.4.1, 718.4.2 and 718.4.3 or locally adopted equivalent), and fire rated caulking are not included within Contractor's Work unless specifically listed above.

Contractor is willing to furnish to you all material and labor required for the Scope of Work, subject to the terms and conditions stated in this agreement.

TERMS OF PAYMENT: Payment in full due as stated on invoice regardless of any payment arrangements you have with third parties. Visit www.truteambillpay.com to manage your invoices and make payments online with TruTeam Bill Pay.

CELLULOSE NOTICE. If cellulose is to be applied with a wet spray application, you must allow adequate time for it to cure and dry before installing drywall or other materials. The adequate time required varies depending upon climate, altitude and weather. Do not install vapor barriers, vapor retarders, dry wall, or other interior finish until the material has dried to less than 20% moisture content. Time to cure will vary based on climate and weather. Be sure to schedule your trades accordingly.

ACCEPTANCE: Contractor may change and/or withdraw this agreement if Contractor does not receive your signed acceptance within 10 business days after the Date stated above.

PRICING: The prices stated in the Scope of Work above will remain firm for 60 days after the Date stated above. If performance of this agreement extends beyond this 60 day period, you agree to pay Contractor's then current pricing ("Price") for any Work performed after that 60 day period. The Prices are based only on the terms and conditions expressly stated in this agreement. The Prices exclude any and all terms and conditions not expressly stated herein, including, without limitation, any obligation by Contractor to name you or any third-party as an additional insured on its insurance policy; to provide per project aggregate insurance coverage for the Work; to participate in any owner controlled, wrap, or similar insurance program; to indemnify or defend you or any third-party from any claims, actions and/or lawsuits of any kind or nature whatsoever except to the limited extent state in Section 18 of this agreement. Any terms or conditions required by you by contract or otherwise in addition to or inconsistent with those expressly stated in this agreement will result in additional charges and/or higher Prices. Any additional work performed is subject to Contractor's then current pricing (unless Contractor otherwise agrees in writing) and to this agreement.

CUSTOMER:		CONTRACTOR:	
By: _____		By: _____	
SIGNATURE	TITLE	SIGNATURE	TITLE
Company Name: _____		Date: _____	

THE INFORMATION CONTAINED IN THIS AGREEMENT IS CONFIDENTIAL. NEITHER THIS AGREEMENT NOR ITS TERMS MAY BE DISCLOSED TO THIRD PARTIES.

1. ACCEPTANCE. This agreement is expressly limited to and made conditional upon your acceptance of its terms and conditions. Any of your terms and conditions which are in addition to or different from those contained herein which are not separately agreed to in writing (except additional provisions specifying quantity, description of the products or work ordered and shipping instructions) are deemed material and are hereby objected to and rejected. You waive your objection to any terms and conditions contained herein if Contractor does not receive written notice of your objection within ten business days of the date of this agreement. You will in any event be deemed to have assented to all terms and conditions contained herein if any part of the products or work described herein are provided or performed. Please note particularly the Limited Warranty, Limitation of Remedies and Limitations on Actions and Liability provisions set forth below. You acknowledge that the prices stated are based on the enforceability of these terms and conditions, and on the Limited Warranty, Limitation of Remedies and Limitation of Actions and Liability provisions below, that the price would be substantially higher if Contractor could not limit its liability as herein provided, and that you accept these provisions in exchange for such lower prices.

2. LIMITED WARRANTY. All work performed by Contractor is warranted to be free from defects in material and workmanship for one year from the date of completion of the installation subject to the terms below. Contractor makes no warranties regarding products sold but assigns to you any manufacturer warranties relating to the products. **THIS EXPRESS WARRANTY IS IN LIEU OF AND EXCLUDES ALL OTHER WARRANTIES, WHETHER EXPRESSED, IMPLIED OR STATUTORY, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE**. This limited warranty does not cover damages relating to (a) accident, misuse, abuse, neglect, or normal wear and tear: (b) failure to use or maintain the product in accordance with manufacturer's instructions; and (c) alteration, repair or attempted repair by anyone other than Contractor or its authorized representative. You shall be solely responsible for the correctness of the plans and specifications and shall release and hold harmless Contractor from any damages resulting from improper, inadequate or vague information supplied by you. Contractor does not take on any obligation to inspect or evaluate the work of other parties in any manner or aspect. This warranty is not transferable.

3. INSURANCE. Contractor shall maintain workers' compensation (employer liability), as required by law, and $1,000,000 in general liability insurance while performing the work. Contractor reserves the right to be self insured to the extent allowed by applicable law. Contractor does not agree to name any other persons or entities as additional insureds.

4. LIMITATION OF REMEDIES. Your sole and exclusive remedy against Contractor for any and all claims for damages arising out of or alleged to have arisen out the Work will be limited to the repair or replacement by Contractor, at Contractor's option, of any nonconforming work or to the issuance of a credit for such nonconforming work in accordance with these terms and conditions provided Contractor is given a reasonable opportunity to inspect the work and confirms such nonconformity. This exclusive remedy shall not be deemed to have failed of its essential purpose so long as Contractor is willing and able to repair or replace the nonconforming work and, in any event, Contractor's maximum liability for any damages shall be limited to the total amount paid to Contractor for the Work under this agreement. This Limitation of Remedies clause shall apply to the parties to this agreement as well as to the current owner(s) of the project and its/ their respective successors and assigns. If you receive a claim for damages by any owner arising out of or alleged to have arisen out of the Work, you agree to give written notice to Contractor of the claim and provide Contractor an opportunity to inspect the alleged damages within 30 days after Contractor's receipt of the notice. If you fail to give the required notice and/or fail to allow Contractor an opportunity to inspect the allege damages within 30 days, you hereby waive any and all rights for damages and/or correction of work against Contractor. This Limitations of Remedies may be plead as a complete bar to any action in violation of this clause.

5. LIMITATIONS ON ACTIONS AND LIABILITY. All claims and/or lawsuits including but not limited to claims or lawsuits for indemnity and/or contribution against Contractor arising under this agreement must be made within 13 months from the date of completion of the installation. **CONTRACTOR WILL NOT BE LIABLE FOR ANY LOSS, DAMAGE OR INJURY RESULTING FROM DELAY IN DELIVERY OF THE PRODUCTS OR FOR ANY FAILURE TO PERFORM THAT IS DUE TO CIRCUMSTANCES BEYOND ITS CONTROL. CONTRACTOR DISCLAIMS ALL LIABILITY FOR ANY AND ALL DAMAGE WHICH MIGHT BE SUSTAINED BY ANY PERSON WHO MAY BE ALLERGIC TO OR AFFECTED BY THE EMANATION OF PARTICLES FROM CERTAIN TYPES OF INSULATION. THE MAXIMUM LIABILITY, IF ANY, OF CONTRACTOR FOR ALL DAMAGES, INCLUDING WITHOUT LIMITATION CONTRACT DAMAGES AND DAMAGES FOR INJURIES TO PERSONS OR PROPERTY, WHETHER ARISING FROM CONTRACTOR'S BREACH OF THIS AGREEMENT, BREACH OF WARRANTY, NEGLIGENCE, STRICT LIABILITY OR OTHER TORT WITH RESPECT TO THE PRODUCTS, OR ANY SERVICES IN CONNECTION WITH THE PRODUCTS, IS LIMITED TO AN AMOUNT NOT TO EXCEED THE CONTRACT PRICE. IN NO EVENT SHALL CONTRACTOR BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL, LIQUIDATED, OR SPECIAL DAMAGES, INCLUDING WITHOUT LIMITATION, LOST REVENUES AND PROFITS, ATTORNEYS FEES AND/OR COSTS EVEN IF IT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE RIGHT TO RECOVER DAMAGES WITHIN THE LIMITATIONS SPECIFIED IS YOUR EXCLUSIVE REMEDY IN THE EVENT THAT ANY OTHER CONTRACTUAL REMEDY FAILS OF ITS ESSENTIAL PURPOSE.**

6. PRICES, TERMS AND SHIPMENT. No cash discounts, back charges, set offs or counterclaims are allowed unless specified by Contractor. In addition to the prices specified, you agree to pay any federal, state or local excise, use, occupational, or similar tax now in force or to be enacted in the future, assessed against Contractor or you by reason of this transaction. No retention is permitted unless Contractor agrees otherwise in writing. Any past due payment will be, at Contractor's option, subject to interest at 1.5% per month (18% per annum) to the extent permitted by law. You agree to receive (or permit Contractor to receive) near the work site, any materials needed to complete the Work. You agree to protect such materials from damage or loss and provide Contractor, free of charge, with reasonable use of light, heat, water, power, storage space and use of available elevators and hoists as needed. Title to all materials under this agreement shall not transfer to you until Contractor receives payment in full. Contractor may charge you a fee and its actual expenses if the job site is not ready for work on the date you specify.

7. FORCE MAJEURE. Contractor shall not be liable for any delay, failures, or default in performance of this agreement or otherwise, in whole or in part, caused by the occurrence of any contingency beyond the control either of Contractor or of suppliers to the Contractor. Such contingencies include but are not limited to failure or delay in transportation, acts of any government or any agency or subdivision thereof, judicial ac-tion, labor disputes, fire, accident, acts of nature, severe weather, product allocation or shortages, labor shortages, fuel shortages, raw material shortages, machinery or techni-cal failure, or work that cannot be completed because of another contractor covering the pertinent portion of the building. If any contingency occurs, Contractor may allocate pro-duction, de-liveries, and performance of work among its customers or substitute substantially similar materials, in its sole discretion, without liability for doing so.

8. CONFIDENTIALITY. If you vis-it Contractor's premises or you otherwise receive any pro-prietary or confidential information from Contractor, you shall retain such infor-mation as confidential and not use or disclose it to any third party without Contractor's written consent.

9. CREDIT APPROVAL. Shipment and delivery of goods and performance of work shall at all times be subject to the ap-proval of Contractor's credit department and Contractor may at any time decline to make any shipment or delivery or perform any work except upon receipt of payment or upon terms and condi-tions or security satisfactory to Contractor. By signing this agreement, you authorize Contractor to check your credit and references.

10. CANCELLATION. This agreement, or any part of it, may only be cancelled with Contractor's written approval. In the event of cancellation of this agreement, or any part hereof, you shall pay: (a) the contract price of all completed items; (b) that portion of the contract price that is equal to the degree of completion of products or work in process, effective on the date Contractor receives notice of cancellation; (c) the cost of any materials and supplies which Contractor shall have purchased to perform and which cannot be readily resold or used for other or similar purposes; (d) a restocking fee; and (e) any expenses incurred by Contractor (including legal fees and judgments) as a result of the cancellation of subcontracts or purchases related to this agreement.

11. DEFAULT. You may terminate this agreement for Contractor's default, wholly or in part, by giving Contractor written notice of termination as follows. You may give a written notice of termination only if Contractor has received a written notice from you specifying such default, the default is not excusable under any provision hereof, and the default has not been remedied within thirty (30) days (or such longer period as may be reasonable under the circumstances) after Contractor's receipt of the notice of default. Delivery of nonconforming products or work by Contractor shall give you the rights set forth in paragraph 4 hereof but shall not be deemed a default for purposes of termination. In the event of termination for default, you shall be relieved of the obligation to pay for work not performed by Contractor prior to the effective date of such termination. A default on Contractor's part shall not subject Contractor to liability, through payment by Contractor, set off or otherwise, for any other damages, whether direct, consequential or incidental, and whether sought under theories of contract or tort.

12. ASSIGNMENT. You may not assign this agreement or any claim against Contractor relating to this agreement.

13. GOVERNING LAW. This agreement shall be construed, interpreted and the rights of the parties determined in accordance with the laws of the State of Contractor's address first listed on the front of this agreement.

14. DISPUTES AND MANDATORY MEDIATION. In the event that a dispute arises over the reasonableness of or entitlement to fees charged by Contractor, the prevailing party will be entitled to reasonable attorneys fees and costs. In all other disputes of any nature, each party shall pay its own fees and costs. Except as required to protect confidential information and to obtain preliminary injunctive relief to prevent irreparable harm, you and the Contractor agree that prior to the initiation of any legal action the parties will engage in facilitative mediation of any and all disputes in any way related to this agreement. If the parties cannot agree upon a facilitative mediator within 30 days of when the dispute arose, one will be selected pursuant to the Commercial Mediation Rules of the American Arbitration Association. Each party will share equally the fees of the facilitative mediator and costs of the mediation.

15. INSULATION DOES NOT PREVENT FROZEN PIPES. Insulating around water lines in an unconditioned or semi-conditioned area will not prevent pipes from freezing or accumulating condensation. To decrease the possibility of frozen pipes, locate any water pipes within a conditioned area, such as internal walls rather than external walls. If You do not locate the pipes within an internal wall, you hold Contractor harmless and release Contractor from any claims relating to frozen or burst pipes.

16. SEVERABILITY. If any provision on this agreement is not enforceable, that provision shall be effective only to the extent permitted by law and all other provisions of this agreement shall remain.

17. ENTIRE AGREEMENT. This instrument contains the entire agreement of the parties relating to the subject matter hereof and may only be waived, changed, modified, extended or discharged orally by a writing signed by the party against whom enforcement of any such waiver, change, modification, extension or discharge is sought. The terms and conditions of this agreement supersede any agreement to which it is attached.

18. INDEMNITY. Each of the parties to this agreement agrees to defend and indemnify one another from any and all claims, actions and/or lawsuits caused by the party's negligent acts or omissions. This indemnity clause and the obligations created herein shall control and take priority over any contrary indemnity agreement entered into prior to this agreement. Furthermore, this indemnity clause and the obligations created herein shall control and take priority over any contrary indemnity agreement entered into subsequent to this agreement unless the subsequent agreement specifically refers to this indemnity clause and declares it null and void.

QUALITY INSULATION

ADDENDUM

License #:NONE ON FILE

Branch#: 675 | 110 Perimeter Rd | Nashua, NH 03063-1301 | (603) 889-6647

CUSTOMER/BUILDER
PARAGON DIGITAL / New
34 COURT ST
KEENE STATE COLLEGE, NH 03435
(603) 903-7312

JOB SITE INFORMATION
34 COURT ST
KEENE STATE COLLEGE, NH 03435

TRADE: INSULATION
QUOTE #: 83039804 / 1
ISSUE DATE: 08-26-2024
SALES PERSON: Russell, Michael C

Quality Insulation ("Contractor") and Customer each agree to amend the agreement ("Agreement") for the Project specified above as follows:

1. Customer has contracted with Contractor for the installation of spray polyurethane foam in accordance with the scope of work ("Work") specifically set forth in the Agreement. This Addendum modifies the terms of the Agreement and its exhibits and addenda. If any of the terms and conditions of this Addendum should conflict with any terms and conditions of the Agreement this Addendum shall control. These modifications are mutually agreed to by the parties and are supported by legal consideration. Customer's acceptance shall be evidenced by permitting Contractor to perform the Work.

2. Contractor agrees to incorporate by reference the scope of work and terms and conditions as set forth in Contractor's Proposal, dated August 26, 2024, including all exclusions contained therein.

3. In performing work, Subcontractor is not inspecting or assessing, and undertakes no responsibility to inspect or assess, the Project site (or any component or system thereof) for any purpose other than to perform the Work. The rights and obligations between Contractor and Customer concerning Work performed by Contractor shall be as expressly stated in the Proposal.

4. Customer acknowledges that the spray polyurethane products and the installation specifications selected by the Customer and described in the Work are subject to building codes and evaluation reports which contain express requirements and/or recommendations which are outside the Work unless expressly enumerated in the Proposal. Such requirements and/or recommendations may include, but are not necessarily limited to: installing a specified attic hatch; limiting entry to the attic or crawl space only for service of utilities and not permitting storage in the attic or crawl space; ensuring that (a) there are no interconnected attic, crawl space or basement areas, (b) the air in the attic or crawl space is not circulated to other parts of the building, (c) combustion air and attic ventilation is provided when required, (d) the attic assembly has been properly constructed and (e) a code official has provided the required inspections.

5. The Contractor bears no responsibility for the failure of the Customer, developer, builder, owner or subsequent owner, to use and maintain the attic space in strict accordance with the applicable building codes and evaluation reports.

6. Building codes may require, and evaluation reports may specify, a thermal barrier or ignition barrier be applied to the spray foam applied insulation. A thermal barrier or ignition barrier is not included within the Work unless specifically listed in the Proposal.

CUSTOMER:

By: _____

Date: _____

CONTRACTOR:

By: _____

Date: _____

City of Keene
New Hampshire

February 1, 2019

Zach Luse
Paragon Digital Marketing
25 Roxbury Street
Keene, NH 03431

Dear Mr. Luse,

The property located at 34 Court Street in Keene, New Hampshire, historically known as the Grace Methodist Church, is located within the Downtown Keene Historic District and is ranked as a Primary Resource.

Constructed in 1869, the church is one of three surviving church structures located in close proximity to Central Square, the heart of Keene's downtown. It is also the only surviving structure in Keene that was designed by Boston architect Shephard S. Woodcock, one of New England's leading exponents of the High Victorian Gothic Style. The prominent location of the building and its relatively unaltered condition make the church an important representative of its era and a focal point of Keene's locally designated historic district.

Sincerely,

Hanspeter Weber,
Chair, Keene Historic District Commission

NPS Form 10-900
(3-82)

OMB No. 1024-0018
Exp. 10-31-84

United States Department of the Interior
National Park Service

National Register of Historic Places Inventory—Nomination Form

For NPS use only
received FEB 7 1985
date entered FEB 7 1985

See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

1. Name

historic Grace Methodist Episcopal Church

and/or common GRACE UNITED METHODIST CHURCH

2. Location

street & number 34 Court Street n/a not for publication

city, town Keene, n/a vicinity of

state New Hampshire code 33 county Cheshire code 005

3. Classification

Category	Ownership	Status	Present Use	
___ district	___ public	X occupied	___ agriculture	___ museum
X building(s)	X private	___ unoccupied	___ commercial	___ park
___ structure	___ both	___ work in progress	___ educational	___ private residence
___ site	**Public Acquisition**	**Accessible**	___ entertainment	X religious
___ object	___ in process	X yes: restricted	___ government	___ scientific
	___ being considered	___ yes: unrestricted	___ industrial	___ transportation
	X N/A	___ no	___ military	___ other:

4. Owner of Property

name Trustees of the Grace United Methodist Church

street & number 34 Court Street

city, town Keene, n/a vicinity of state New Hampshire 03431

5. Location of Legal Description

courthouse, registry of deeds, etc. Cheshire County Registry of Deeds (Vol 206 Page 55
Cheshire County Courthouse Vol 764 Page 352)

street & number 12 Court Street

city, town Keene, state New Hampshire 03431

6. Representation in Existing Surveys

title None has this property been determined eligible? ___ yes X no

date ___ federal ___ state ___ county ___ local

depository for survey records

city, town state

7. Description

Condition		Check one	Check one
_X_ excellent	___ deteriorated	___ unaltered	_X_ original site
___ good	___ ruins	_X_ altered	___ moved date N/A
___ fair	___ unexposed		

Describe the present and original (if known) physical appearance

Grace United Methodist Church is a large brick structure in the High Victorian Gothic Style. Measuring about 89 by 65 feet, the church is built on a foundation of locally quarried granite. Its walls, laid in a running bond, are broken at frequent intervals by belt courses, buttresses, and brick hood mouldings, and are further articulated by details of cut granite. The building's axis runs east to west, and its broad roof planes have been covered since 1938 by asphalt shingles. The tall spire at the northeast corner of the building retains most of its original slate covering and displays some of the polychromy which once marked the roof coloration more fully.

