



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
September 18, 2025
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- September 4, 2025 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

C. COMMUNICATIONS

1. Mayor Jay Kahn - Concerning Social Media Posts - Councilor Williams
2. Ken Kost - In Opposition to the Sale of City Property - 100 Church Street
3. Mark Rebillard - Use of City Property - Series of Small-Scale Downtown Festivals During Downtown Construction Project

D. REPORTS - COUNCIL COMMITTEES

1. Howard Mudge - Request to Remove a Tree on City Property - Westerly Edge of 9 Evergreen Avenue
2. Frederick MacMillan - Request to Install a Sculpture at Patricia Russell Park
3. Councilor Haas - Request for Historical Marker - Keene Bottle Works
4. Sale of City Property - 100 Church Street
5. Installation of Trail Sign Identifying the Charles Redfern Bridge - BPPAC Committee

6. Downtown Infrastructure Project - Suggested Bike Lane Rules - BPPAC Committee
7. Kiwanis Club of Keene - Request to Use City Property - Tree Lighting Ceremony
8. Authorization to Enter Mutual Aid Agreement with the Town of Marlborough for Building Inspection and Code Enforcement Services
9. Acceptance of Donation for Makerspace Staffing
10. Acceptance of NH Juvenile Court Diversion Network Funding
11. Revo Casino Host Community Agreement

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

1. O-2025-28-A Relating to Zone Change for Five Properties on Pearl Street & Winchester Street - Joint Planning Board/PLD Committee

H. REPORTS - MORE TIME

1. Request for Consideration of an Ordinance Amendment to Regulate the Muzzling of Dogs
2. Request to Place Social District Question on 2025 Municipal General Election Ballot

I. ORDINANCES FOR FIRST READING

1. Relating to Rules for the Operation of Bicycles
Ordinance O-2025-33

J. ORDINANCES FOR SECOND READING

1. Relating to Amendments to the Land Development Code to Encourage Housing Development in Keene
Ordinance O-2025-15-A
2. 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
3. Relating to Setbacks and Build-to Dimensions
Ordinance O-2025-20-A

4. Relating to Definitions for Accessory Structure, Setbacks and Build-to Dimensions
Ordinance O-2025-21-A
5. Relating to Land Development Code Fee Updates
Ordinance O-2025-25
6. Relating to Land Development Code Application Procedures
Ordinance O-2025-26

K. RESOLUTIONS

1. Relating to the Appropriation of Funds for the Local Match for the Marlboro Street & Cheshire Rail Trail Improvements Project, NHDOT#42515
Resolution R-2025-28
2. Relating to the Appropriation of Additional Funds for FY26 Water Infrastructure Pavement Repairs
Resolution R-2025-29
3. Relating to the Appropriation of Funds for FY26 Sewer Main Lining Project
Resolution R-2025-30
4. Relating to the Appropriation of Funds for the Keene Airport Solar Project
Resolution R-2025-31
5. Relating to Endorsement of the City of Keene 2025 Comprehensive Master Plan
Resolution R-2025-32

L. TABLED ITEMS

1. Execution of a Change Order with Insituform for Additional Scope of Construction Services as Part of the Sewer Main Lining Project

NON PUBLIC SESSION

ADJOURNMENT

SITE VISIT - AMENDED RETURN OF LAYOUT - GROVE STREET

A site visit was held on Thursday, September 4, 2025, relative to a petition from Donald Lussier, Public Works Director of the City of Keene. The site visit commenced at 5:30 PM. Councilors in attendance included: Kate M. Bosley, Laura E. Tobin, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones (arrived at 5:33 PM), Andrew M. Madison, Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, and Mitchell H. Greenwald. Thomas F. Powers was absent. Mayor Jay V. Kahn, City Manager Elizabeth Ferland, City Attorney Amanda Palmeira, Deputy City Manager Rebecca Landry, and Public Works Director Donald Lussier were also present.

With the aid of a drawing, the Public Works Director oriented the Councilors as to the location of the amended layout of Grove Street at its intersection with Water Street. He made note of two areas the City had purchased in 2014 to widen the street and provide for an additional turning lane. This was deemed necessary at the time when a traffic study was done that took into consideration a pending development project that never came to fruition. Public Works has since received requests from the public to reconfigure this intersection to better align with Community Way and eliminate the left turn lane. A recent traffic study revealed these changes could be made without compromising safety.