The eastern elevation of the church is treated as the facade. The broad gable end is broken by a number of openings, by a turreted buttress that marks the division between the nave and the southern aisle, and by a monumental tower on the northeastern corner. On the first story of the facade are three doorways set within pointed arched openings. The north and south doorways are set one step above the grade and retain their original panelled wooden doors. The central opening, which provides the principal entrance to the building, is elevated six steps above the grade and has two modern glass doors set beneath an original rose window. All three door openings are surmounted by moulded brick archivolts which spring from a brick belt course and have granite keystones. At the second floor level, the facade has a trefoil window above the southern door, three lancet windows filled with stained glass above the main entrance, and a pair of arched windows above the tower doorway. The cornice of the facade consists of a wooden moulding supported by brick corbel table. The square brick buttress at the juncture of the aisle and nave roofs terminates in an octagonal wooden turret capped by a faceted spire with a poppyhead at its tip. The square belltower at the northeast corner of the facade has a belfry above the second floor level, with an arched and louvered opening in each face and a corbel table above. This tower is capped by an octagonal spire which rises to a height of 150 ft. and terminates in a turned finial.

The south elevation of the church, now partially obscured by a block of dwellings, has six evenly-spaced windows on both the main and lower stories, with buttresses which reinforce each window pier. The windows of the lower story, glazed with frosted glass, are capped by brick labels which rise from the brick belt course. The floor line between the stories is defined by a second brick belt course, and the windows of the auditorium, filled with stained glass, are capped by brick archivolts which spring from a third belt course. The eaves of the building, thirty feet above the grade, consist of a series of corbelled brick courses capped by a wooden crown moulding.

The northern side elevation of the building is essentially the same as the southern, except that there are only five window bays; the northeast bay is interrupted by the belltower.

Both the northern and southern slopes of the roof are pitched by six gable-roofed lucarnes at the break between the aisle and nave roof planes. These have flushed-boarded fronts and pointed windows with silvered glass.

The rear elevation of the church has two windows on the first floor flanking a brick projection which houses the organ. This projection has a single first and second story window on its sides, two first story windows on the rear, and a bull's eye window at the gable. A single-flue chimney pierces the ridge of the building at the rear wall.

In 1959 a small congrete block addition measuring fifteen by seventeen feet were added at the northwest rear corner of the building, out of the public view, to house a new oil-fired steam boiler.

The interior of the building is divided into two floors. The lower or basement story includes a vestry measuring 41 by 57 feet, a nursery, three classrooms, a church office, and a kitchen. The exterior walls of these basement rooms are plastered and have hard wood door and window casings, hardwood floors, and pressed metal ceilings.

The main floor of the church has a single large auditorium measuring 58 by 64 feet. This room is lighted by five stained glass windows on each side; these are memorial windows installed in 1907 at the time of the other remodellings to the room. The room has three banks of slip pews on its main floor, but has no columns or other supports to separate the aisles from the central nave. At the front of the room is a dias for reading desks and chairs. This has a black walnut communion rail at the front with vasiform balusters. Installed during the remodellings of 1907, this rail and the accompanying furniture are the work of local craftsman Goerge Poole, a member of the church.

At the rear of the dias is a panelled choir area. At the center of the rear (west) wall of this area is a recess framed by a pointed arch supported by engaged Gothic columns with stiff-leaf capitals. Set within this recess is a tracker-action pipe organ built in 1869 by Steer and Turner of Westfield, Massachusetts. Above the organ is a bull's-eye window.

At the east end of the auditorium are two doorways providing access to the room from the foyer of the building. Above these is a balcony which has a panelled face that projects forward into the auditorium on four moulded wooden knees. The balcony opening is spanned by a Tudor arch which springs from a pair of engaged wooden columns. The east wall of the balcony is lighted by the three lancet windows in the front of the gable of the church.

The auditorium ceiling has a series of false rafters which define the bays between the lucarne windows. These rafters appear to bear upon longitudinal beams at the juncture of the nave and aisle roof planes; these intersections are marked by moulded brackets and turned drops from which are suspended electric light fixtures. The roof is actually supported above the auditorium ceiling by two concealed wood-and-iron longitudinal trusses which span the full distance between the front (east) and rear walls of the church and receive the feet of the rafters of the upper slopes of the roof and the heads of the rafters of the lower slopes. Thus, most of the stresses of the church roof are transmitted to the front and rear walls rather than being borne by the side walls; the latter se rves primarily as curtain walls.

Original appearance: Grace United Methodist Church has changed little in essential appearance since its completion in 1869. Its exterior wood-work , originally painted a dark color, has been lightened, and the main roof had its original slate covering replaced by asphalt shingles following damage in the New England hurricane of 1938. The auditorium was remodelled in 1907 with new woodwork and furniture on the dias and with stained glass windows; early wall and ceiling stencilling has been covered by light-colored paint in recent years. The balcony has recently been partially enclosed with modern materials to conserve heat, and the heating plant of the building has been moved to the concrete block structure at the northwest rear corner.

8. Significance

Period	Areas of Significance—Check and justify below				
___ prehistoric	___ archeology-prehistoric	___ community planning	___ landscape architecture	___ religion	
___ 1400–1499	___ archeology-historic	___ conservation	___ law	___ science	
___ 1500–1599	___ agriculture	___ economics	___ literature	___ sculpture	
___ 1600–1699	_X_ architecture	___ education	___ military	___ social/ humanitarian	
___ 1700–1799	___ art	___ engineering	___ music	___ theater	
_X_ 1800–1899	___ commerce	___ exploration/settlement	___ philosophy	___ transportation	
___ 1900–	___ communications	___ industry	___ politics/government	___ other (specify)	
		___ invention			

Specific dates 1869 **Builder/Architect** Shepard S. Woodcock

Statement of Significance (in one paragraph)

The Grace United Methodist Church is one of the few large Victorian Gothic churches in western New Hampshire and is an excellent example of the ecclesiastical work of a prolific Boston architect. The building was designed by Shepard S. Woodcock, who was responsible for a great number of religious, public, and academic buildings in New England during the course of a long career. The church remains relatively unaltered, and typifies the many large religious structures built in New England during the post-Civil War era.

Architecture: Grace United Methodist Church was built between the summer of 1868 and the fall of 1869 and was completed at a cost of $40,000. The expense of the construction was greater the the congregation could properly bear, and the church remained in debt until 1896.[1] The efforts made by the church to erect a building beyond its parishioners' means resulted, however, in the completion of one of the largest and more interesting religious structures in southwestern New Hampshire, and introduced to that region a Boston architect who would later receive other commissions in Keene and elsewhere in southern New Hampshire. These commissions collectively would represent the best examples of the Victorian Gothic style in New Hampshire.

The Grace United Methodist Church was designed by Shepard S. Woodcock, who was born in 1824 in Sidney, Maine; and was apprenticed in the building trade in Massachusetts during the early 1840's. Apparently self taught as an architect, Woodcock began his career as a contractor and landscape designer, probably deriving much inspiration from the books of A.J. Downing. He established himself in the Boston area as an architect in 1856, and during the next forty years designed and in some cases constructed more than 140 churches, 50 school buildings, and a number of public buildings, hotels, and houses. Probably due to his early experience in construction, Woodcock continued to be inclined toward works which involved applied engineering, and designed a number of manufacturing buildings; included among these were the Pacific Mills and the woolen mills at Lawrence, Massachusetts.[2] Woodcock's knowledge of engineering undoubtedly led him to the unusual roof design of the Grace United Methodist Church, where the wood-and-iron trusses being introduced into mid-nineteenth century American construction were used to achieve an uninterrupted span of unusual extent.

Woodcock emerged during the 1870s as one of New England's leading exponents of the High Victorian Gothic style. Grace United Methodist Church utilizes the style to a degree, but several of Woodcock's later buildings were among the most ambitious examples of the style in northern New England. Among these was Keene, New Hampshire, High School (1876), a large, four story building of brick and granite with a polychrome slate roof.[3]

9. Major Bibliographical References

History of the Town of Keene, NH by S.G. Griffin; 1903, pp.544, 698
History of the N.H. Conf. Methodist Church, by Otis Cole 1921, pp.156-57
History Upper Ashuelot, by History Committee

10. Geographical Data

Acreage of nominated property .243 acre
Quadrangle name Keene, NH
Quadrangle scale 1:62500

UTM References

	Zone	Easting	Northing
A	18	721600	4756900
B			
C			
D			
E			
F			
G			
H			

Verbal boundary description and justification The nominated property is bounded on the south by the Baker Block, on the north by the Hayes property, on the west by the Whippie property, and on the east by Court Street. Boundaries of the nominated property are indicated on the attached sketch map. These boundaries represent the parcel historically occupied by the church.

List all states and counties for properties overlapping state or county boundaries

state	N/A	code	county	code
state	N/A	code	county	code

11. Form Prepared By

name/title John C. Perry
organization
date August 15, 1984
street & number 26 Court Street
telephone (603) 352-3911
city or town Keene,
state New Hampshire 03431

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

___ national ___ state X local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature [signature] 1/25/85

title New Hampshire State Historic Preservation Officer date

For NPS use only

I hereby certify that this property is included in the National Register

for Deborah Byers date 3-7-85

Keeper of the National Register

Attest: date

Chief of Registration

Just as Woodcock's design of the Grace United Methodist Church had played a role in his selection as architect of the high school in the same town, his design of Keene High School led to his recieving a similar commission on the opposite side of the state. In 1883, Woodcock designed the private Sanborn Seminary in Kingston (National Register 1983) which, though smaller, is greatly reminiscent of the Keene school. Woodcock maintained his practice in Boston from 1856 until 1900, becoming one of that city's most prolific and reliable architects, though not one of the best remembered or documented.[4]

Grace United Methodist Church stands as one of the best-documented of the post-Civil War churches of southern New Hampshire. Its general size and form are typical of an era of increased prosperity and religious piety. Its design and engineering are important examples of the work of a leading New England architect. Its relatively unaltered condition makes the church an important representative of its era, of its locale, and of the work of its designer.

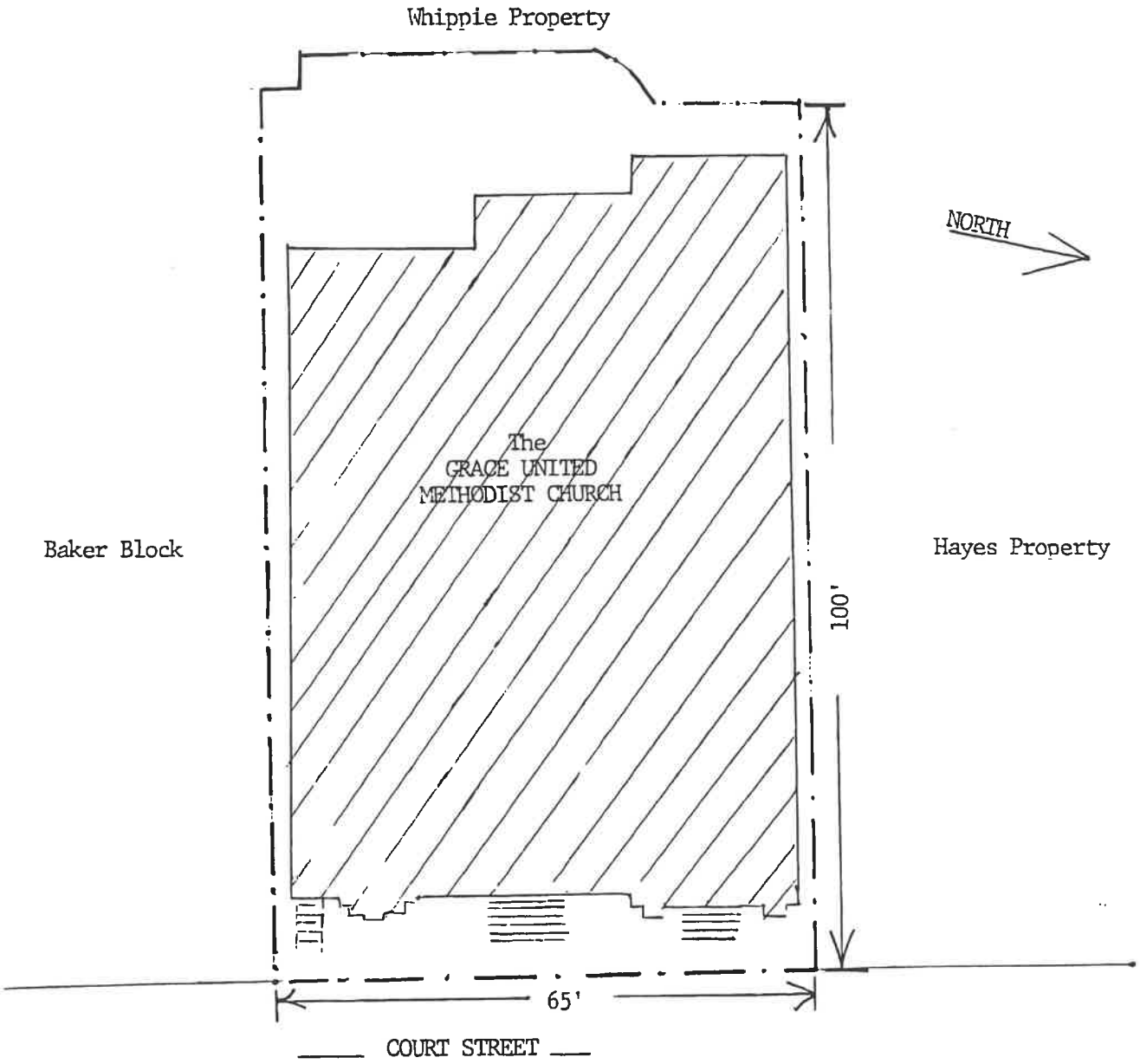
NOTES:

[1]Otis Cole and Oliver S. Baketel, ed., History of the New Hampshire Conference of the Methodist Episcopal Church (New York: The Methodist Book Concern, 1929), p. 157; Grace United Methodist Church Commemorating the Bicentennial of the United States of America (Keene, N.H.: by the church, 1976).

[2]Edward A Samuels and Henry H. Kimball, ed., Somerville, Past and Present (Boston: Samuels and Kimball, 1897), p.653.

[3]Keene History Committee, "Upper Ashuelot," A History of Keene, New Hampshire (Keene, N.H.: City of Keene, 1968), pp. 127, 451.

[4]Boston City Directories, 1856-1900.



Note: Boundaries of the nominated property are highlighted in yellow, (map not to scale).

THE
GRACE UNITED METHODIST CHURCH
Keene, New Hampshire

CITY OF KEENE R-2018-33

In the Year of Our Lord Two Thousand and Eighteen

A RESOLUTION RELATING TO ADOPTING THE PROVISIONS OF RSA 79-E "COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE"

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

WHEREAS, RSA 79-E "Community Revitalization Tax Relief Incentive" (hereinafter "RSA 79-E) declares it a public benefit to enhance downtown and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality; and

WHEREAS, RSA 79-E further declares it a public benefit to encourage the rehabilitation of underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B.; and

WHEREAS, RSA 79-E also declares it a public benefit to provide short-term property assessment tax relief and a related covenant to protect public benefit in order to encourage substantial rehabilitation and use of qualifying structures, or in certain cases, the replacement of qualifying structures, as described herein; and

WHEREAS, RSA 79-E:3 permits municipalities to adopt modifications of the provisions of RSA 79-E, as set forth within the Statute.

WHEREAS, on December 21, 2017 the City Council adopted RSA 79-E within certain districts located within the City as defined in R-2017-41; and

WHEREAS, the City Council hereby rescinds R-2017-41, and readopts and expands RSA 79-E in accordance with this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Keene that the Council hereby readopts and re-implements the provisions of RSA 79-E, with certain modifications, as follows:

A. For purposes of administering a RSA 79-E program within Keene, the City hereby defines that a "qualifying structure" shall mean a non-residential building, a mixed use building with residential uses occupying less than 50% of the gross living area, or a residential use building, being located within the area depicted on the map labeled "City of Keene Community Revitalization Tax Relief Incentive (RSA 79-E) District" dated _____ attached hereto and made part of this Resolution.

PASSED

B. For purposes of administering a RSA 79-E program within Keene, the City Council shall ensure that the proposed substantial rehabilitation provides one or more of the following public benefits, or that the proposed replacement provides one or more of the public benefits to a greater degree than would substantial rehabilitation of the same qualifying structure:

I. It enhances the economic vitality of downtown areas;
II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
III. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation;
IV. It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan;
V. It will add to the City's employment base by creating at least one new, full-time job in Keene's downtown area;
VI. It directly supports the integration of public art in the downtown; or
VII. It promotes development of a sustainable building stock in the downtown that achieves a nationally or internationally recognized green building standard (e.g. LEED, Green Globes, National Green Building Standard, and International Green Construction Code).
VIII. It maintains owner occupancy of a residential building or it returns a residential building to owner occupancy;
IX. It results in an increase in energy sustainability in conformance with the City adopted greenhouse gas initiatives as determined by a home energy score of at least six (6), and demonstrated carbon emission reduction of at least 10%.

C. "Substantial Rehabilitation" shall mean rehabilitation of a qualifying structure which costs at least $75,000 and, in certain cases, replacement of a qualifying structure which costs at least $75,000;

D. "Tax Relief Period" shall mean that for a period of up to five (5) years the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation or reconstruction thereof, beginning only upon completion of substantial rehabilitation or, in the case of a replacement structure, upon completion of its construction;

E. In accordance with RSA 79-E:5, the duration of the tax relief period for applications filed in Keene shall be considered in the context of each specific application and shall only provide that level of tax relief necessary in the discretion of the City Council to effectuate the specific targeted public benefit(s) outlined as determined by the City Council. By way of example, a qualifying project that is deemed by the City Council to provide one or two of the public

benefits listed above may be granted a tax relief period of up to two years, and a qualifying project that provides three or more public benefits may be granted a tax relief period of up to five years; provided, however, that in determining what, if any, tax relief duration to provide, the City Council may consider the impact the proposed substantial rehabilitation will have on existing, or required, City infrastructure.

BE IT FURTHER RESOLVED that a property owner, as a condition of being granted such tax relief, shall

A. Document the proposed public benefit(s) at the time of the application for tax relief under the Keene RSA 79-E program; and

B. Provide the City promptly with all information and documentation that the City may deem relevant for review of the application for such tax relief, as well as for review of the rehabilitation or replacement project under federal, state, and local laws, codes and regulations, as may be applicable; and

C. Grant to the City a Covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefit(s) for which the property tax relief was granted and shall require the property owner to obtain casualty insurance, and flood insurance, if appropriate, for twice the term of the tax relief granted; and

D. Grant to the City a lien against the property for the purpose of ensuring proper restoration or demolition of damaged structures and property; and

E. Maintain the property as taxable, regardless of whether the property owner is otherwise subject to property taxes under RSA Chapter 72; and

BE IT FURTHER RESOLVED that if the Covenant is terminated for any reason, the City shall assess all current and arrears taxes, with interest, to the property owner as though no tax relief was granted in accordance with RSA 79-E:9,II; and

BE IT FURTHER RESOLVED that the City Manager or her or his designee, is hereby authorized to execute all documents and undertake all actions as may be required to implement this resolution.

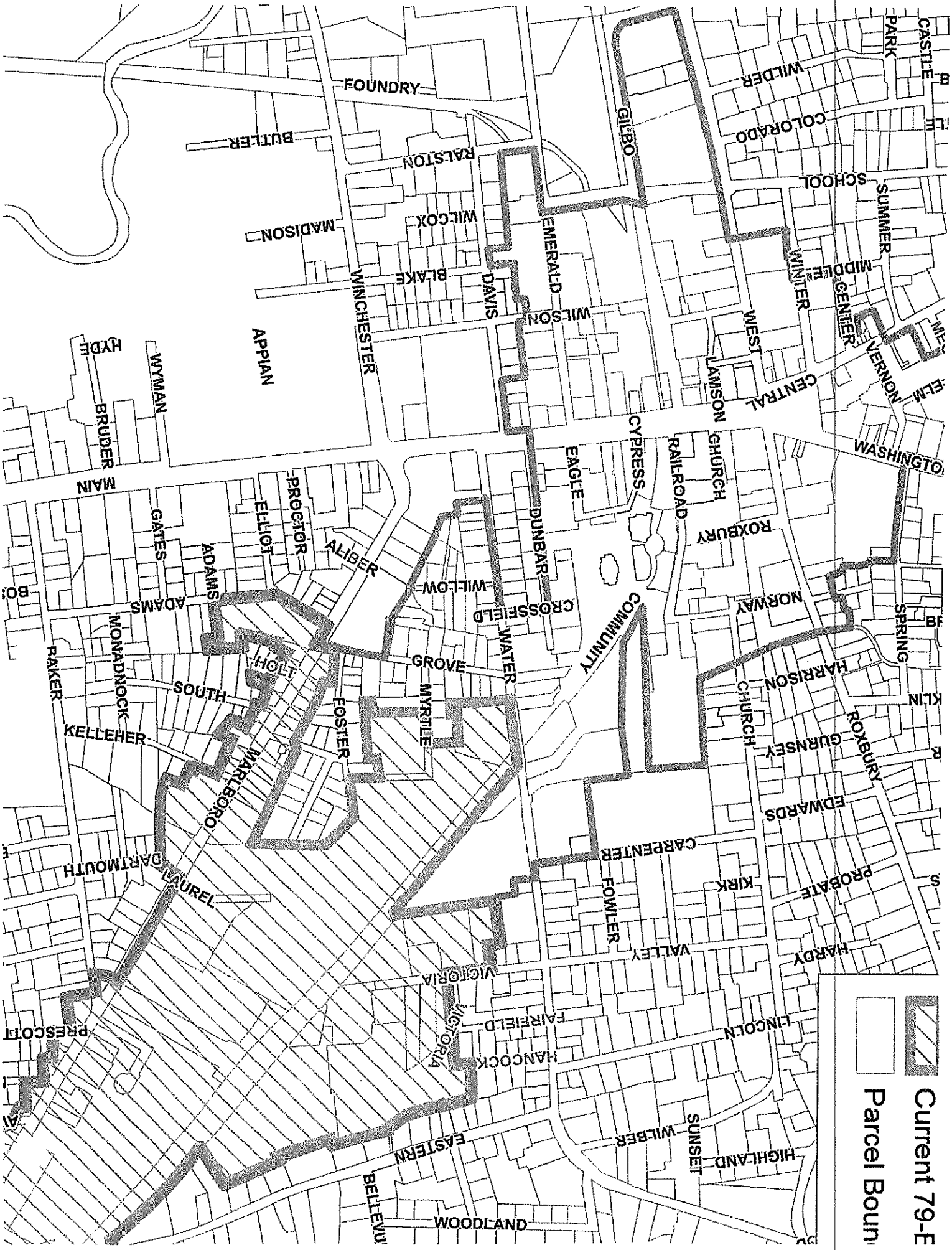
This resolution shall take effect upon sixty (60) days following approval by City Council.

PASSED: November 15, 2018

Kendall W. Lane, Mayor

In City Council November 1, 2018
Referred to the Planning, Licenses and Development Committee.
City Clerk

A true copy;
Attest:
City Clerk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BLAKE
DAVIS
EMERALD
WILSON
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HYDE
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BRUDER
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ADAMS
ELLIOT
PROCTOR
ALIBER
WILLOW
CROSSFIELD
DUNBAR
WATER
GROVE
HOLT
SOUTH
MONADNOCK
RAKER
KELLEHER
MARLBORO
FOSTER
MYRTLE
DARTMOUTH
LAUREL
PRESCOTT
VICTORIA
FAIRFIELD
HANCOCK
EASTERN
BELLEVUE
WOODLAND
SUNSET
HIGHLAND
WILDER
GILBO
COLORADO
SCHOOL
SUMMER
MIDDLE
CENTER
WINTER
WEST
CENTRAL
LAMSON
VERNON
ELM
WASHINGTON
CYPRESS
EAGLE
RAILROAD
CHURCH
ROXBURY
COMMUNITY
NORWAY
HARRISON
SPRING
GURNSEY
EDWARDS
CARPENTER
FOWLER
KIRK
PROSPECT
VALLEY
HARDY
LINCOLN
PARK
CASTLE
Current 79-E
Parcel Boun

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Mari Brunner, Senior Planner

Through: Paul Andrus, Community Development Director

Subject: **Relative to Feather Signs in the Industrial and Industrial Park Districts Ordinance O-2025-08-A - Joint PB/PLD Committee**

Recommendation:

A motion was made by Chair Bosley to amend the ordinance to include a setback from an intersection to a minimum of 25 feet and create an A version of the ordinance. The motion was seconded by Councilor Jones and was unanimously approved.

A motion was made by Councilor Jones that the Planning, Licenses and Development Committee request the Mayor to set a public hearing on Ordinance O-2025-08-A. The motion was seconded by Councilor Madison and was unanimously approved.

A motion was made by Harold Farrington that the Planning Board finds Ordinance O-2025-08-A consistent with the 2010 Master Plan. The motion was seconded by Mayor Kahn and was unanimously approved.

Attachments:

1. O-2025-08A_Feather Signs
2. O-2025-08A_Feather Signs_Redline
3. Staff Report O-2025-08

Background:

Included below is an excerpt from the draft minutes of the April 14, 2025 public workshop where this item was discussed.

"**b. Ordinance – O-2025-08 – Relating to amendments to the Sign Code.** Petitioner, City of Keene Community Development Department, proposes to amend Table 10-2 of the Land Development Code to create an exception under the category of Animated Signs to allow temporary Feather Signs in the Industrial and Industrial Park Districts.

Chair Bosley stated this issue has come forward based on a letter from the Mayor who recognized a gap in the sign code. The PLD Committee reviewed this item and requested Staff draft language,

which would permit commercial businesses in the industrial zones to use feather signs on a temporary basis.

Ms. Brunner stated this ordinance is proposing to amend the sign code to allow for a type of animated sign called a feather sign, which is also referred to as a blade sail sign. Because it catches the wind and moves with it, it is considered animated, which is like a flag. Hence, this is the reason it falls under this ordinance. This ordinance would be specifically for properties in the Industrial and Industrial Park districts as a temporary sign. The reason is to help strike that balance between orderly, safe, aesthetically pleasing development and allowing businesses to do what they need to do to be successful.

Ms. Brunner next reviewed the background on the sign code.
The City of Keene Sign Code is in Article 10, which is part of the zoning regulations. The purpose of the sign code is to establish a legal framework for a comprehensive and balanced system of signs to achieve the following objectives:

1. To allow the free flow of traffic and protect the safety of pedestrians, bicyclists and motorists, which may be impacted by cluttered, distracting, or illegible signage.
2. Avoid excessive levels of visual clutter or distraction that are potentially harmful to property values, business opportunities and community appearance.
3. To promote the use of signs that are aesthetically pleasing of appropriate scale and integrated with the surrounding buildings and landscape.

Ms. Brunner stated the way the code is organized is that there are signs that are permitted, but an applicant still would need to obtain a sign permit. There are also signs that are exempt, and these are ones you can install without having to get a signed permit. There are also signs that are prohibited, such as internally illuminated, flashing, animated signs, roof signs that stick out of a roof, etc.

Ms. Brunner stated the two districts this change is being proposed for are the Industrial District and the Industrial Park District, both of which are mostly located in south Keene, with one exception. The district is intended to provide space for industrial activities, such as manufacturing, warehousing and distribution, that are not typically suited for commercial areas by virtue of operational characteristics and space needs. The industrial park district is located in two areas in Keene, including the Optical Avenue area in southeast Keene and along Maple Avenue near Route 12. This district is intended to provide relatively low-intensity manufacturing, research, and development firms that are intensive, clean in nature, and promote an attractive industrial park environment. These tend to have very large parcels of land with large buildings and large manicured lawns.

Ms. Brunner next explained feather signs. She addressed page 27 of the staff report, which includes an image of this type of sign. She said that feather signs have a pole on one side that is attached to the ground with a long piece of flexible material attached to it that is designed to move with the wind and attract your attention. They can be designed to be pedestrian scale at a minimum of seven feet tall and can go up to about 25 feet tall. The tall ones are usually designed for areas with automobile traffic.

Currently, under the code, these signs are prohibited. This ordinance would change that, specifically, for the industrial and industrial park districts. It would be a temporary sign up to 30 days, four times a year. There is no minimum to the number, but they need to be installed ten feet apart and 15 feet off the property line. One of the issues with feather signs is if they are not installed properly, they could

blow over.

Ms. Brunner went on to say there is a definition being proposed, which states the following: *Feather Sign (also known as Blade Sail Sign) - A sign made of flexible material that is generally, but not always, rectangular in shape and attached to a pole on one side so the sign can move with the wind.*

Ms. Brunner stated, when she was working on this draft language, she had a conversation with one of the code enforcement officers, and they did raise some issues with enforcement. This type of sign is currently prohibited citywide; hence, it is easy to enforce if there is a complaint. However, this ordinance could cause some issues when there is a complaint received, requiring a determination of where the sign is located and if it is permitted in that district. The biggest issue enforcement raised is with the perception of fairness, and how it will look if feather signs are allowed to be located in one district versus being located in another district. The other issue is make sure these are installed correctly.

Regarding consistency with the 2010 Comprehensive Master Plan, Ms. Brunner stated the master plan is broad with respect to sign code and this is a very specific change. She indicated the City of Keene has a long history of local manufacturing, which is an important component of the economy. The master plan does include a strategy to "*encourage and recruit industries that are in line with building up local manufacturing and industrial economy….. high quality jobs that pay a living wage are viewed as imperative to Keene's long term economic sustainability*. *Expansion of tax base and lessening the tax burden on homeowners*. The plan goes on to talk about the need to *retain and recruit a workforce*. Ms. Brunner stated that allowing for feather signs for the purpose of advertising job openings can help support this. This concluded staff comments.
Chair Farrington stated he is in favor of this ordinance and clarified the 15-foot setback and 10 feet apart is at the road interface. Ms. Brunner stated along the road, they have to be 15 feet back from the property line with 10 feet of space between each other. Chair Farrington stated whether there is consideration of limiting these signs within the property, such as at a car dealership. Ms. Brunner stated what she was envisioning was along the road, but perhaps they could be installed on the property. They would still need to be 10 feet apart and they could only be up for those 30 days and four times a year.

Ms. Brunner went on to say the reason Staff were supportive of this request is that the Industrial districts are fairly unique in that they are very different from other parts of the city. They have larger lot sizes and not a lot of interaction with the street. These are uses that tend to be set back more from the street, bigger buildings, bigger massing, with large parking lots.

Chair Bosley asked whether any car dealerships fall in the dark purple section (where feather sign use is proposed). Ms. Brunner stated she was not entirely sure, but most car dealerships are located in Commerce Limited.

Councilor Haas stated Chair Farrington raises a good point and felt he did not want to get into that level of regulation. He stated he was in favor of the ordinance, but the City would need be ready for the enforcement issue.

Mr. Kost, with respect to the 10 feet spacing issue, stated if someone is driving 30 miles an hour, you would travel 10 feet in .227 seconds, which means you see four and a half of these signs per second. He felt this was a lot of clutter and could be distracting to drivers.

Mr. Hoefer asked what the motivation for this ordinance was. The Mayor responded by saying there are manufacturers on Optical Avenue who have been asked to remove signs. He stated he cannot address the height and distance issue but would hope that this is what the public hearing would elicit. Stakeholders that have an interest offer their opinions. He stated the reason he supports this and believes it is unique to these districts is that when you look at the sign code and what it is intending to prohibit, it is obstructions and interference of pedestrian access. The Mayor stated he did not feel those kinds of issues exist in these designated zones. He did not feel there would be pedestrian obstructions so long as the signs are kept out of the right-of-way.

Chair Bosley stated she would like to discuss the distance issue raised by Mr. Kost before this item moves on to the public hearing process.

Councilor Haas stated, with respect to spacing issues, it would be good to have that data and know what other guidelines there might be by which the committee should keep an eye out for. He felt the real question is going to come from Commerce areas as to why those areas can't have these types of signs. Councilor Haas addressed Ms. Mastrogiovanni, who owns a business, and asked for her opinion on these signs. Ms. Mastrogiovanni stated she has used these signs but not in Keene and stated they are good for marketing, but did not feel they were very attractive. She agreed with the time allotted to them and raised concern about Staff having the time for enforcement and felt how many in a row is something that should also be addressed.

Chair Farrington asked about off premises sign. Ms. Brunner stated they are prohibited.

Councilor Jones thanked Staff for bringing this item up as a draft and was glad this issue is being considered for two districts. He also thanked Staff for finding the section, which makes this consistent with the master plan. He felt the draft accomplishes what the Mayor is looking for and it should be moved forward.

Mr. Hoefer referred to the area on Maple Avenue where the Baptist Church is located and noted that one side of the street permits this sign, but the opposite side doesn't and asked that the committee keep this in mind for inconsistencies. The Chair felt perhaps the area across the street was low density, and these signs would not be permitted in those locations. She went on to say if this ordinance was successful, the city is likely going to expand it to other zones as long as it was not creating a burden on code enforcement and creating terrible obstructions for drivers and pedestrians. If that happened it will likely be rescinded.

Mr. Clements noted the City cannot regulate content for signage it can only regulate form and location.

Mayor Kahn stated zoning was not something he looked at when he brought this forward. He looked at Optical Avenue (Industrial Park). He noted another location where this would be most appropriate is at Black Brook Corporate Park. However, this is not an area that is listed.

Chair Bosley stated her one concern is the lots near the roundabout and the distraction that could occur for cars traveling through, especially with drivers who are already uncomfortable using roundabouts but stated this was not enough to make any changes right now.

Ms. Brunner stated she has heard a few concerns: distance between the signs, limiting the number of

signs, and distance to the setback from an intersection. She stated there could be an A version created or this item could be placed on more time and Staff could bring back another draft for consideration by the committee.

The Mayor felt the distance from an intersection is a valid precaution. He wasn't sure how to regulate distance. However, getting the language correct was important.

Chair Bosley posed the following questions to the committee:
1. Does the committee want to see a number of these flags per lot? Two Yes – Two No
2. Does the committee want to see a greater distance than ten feet between the flags? Two Yes Two No
3. Do we want to see a restriction on the flags being adjacent to an intersection? Everyone said Yes

The Chair asked that staff create and A version and keep it moving forward.

Councilor Jones asked about including the Corporate Park District. Ms. Brunner stated if Corporate Park was to be included, she would suggest continuing this item to see if it needs to be re-noticed.

The Chair asked that this be moved forward to get some experience with it and then look at other zones that could be included.

Ms. Brunner asked the Committee for the specific changes they would like to make to the language of the ordinance. Chair Bosley asked staff what they would recommend based on the Committee's discussion. Ms. Brunner suggested that Item #1 of the ordinance be amended to read as follows: *"Feather Signs that are 20 sf or less in the Industrial and Industrial Park Districts (sign permit required, max duration of 30 days at a time and no more than four times per year per property, spaced at least 10 ft apart, set back 15 feet from the property line and a minimum of 25 feet from an intersection)."*

A motion was made by Chair Bosley to amend the ordinance to include a setback from an intersection to a minimum of 25 feet and create an A version of the ordinance. The motion was seconded by Councilor Jones and was unanimously approved.

There was no public comment as there was no public to address the committee. The public comment portion of the workshop was opened and closed.

Councilor Jones stated churches are referred to as institutional use and it takes an 8 vote from council to locate a church in any zone and they have to abide by the zone they are located in.

A motion was made by Councilor Jones that the Planning Licenses and Development Committee request the Mayor to set a public hearing on Ordinance O-2025-08-A. The motion was seconded by Councilor Madison and was unanimously approved.

A motion was made by Harold Farrington that the Planning Board finds Ordinance O-2025-08-A consistent with the 2010 Master Plan. The motion was seconded by Mayor Kahn and was unanimously approved."

ORDINANCE O-2025-08-A

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Feather Signs in the Industrial and Industrial Park 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. That Table 10-2, "Prohibited Signs," be amended to create an exception under Animated Signs for temporary Feather Signs on properties in the Industrial and Industrial Park Districts. The intent of this change is to allow Feather Signs for up to 30 days at a time and no more than four times per year with appropriate spacing between signs and a reasonable setback from the property line. A sign permit is required to ensure Feather Signs are safely installed.

   Feather Signs that are 20 sf or less in the Industrial and Industrial Park Districts *(sign permit required, max duration of 30 days at a time and no more than four times per year per property, spaced at least 10 ft apart, set back 15 feet from the property line and a minimum of 25 feet from an intersection).*

2. That the following definition for "Feather Sign" be added to Article 29, "Defined Terms" of the Land Development Code:

   Feather Sign (also known as Blade Sail Sign) - A sign made of flexible material that is generally, but not always, rectangular in shape and attached to a pole on one side so the sign can move with the wind.

_____

Jay V. Kahn, Mayor

ORDINANCE O-2025-08-A

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Feather Signs in the Industrial and Industrial Park Districts

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1. That Table 10-2, "Prohibited Signs," be amended to create an exception under Animated Signs for temporary Feather Signs on properties in the Industrial and Industrial Park Districts. The intent of this change is to allow Feather Signs for up to 30 days at a time and no more than four times per year with appropriate spacing between signs and a reasonable setback from the property line. A sign permit is required to ensure Feather Signs are safely installed.