Mr. Lussier went on to point out the area along the right side of Grove Street, noting that Habitat for Humanity was interested in the City returning this strip of land to the adjacent parcel along the eastern parcel boundary, which would allow them to develop a duplex on the property. The City would retain a small area where public utilities are located and for tractor trailer turning movements.

If this is approved, the City Manager would execute a deed conveying the land removed from the public right-of-way to the adjacent property owner, with an easement in place for the City to retain an existing fire hydrant in this location.

The site visit concluded at 5:42 PM.

A true record, attest:



City Clerk

A regular meeting of the Keene City Council was held on Thursday, September 4, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:03 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, and Mitchell H. Greenwald were present. Thomas F. Powers was absent. Councilor Haas led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to adopt the August 21, 2025, meeting minutes as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Powers was absent.

ANNOUNCEMENTS

Mayor Kahn announced a City Council Workshop on Tuesday, September 16, 2025, at 6:00 PM in the Council Chambers. This Workshop would be to discuss the NH Community Revitalization Tax Relief Incentive Program (RSA 79-E), including Residential Property Revitalization Zones (RSA 79-E:4-B) and Housing Opportunity Zones (RSA 79-E:4-C).

Next, the Mayor reminded everyone that the filing period to declare candidacy for the upcoming Municipal Elections in November 2025 was underway and would continue through Tuesday, September 9, 2025, at 5:00 PM. The City Clerk would be accepting declarations for the offices of Mayor, Councilor-at-Large, and Ward Councilor to be included on the October 7th Municipal Primary ballot. The General Election is November 4th.

Mayor Kahn reported out on public events that occurred in August 2025. The Mayor asked the community to join him in thanking all the organizers for their leadership efforts conducting these events, which bring vibrancy to the City:

- First Responders Appreciation Event on August 23 at Alumni Field: The Mayor said organizers, Jim Coppo and Jimmy Tempesta, did an outstanding job. Mayor Kahn congratulated the Keene Police Department for winning the softball game and called it a good community event, saying it was nice to see the first responders enjoying a day with their families.
- Keene Music Festival on August 30 in downtown Keene: The Mayor thought the event organized by Pablo Fleischmann/Keene Music Fest Board was nicely attended, with approximately six different music venues.
- Art in the Park on August 30 and 31 at Ashuelot River Park: Organized by The Monadnock Area Artists Association, these events were also very successful and well attended.
- Monadnock Overdose Awareness Day Candlelight Vigil on August 31 at Central Square: The Mayor thanked Councilors Tobin and Williams for attending. Mayor Kahn called it a meaningful event for attendees who told stories about loved ones lost to overdoses, and for others in attendance to recognize the losses that people in the community were suffering.

The Mayor also shared upcoming community events in September 2025:

- The Colonial Season Opening on September 6, 2025: A performance by New Orleans jazz performer, Glen David Andrews. The Colonial kept ticket prices low at \$25. The Mayor and City Manager offered to help introduce the season to the community, as the Colonial Theater is such an important part of the downtown vibrancy. Mayor Kahn was honored that The Colonial's new Director, Keith Marks, wanted to partner with the City in presenting their season opening.
- September 11 Anniversary: Remembering the horrors that occurred on September 11, 2001.
- Growth by Giving Music Festival on September 14 at Best Western. All ticket sales would benefit charities in the community.
- Keene Pride Festival on September 21, 2025, in downtown Keene: An opportunity for the community to show support for the Pride organization and those who identify with LGBTQIA+ members of the community.
- Constitution Week, September 17–23, 2025: The Mayor said the Daughters of the American Republic are very instrumental in this week. The City would be issuing a Proclamation in honor of this recognition. The Keene Public Library would also have an exhibit up for Constitution Week and Keene State College would be holding events throughout the week and tabling at the Student Center.
- Keene International Festival on September 27, 2025.
- Clarence DeMar Marathon on September 28, 2025.

The Mayor encouraged community members to go support the various festival sponsors.