> **Feather Signs that are 20 sf or less in the Industrial and Industrial Park Districts *(sign permit required, max duration of 30 days at a time and no more than four times per year per property, spaced at least 10 ft apart, ~~and~~ set back 15 feet from the property line and a minimum of 25 feet from an intersection).***

2. That the following definition for "Feather Sign" be added to Article 29, "Defined Terms" of the Land Development Code:

> **Feather Sign (also known as Blade Sail Sign) - A sign made of flexible material that is generally, but not always, rectangular in shape and attached to a pole on one side so the sign can move with the wind.**

_____

Jay V. Kahn, Mayor

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee

From: Mari Brunner, Senior Planner

Date: April 8, 2025

Subject: O-2025-08 Relative to Amendments to the Sign Code to Allow Feather Signs in the Industrial and Industrial Park Districts

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Overview

This Ordinance proposes to amend Table 10-2 "Prohibited Signs" to create an exception under Animated Signs for temporary Feather Signs on properties in the Industrial and Industrial Park Districts. The intent of this change is to allow Feather Signs for up to 30 days at a time and no more than four times per year with appropriate spacing between signs and a reasonable setback from the property line. A sign permit is required to ensure Feather Signs are safely installed. The proposal also includes a definition for Feather Signs.

Background

Sign Code Overview

The City of Keene Sign Code is in Article 10 of the Land Development Code, which is part of the zoning regulations for the City. The purpose of the sign code is to:

> *"Establish a legal framework for a comprehensive and balanced system of signs in order to achieve the following objectives.*
>
> 1. *Help to allow the free flow of traffic and protect the safety of pedestrians, bicyclists and motorists, which may be impacted by cluttered, distracting or illegible signage.*
> 2. *Avoid excessive levels of visual clutter or distraction that are potentially harmful to property values, business opportunities and community appearance.*
> 3. *Promote the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with the surrounding buildings and landscape."*

The sign code is organized by permitted signs that are allowed with a sign permit (e.g., wall signs, projecting signs, marquee, freestanding, etc.), exempt signs that are permitted without a sign permit (e.g., government signs or flags, informational/directional signs, interior merchandise displays, etc.), and prohibited signs that are not allowed in the City. This last category is detailed in Table 10-2 of Article 10 and includes signs such as animated signs, electronic changeable copy signs, roof signs, fluorescent signs, etc.

In addition, signs are further split into permanent signs and temporary signs. Both categories of sign require a sign permit from the Community Development Department to ensure the sign is installed safely and does not constitute a hazard.

Industrial and Industrial Park District Overview

The Industrial District is located in several areas south of Route 101 as shown in Figure 1 and is intended to provide space for industrial activities (e.g. manufacturing, warehousing, distribution) not typically suited for commercial areas by virtue of operational characteristics and space needs. Retail sales and offices are allowed only as accessory uses.

The Industrial Park District is located in two areas in Keene, including the Optical Avenue area in southeast Keene (Figure 1) and along Maple Avenue near Route 12 (Figure 2). This district is intended to provide for relatively low-intensity manufacturing and research and development firms that are employee intensive, clean in nature, and promote an attractive industrial park environment. Service operations and sales activities are generally excluded from this district, except for minor sales that may be accessory to the primary use.

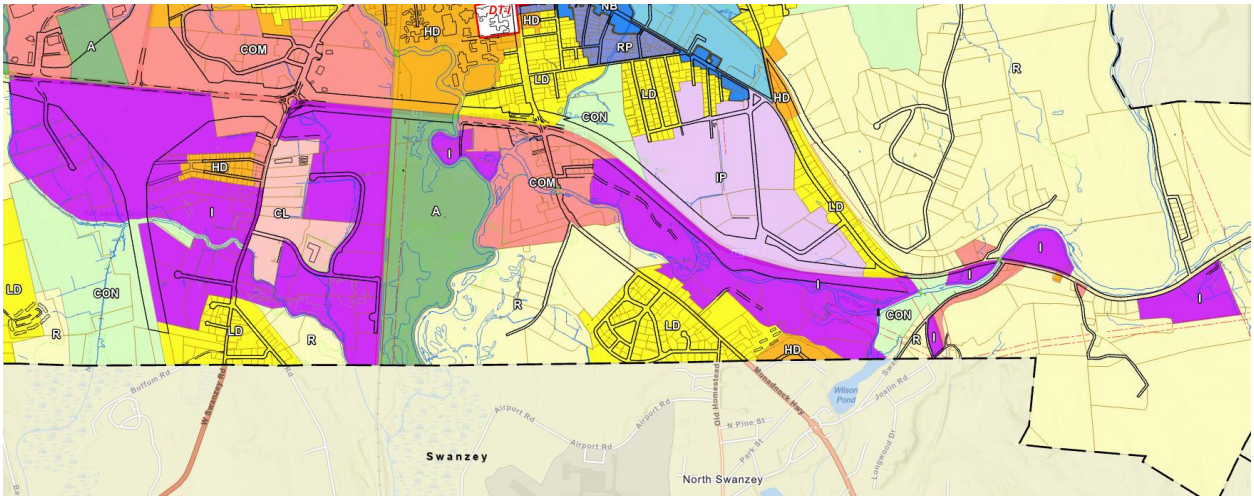

Figure 1. Image that shows areas zoning for Industrial (dark purple) and Industrial Park (light purple) in South Keene.

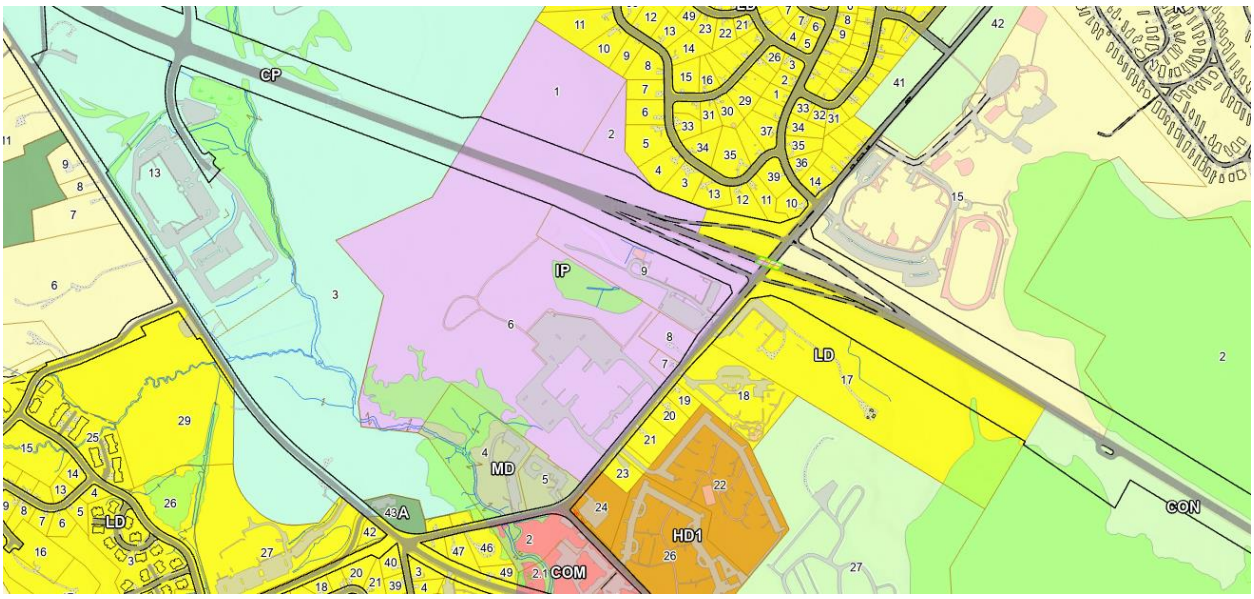

Figure 2. Image that shows the area zoned for Industrial Park along Maple Avenue and Route 12 in light purple.

Feather Sign Overview

Feather Signs are a type of advertising signage that are used to draw the attention of foot and/or street traffic (depending on location and size) to an event or business location. They get their name from their tall, thin, feather-like structure and come in many sizes, ranging from about 7 feet to 20 feet tall. These signs generally last between six months to a few years, depending on how often they are used, weather conditions, and how they are maintained. Example feather signs are shown in Figure 3.

Figure 3. Image of Feather Signs advertising a store closing event. Attribution: ShareAlike 4.0 International. License link: https://creativecommons.org/licenses/by-sa/4.0/

Under the City of Keene Sign Code, feather signs are considered to be a type of Animated Sign due to their design to move in the wind and attract attention. They are currently prohibited in the City.

Discussion

This ordinance proposes to allow feather signs that are 20sf or less on properties in the Industrial District and the Industrial Park District for a maximum duration of 30 days at a time, and no more than four times per year. In addition, this ordinance would require that the signs be spaced 10 feet apart from each other and set back 15 feet from the property line. The proposed definition for "Feather Sign" is as follows:

> **Feather Sign (also known as Blade Sail Sign)** - A sign made of flexible material that is generally, but not always, rectangular in shape and attached to a pole on one side so the sign can move with the wind.

Potential impacts of this proposed change that should be considered include the following:

- **Enforcement** – this change, which would allow this type of sign on some properties within the City but not others, may make enforcement more challenging for staff due to potential confusion among property owners about what is and is not allowed in certain areas of the City.
- **Safety** – Feather signs are designed to catch the wind and can blow over in high wind conditions. To mitigate this concern, this ordinance proposes that the signs be installed at least 15 feet from the property line to reduce the chance of a sign blowing into the road or falling over onto a sidewalk. In addition, a sign permit will be required to ensure the signs are properly installed and affixed to the ground.
- **Aesthetics** – One of the purposes of the sign code is to "*Avoid excessive levels of visual clutter or distraction that are potentially harmful to property values, business opportunities and community appearance"* and *"Promote the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with the surrounding buildings and landscape."* Feather

signs are designed to attract attention and can be districting to drivers if they are installed close to the road or are too cluttered. This ordinance proposes that the signs be spaced at least 10 feet apart to prevent them from being installed right on top of each other, and also proposes that they be set back at least 15 feet from the property line.

- **Economic Benefits** – Feather signs are a popular and effective form of advertising that can be used to promote hiring events, sales, etc. and can have a positive economic impact on businesses that rely on pass-by food or vehicular traffic. However, used in excess, they can lower property values of nearby properties.

Consistency with the Comprehensive Master Plan (CMP)

The 2010 Comprehensive Master Plan recognizes that, for over a century, Keene has been a community mainly based on local manufacturing and agriculture. To that end, the plan includes a strategy to "encourage and recruit industries that are in line with building up local manufacturing and industrial economy." In addition, the plan notes that "High quality jobs that pay a living wage are viewed as imperative to Keene's long term economic sustainability, expansion of tax base and lessening the tax burden on homeowners. Growing the job base will require a multi-pronged approach including fostering local start-up companies, retaining and expanding existing firms, and new business recruitment. All of these need strong attention and new programs to succeed."

Allowing feather signs for advertising in the Industrial and Industrial Park Districts would help these businesses advertise events and job opportunities, which may help to retain these businesses and grow the local workforce.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Mari Brunner, Senior Planner

Through: Paul Andrus, Community Development Director

Subject: **Relative to Single-Family Parking Requirements Ordinance O-2025-09 - Joint PB/PLD Committee**

Recommendation:

A motion was made by Councilor Jones that the Planning Licenses and Development Committee request the Mayor to set a public hearing on Ordinance O-2025-09. The motion was seconded by Councilor Madison and was unanimously approved.

A motion was made by Harold Farrington that the Planning Board finds Ordinance O-2025-09 consistent with the 2010 Master Plan. The motion was seconded by Mayor Kahn and was unanimously approved.

Attachments:

1. O-2025-09_Single Family Parking Requirements
2. Staff Report O-2025-09

Background:

Included below is an excerpt from the draft minutes of the April 14, 2025 public workshop where this item was discussed:

"**c. Ordinance – O-2025-09** – Relating to Single Family Parking Requirements. Petitioner, City of Keene Community Development Department, proposes to amend Table 9.1 of the Land Development Code to require one parking space for “Dwelling, Single Family.”

Chair Bosley stated this is a housekeeping item that came out of the parking ordinance change, which failed to include a parking requirement for single-family dwellings.

Planner Evan Clements addressed the Committee and stated that this ordinance is to fix an error from a previous ordinance that accidentally omitted “Dwelling, Single-Family” from the parking table. This would bring the parking requirement for single-family dwellings in line with all other residential uses in the City.

There was no public comment as there was no public to address the committee. The public comment portion of the workshop was opened and closed.

A motion was made by Councilor Jones that the Planning Licenses and Development Committee request the Mayor to set a public hearing on Ordinance O-2025-09. The motion was seconded by Councilor Madison and was unanimously approved.

A motion was made by Harold Farrington that the Planning Board finds Ordinance O-2025-09 consistent with the 2010 Master Plan. The motion was seconded by Mayor Kahn and was unanimously approved."

ORDINANCE O-2025-09

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Parking Requirements for Single Family Dwellings

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, as follows.

1. That Table 9-1 "Minimum On-Site Parking Requirements" of Article 9 "Residential Uses" be amended to display "Dwelling, Single-Family" under "Residential Uses" with a minimum parking requirement of 1 space per unit.

_____

Jay V. Kahn, Mayor

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee

From: Evan J. Clements, AICP - Planner

Date: April 14, 2025

Subject: O-2025-09 Relating to Parking Requirements for Single Family Dwellings

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Overview

This Ordinance proposes to modify the required amount of parking spaces for the Dwelling, Single-Family residential use category in the Zoning Ordinance. The proposal will bring the single-family use in alignment with other residential uses by requiring one parking space per single family residence.

Background

During the recently adopted Ordinance O-2024-20-A process, the single-family use was inadvertently omitted from table 9.1. This omission removed the requirement for a single-family use to have any minimum required parking. By reinserting "Dwelling, Single-Family" back into the table, all residential uses in the City will be aligned with one parking space per unit, or less.

Discussion

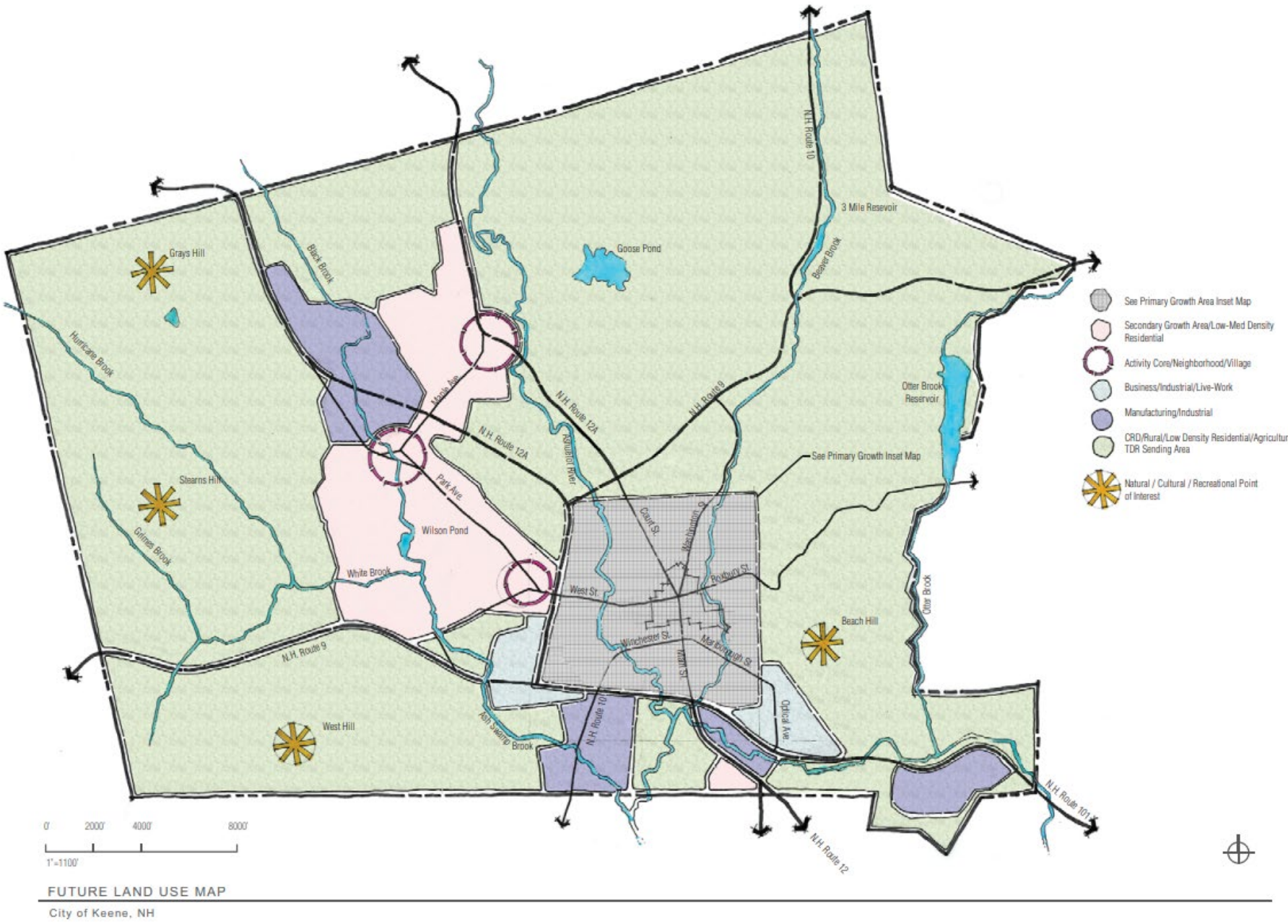
The intent of Ordinance O-2024-20-A was to reduce barriers to housing development by reducing the overall minimum parking requirement for residential uses within the City. The reduction would not limit an applicant from proposing more parking than is required to meet the estimated parking demand of a project. During the adoption of this Ordinance, it was discovered that the single-family use was unintentionally omitted from the revised table 9.1. This resulted in the elimination of the minimum parking requirement for single family residences.

Consistency with the 2010 Comprehensive Master Plan

The highest priority implementation recommendation from the 2010 Comprehensive Master Plan is to rewrite the land use and zoning code to align with the intent of the Future Land Use Map (Fig. 1). The plan states, *"As the community moves forward with this revision, other types of land-use regulations should be considered that will incorporate walkability, green infrastructure, sustainable building, a smart-growth principle and other features outlined in this plan."*

The plan recommends concentrating growth in the primary growth area and allowing for carefully planned growth and density in secondary growth areas, while prioritizing conservation of land in rural and agricultural areas. This proposal is aligned with the intent of Ordinance O-2024-20-A to reduce barriers to multifamily, senior, and workforce housing development and allow for more efficient use of land in the primary and secondary growth areas of the Future Land Use Map, where multifamily dwellings are typically allowed. It also reduced the parking requirement for single-family dwellings which are allowed outside the primary and secondary growth areas; however, density in these areas of the City are controlled by other factors such as lot size and maximum impervious coverage.

FIGURE 1. City of Keene Future Land Use Map.



CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Stephen Bragdon and Cheryl Belair - Safety Issues Associated with the Driveway at 82 Court Street**

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee placed the item on more time with staff to report back at the May meeting.

Attachments:
None

Background:
Chair Greenwald asked to hear from the Petitioner.