PROCLAMATION - DIRECT SUPPORT PROFESSIONALS' APPRECIATION WEEK

Mayor Kahn welcomed Mary Anne Wisell, Director of Monadnock Developmental Services. The Mayor read into the record and presented Ms. Wisell with a Proclamation on behalf of the City of Keene, celebrating direct support professionals' contribution to improving the lives of those they support and the communities they enrich. The Mayor Proclaimed September 7–13, 2025 as Direct Support Professionals Appreciation Week and urged all residents of Keene to recognize the valuable contributions of these dedicated care professionals.

Mr. Wisell thanked the Mayor, noting she began as a Direct Support Professional, so this was near and dear to her heart. Looking around the room, she recognized several people from this field, who would recognize its importance. She said the professionals appreciated that the City took the time for this Proclamation and to honor the direct support professionals, stating the Keene community would not be what it is without all of them. She asked everyone to thank direct support professionals when they see them or to thank them in general on social media, because they would appreciate it.

PRESENTATION - CHESHIRE COUNTY - UPDATE ON COUNTY SERVICES

Mayor Kahn welcomed representatives from Cheshire County for an update on County services: County Administrator Chris Coates, Chairman of the Cheshire County Board of Commissioners Terry Clark, and Finance Director Sheryl Trombly; County Commissioners Skip DiBernardo and

Claudia Stewart were also in attendance. Mr. Clark noted this group had been sharing this presentation with councils and select boards around the County, discussing what County government does. Surprisingly, he said many people did not understand, so they were explaining. In addition to updates on the County's projects and programs, he thought that after this report the City would agree the County had been a good partner in providing essential services to all of its constituents.

Mr. Coates said the County had been figuring out how to tell its story in multiple ways, such as live Zoom meetings, during which people could ask questions. They also had a *County Conversations* podcast for the previous two years and Mr. Coates was on the radio monthly. The County knew the City also needed tools, and that County government was evolving at the same time. So, the County prepared a document that Mr. Coates presented to the Council, showing *who* Cheshire County (e.g., Departments and Projects) is. It includes the fact that Cheshire County is one of the 10 NH Counties. The County covers over 729 miles, spanning over 22 towns and the City of Keene. Mr. Coates reviewed key features of the document.

Mr. Coates discussed some of the County's Departments:

- Maplewood Nursing Home: Includes assisted living and 20 apartments, which people can enter prior to the nursing home. Often, one individual in a couple can go into the assisted living, while the other is in the nursing home, so they can visit each other daily, which the County feels is important.
- Department of Corrections: Bail Reform had developed a few years prior, there had been some changes, and the County anticipated a potential uptick on some levels but did not think it would be significant. Mr. Coates said the Corrections facility used to have a total of 149 local individuals and at this time there were approximately 60. He based this change on multiple factors: programming and an average of 45 to 50 federal inmates in residence. The federal inmates are an important revenue source (with a daily rate), initially drawing \$1.4 million and now closer to \$2 million; part can go back to taxes and part can go toward one-time projects that do not draw from the tax base. Most inmates come from VT and some from NH, RI, MA, and MI. Most NH inmates go to Strafford and Merrimack Counties, for which Cheshire County provides a lot of transportation.
- Cheshire County EMS: At this time, the County was running five ambulances in a paramedic intercept. The County had contractual relationships on some level with approximately 19 communities. Mr. Coates said Cheshire County EMS had served every town in the County by transferring somebody in every community from one hospital to another. He said someday, they would like to come back and provide a more specific presentation on this topic for the Council with more time.
- Connected Families: The County received a \$4 million grant in 2016 for a wraparound program for families of children at high risk of out-of-district school placement. For example, if a child might be placed in a residential treatment facility, Connected Families would coordinate with the family and school to help keep the child in the community; it is meant to strengthen the family, so they can handle the situation. He discussed these impacts on school budgets, noting the high special education costs, and that residential treatment facilities would be \$200,000–\$500,000/child. Mr. Coates said the County thought of this as an important continuum of care, because these same kids going to residential treatment might be the same ones the County would later see in drug and

behavioral health courts or the Sheriff's Department's truancy for SAU 29, without interventions. Mr. Coates said the state liked this Program so much too that it provided a daily rate for the Program and no tax dollars were going toward it; the state asked to expand it to Sullivan County, then Grafton, Coös, and now statewide. What started with two individuals was headed toward 40 employees. Now, the Program paid for itself and generated revenue toward tax dollars.

- Sheriff's Department: Now conducting law enforcement in four communities.
- Restorative Justice: Mr. Coates said this Department had evolved into something incredible since it started approximately three years prior. Restorative justice is used by the courts for victims to confront individuals, and the County walks with people through that process. Keene High School liked the County's program so much, it adapted the restorative programming for the High School after Covid, when there were behavioral issues for a period. Patrick Hanahan, who ran the program at the School, invited the County. It went well and other schools were asking the County too. Businesses also asked the County to facilitate this dynamic with staff.
- Grants: The County had approximately \$16 million in 41 grants at this time. Mr. Coates said Cheshire was the only County in NH with a grant program, stating that others were starting toward it. Cheshire's grant program had been in place for a long time (i.e., pre-Covid). It became overwhelming to the County lending its individual out to communities because they needed help with CARES Act or American Rescue Plan funding. So, the County developed a class—some participants were present at this meeting—which had trained approximately 75 people to write nonprofit small business grants in communities throughout and outside the region. Mr. Coates said it was very successful, and the County was proud. He said Grant Director Suzanne Bansley did a wonderful job.

Next, Mr. Coates reviewed two of Cheshire County's Programs:

- Cheshire County Community Power: The first County in the State of New Hampshire that changed legislation, so counties could participate in the Community Power Plan created by the Community Power Coalition of New Hampshire. Now, three other counties had programs, and one was pending. Mr. Coates said one great thing about Cheshire's program was not having to opt-out, participants only had to opt-in.
- Handyman Program: Another continuum of care program that began around 2018, when many people were unable to leave Cheshire Medical Center because they could not get into their homes or into their bathrooms. The County set aside non-taxpayer monies and partnered with Service Link, which assesses the situations. Then, Southwestern Community Services' Weatherization team—with vetted insurance—completes the restorative projects (e.g., bathtub bars, ramps). Nearly 52 homes were completed in Cheshire County over approximately eight years with \$40,000 per year. The money is balanced between weatherization and life safety issues to help people get better situations in their homes.

Mr. Coates showed a chart, depicting the number of County employees per Department, with 465 total staff. He said it was closer to 500 when fully staffed and the County was struggling to find employees like everyone else. Maplewood Nursing Home represented the largest percentage of staff (43.1%). In 2024, the National Association of Counties gave Cheshire two Achievement Awards, one for creating the first county run EMS program in New England and the second for

the Handyman Program, which supports the ability of low-income people to live in their homes with accessibility after health crises. The County also received an Achievement Award in 2025 for the Restorative Justice Program. Mr. Coates said the County was always trying to evolve, while being fiscally responsible to the realities facing communities. Between 2019–2025, Cheshire County’s percentage increase of the taxes to be raised was less than 1% (0.97%) and the County was still growing.

Ms. Trombly, County Finance Director, talked about Keene’s 2024 tax breakdown (2025 numbers not yet available) and then the statutory requirements. She explained that the Cheshire County tax bills show tax rates with the specific town tax, local education, state education, and County portions. The County must raise a certain amount of money to balance its budget of operations that are not funded by either revenue sources or grants. Thus, the County assesses an overall County tax to all the different towns. The NH Department of Revenue Administration (DRA) does this by taking the percentage that each town’s property valuation represents of the overall grand total property valuation County-wide; Ms. Trombly explained how the DRA does this fairly across all the towns. Every town must do a full revaluation every five years, and Mayor Kahn noted 2025 was Keene’s revaluation year. Ms. Trombly said during the other four years, the property value on the net valuation would start to get either high or low, depending on the market. In 2024, the City of Keene’s property valuation was at about 66% compared to the 100% market value. To ensure they divide the County portion equally—a very complex process—the DRA compares the tax rates on an equalized value. Ms. Trombly explained that when valuations are under, the tax rate is high; when valuations are on par or higher than the tax per thousand, the tax rate gets lower. She showed a comparison of what residents would see on their tax bills vs. what would be equalized.