Stephen Bragdon stated that he and Ms. Belair thank the Committee for having this hearing, although it was not his and Ms. Belair's intention when they sent their letter. He continued that they just wanted to point out to the Committee and the City that there continues to be an issue (at 82 Court St.). He thanks them for all the time they spent on this last year. The letter seems to have stirred up some interest in the neighborhood. Last time they discussed this issue, the Council decided they needed to treat all the driveways in the area the same. He did not and does not think that is the case. He thinks they could differentiate between driveways by their views and a person's ability to see the cars coming from either direction as well as by the amount of traffic. The more traffic, the higher the chance of having an accident.

Mr. Bragdon continued that the solution to his and Ms. Belair's problem would be to increase the distance where cars cannot park from the north end of their driveway, maybe another car length. When you come out, you cannot see cars coming from the north if all those parking spaces are occupied. You are too low. You can sometimes catch a glimpse through the windows of parked cars, but it is difficult. He is used to the driveway and is thus very careful coming out. He will not risk darting out into traffic, but people who are not used to the driveway do that and can cause an accident. Regarding the woman whose accident they talked about, it was her first time using the driveway and she was not familiar with it.

Mr. Bragdon continued that he thinks the Council could differentiate the driveways based on those

two things, the amount of traffic and how much visual distance a driveway has. Perhaps an easier solution would be to put parking meters on both sides, up past where it becomes more residential. People do not park further down on West St. because they would have to pay the parking meters. Thus, people start (parking) at his and Ms. Belair's driveway because that is where the meters stop.

Chair Greenwald stated that he is interested in being supportive, but what they need is to determine what makes Mr. Bragdon's and Ms. Belair's driveway different from all the other driveways. That is the challenge.

Nathan Alexander of 81 Court St. stated that he is directly across the street from Mr. Bragdon and Ms. Belair's building and is also speaking on behalf of 83 Court St., the Aloha Yoga studio owned by JC Russell. He continued that the main topic is that there have been a series of accidents coming out of the driveway, going back to 2021, for the exact same reasons. Cars parked on Court St. to the south and north encroach on the driveway. This goes back many years as it pertains to 83 Court St., which was formerly the American Red Cross. Years ago, the Red Cross's bloodmobile could not even get into the driveway. The solution then was a series of "No parking here to corner" signs, to keep cars away from that outer apron so people coming and going could see. That signage has since been removed. There are no signs on either side at 81 Court St. or 83 Court St., although there are painted lines for parking.

Mr. Alexander continued that the painted lines are often not observed. People squeeze their cars in behind a parking space, which results in the tail of a car encroaching into his driveway. This means that a driver exiting the driveway has to fish around that encroaching parked car and be looking up and down to the north and south. His building has a lot of traffic, with offices for five psychotherapists, so there are people coming and going all day. The parking lot fills up. People drive in, realize there is no room, and drive back out to find a spot on Court St.

Mr. Alexander continued that the accidents here started to ramp up about five years ago. Thus, they brought this to the City's attention through email and included photos of people's vehicles encroaching the driveway. At that point, the City's response was that once the parking spaces were plotted out on Court St., much of this problem would go away. Mr. Alexander noted the problem has not gone away. He is not aware of any accidents involving vehicles coming out of 81 Court St. in the last 12 months, but the accident in the Bragdon building at 82 Court St. is a big concern to him. The 81 Court St. side has an added hazard as well, low fruit trees that impede the view. Thus, as people are looking left and right while trying to get out of his driveway, they have to look over big SUVs and through these fruit trees.

Mr. Alexander continued that he does not have a specific solution, but if consistency and continuity in the area are the main objectives, they do not have that right now. Photos show that the Bragdon building has a sign saying, "No parking here to corner," and one parking space has zig-zag markings to prohibit parking, and still that accident happened there. The visibility at 81 Court St. is probably 30% to 40% less than at the Bragdon building. To the north, two buildings close to Putnam's 1911 Office are a corner with the same zig zags indicating no parking. Thus, some property owners have more clear demarcations for no parking, but 81 Court St. does not. Some have signage, some do not. They are very concerned about anyone visiting the offices. Many are senior citizens.

Mr. Alexander continued that just before this meeting, he and JC Russell emailed a memorandum for the Committee's review with documentation of specific accidents going back to 2021. They can consider those along with the accident Mr. Bragdon and Ms. Belair referred to. Thus, this has been a

documented problem. They appreciate the parking spaces and all the time the City has put into understanding the matter, but they still contend with an unsafe situation.

Public Works Director Don Lussier said he largely agrees with everything said tonight. He continued by saying that he understands that seeing around a car parked close to your driveway can be difficult. There were a couple of items in Mr. Bragdon's letter that he cannot speak to right now. He does not have specific data about the traffic speed on Court St. He suspects that if they measured it, they would find what they find in other major arteries throughout the city, that the 85th percentile is between 30 and 34 mph. He wishes he could find something unique about Mr. Bragdon's driveway that would pose a special hardship on that one property where the City could say, here is a circumstance that warrants treat this property differently than every other property, but he cannot find that. As Mr. Alexander pointed out, across the street, they have a hard time seeing around cars that are parked in front of their driveway. He thinks if they polled the neighborhood, they would find that the condition exists up and down Court St. and up and down Washington St.

Mr. Lussier continued that he should point out that it is completely within the Committee's purview to direct staff to write an Ordinance to make this a "no parking" zone and staff will do it. The caution he offers is that it would be very difficult when the next applicant comes in and says they have trouble seeing around the cars parked near their driveway and request a couple of those parking spaces be eliminated on either side of the driveway. What he and the City Attorney have been talking about, and what they have talked about at previous meetings, is that consistency. Mr. Bragdon, however, had a wonderful idea. If they want to extend paid parking up Court St., he thinks that is a great idea.

Councilor Tobin asked if they have looked at the overall safety issue in this area. She continued that they have another item on their agenda that also talks about that area. Thus, she wonders if they can step back from focusing on one specific property and look at the area.

Mr. Lussier replied that the next agenda item is about crosswalks, and he has information to share with the Committee about that. He continued that he thinks there are improvements they could make to the crosswalk, but he does not know how much that relates to the driveway concern.

Councilor Tobin stated that the way she is looking at it is several businesses are concerned about safety in the area for driving reasons. Other people are concerned about pedestrian safety in that area. She wonders, looking at that and putting those things together, if there is a different approach, not just the sidewalks and not just one driveway, but looking at the overall roadway safety of the area. Mr. Lussier replied that he thinks there are two separate situations, and there are different ways of addressing them.

Councilor Filiault stated that he is intrigued by the idea of extending the parking meters up the street. He continued that he does not want the Committee to just accept this item as informational. He realizes that sometimes they run up against the concern of what the next person might say, but if the Council always had that concern, they would never get anything done. They cannot always be worried about what the next scenario might be. This Council has the authority to make the changes, and if someone else wants to come in and complain, they can. He thinks that tonight, the Committee needs to come to a consensus on what changes to make, because it is unacceptable to do nothing.

Councilor Workman stated that, to piggyback off Councilor Tobin's question, nothing prevents the Council from changing the length of parking from driveways throughout the city. She asked if that is correct. Mr. Lussier replied Yes. Councilor Workman continued that to Councilor Tobin's point, the

agenda has a couple of items about nearby Court St. with similar safety concerns. In addition, HCS was here not too long ago with concerns about their driveway. As a driver of a small hatchback, she understands the difficulty of being in a vehicle low to the ground and trying to edge out in between high SUVs or trucks. She does not see why they could not review this and change the length of the (no parking area). Yes, it cuts into the parking lot, but safety should come before parking.

Mr. Lussier stated that nothing would prevent the Council from changing that. He continued that the parking code has a "general prohibition" section that lists all the areas in which you are not allowed to park, such as in front of a fire hydrant or within 30 feet of an intersection. The list includes, *"in front of or in close proximity to a private driveway."* The code does not define a specific distance. Staff has internally interpreted that to mean five feet. The last time this was before the Council, they looked at other communities that had similar language to see what they used. For communities that specify the distance, the range is about two to five feet. Thus, staff thought five feet was reasonable, but there is nothing magic about five feet. The Council could choose 10, 20, or 30 feet. They looked at different options last time.

Cheryl Belair of 82 Court St. stated that she heard someone question how they differentiate between this and other driveways. She continued that she would say there are two points to that. First, they are a business at 82 Court St., as is Mr. Alexander at 81 Court St., and just north of them, it is all residential. Also, they are at the bottom of the hill on Court St. Speed is a problem. She is sure there is a way to confirm what the average speed is when you get to just before 82 Court St. Speed picks-up. She drives it every day and her speed picks-up, and she is very careful because anyone could be coming out of her driveway, and there could be an accident. Speed does play a part, and the property being on the downward slope increases the difficulty of seeing cars from the north coming south.

Ms. Belair continued that this is a safety concern. For her and Mr. Bragdon, it is not about the parking. It does not matter to them that people park in front of their building. They have a parking lot and plenty of space for their staff and clients. But anyone leaving is "taking their life in their own hands" by doing so, which is a real concern. It is very dangerous.

Councilor Favolise stated that he has a question for Ms. Belair or Mr. Bragdon, and Mr. Alexander can weigh on this as well if he wants to. He continued that he wants to know if they think the extension of the parking meters would be enough of a solution, or if that is at least a good first step. He thinks the Committee members agree that that is the safest step for them.

Mr. Bragdon replied that he thinks it would help. He continued that obviously, with parking meters there, people could continue to park front to back and you still cannot see when exiting the driveway. On the other hand, they are covered with parking, and further down the street where there are parking meters, no one parks. He thinks that the people who park there and walk downtown are there more often than people who park there for an hour to go to one of the offices.

Mr. Alexander stated that specifically speaking on behalf of JC Russell of Aloha Yoga at 83 Court St., Mr. Russell told him today that he is not in support of extending parking meters. He continued that he himself echoes what Ms. Belair said about how it really is a safety issue. When any vehicle is parked, metered or not, so close to his driveway that you cannot see over it or around it, the only answer is to creep slowly into traffic. Speaking on behalf of the many senior citizens who visit the building, all that would help is a metered parking space that has nobody in it, which does not benefit the City from a revenue perspective and it is not a useful space if it is empty. He does not think it would be a great

solution for 81 Court St. Instead, he thinks of Mr. Lussier's question of whether five feet is enough, with today's trucks and SUVs, given the nature and frequency of the accidents they have seen. And if five feet is not enough, the question is what is. Perhaps at 81 Court St. where they also have low fruit trees, five feet is not great. Maybe five feet would be appropriate on a different side. This is a hard issue. They are just here representing the accident frequency, which is the driving factor.

City Manager Elizabeth Ferland stated that Mr. Lussier mentioned that staff has not done a recent speed study on this street, so that might be a good next step. She continued that in addition, there was a lot of work done the last time this issue was discussed, regarding the distance and what that meant in terms of the parking configuration. She thinks it might be challenging to add meters that far up, because many downtown employees are looking for long term free parking opportunities, so that might create another issue. She wonders if they can place this on more time and have staff come back and refresh the Committee on the configuration of parking with different lengths of distances between driveways.

Councilor Workman stated that they might consider the option of putting "compact cars only" for parking in certain spots. She continued that she does not know the Public Works Director's thoughts on that. Mr. Lussier replied that there are a couple of issues with that. He continued that he does not know how that could be enforced. He thinks they could limit it to compact cars only, but it would be very difficult from a logistical, operational perspective. There would probably have to be a sign at each of those driveways, on both sides, saying "compact vehicle parking only." Otherwise, he does not know how someone coming to the city would know that that space is for compact vehicles only.

Jay Kahn, Mayor, stated that he wants to offer some support to those on Court St. who have a commercial business and commercial driveway, whether for profit or not-for-profit. He continued that they have the evidence of the number of comings and goings that 82 Court St. has provided. He thinks the others ought to be asked to provide comparable information. He does not have a solution, and he is glad to hear the Committee is willing to entertain some solutions. He believes that safety needs to outweigh precedent, and he looks forward to what can come back from City staff. He thinks it is important to do this. He travels Court St. two to six times a day, and is cautious, but he frequently sees people inching out. Every time that happens, someone is putting themselves at risk and is saying, 'there is an at-risk situation, I cannot visibly see and safely operate my vehicle in this particular situation.' Thus, he thinks there is plenty of evidence for them to take this under consideration, and he appreciates the Committee asking for that from the City Manager and Public Works.

Councilor Favolise stated that he has a question for the City Manager and maybe the Public Works Director. He asked what the details of the staff update would be, if the Committee motions to place this on more time with a staff update at the May meeting.

The City Manager replied that she envisions them returning with the work that had been completed last year regarding the configuration of parking on Court St., if the distance would change between driveways and parking spaces. There was a rather thorough analysis done of that last year, so that would be a start. Then, she thinks this idea of considering commercial property versus residential property is something they could look at a little more closely.

Chair Greenwald stated that he thinks there are many creative people who could put their heads together and make this work. He supports placing this on more time. Councilor Filiault replied that he is fine with that, for one cycle. He continued that he does not think this is a speed issue. He thinks it

is just too busy. He drives on Court St. frequently, too, and the Mayor is right about cars inching out and looking left and right. It happens quickly. In his opinion, the Committee could address this individual request and approve expanding the space between the driveways. He is willing to (place this on more time) for 30 days and have it come back, but he fully expects them to do something about this in 30 days. He does not want to put this off any longer. It is not that complicated. He is not worried that the Council adding a couple of feet could cause someone in the future to get jealous; they could come in the following week with a request. At some point, the Council has to do something.

George Benik asked if speed bumps would be an option for slowing people down, not just on Court St., but throughout the city. He continued that the speed limit on Arch St. is 30 mph, but people go 50 or 60 mph.

Chair Greenwald stated that he thinks he knows what the Public Works Director will say about speed bumps and plowing, but they can put it into the conversation, because he thinks the Committee is aiming toward placing this matter on more time so staff (can work on it). He continued that he encourages staff to reach out to all the interested parties to get their input.

Councilor Tobin stated that she would support placing this on more time. She continued that she feels like there are similarities between this situation and Water St., in that with people coming and going to downtown, they might not be driving over the speed limit, but they are either escalating or have not started de-escalating. She rarely tries to cross that intersection (on foot), but when she does try, people rarely stop when she is at the crosswalk. She thinks they are driving too fast to be able to stop. She hopes they can consider that entire stretch of road and whether a stop sign in a different place could impact the speed at that intersection and help slow drivers down.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee placed the item on more time with staff to report back at the May meeting.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Ian D. Matheson - Court Street Pedestrian Safety Risks**

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee placed the item on more time to allow the Petitioner to be present.

Attachments:
None

Background:
Chair Greenwald stated that he was told Mr. Matheson was unable to attend tonight's meeting. He continued that it would be appropriate to place the item on more time to allow Mr. Matheson the opportunity to address his communication.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee placed the item on more time to allow the Petitioner to be present.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Adam Toepfer - Request to Add Audio and Data Cables as Part of Downtown Infrastructure Project**

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee placed the item on more time to allow the petitioner to be present.

Attachments:
None

Background:
Chair Greenwald asked to hear from Adam Toepfer. An unidentified member of the public replied that Mr. Toepfer could not make it tonight.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee placed the item on more time to allow the petitioner to be present.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Proposal to Add the Necessary Infrastructure to Accommodate Banners Across Main Street**

Recommendation:
On a vote of 4-1, the Municipal Services, Facilities, and Infrastructure Committee placed the item on more time. Councilor Workman voted in opposition.

Attachments:
None

Background:
Mr. Lussier stated that they were talking about this matter at the previous MSFI Committee meeting, and the Committee asked staff to investigate a few different questions and return with more information. He continued that first, he wants to show the Committee some renderings staff had their consultant, Stantec, prepare. Option 1 is a rendering of what a standalone banner might look like. The rendering is from the perspective of a vehicle headed north, just short of Emerald St., and is drawn to scale. This version is a 4' by 35' banner, centered on both lanes of the roadway, centered over the median. Mr. Lussier went on to display a banner over the northbound lane only. Personally, he thinks this option looks better with it just over the northbound lane. He continued that it is not shown in the displayed image, but they could also have a third pole on the west side of Main St. and have one banner for northbound traffic and one for southbound traffic. Or they could have banners both facing south, but over both sections of roadway.

Mr. Lussier stated that any overhead obstruction on a roadway typically requires 16 feet of clearance. He continued that the NH Department of Transportation (NHDOT) and Federal Highway Administration will allow exceptions to go down to approximately 14 feet. He brings this up because of the next image. The Committee asked him to look at the possibility of attaching to buildings on either side of the roadway, instead of having the large poles in the public sphere. The displayed image depicted The Works at the south end and Good Fortune at the north end. That building is just slightly under 16 feet above the sidewalk. Thus, even if they pushed the banner all the way to the top, it would be well below the elevation that it needs to be. The requestors suggested the banner go at Emerald St. but attaching it to the buildings is not a viable option. It might technically be possible to do some kind of pole or outrigger on the building to hold it, but it would make the engineering much

more complicated and cumbersome, so he does not support that idea.

The next building has Edward Jones, and across the street, the former Miller Brothers building. That building has enough height on both sides of the street, where they could conceivably have a banner connected between the two. Option 3, at that location from Edward Jones to the Miller Brothers building, is about a 135-foot total span distance. It would not be a straight line; there would be a drape in the wire. It would sag about 16-18 inches, which would be noticeable. Yes, it is technically feasible, but he does not love this option, as he foresees the agreement they would need with private property owners to allow this infrastructure to be attached to their building. If a windstorm pulls the anchor out of their building and breaks a bunch of bricks, the question would be how to fix that. He sees many operational challenges with this approach.

Mr. Lussier continued that last is looking at the same kind of situation on West St. On West St., as you approach Main St., the buildings are much taller and closer together. There is about a 55- to 60-foot span, depending on which buildings you attach to. At that span, the sag in the wire goes down to about 4 to 6 inches. If the Committee's preferred approach is to attach it to a building, he thinks they should consider West St. instead of Main St. It would be simpler to do.

Mr. Lussier continued that he thinks the last question was from Councilor Tobin, regarding the policy and how they would operate the banner. City staff discussed it and came up with these bullet point suggestions for how to implement this. First, they recommend this only be made available to community-funded events, the ten events that receive City funds through the budget process every year. In addition, of course, the banner infrastructure would be utilized for City communications and City messaging. Staff recommends it be for community-funded events because there are ten such events annually and depending on the potential for overlap and when those events are happening, that allows each event to have a display time of 30 days. There would be some overlap. Not everyone would be able to get the full 30 days, but generally, they would be able to do up to 30 days. Making the banner available only to those community-funded events allows the City to have much more control over the content and the purpose. They want the banners to advertise the City as a place to come and participate in activities, and to draw people into those activities. Councilor Filiault mentioned last month that he saw an event advertised in Concord and that is what brought him back to Concord. That is exactly what these banners are supposed to do.