Next, Ms. Trombly showed a pie chart to distinguish the statutorily required services provided by the County using 85.7% of taxes vs. the other County services using 14.3% of taxes. Many services the County provides are required by statute, like the Correctional Facility, Sheriff’s Department, County Attorney, and Registry of Deeds. The County must also pay for every resident living in a nursing home or receiving home and community-based care, who needs Medicaid assistance in the State of New Hampshire; County government is responsible for paying all of the 50% non-federal share. In NH, all 10 counties run nursing homes, which is not required, but Ms. Trombly said it had been happening for hundreds of years, having evolved out of jails and homes for the poor/elderly. She called Maplewood Nursing Home fabulous. Ms. Trombly added that the County would love for people to visit its Programs to see its work. They were grateful for this opportunity to explain what the County does to help tax dollars go to some of the most vulnerable.

Mr. Coates presented recent projects completed without using taxes:

- Sheriff’s Department: Moved the dispatch center from the basement and created a new state-of-the-art facility for \$750,000 through grants. Mr. Coates said the taxpayers only felt \$75,000 of that. Also, replaced the dispatch center’s analog network with a wide-area digital radio system, including engineering studies and rural coverage enhancements; a \$4.4 million project with grants and other means (not taxes), in partnership with Motorola.

- Southwest NH District Fire Mutual Aid: County helped fund the District's inter-emergency services communications infrastructure replacement that needed to be updated for 10 to 15 years. The total project cost was \$4.8 million and to date, the County had raised \$2.7 million for that project. If the County had not acted, there could have been a 350% increase for City of Keene users.
- Courthouse Renovations: The Old Cheshire County Courthouse in Keene was updated for \$1.6 million (via grants and community fundraising) to be utilized as the central administration building. The County was proud of the cupola; the goal was to help the look of the downtown area. A total of 84 historical windows were restored, along with energy upgrades throughout. All the grants and fundraising helped maintain the County's 0.97% bottom line.

Mr. Coates concluded his presentation, discussing some things the County was facing. He said in reality, the County had to increase employee salaries to be competitive, as well as creative to recruit staff to this corner of NH—what the County called the “forgotten state.” He said Cheshire County was trying hard to make its voice louder and to be heard. Mr. Coates said the County appreciated all of Mayor Kahn's and City Manager Elizabeth Ferland's work to voice the City's and County's situations to the State of NH.

Councilor Filiault recalled the County tax rate being low and hoped it would stay that way. He noted the City was dealing with the state and federal governments constantly cutting off funds and downshifting, especially the State of NH. Councilor Filiault asked if Cheshire County was feeling the same pinch, especially in the upcoming fiscal year. Mr. Coates said the County was feeling the same effects as everyone else and gave three examples to illustrate: Maplewood Nursing Home, Department of Corrections (DOC), and Cheshire County EMS. He said supplies for EMS services were going up and food costs were on the rise because of tariffs; \$100 at the grocery store used to buy 20 items and now would only buy 12. Mr. Coates also discussed the recently passed federal Big Beautiful Bill, calling it BBB, and said it impacted Medicare and Medicaid eligibility. He described how BBB would create even longer wait times for the County to be reimbursed for its upfront costs until pending individuals who the nursing home takes in become Medicaid eligible. With these new changes, the County was predicting a \$300,000 to \$400,000 increased loss of revenue. Eligibility also changed to twice a year instead of once annually, which would back up the system and cause problems. So, Mr. Coates said the County was really concerned. He also described the NH Capitalization (Cap) Rates from the DAR, to which 10 counties pay a certain amount of money to a certain level, and the state pays everything above that for nursing home care; usually in the budget, it would be a 2% increase but this year it was 3%, or a \$4.4 million increase. This would result in \$440,000 of lost revenue the County would have to shoulder due to having to pay at that higher level. Mr. Coates said these were the little things that may not appear in new taxes but rather in changed formulas and increased fees, which result in increased costs for the County.

Mr. Clark added that the County was already feeling the effects of these changes, stating the University of NH Cooperative Extension lost funding for its Family Nutrition Program (SNAP-Ed) Director, so there was no nutrition person at the County-level anymore. He said coincidentally, most of these cuts would not take effect until after next year's election. County representatives went to Washington, D.C., and talked to the Congressional and Senatorial

Delegations, trying to help them lessen these impacts that could be devastating, especially to the nursing home with potential Medicaid cuts. He added that the City would need to start considering the potential Medicare cuts, recalling the increases in the City's Health and Human Services Budget over time. Mr. Coates mentioned that with dual Medicaid eligibility, some people would just fall off the system, and he questioned where they would go. The Mayor agreed that pressure would be on the City's Health and Human Services Budget, and it would be interesting to observe the effect of ambulance reimbursement rates over time on both City Fire Service and County services.

Councilor Favolise thanked the presenters. He recalled them saying the County would be fully staffed with around 500 employees and he saw 465 listed in the presentation. He asked if any particular departments had more acute staffing needs. For example, Councilor Favolise noted that Keene faced a real challenge recruiting Police Officers and asked if the County Sheriff's Department had the same challenge. Mr. Coates said it was not as bad at the Sheriff's Department as the Nursing Home, across the board—Licensed Nursing Assistant (LNAs), Licensed Practical Nurses (LPNs), Registered Nurses (RNs), and dietary and environmental needs. He said the County was doing everything possible, even working with a group called Visa Solutions to consider bringing nurses in from outside the country—like Canada—but there were some roadblocks; other states had removed those roadblocks and Cheshire County was trying to determine how. He said the Department of Corrections seemed to be doing okay too. Ms. Trombly added that there were approximately 25 agency nurses the County had to pay to work at the Nursing Home, who were not County employees or counted in those 465, which was a budget of millions of dollars and continued increasing. She noted that every medical center, etc., was surviving on agency nurses at this time because of the low availability. Unless new nurses were coming out of school, she said everyone was competing for other nurses because established nurses tended to stay loyal and move. Ms. Trombly and Mr. Coates discussed how these nurses are committed and passionate about long-term work in nursing homes. They said that it helps the County to have residents and families who stay long-term as well. Mr. Coates mentioned that their resident census should be 150 but it was 115 at this time. Discussion ensued briefly about them closing a floor for a period due to the lower census, but it was not all due to money. As of this date, the Nursing Home had a waiting list of 168 County residents seeking some type of long-term care and the beds were available to accommodate them, but the County did not have the nurses to provide the care. Mr. Coates said they would not sacrifice a certain standard.

Councilor Roberts shared that six of his family members had or were still working at Maplewood Nursing Home and another family member was still a resident. The County representatives were grateful. Councilor Roberts noted that Genesis HealthCare was going bankrupt and some of the other nursing homes/facilities were barely hanging on. He said if the County could not recruit nurses to its facility and the other facilities started closing, there would be a pretty significant crisis for the County to handle; where would those 300 to 400 people on Medicaid go? Mr. Coates said the County was over the tipping point, not going toward it. The County gave River Valley Community College and Keene State College (KSC) part of its American Rescue Plan funding to develop programming so LNAs could progress to LPNs and then to RNs if they choose. He also referred to the Visa Solutions idea again and discussed how the County must pay that company to pay the nurses vs. paying nurses directly (i.e., at a higher cost). Councilor Roberts

asked if this had a negative effect on the Maplewood Nursing Home nurses; were they loyal? Mr. Coates said the County had very competitive pay across the board, including four unions—DOC, Nursing Home, Cheshire EMS, and Sheriff's Department. Mr. Coates also said the County had been competing with the market since the great resignation and economic downturn after Covid. His message to the Delegation and Commissioners was that he did not know what the future would bring but the County would do everything in its power and would still have to be aggressive, or communities would really start to struggle.

Councilor Bosley complimented the Maplewood Nursing Home facility. Working in home care, she had a great relationship with Maplewood and said their reputation in the community was wonderful. She thought that was an example of the County's work and its staff. Councilor Bosley referred to the high dollar amounts paid to some of the outside agencies. When working with KSC and River Valley Community College, she wondered if the County could fund some educational exposure for students who could potentially sign contracts at the Nursing Home. Ms. Trombly said the County had developed such a program, paying for up to 24 hours of class time. Someone recently went from their LPN to their RN class. The County was specifically targeting people going on to get their RNs. They did creative things to get people into their RNs or nursing degrees, such loan reimbursement. Ms. Trombly said this creativity had helped retain employees, especially when the Nursing Home lost a lot of staff after Covid. Councilor Bosley thought there was a lot of recovery happening within this group of caregivers after a period of significant caregiver burnout. Although the Councilor was happy for them, she said her field sadly lost its best caregivers to LNA and LPN programs. She said it would be great to have marketing materials or an organized educational plan available, so somebody could approach the County and indicate their interest in that position; she said the County might find itself not paying for a traveling nurse that way as a win-win. Ms. Trombly noted when the County pays for the nurses' classes, it does hope the nurses will stay with the Nursing Home for at least some time. She said the dollars Cheshire County provided to KSC were specifically because the County knew there was a problem everywhere and the County needed to help in all different settings to grow the field of nursing. Mayor Kahn said a new Rural Healthcare Program was about to be launched, but with a very short life span.