Mr. Lussier continued that if they make the banners available to community-funded events, the application would be a checkbox on the community-funded event application package that goes into the City Clerk's Office. Thus, it would be easy to implement. The event organizers would simply ask for a reservation of that space as part of their license application for the event. Along with that, staff suggest there not be a fee for event organizers to use the banner. If the City is already funding the use of the City's facilities and providing funding for the event, it seems counterproductive to charge (the event organizers) a fee to put the banner up. That said, the (event organizers) would be responsible for the production of the actual banner, according to City specifications. As they talked about last month, the banners would need to be installed by someone with a bucket truck, and a traffic control detail to divert traffic around the bucket truck. Staff would want that to be a qualified, licensed, and insured installer. The banners would be installed for up to 30 days, subject to availability. Staff suggest a requirement that they be removed within three days of the event. To ensure prompt removal, they would include a cost recovery provision in the licensing agreement that says if the event organizers do not have the banner removed in a timely manner or the banner fails and the City must remove it, the City will charge them for that work.

Mr. Lussier continued that those are the basic guidelines, the basic outline of what staff suggests. He hopes that answers the Committee's questions and he would be happy to answer others.

Councilor Filiault asked what the cost would be to do the poles, since the buildings are too low. Mr. Lussier replied that the cost of the equipment would be about $25,000. He continued that that assumes two poles, the pulleys, and the necessary hardware to hang it. He did not get a quote on a three-pole, two-banner system, but it would probably be one and a half times that. He estimates that the installed cost would be about $50,000.

Councilor Filiault stated that Mr. Lussier mentioned that some of the events overlap. He asked if they were to do the poles that go all the way across Main St., if they could do one banner on one side and another banner on the other side, having two smaller banners up at the same time. Mr. Lussier replied that they could have one banner that shares the 35-foot space, but the system is engineered for the wind load on a 35-foot by 4-foot sail, basically. Thus, having two 35-foot sails would be more force than the pole is designed to accommodate. However, he and the City Clerk talked about how the overlapping events could share the cost of producing the banner and each use half of it. Councilor Filiault replied that alternately, the banner could advertise a different event on each side. Mr. Lussier replied yes.

Chair Greenwald asked, for clarification, if he is saying they could have three poles with two 16-foot banners. Mr. Lussier replied yes, he thinks they could design it to have three poles and two 35-foot banners. He continued that they would be larger poles with larger bases and would have to be designed for the extra weight. Chair Greenwald replied that obviously, the poles are permanent. Mr. Lussier replied yes. Chair Greenwald asked if the cable would have to be there at all times. Mr. Lussier replied that guy wires connect the poles, top of and bottom of the banner, which stay permanently. He continued that a pulley system pulls the banner across the roadway and pulls it back to remove it. Those top and bottom cables that the banner clips on stay all the time.

Councilor Favolise stated that he has several traffic-related questions, but for now, his question is about the actual installation of the banner for an individual event, with someone up in the bucket truck doing that work. He asked what that looks like in terms of traffic disruption on Main St. during the process. Mr. Lussier replied that one lane of Main St. would be closed while the truck was parked within it, and they would want some sort of traffic control detail. Most communities require a police officer with a cruiser to make sure it is visible and to divert traffic around the bucket truck. Chair Greenwald stated that it could be done at 2:00 AM. Mr. Lussier replied that the City can control the times the installation happens. He continued that generally, any time before 8:00 AM downtown is rather quiet. Installation would not take long, maybe half an hour.

Councilor Tobin stated that she has concerns about visibility, if they are talking about a pole, in terms of cars pulling out, and pedestrians near one of the crosswalks, which she knows they put a lot of thought into. She continued that regarding what Mr. Lussier is referencing, regarding the plan she asked about last time, if it is going to be relying on these festivals to create a banner and pay for that, she would want to hear from some of them, knowing that that is what they want and that they are willing. If the (event organizers) do not want to pay for those banners, even if downtown businesses would love to have them there, if the City limits the banners to downtown events, it will just end up unused, if the event organizers are not buying banners. Chair Greenwald replied that that is a good point.

Councilor Workman stated that initially she supported this, and it sounded like a great idea. She

continued that she always wants to support events in town. However, the more she has learned about it, particularly the cost, the more she thinks it is just horrible timing, given the costs associated with the Downtown Infrastructure Project. This (banner system) is not a necessity. It goes against all the reasoning and logic the Committee used to make decisions about the final design phase. The Committee was reducing its decisions based on the costs, so to now add these $75,000 banner poles that are not necessities does not make sense. Community events have good attendance now, so the marketing seems to work. She appreciates Mr. Pipp and Mr. McGreer bringing it forward, but she is really struggling with the timing of this.

Councilor Filiault stated that he does not disagree. He continued that he would like to see some fundraising done for this and see what happens, so it would not all be based on tax dollars, but he thinks the idea is doable and he does not think they should kill it here tonight. He thinks they should be positive and say that they can do this. He understands that it will take more than tax dollars, but he thinks the request is viable, and staff and downtown merchants should get together and talk about it.

Councilor Favolise stated that the Committee has not talked about the idea of having the banner on West St. He is interested to hear Mr. Pipp's thoughts on that.

Tim Pipp from Beeze Tees stated that he likes the idea, but he thinks more people come from Main St. than from West St. He continued that regarding Councilor Workman's comments, attendance at events is not great. It is very difficult for event organizers to get the word out. There is very little money in events in town. Most people are helping organize events just to break even or to raise money for a non-profit. Communities such as Manchester, Concord, Portsmouth, and Brattleboro have great events, and he is not saying Keene does not, but those communities have the better potential to have bigger events. Last time, Councilor Filiault talked about seeing a banner for an event in Concord while driving. He himself has also gone to events based on seeing a banner for it. He thinks this is the perfect timing. That is why he wrote the letter when he did, because they are talking about the infrastructure of downtown. There will already be a hole in the ground, so (it is a good time to) put a pole in it, instead of having to dig a new hole. This is thus the perfect time to talk about it, rather than in five or ten years when they would have to dig a new hole.

Mr. Pipp continued that he thinks he suggested early on that this is a fundraising event. He does not think this is a full-on taxpayer thing; it could be a downtown group thing, or a Chamber of Commerce thing, or some other group.

Chair Greenwald stated that he thinks the idea of three poles should be explored. He continued that there is another option – this could be an add alternate to the Downtown Infrastructure Project. If the budget comes in okay, they could add it, and if the budget does not come in okay, they will be looking to cut a lot of things, and (the banner infrastructure) will not happen. That way, at least they will get real numbers on what it might cost.

Councilor Filiault stated that like Mr. Pipp just said, he thinks it would work if they could use maybe not tax dollars, but a fundraiser, a downtown event, a community event. He continued that this is something that can be explored, and he thinks they can make this work. Sometimes elected officials look at reasons why they cannot do something, and he wants to look at reasons why they *can* do something.

Councilor Workman stated that they are saying, "Let's fundraise the money." She continued that her

question is why they are talking about this now, when there is no money fundraised. She thinks they need to bring it back when they know there are people investing in it and it is a realistic ask. As Councilor Tobin said, they have not heard festival (organizers) directly saying that they want this, and no one is coming forward saying they will pay for it.

Rick Wood, Fire Marshall & Building Official, stated that he does not know if the options attaching to buildings are off the table, but he wanted to throw out that it is not as simple as they might think. He continued that the buildings they are looking at are generally very old, unreinforced masonry buildings, with different blemishes of their own, and it would be challenging to affix (hardware) for those types of pole loads. The Committee should be aware that it might be more complicated, if they decide on that option.

Councilor Tobin stated that she would like to accept this as informational. She continued however, that if everyone else is on board with placing this on more time, they could do that.

Chair Greenwald stated that he thinks accepting it as informational would mean saying "no," essentially. Councilor Tobin replied that for her, it would be a "no" for right now. She continued that she has not heard from anyone who wants to pay for part of it, and she expected that maybe the next time the Committee discussed this, they would hear from people tonight saying (something like), *"Yes, I have a festival, and I want to pay for one of these banners, so please put the infrastructure in so I can buy this banner and hang it up."* However, she is not hearing that.

Chair Greenwald stated that if this is accepted as informational, and Council does the same, the issue is dead for the year. He continued that although he generally dislikes more time, doing so would bring more information, and Councilor Tobin and Councilor Workman have raised some good questions about who will do what. He would like to see some harder numbers about the cost. If there is no interest (from event organizers) in putting up banners, the City is just paying for poles for no reason. He leans toward placing this on more time.

Councilor Filiault stated that he agrees with Chair Greenwald about placing this on more time. He continued that in all fairness to Mr. Pipp and the downtown merchants, the reason no one is here saying that they will do this or that is because the City has not yet said they will allow it. He does not know who would come in and give a presentation when the Committee has not even made up its mind yet. They could place it on more time and let staff and the Petitioners get together. In 30 days, if nothing gets created, then that is the way it goes. He suggests they give it 30 days to see if they can make it work.

Councilor Workman stated that earlier on in their agenda packet they had a communication signed by multiple people who represent multiple different events in Keene. She continued that she feels like the Committee has had this on more time, and they have reviewed it, and if those people were going to come forward, they would have done so by now. She thinks they are spinning their wheels.

Councilor Favolise stated that he is not opposed to placing this on more time. He continued that he has additional questions regarding traffic and pedestrian safety on Main St., which he would like staff to address in a future report out. This is the third time this has been on the Committee's agenda. He does not want to say no to it and kill it for the year, because he thinks there are still conversations to be had. He had not previously considered the West St. idea, which he would like more time to think about. Either way, he does not think this matter is ready to move out of the Committee yet, so the choice is to either accept it as informational or place it on more time.

Chair Greenwald stated that to follow up on what Councilor Favolise said about West St., there is also the potential for (the banner to go on) Church St., Lamson St., or any street coming in and out. He continued that the first question is whether they want to have this at all. It does not sound like there is a consensus of yes or no, which is kind of the definition of more time.

Councilor Filiault stated that in his first City Council term 30 years ago, a little company from California came and asked if the City wanted to do a movie. He continued that it kind of started off like this. A couple of Councilors said no, there was no way they could do it. But they decided to take a look. After they decided to move forward with it, the movie's site manager gave the City a 3-page list of requests. His concern is that if that request had come to this Council, the Council would have just said no way, it is too much. But the Council 30 years ago had the backbone to say, "We think we can do this," and now 30 years later, they are celebrating the movie's anniversary. Therefore, he encourages people to look for how they *can* do this, not the reasons why they cannot. Placing this on more time is fair.

Councilor Tobin made a motion for the Municipal Services, Facilities, and Infrastructure Committee to place the proposal to add the necessary infrastructure to accommodate banners across Main St. or another street on more time. Councilor Filiault seconded the motion.

Councilor Favolise stated that he understands that these images are renderings from the consultant, but something that struck him in the first slide is the image of the banner is from the viewpoint of a car, and there is a pedestrian in the crosswalk. He thinks art imitates life in this scenario. Main St. has seven or eight crosswalks across it, and he has a safety concern on Main St. about creating a potential distraction for drivers in an area where there are many pedestrians crossing frequently. He would like to hear staff address that.

Councilor Favolise continued that at this point, he is not clear whether the cost would stay the same if the banner goes across West St. (instead of Main St.). He continued that it is important for the City to know, and important for anyone wanting to do fundraisers to know. He does not know enough about structural engineering to know the answer to that question. He will vote to place this item on more time, but those are the issues he would like answers about next time.

Mr. Pipp stated that he wants to be clear on what the Committee wants for the next meeting. He continued that he was unaware that the Committee wanted him to bring event organizers. He talked with many of them, and they were all in support of the banner infrastructure idea. He did not realize they needed to bring people here, because normally, you do not begin fundraising for a pole that cannot be put up, which is why they have not started a fundraising effort. He asked if for the next meeting, assuming this is placed on more time, the Committee wants him to bring people who will say they would buy a $1,200 or $1,500 banner.

Chair Greenwald replied that anything Mr. Pipp could do to demonstrate there is support for this would be helpful, but he would tell Mr. Pipp that his issue has moved miles ahead in a positive way. He continued that Mr. Pipp could bring answers to questions, and work with City staff about the needs.

Chair Greenwald called for a vote.

On a vote of 4-1, the Municipal Services, Facilities, and Infrastructure Committee placed the item on

more time. Councilor Workman voted in opposition.

Chair Greenwald stated that the item goes on more time, and at the Committee's May meeting, they will make a decision.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Jared Goodell

Through: Patricia Little, City Clerk

Subject: **Relating to Amendments to the Land Development Code to Encourage Housing Development in Keene**
Ordinance O-2025-15

Recommendation:

Attachments:
1. Goodell Application to Amend LDC_O-2025-15
2. Goodell Narrative_O-2025-15
3. Ordinance O-2025-15

Background:
Jared Goodell has submitted the attached application to amend the Land Development Code to encourage housing development in Keene. The proposed ordinance would amend section 1.3.3 to clarify that Build-to-Zone requirements only apply to the first building or structure on a lot; amend the stated purpose of the Neighborhood Business (NB) district to include residential uses; amend Section 5.3.2 relative to dimensions and siting requirements in the NB district to lower the minimum lot area; amend section 8.3.1(C) to allow 6 dwelling units in the Medium Density district; amend section 8.3.1(C) to remove from the Downtown Growth district the requirement that dwelling units be located above the ground floor; and, add a sub-section to section 19.2 concerning non-conforming uses addressing lots split by zoning district boundaries to adopt the zoning of the largest portion of the lot in a single zoning district.

APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: JARED GOODELL Date: April 18, 2025

Address: PO BOX 305 KEENE, NH 03431

Telephone: (603) 762-0202 Email: j.goodell@me.com

Existing Section Reference in Chapter 100, Land Development Code: 1.3.3, 5.3.2, 8.3.1, 19.2

Does the amendment affect "Minimum Lot Size"? [X] **Yes** [ ] **No**

Does the amendment affect "Permitted Uses"? [ ] **Yes** [X] **No**

Does the amendment affect a zoning district that includes 100 or fewer properties?* [X] **Yes** [ ] **No**
(For assistance in determining answer,
Please contact Community Development)

I, Jared Goodell hereby certify that I have contacted Community Development to confirm whether the amendment affects a zoning district that includes 100 or fewer properties, and I certify that the information I have provided on this application is true and correct.

Attest: _____
Petitioner's Signature

SUBMITTAL REQUIREMENTS WHICH MUST BE COMPLETE AT 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 affects a zoning district that includes 100 or fewer properties**, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. The list shall include the tax map number and address of each abutter or owner, and must be current with the Assessing Department's records within ten days of submittal. Two sets of mailing labels shall be provided.

APPLICATION TO AMEND THE ZONING ORDINANCE

Date Received by City Clerk: 4/28/2025 Ordinance Number: O-2025-15

On City Council agenda: 5/1/2025 Workshop to be held: _____

Public Hearing to be held _____

APPLICABLE FEES:

Application Fee @ $100.00	$ 100.00
Publication of Notice in The Keene Sentinel @ $90.00	$ 90.00
Postage Fees for property owners/agents and abutters at current USPS 1st Class Mailing rate *(Only needed if amendment impacts 100 or fewer properties)*	$ 32.90
Total Fees submitted to City Clerk	**$ 222.90**

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 fees will be collected by the Community Development Department for the mailing costs associated with the public workshop (If a mailing is required pursuant to RSA 675:7), as well as the publication of the public workshop notice.

Jared Goodell
PO Box 305
Keene, NH 03431

April 18, 2025

Honorable Mayor Jay V. Kahn
Keene City Council
Washington Street
Keene, NH 03431

Re: An Ordinance Relating to Amendments to the Land Development Code to Encourage Housing Development in Keene

Mayor Kahn:

As you are aware, across the State of New Hampshire and here in Keene, we are experiencing a significant housing shortage. According to a 2023 report from N.H. Housing, roughly 1,400 more housing units need to be built in the next decade to keep up with demand in the Elm City.

With that end in mind, I am proposing several amendment to the City of Keene's Land Development Code to further encourage the development of housing in Keene. Those proposals, in summary, are as follows:

1. Amend Section 1.3.3 to clarify that the Build-to Zone (BTZ) requirements only apply to the first building or structure on a lot and that additional buildings or structures may be built behind a building or structure that conforms to the BTZ. This issue has recently been identified as a road block to several projects in Keene, including two on Marlboro Street.

2. Amend the stated purpose of the Neighborhood Business (NB) District to include residential uses of varied development forms. Currently, the NB district's purpose contains no reference to residential uses, despite those uses being allowed by right in the district.

3. Amend Section 5.3.2, the Dimensions and Siting requirements in the Neighborhood Business District, to lower the minimum lot area. Currently, the minimum lot area is set at 8,000 sf, despite less than half of the lots in the NB district conforming. There are 47 lots in the NB district and only 23 lots are 8,000 sf or more. Lowering the minimum lot sizes to 5,000 sf will cause 42 units to conform. This will have the effect of allowing development, re-development, or infill development by right in the NB district.

4. Amend Section 8.3.1(C) to allow 6 dwelling units in the Medium Density District when the gross square footage of the dwellings units is not more than 600 sf. This will allow for more smaller studio/1 bedroom units to be developed in the Medium Density District, where currently only 3 of any size are allowed.

5. Amend Section 8.3.1(C) to remove the Downtown Growth (DG) District from requirement that dwelling units be located above the ground floor. The DG district contains several large buildings with underutilized first floor space. Allowing that space

to become dwelling units will have an immediate effect on allowing residential re-development by right in the DG district.

6. Add a sub-section to Section 19.2, concerning non-conforming uses, addressing lots split by zoning district boundaries. This would allow lots which are in more than one zoning district and which may not be subdivided to adopt the zoning of the largest portion of the lot in a single zoning district. This would have the effect of removing unnecessary and burdensome limits on lots in multiple zoning districts, thereby allowing faster development.

I appreciate the commitment of you and the entire Keene City Council in leading the State in reducing barriers to housing development and helping to increase housing stock to lower housing prices for residents.

Regards,

Jared Goodell

ORDINANCE O-2025- 15

CITY OF KEENE

In the Year of Our Lord Two Thousand Twenty Five

AN ORDINANCE Relating to Amendments to the Land Development Code to Encourage Housing Development in Keene

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 1.3.3, titled Setbacks & Build-To Dimensions, as follows:

A. **Building Setback.** The required minimum or maximum distance a building or structure must be located from a lot line, which is unoccupied and unobstructed by any portion of a building or structure, unless expressly permitted by this LDC.

1. **Front Setback.** The required minimum or maximum distance that a building or structure must be located from the front lot line. **Only the first building or structure on a lot shall be required to comply with the Front Setback requirement, unless otherwise prohibited by this LDC.**

2. **Rear Setback.** The required minimum or maximum distance that ~~a~~ **any** structure building or structure must be located from the rear lot line**, unless otherwise permitted by this LDC.**

3. **Side Setback.** The required minimum or maximum distance that a building or structure must be located from the side lot line**, unless otherwise permitted by this LDC.** A side setback may be measured perpendicular to the interior side setback or to the corner side lot line.

a. In residential zoning districts, the corner side lot line shall be measured from the property line adjacent to the street, and shall be 10-ft greater than the minimum side setback required in the zoning district.