Mayor Kahn thanked Mr. Coates, Ms. Trombly, Commissioner Clark, Commissioner DiBernardo, and Commissioner Stewart for their presentation and service. The Mayor said it was pretty clear the County had sole source services and said it was great to partner with the County, with shared responsibility for county EMS services. He said it was important for the Council to understand what the County does and thanked the presenters again.

PUBLIC HEARING - RESOLUTION R-2025-26 RELATING TO AN AMENDED RETURN OF LAYOUT FOR A PUBLIC RIGHT-OF-WAY KNOWN AS GROVE STREET *AND* RESOLUTION R-2025-27 RELATING TO A DEED FOR LAND REMOVED FROM THE RIGHT-OF-WAY AND AN EASEMENT FOR PUBLIC INFRASTRUCTURE

Mayor Kahn opened the Public Hearing at 7:52 PM and the City Clerk read the notice of Hearing.

The Mayor welcomed Public Works Director Donald Lussier, who explained that in 2014, the City Council acquired a strip of land along Grove Street. He showed a parcel map and pointed out a strip of land 2 foot and 9 inches wide on the southern end of Grove Street, and at the northern end it flares out to be a radius along the inside corner of Grove and Water Streets. He continued the City acquired a total of 430 square feet from the parcel on the southwest corner of the Grove and Water Streets intersection to accommodate a roadway widening. At that time, Grove Street was widened to include a left turn lane and a right/through lane to facilitate the proposed railroad land redevelopment. Mr. Lussier explained that the proposed coliseum/stadium project never happened and the traffic it was predicted to generate did not materialize. A more recent traffic report produced by a consultant for the City confirmed that a left turn lane was not really justified for the existing traffic at this intersection. Simultaneously, the City received a lot of complaints about the geometry of that roadway, where people crossing the intersection had to maneuver oddly because of the opposing lane misalignment.

Mr. Lussier shared more background. Subsequent to purchasing the 430 square feet in 2014, the City acquired the rest of the property on the corner of Water and Grove Streets—now a vacant lot. About six months before this meeting, the City sold the lot to Habitat for Humanity, who expressed interest in reacquiring a portion of the strip of land to allow for a more intensive, slightly higher density residential development on that corner parcel. He showed the difference of 257 square feet the City thought that it could reasonably return to the property, allowing the City to keep the utility pole in the right-of-way and the infrastructure that was constructed in 2014, including a public sidewalk and curbing. He added that there was a fire hydrant on the corner of the property that would be transferred. He recommended—as a condition of the transaction—that the City keep an easement to enter the parcel in the future to maintain/replace that hydrant.

Mr. Lussier said City staff thought this proposal made a lot of sense for the City’s purposes to realign the roadway, creating safer and easier to understand geometry. He added the adjacent property owner would also be able to develop more intensively and hopefully have more bedrooms on the property when they rebuild it.

Mayor mentioned that a quorum of City Councilors attended a Site Visit before this meeting at 5:30 PM, with good Council attendance and public turnout. The Mayor reminded Councilors that Councilors must be present at the site visit to vote on the matter when it is before them for approval.

Mayor Kahn opened the Hearing to public comments.

Allison (didn’t state last name or address) said she definitely wanted the City to remove the left turn lane at this intersection. She said anything that makes a four-way stop more confusing makes it more dangerous. Walking and driving there a lot, she said people did not know what to do with a fifth car there. So, Allison asked the City to remove the left turn lane.

Hearing no further comments, Mayor Kahn closed the Public Hearing at 7:59 PM, except that written comments would be accepted by the City Clerk up until 1:00 PM on Tuesday, September 23, 2025.