4. **Structure Setback Exceptions.**

a. The following may be excluded from required setbacks.

i. Steps and stairs necessary to provide access to a building or structure

ii. Access landings up to 25-sf

iii. Structures necessary to afford access for persons with physical disabilities

iv. Canopies and awnings

v. One detached utility accessory building of less than 125-sf (e.g. garden shed)

vi. Fences

vii. Signs as regulated by Article 10

b. Paved and unpaved parking lots and associated travel surfaces associated with all uses other than single- and two-family dwellings shall comply with the setback requirements in Section 9.4 of this LDC.

c. Driveways and parking spaces associated with single- and two-family dwellings shall comply with the setback requirements in Section 9.3 of this LDC.

d. If a front building setback extends beyond the front of a legally nonconforming building, an accessory use or structure may occupy the portion of the front setback beyond the front of the building.

e. The following structures may encroach up to 10-ft from the rear lot line of lots in residential zoning districts.

i. Pools, either above- or in-ground

ii. Decks, either detached or attached

iii. Garages, either detached or attached

iv. Accessory Dwelling Units, either detached or attached

B. **Building Façade Line**. The vertical plane along a lot where the building's façade is located. Upper story building façade lines relate to that part of the façade that requires a stepback.

C. **Build-To Line (BTL).** A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where a structure must be located. The building façade line of a structure must be located on the build-to line. Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall.

D. **Build-To Percentage.** A build-to percentage specifies the percentage of the building façade that must be located within the build-to zone or at the build-to line. Façade articulation (e.g. window or wall recesses and projections) do not count against the required build-to percentage. Plazas, outdoor dining, and other public open space features that are also bounded by a building façade parallel to the frontage are counted as meeting the build-to percentage. Build-to percentage is calculated by building façade, not lot width.

E. **Build-To Zone (BTZ).** A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which a structure must locate. A BTZ sets a minimum and maximum dimension within which the building façade line must be located (e.g. 0-5-ft). Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall. **Additional buildings or structures shall be permitted to be located outside the required build-to zone if at least one structure on the lot is located within the build-to zone.**

2. Amend Section 5.3.1, titled Purpose, as follows:

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

3. Amend Section 5.3.2, titled Dimensions & Siting, as follows:

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

4. Amend Section 8.3.1(C), titled Dwelling, Multi-family, as follows:

1. **Defined.** A structure containing 3 or more dwelling units located on a single lot, with dwelling units either stacked or attached horizontally, which is designed, occupied, or intended for occupancy by 3 or more separate families.

2. **Use Standards**.

a. In the Medium Density District, no more than 3 dwelling units are allowed per lot. **Notwithstanding the foregoing, if every dwelling unit is not more than 600 sf gfa, then 6 dwelling unit are allowed per lot.**

b. In the Downtown Core District, ~~Downtown Growth District,~~ and Commerce District, dwelling units shall be located above the ground floor.

c. In the Downtown Growth District, dwelling units shall be located above the ground floor on lots with frontage on a Type A street.

5. Amend Section 19.2, titled Non-Conforming Uses, to add the following sub-section as follows:

19.2.8 LOTS SPLIT BY ZONING DISTRICT BOUNDARIES. Where an existing lot of record falls into more than one zoning district, the following shall apply:

a. **For lots which are large enough to be subdivided, the provisions of each district shall be applied separately to each portion of the lot;**

b. **For lots which are not large enough to be subdivided, or otherwise fail to meet any dimensional standards required, the provisions of the district which comprises the largest share of the lot shall apply to the entire lot.**

For the purposes of this subsection 19.2.8 only, when determining if a lot meets dimensional standards to be subdivided, each portion of the lot(s) in each distinct zoning district shall be considered separately.

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Jay V. Kahn, Mayor

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Donald Lussier, Public Works Director

Through: Elizabeth Ferland, City Manager

Subject: **Relating to Water & Sewer Utility Charges**
Ordinance O-2025-16

Recommendation:
That Ordinance O-2025-16 be referred to the Finance, Organization and Personnel Committee

Attachments:
1. ORDINANCE O-2025-16 Utility Rates

Background:
The City's most recent adjustment to water and sewer utility charges was on November 1, 2022. Since that time, operational costs have increased significantly. Within the municipal utility industry, it is estimated that Operation and Maintenance costs have increased by approximately 10 - 15% since the fall of 2022. In order to maintain the financial stability and resiliency of the Water & Sewer Funds, it is necessary to increase the amount we charge for various services.

However, increasing rates by 15% all at once would create undue hardship for some of our customers. Using the utility rate model created in 2022, staff from the Public Works and Finance Departments have developed a strategy to incrementally increase revenues over time in order to satisfy our cash-flow needs and comply with the Council's fiscal policies related to unallocated fund balances. Ordinance O-2025-16 will enact a five percent increase on most charges effective as of July 1, 2025. Our intention is to continue making incremental adjustments at the start of each fiscal year.

For our "Median" residential customer, with a 5/8" water service and using approximately 12 units of water per quarter, these changes will increase their quarterly bill by $11 per quarter ($44 per year).

ORDINANCE O-2025-16

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Water & Sewer Utility Charges

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

That Appendix B Fee Schedule of the Ordinances of the City of Keene, as amended, are hereby further amended, effective as of July 1, 2025, by deleting the stricken text and inserting the bolded text in Chapter 98 "Utilities" and Chapter 100 "Land Development Code", as follows:

§ 98-165. Backflow operating permit fees:

Original backflow preventer operating permit .....$ 25.00

Permit renewal .....~~$5.00~~ **$10.00**

§ 98-216. Private wastewater disposal permit and inspection fee .....~~$15.00~~ **$50.00**

~~§ 98-297. Building sewer permit and inspection fees:~~

~~Residential, institutional or commercial building sewer permit .....15.00~~

~~Industrial building sewer permit .....30.00~~

§ 98-359. Fee for industrial users to defray the administrative costs of the industrial discharge permits (IDP) program:

Significant industrial users, flat fee per year .....~~$1,500.00~~ **$2,000.00**

Additional fee per gallon based on one day's average flow .....~~$0.01~~ **$0.02**

Minor industrial users, flat fee per year .....~~$100.00~~ **$200.00**

§ 98-511(a). Water meter rates:

Volume**tric** Rate for water passing through the meter	~~5.35~~ **$5.62 per hcf**
Volumetric Rate for water dispensed into a tanker truck or other bulk container from a City dispenser	**$22.44 per hcf** **$0.03 per gallon**
Fixed Quarterly Charge (meter size in inches)	
5/8"	~~24.33~~ **$25.55**
¾"	~~36.50~~ **$38.33**
1"	~~60.83~~ **$63.87**
1 ½"	~~121.65~~ **$127.73**
2"	~~194.64~~ **$204.37**
3"	~~364.96~~ **$383.21**
4"	~~608.26~~ **$638.67**

6”	~~1216.52~~ **$1,277.35**

§ 98-511(c). Flat Rates:

Unmetered 5/8” service; flat fee per quarter… $78.71

§ 98-511(g). Public and private fire protection service charges:

Private Fire Protection (per connection, per year)	
Private Fireline 1 ½”	~~29.42~~ **$30.89**
Private Fireline 2”	~~62.70~~ **$65.84**
Private Fireline 4”	~~388.14~~ **$407.55**
Private Fireline 6”	~~1127.46~~ **$1183.83**
Private Fireline 8”	~~2402.66~~ **$2,522.79**
Private Fireline 10”	~~4320.91~~ **$4,536.85**
Private Fireline 12”	~~6979.30~~ **$7,328.27**
Private Hydrant (per hydrant, per year)	~~1127.46~~ **$1,183.83**

§ 98-512(a). Sewer rates:

Volume**tric** Rate ($ per hcf)	~~6.29~~ **$6.60**
Fixed Quarterly Charge (meter size in inches)	
⅝”	~~50.93~~ **$53.48**
¾”	~~76.39~~ **$80.21**
1”	~~127.32~~ **$133.69**
1 ½”	~~254.63~~ **$267.36**
2”	~~407.41~~ **$427.78**
3”	~~763.89~~ **$802.08**
4”	~~1,273.15~~ **$1,336.81**
6”	~~2,546.31~~ **$2,673.63**

§ 98-512(b) Septage and holding tank charges:

Septage, per gallon .....~~0.085~~ **$0.095**

Minimum fee for each load of septic waste .....~~8.50~~ **$10.00**

Holding tank waste, per gallon .....~~0.045~~ **$0.065**

Minimum fee for each load of holding tank waste .....~~4.50~~ **$10.00**

§ 98-513(b) Letting-on and letting-off charges:

The minimum charge for any service requiring staff to visit a customer’s premises shall be $75, or shall be billed based on the basis of actual labor, equipment and materials.

§ 98-514(a) Meter testing charges:

Flat rate charge for meter testing, regardless of size… $150

~~⅝”~~	~~$102.00~~
~~¾”~~	~~102.00~~

~~1”~~	~~102.00~~
~~1 ½”~~	~~130.00~~
~~2”~~	~~130.00~~
~~3”~~	~~158.00~~
~~4”~~	~~158.00~~
~~6”~~	~~214.00~~

Chapter 100; § 22.4 Service connection permit

Engineering inspection fees, per hour .....~~$55.00~~ **$58.00**

Connection Type	Fee
Water, ≤ 2"	~~$100.00~~ **$200.00**
Water, > 2"	~~$200.00~~ **$400.00**
Sewer, design flow ≤ 5,000 GPD	~~$100.00~~ **$200.00**
Sewer, design flow > 5,000 GPD	~~$200.00~~ **$400.00**
Storm drain, ≤6"	~~$100.00~~ **$200.00**
Storm drain >6"	As determined by the public works director

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Jay V. Kahn, Mayor

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Jared Goodell

Through: Patricia Little, City Clerk

Subject: **Relating to Amendments to Definitions of the Land Development Code to Encourage Housing Development in Keene and the Definitions Relating to Charitable Gaming Facilities**
Ordinance O-2025-17

Recommendation:

Attachments:
1. Goodell_Petition to amend LDC_O-2025-17
2. Ordinance O-2025-17

Background:
Mr. Goodell has submitted a partner amendment that would amend the definitions section of the Land Development Code, which is within the administrative section of the LDC, by modifying definitions for the following terms: "Build-To Zone", and "Front Setback"; as well as adding definitions for "Charitable Gaming Facility", and "Gaming Position".

Jared Goodell
PO Box 305
Keene, NH 03431

April 18, 2025

Honorable Mayor Jay V. Kahn
Keene City Council
Washington Street
Keene, NH 03431

Re: An Ordinance Relating to Amendments to Definitions of the Land Development Code to Encourage Housing Development in Keene and the Definitions Relating to Charitable Gaming Facilities

Mayor Kahn:

As you are aware, across the State of New Hampshire and here in Keene, we are experiencing a significant housing shortage. According to a 2023 report from N.H. Housing, roughly 1,400 more housing units need to be built in the next decade to keep up with demand in the Elm City.

With that end in mind, I am proposing several amendments to the City of Keene's Land Development Code definitions to further encourage the development of housing in Keene. Additionally, I am proposing that definitions relating to Charitable Gaming Facilities be added to Section 29 "Definitions" of the Land Development Code. Those proposals, in summary, are as follows:

1. Amend the Definition of Build-to Zone (BTZ) to clarify that the (BTZ) requirements only apply to the first building or structure on a lot and that additional buildings or structures may be built behind a building or structure that conforms to the BTZ. Recent written determination on this definition has recently been identified as a road block to several projects in Keene, including two on Marlboro Street.

2. Amend the Definition of Front Setback to clarify that Front Setbacks only apply to the first building or structure on a lot and that additional buildings or structures may be built behind a building or structure that conforms to any Front Setback requirement.

3. Add the Definition of *Charitable Gaming Facility* to Defined Terms. In December 2024, The City Council approved an ordinance that placed the Definition of *Charitable Gaming Facility* in the wrong Chapter of the LDC. This seeks to correct that error.

4. Add the Definition of *Gaming Position* to Defined Terms. In December 2024, The City Council approved an ordinance that placed the Definition of *Gaming Position* in the wrong Chapter of the LDC. This seeks to correct that error.

I appreciate the commitment of you and the entire Keene City Council in leading the State in reducing barriers to housing development and helping to increase housing stock to lower housing prices for residents.

Regards,

Jared Goodell

ORDINANCE O-2025-17

CITY OF KEENE

In the Year of Our Lord Two Thousand Twenty Five

AN ORDINANCE Relating to Amendments to Definitions of the Land Development Code to Encourage Housing Development in Keene and the Definitions Relating to Charitable Gaming Facilities

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

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

1. That Article 29 "Defined Terms" be amended to modify the definition of "Build-To Zone (BTZ)," as follows:

> **Build-To Zone (BTZ)** - A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which a structure must locate. A BTZ sets a minimum and maximum dimension within which the building façade line must be located (e.g. 0-5-ft). Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall. **Additional buildings or structures shall be permitted to be located outside the required build-to zone if at least one structure on the lot is located within the build-to zone.**

2. That Article 29 "Defined Terms" be amended to modify the definition of "Build-To Zone (BTZ)," as follows:

> **Front Setback.** The required minimum or maximum distance that a building or structure must be located from the front lot line. **The Front Setback shall only apply to the first conforming building or structure on a lot.**

3. That Article 29 "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).

4. That Article 29 "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.

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Jay V. Kahn, Mayor

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Relating to an Amendment of the City Code, Regarding Stop Signs Ordinance O-2025-10-A**

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2025-10-A.

Attachments:

1. O-2025-10A City Code Stop Sign Updates
2. O-2025-10A City Code Stop Sign Updates_redline updates

Background:

Mr. Ruoff stated that Ordinance O-2025-10 has been revised slightly since the first reading with the City Council. He continued that there are a couple of items staff noticed were incorrect. One of the streets where a stop sign was removed met a warrant, so they put in a request to have that stop sign reinstalled based on existing City Code. Regarding the other streets, most are roundabouts that no longer exist or were wrongly entered initially, or they are describing traffic going in the wrong direction on a one-way street. This updates the City Code to reflect current conditions. He would be happy to answer any questions.

The City Attorney stated that she has a question. In the “A” versions of the ones they just looked at there was some red text, which she assumes were the changes from the City Council to here. Mr. Ruoff replied that is correct. The City Attorney stated that she does not see any red text on this one. Mr. Ruoff replied that there should be, and if the City Attorney does not have that copy, he could make a copy for her. He continued that there should be two Ordinances, one with red text and one that is the final version for approval. The City Attorney replied that it seems like the agenda packet is fine; she will check to make sure the website is right.

Councilor Workman 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 adoption of Ordinance O-2025-10-A.

ORDINANCE O-2025-10A

CITY OF KEENE

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

AN ORDINANCE Relating to the Amendment of City Code for Stop Sign Locations

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded underlined text to the provisions of Section 94-321, "Stop Signs" in Division 5, "Specific Street Regulations", and deleting the stricken text from the provisions of Section 94-321, "Stop Signs" in Division 5, "Specific Street Regulations" in Article IV of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows.

Sec. 94-321. - Stop signs.

Appleton Street for eastbound traffic at Main Street.

Base Hill Road for northbound traffic at West Street.

Black Brook Road for westbound traffic at Wyman Road.

Burdett Street for westbound traffic at Washington Street.

Bruder Street for eastbound traffic at Main Street.

Carpenter Street for southbound traffic at Water Street.

Chase Place for eastbound traffic at Washington Street.

Church Street for westbound traffic at Norway Ave and 93rd Street.

Community Way for southbound traffic at Water Street.

Gates Street for westbound traffic at Main Street.

Harrison Street for northbound traffic at Church Street.

King Court for eastbound traffic at Main Street.

Kit Street for eastbound traffic at Winchester Street.

Lynnwood Avenue for eastbound traffic at Edgewood Avenue.

Matthews Road for north-westbound traffic at Winchester Street.

Martel Court for eastbound traffic at Main Street.

New Acres Road for southbound traffic at Allen Court.

Norway Ave for northbound traffic at Roxbury Street.

Robbins Road for westbound traffic at Starlight Drive.

Roxbury Road for westbound traffic at Peg Shop Road.

School Street for northbound traffic at Leverett Street.

Schulyer Way for southbound traffic at Daniels Hill Road

Skyline Drive for southbound traffic at Stonehouse Road.

Skyline Drive for northbound traffic at Stonehouse Road.

Silent Way for northbound traffic at Main Street.

Spring Street for westbound traffic at Washington Street

Wright Street for eastbound traffic at Washington Street

~~**Butler Court for southbound traffic at the Keene State College property line 682.2. feet south of Winchester Street.**~~

~~**Carpenter Street at Water Street.**~~

~~**Cottage Street for westbound traffic at Washington Street.**~~

~~**Elm Street for northbound traffic at Mechanic Street.**~~

~~**Elm Street for northbound traffic at Union Street.**~~

~~**Felt Road for northbound traffic at Arch Street.**~~

~~**Hitchcock Clinic for eastbound traffic at Court Street.**~~

~~**Island Street for eastbound traffic at Pearl Street.**~~

~~**Island Street for westbound traffic at Pearl Street.**~~

~~**Island Street for southbound traffic at Pearl Street.**~~

~~**Jordan Road for southbound traffic at Old Concord Road.**~~

~~**Kit Street at the entrance to Best Western. A stop sign as described in this section for traffic entering Kit Street from the driveway of Best Western.**~~

~~**Post Office exit for traffic entering Water Street.**~~

~~**Railroad Street for northbound traffic at Church Street.**~~

~~**Roxbury Road for eastbound traffic at Peg Shop Road.**~~

~~**Union Street for northbound traffic on Elm Street.**~~

~~**Union Street for southbound traffic on Elm Street.**~~

~~**Wells Street parking structure for westbound traffic existing onto Wells Street.**~~

~~**93rd Street for westbound traffic at Church Street**~~

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Jay V. Kahn, Mayor

ORDINANCE O-2025-10A

CITY OF KEENE

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

AN ORDINANCE Relating to the Amendment of City Code for Stop Sign Locations

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded underlined text to the provisions of Section 94-321, "Stop Signs" in Division 5, "Specific Street Regulations", and deleting the stricken text from the provisions of Section 94-321, "Stop Signs" in Division 5, "Specific Street Regulations" in Article IV of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows.

Sec. 94-321. - Stop signs.

~~**Arch Street for eastbound traffic at Park Avenue.**~~

Appleton Street for eastbound traffic at Main Street.

Base Hill Road for northbound traffic at West ~~Hill Road~~ Street.

Black Brook Road for westbound traffic at Wyman Road.

Burdett Street for westbound traffic at Washington Street.

~~**Bruden**~~ **Bruder Street for eastbound traffic at Main Street.**

Carpenter Street for southbound traffic at Water Street.

Chase Place for eastbound traffic at Washington Street.

Church Street for westbound traffic at Norway Ave and 93rd Street.

Community Way for southbound traffic at Water Street.

Gates Street for westbound traffic at Main Street.

Harrison Street for northbound traffic at Church Street.

King Court for eastbound traffic at Main Street.

Kit Street for eastbound traffic at Winchester Street.

Lynnwood Avenue for eastbound traffic at Edgewood Avenue.

Matthews Road for north-westbound traffic at Winchester Street.

Martel Court for eastbound traffic at Main Street.

New Acres Road for southbound traffic at Allen Court.

~~Norward~~ Norway Ave for northbound traffic at Roxbury Street.

Robbins Road for westbound traffic at Starlight Drive.

Roxbury Road for westbound traffic at Peg Shop Road.

School Street for northbound traffic at Leverett Street.

Schulyer Way for southbound traffic at Daniels Hill Road

Skyline Drive for southbound traffic at Stonehouse Road.

Skyline Drive for northbound traffic at Stonehouse Road.

Silent Way for northbound traffic at Main Street.

Spring Street for westbound traffic at Washington Street

Wright Street for eastbound traffic at Washington Street

~~Butler Court for southbound traffic at the Keene State College property line 682.2. feet south of Winchester Street.~~

~~Carpenter Street at Water Street.~~

~~Cottage Street for westbound traffic at Washington Street.~~

~~Cross Street for westbound traffic at Court Street~~

~~Elm Street for northbound traffic at Mechanic Street.~~

~~Elm Street for northbound traffic at Union Street.~~

~~Felt Road for northbound traffic at Arch Street.~~

~~Hitchcock Clinic for eastbound traffic at Court Street.~~

~~Island Street for eastbound traffic at Pearl Street.~~

~~Island Street for westbound traffic at Pearl Street.~~

~~Island Street for southbound traffic at Pearl Street.~~

~~Jordan Road for southbound traffic at Old Concord Road.~~

~~Kit Street at the entrance to Best Western. A stop sign as described in this section for traffic entering Kit Street from the driveway of Best Western.~~

~~Post Office exit for traffic entering Water Street.~~

~~Railroad Street for northbound traffic at Church Street.~~

~~Roxbury Road for eastbound traffic at Peg Shop Road.~~

~~Union Street for northbound traffic on Elm Street.~~

~~**Union Street for southbound traffic on Elm Street.**~~

~~**Wells Street parking structure for westbound traffic existing onto Wells Street.**~~

~~**93rd Street for westbound traffic at Church Street**~~

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Jay V. Kahn, Mayor

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Relating to an Amendment of the City Code, Regarding Yield Signs Ordinance O-2025-11-A**

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2025-11-A.

Attachments:
1. O-2025-11-A City Code Yield Sign Updates
2. O-2025-11-A City Code Yield Sign Updates_redline updates

Background:
Mr. Ruoff stated this Ordinance has been changed since the first reading with City Council. The "A" version in the packet includes a redlined version, to make it clear what has changed, and then the actual Ordinance. He is happy to go through all the changes and why they have been made. Essentially, many of these yield sign locations deal with the Upper Winchester St. project and the addition of yield signs for those roundabouts that were installed. Also, as sort of a catch-all so they do not have this problem again, they are adding a descriptor at all approaches into roundabout intersections, which yield signs should be installed in regardless. For the ones being eliminated, it is based on reconfiguration of that intersection. Some have traffic lights at this point, and some are totally changed intersections. This is an update of the yield signs in the City Code to reflect current conditions. It is not a full listing of yield signs in the City, just to be clear.

Chair Greenwald asked if the City Attorney is happy and satisfied with all of this. The City Attorney replied yes.

Councilor Tobin stated that her only question is whether it is correct that for all approaches into roundabout intersections, the type of road does not matter. She continued that for example, she is thinking about Winchester St. and Route 101.

Mr. Ruoff replied that that is State-owned and maintained, so it would not fall within the City Code. He continued that all the ones listed here are within City Code. It is kind of redundant, because they

listed the three yield signs that were added as part of the Upper Winchester St. project, but it is not explicitly clear where the yield sign is, so it is reinforcing that point.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2025-11-A.

ORDINANCE O-2025-11A

CITY OF KEENE

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

AN ORDINANCE Relating to the Amendment of City Code for Yield Sign Locations

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text from the provisions of Section 94-346, "Yield Signs" in Division 6, "Specific Street Regulations" in Article IV of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows.

Sec. 94-346. - Yield signs.

At all approaches into a roundabout intersection.

Key Road for eastbound traffic at Winchester Street

Pearl Street for eastbound traffic at Winchester Street

Island Street for southbound traffic at Winchester Street

Robinhood Lane for southbound traffic at Roxbury Street

Roxbury Street for eastbound traffic at Water Street

~~**Victoria Court for westbound traffic at Victoria Street.**~~

~~**Washington Avenue and Gilsum Street for southbound traffic on Washington Avenue.**~~

~~**Wells Street parking lot at exist to Roxbury Plaza.**~~

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Jay V. Kahn, Mayor

ORDINANCE O-2025-11A

CITY OF KEENE

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

AN ORDINANCE Relating to the Amendment of City Code for Yield Sign Locations

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text from the provisions of Section 94-346, "Yield Signs" in Division 6, "Specific Street Regulations" in Article IV of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows.

Sec. 94-346. - Yield signs.

At all approaches into a roundabout intersection.

Key Road for eastbound traffic at Winchester Street

Pearl Street for eastbound traffic at Winchester Street

Island Street for southbound traffic at Winchester Street

~~**Roxbury Street**~~ **Robinhood Lane for southbound traffic at Roxbury Street** ~~**Robinhood Lane**~~

Roxbury Street for eastbound traffic at Water Street

~~**Victoria Court for westbound traffic at Victoria Street.**~~

~~**Washington Avenue and Gilsum Street for southbound traffic on Washington Avenue.**~~

~~**Wells Street parking lot at exist to Roxbury Plaza.**~~

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Jay V. Kahn, Mayor

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Relating to an Amendment of the City Code, Regarding Traffic Signals Ordinance O-2025-12**

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2025-12.

Attachments:

1. O-2025-12 City Code Traffic Signal Updates_referral

Background:

The City Engineer stated this Ordinance relates to traffic signals. He continued he is happy to go through all the reasons for changes, but like the last one, these are mostly due to roundabouts and some of them were errant entries. For example, the Main St. pedestrian light at St. Bernard's Church is not listed in the right location, so this is a cleanup of the City Code to match what has been in place for about the last 30 years.

Councilor Tobin 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 adoption of Ordinance O-2025-12.

ORDINANCE O-2025-12

CITY OF KEENE

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

AN ORDINANCE Relating to the Amendment of City Code for Traffic Signals

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bold text and deleting the stricken text from the provisions of Section 94-34, "Red, Yellow, Green Traffic Signals", Section 94-35 "Flashing yellow or red signals", in Division 1, "Specific Street Regulations" in Article IV of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows.

Sec. 94-34. Red, Yellow, Green Traffic Signals

Ash Brook Road at Ash Brook Court.

~~**Court Street at Maple Avenue.**~~

~~**Main Street, Marlboro Street, and Winchester Street.**~~

~~**Main Street pedestrian light at St. Bernard's Church.**~~

~~**Route 101 (12) and Winchester Street.**~~

~~**Winchester Street and Key Road.**~~

Section 94-35. Flashing yellow or red signals

~~**Park Avenue at Arch Street, and a red flashing light for traffic on Arch Street at such intersection.**~~

~~**Winchester Street at Ralston Street for traffic on Winchester Street, and a red flashing signal for traffic on Ralston Street at such intersection.**~~

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Jay V. Kahn, Mayor

In City Council April 3, 2025.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.

City Clerk

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Relating to an Amendment of the City Code, Regarding Vehicle Turning Limitations**
Ordinance O-2025-13-A

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2025-13-A.

Attachments:
1. O-2025-13-A City Code Division 3, Turns Updates
2. O-2025-13-A City Code Division 3, Turns Updates_redline updates

Background:
The City Engineer stated that this is Ordinance has also been revised since its first reading at City Council. He continued that a couple of median locations fall in a gray area between whether they are State right-of-way or City right-of-way, and at roundabout locations short divides. This Ordinance is an update to City Code of two things. They are calling it a “turning movement change Ordinance.” It is the elimination of some existing sign limitations that are no longer in place because roundabouts have been installed in those two locations, so there are no longer turns that those signs would apply to. Then there are turning limitations in the medians and islands, which are all listed in the existing City conditions. He has the roundabout location for each one and when it was installed, if the Committee would like that information.

Chair Greenwald asked if there were any questions or comments from the Committee. Hearing none, he asked for a motion.

Councilor Favolise 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 adoption of Ordinance O-2025-13-A.

ORDINANCE O-2025-13A

CITY OF KEENE

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

AN ORDINANCE Relating to the Amendment of City Code for Turns

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bold text and deleting the stricken text from the provisions of Section 94-266, "Limitations", Section 94-268 "Medians and Islands", in Division 3, "Turns" in Article IV of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows.

Sec. 94-266. Limitations

~~**Marlboro Street. Right turn lane 7:00 A.M. to 6:00 P.M. from Main Street to a point 200 feet east of the Post Office driveway**~~

~~**Park Avenue at Arch Street, and Arch Street at Park Avenue. No right turn on red signal.**~~

Section 94-268. Medians and Islands

At all approaches into a roundabout intersection.

Ash Brook Road.

Ash Brook Court.

Base Hill Road.

Island Street.

Key Road.

Marlboro Street.

Old Walpole Road.

Production Avenue.

West Surry Road.

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Jay V. Kahn, Mayor

ORDINANCE O-2025-13A

CITY OF KEENE

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

AN ORDINANCE Relating to the Amendment of City Code for Turns

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bold text and deleting the stricken text from the provisions of Section 94-266, "Limitations", Section 94-268 "Medians and Islands", in Division 3, "Turns" in Article IV of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows.

Sec. 94-266. Limitations

~~**Marlboro Street. Right turn lane 7:00 A.M. to 6:00 P.M. from Main Street to a point 200 feet east of the Post Office driveway**~~

~~**Park Avenue at Arch Street, and Arch Street at Park Avenue. No right turn on red signal.**~~

Section 94-268. Medians and Islands

At all approaches into a roundabout intersection.

Ash Brook Road.

Ash Brook Court.

Base Hill Road.

Island Street.

Key Road.

Marlboro Street.

Old Walpole Road.

Production Avenue.

West Surry Road.

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Jay V. Kahn, Mayor

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Relating to the Installation of a Stop Sign on Wilber Street at Water Street Ordinance O-2025-14**

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2025-14.

Attachments:

1. O-2025-14 Stop Sign on Wilber St_referral

Background:

Bryan Ruoff, City Engineer, stated that Public Works was in front of the Committee in March regarding a “See Click Fix” comment about unsafe conditions at this intersection. He continued that the Committee voted unanimously to direct the City Manager to draft an Ordinance. That has been done. The Ordinance is here for the Committee’s consideration today. It is straightforward and consistent with City Code, and he is happy to answer any questions.

Chair Greenwald asked if there were any questions from the Committee or public. Hearing none, he asked for a motion.

Councilor Workman 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 adoption of Ordinance O-2025-14.

ORDINANCE O-2025-14

CITY OF KEENE

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

AN ORDINANCE Relating to the installation of a Stop Sign on Wilber Street

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded underlined text to the provisions of Section 94-321, "Stop Signs" in Division 5, "Specific Street Regulations", in Article IV of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows.

Wilber Street for southbound traffic at the intersection with Water St.

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Jay V. Kahn, Mayor

In City Council April 3, 2025.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.

City Clerk

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 1, 2025

To: Mayor and Keene City Council

From: Kari Chamberlain, Finance Director/Treasurer

Through: Elizabeth Ferland, City Manager

Subject: **Relating to the 2025-2026 Operating Budget**
Resolution R-2025-12

Recommendation:
That Resolution R-2025-12 relating to the FY 2025-2026 budget be referred to the Finance, Organization & Personnel Committee for their review and recommendation, and that a public hearing be scheduled for Thursday, June 5, 2025.

Attachments:
1. Budget Transmittal FY26
2. R-2025-12 Fiscal Year 2025-2026 Operating Budget - 1
3. R-2025-12 FY2026 Operating Budget ALL FUNDS for CC introduction - 1

Background:
Resolution R-2025-12 summarizes the budget document that has been prepared for FY 2025-2026. The detailed budget document has been distributed to the Mayor and City Council. The document, in its entirety, has been posted on the City's website. For user convenience, the table of contents throughout the book has been linked to the appropriated pages. A Citizen's Budget Guide will also be available that summarizes the General Fund Proposed Budget, explains the City Budget process, and the role of the Comprehensive Master Plan in that effort.

Any bond resolutions associated with projects recommended for funding in the next fiscal year will be presented under separate cover memos.

The remaining steps in the budget process are outlined below:

Budget Meeting Calendar			
Date	**Day**	**Time**	**Description**
May 1, 2025	Thursday		City Manager Budget distributed to City Council

May 1, 2025	Thursday	7:00 PM	**Regular Council Meeting** - Budget resolution first reading - referred to FOP Committee
May 6, 2025	Tuesday	5:30 PM	**Special FOP meeting (start 5:30)**- Budget Review - Overview, General Fund Revenues & Expenditures, Debt Service, Mayor & City Council, Outside Agencies, Unclassified Items, Capital Appropriations, Risk Management, City Manager's Office, City Clerk, Finance
May 8, 2025	Thursday	5:30 PM	**Regular FOP meeting (start 5:30)**- Budget Review - Community Development, Information Technology, PC Replacement Fund, City Attorney, Assessment, Parking Fund, Human Resources, Employee Benefits
May 13, 2025	Tuesday	5:30 PM	**Special FOP Meeting (5:30)** - Budget Review - Public Works, Solid Waste Fund, Sewer Fund, Water Fund, Equipment (Fleet Fund)
May 15, 2025	Thursday	7:00 PM	**Regular Council Meeting** - Introduce bond resolutions; introduce salary ordinance
May 20, 2025	Tuesday	5:30 PM	**Special FOP Meeting (start 5:30 PM)** - Budget Review - Airport, Library, Parks, Recreation & Facilities, Police, Fire
May 22, 2025	Thursday	5:30 PM	**Regular FOP Meeting** -Make recommendation on budget, salary ordinance, bond resolutions
June 5, 2025	Thursday	7:00 PM	**Regular Council Meeting** - Public Hearing
June 19, 2025	Thursday	7:00 PM	**Regular Council Meeting** - Vote on budget, salary ordinance, bond resolutions
July 1, 2025	Tuesday		Start of FY 2026

May 1, 2025

To the Honorable Mayor and City Council

From: Kari Chamberlain, Finance Director

Through: Elizabeth Ferland, City Manager

Subject: FY2025-2026 Proposed Operating Budget – Transmittal Memo

On May 1st each year, the upcoming fiscal year proposed operating budget is distributed to the Mayor and City Council. Below is a brief introduction and overview of the FY 2025-2026 Proposed Operating Budget.

GENERAL FUND

The General Fund is the primary operating fund utilized by the City of Keene and accounts for the activity of the vast majority of City departments and functions. Other City budgeted funds account for activities related to the production and distribution of drinking water, the collection and treatment of wastewater, recycling or disposing of refuge generated by the City's residents and businesses, parking-related activities, and the timely maintenance and replacement of equipment utilized by the various departments of the City. Everything else (police, fire and ambulance service, street, sidewalk and bike path maintenance, elections, library functions, cemeteries, maintenance of parks, drainage system maintenance, airport activity) is budgeted and accounted for in the General Fund.

The balance of the funding increase necessary to pay for the operating budget changes comes from a wide variety of sources. It should be noted that from year to year, the funding profile for the annual budget changes in many small and some significant ways, as revenue estimates for the various line items are reviewed in the context of historical data, the economic and legislative environment, new or revised local fee schedules, and other factors. Each year, all the revenue and expenditure lines are analyzed and adjusted accordingly to reflect the needs of the City and its departments, while staying within the guidelines established by current fiscal policy and goals set forth by City Council.

For FY 2026, the proposed City tax rate is $13.59, up 2.1% from the prior year actual. Each year the adopted budget tax rate includes an appropriation to fund the overlay account, which is a balance sheet account (meaning activity funded through this account is not an

expenditure) used to pay for property tax abatement costs. The overlay appropriation is included in the amount of taxes to be raised, as well as the amount of war service tax property credits.

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to the 2025/2026 fiscal year budget

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

That the sum of $30,291,365 be raised by taxation during the current year, which together with $22,890,746 for estimated operating revenues aggregating $80,412,389 is hereby appropriated for the use of the several departments of the City Government, and further that the sum of $5,566,255 be appropriated for capital expenditures and capital reserve appropriations in the City proprietary funds, funded by the use of capital reserves, fund balance and current revenues, for the fiscal year beginning July 1, 2025, as attached hereto and made a part thereof.

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Jay V. Kahn, Mayor

R-2025-12 2025/2026 Annual Operating Budget

General Fund Revenue & Other Financing Sources:	*Proposed*		General Fund Appropriations:	*Proposed*
Property Tax Revenue	$30,291,365		Elected & Appointed Officials	$2,750,811
Use of Surplus	2,340,946		Capital Projects	6,951,263
Other Taxes	1,698,000		Administrative Services	7,079,557
Tax Increment Financing	639,073		Community Services	24,764,023
Licenses, Permits & Fees	4,471,819		Municipal Development Services	8,098,837
Intergovernmental	3,767,264		Debt Service	3,537,620
Charges for Services	2,819,219			
Fines & Forfeits	64,910			
Miscellaneous	2,253,525			
Other Financing Sources	4,835,990			
NET GENERAL FUND OPERATING REVENUES	**$53,182,111**		**NET GENERAL FUND OPERATING APPROPRIATIONS**	**$53,182,111**
TOTAL PARKING FUND REVENUES	**$1,616,048**		**TOTAL PARKING FUND APPROPRIATIONS**	**$1,616,048**
TOTAL PC REPLACEMENT FUND REVENUES	**$151,387**		**TOTAL PC REPLACEMENT FUND APPROPRIATIONS**	**$151,387**
TOTAL SOLID WASTE FUND REVENUES	**$6,198,221**		**TOTAL SOLID WASTE FUND APPROPRIATIONS**	**$6,198,221**
TOTAL SEWER FUND REVENUES	**$8,590,185**		**TOTAL SEWER FUND APPROPRIATIONS**	**$8,590,185**
TOTAL WATER FUND REVENUES	**$6,428,989**		**TOTAL WATER FUND APPROPRIATIONS**	**$6,428,989**
TOTAL EQUIPMENT FUND REVENUES	**$4,245,448**		**TOTAL EQUIPMENT FUND APPROPRIATIONS**	**$4,245,448**
TOTAL OPERATING REVENUES - ALL FUNDS	**$80,412,389**		**TOTAL OPERATING APPROPRIATIONS - ALL FUNDS**	**$80,412,389**
CAPITAL:				
PARKING FUND CAPITAL FUNDING	**$458,000**		PARKING FUND CAPITAL APPROPRIATIONS	**$458,000**
SOLID WASTE FUND CAPITAL FUNDING	**$288,980**		SOLID WASTE FUND CAPITAL APPROPRIATIONS	**$288,980**
SEWER FUND CAPITAL FUNDING	**$2,202,200**		SEWER FUND CAPITAL APPROPRIATIONS	**$2,202,200**
WATER FUND CAPITAL FUNDING	**$1,351,183**		WATER FUND CAPITAL APPROPRIATIONS	**$1,351,183**
EQUIPMENT FUND CAPITAL FUNDING	**$1,265,892**		EQUIPMENT FUND CAPITAL APPROPRIATIONS	**$1,265,892**
TOTAL CAPITAL FUNDING - OTHER FUNDS	**$5,566,255**		**TOTAL CAPITAL APPROPRIATIONS - OTHER FUNDS**	**$5,566,255**