A true record, attest:



City Clerk

PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT - MID-GRANT UPDATE ON CURRENT PROJECTS

Mayor Kahn noted that there would be two Public Hearings on Community Development Block Grant (CDBG) projects. He opened the first Public Hearing related to the Roosevelt East Housing CDBG Project at 8:00 PM and the City Clerk read the notice of Hearing.

Mayor Kahn welcomed Jack Ahern, Associate Planner at Southwest Region Planning Commission. Mr. Ahern explained that a requirement of the federal CDBG program is to hold a Public Hearing while projects are underway, allowing the public to comment and ask questions about the project. He provided an update on the Roosevelt East Housing Project and accepted public comments and questions. Mr. Ahern recalled that a Housing and Public Facilities Grant of \$750,000 in CDBG funds—less administrative costs—was sub-granted to Keene Housing and its affiliate Monadnock Affordable Housing Corporation in 2023 from the City of Keene to support redevelopment of the former Roosevelt School property at 438 Washington Street. He said the existing school building would be renovated into 14 apartments, which would be attached to a newly constructed wing, consisting of 16 apartments for a total of 30. This was the first phase of a two-phase development plan for the property. The second phase would include new construction of 30 more apartments. The property was acquired in March 2024, contingent on completion of an environmental assessment, which resulted in a finding of no significant impact after mitigation. Mitigation would require modifying an existing retaining wall on a neighboring site across the street, People's Linen, to achieve (1) a higher elevation and (2) the Department of Housing & Urban Development's (HUD) acceptable separation distance from above ground propane storage tanks on their property. This work would be completed before occupancy. Construction activities began in September 2024 and were estimated to be 70% finished as of this date. The renovation part of the project on the former school building was nearing completion: windows installed, insulation in place, electrical and mechanical work underway, foundation poured, underground piping installed, and framing nearly completed on the new construction wing. A timeline extension request was recently submitted to the New Hampshire Community Development Finance Authority (CDFA) to extend the project end date from December 31, 2025 to June 30, 2026 to accommodate an expanded construction schedule. Mr. Ahern said the original proposed construction period of 14 months did not accurately capture the full scope of construction activities. A new construction schedule of 20 months would conclude in April 2026. A total of \$298,000 in CDBG funds had been drawn down for construction activities to date. The project had not encountered any major setbacks.

Mayor Kahn welcomed Carolyn Sweet, Special Advisor for Planning and Development at Keene Housing, which is also Monadnock Affordable Housing Corporation. Ms. Sweet is responsible for renewable energy investments and grant management for affordable housing. Ms. Sweet said

Keene Housing was on an active campaign to develop all of its HUD-available units by 2029; after this project, there would be about 200 units remaining to develop, including the 30 new units in the second project phase on the site. She shared that a lot of renewable investment went into this project, with all units in both of the renovated buildings and the new construction having air source heat pumps with in-unit controls. There would be a solar array on Roosevelt East, with an annual production of 66,500 kilowatt hours, generating per year savings of about \$13,000, totaling approximately \$294,000 over its 25-year life. Ms. Sweet explained that this Hearing was an update to what was previously submitted. Keene Housing and the City of Keene were awarded a \$200,000 InvestNH Municipal Demolition Grant. Keene Housing also received \$1,000,000 of Congressionally Designated Community Project Funding from Representative Kuster for the project, and a \$500,000 Northern Borders Regional Commission Catalyst Grant would cover 50% of the site work.

Mayor Kahn opened the Hearing to public comments and hearing none, the Mayor closed the Public Hearing on the Roosevelt East Housing CDBG Project at 8:07 PM.

The Mayor opened the Public Hearing for the Base Hill Cooperative Water Infrastructure Improvements Community Development Block Grant (CDBG) project at 8:08 PM.

The Mayor welcomed Jack Ahern again. Mr. Ahern, Associate Planner at Southwest Region Planning Commission, said the City received a \$500,000 Housing and Public Facilities CDBG. The City sub-granted the CDBG in 2024 to support the replacement of a water distribution system for the Base Hill Cooperative, which is a resident-owned manufactured housing community at 180 Base Hill Road in Keene. The Cooperative is supplied drinking water by the City of Keene but owns and operates the distribution system within the property. The system was constructed in 1965, consisting of distribution, means, and valves that had far surpassed their expected useful life. The poor condition of the infrastructure resulted in frequent leaks and failures. Upon completion, the project would provide the Base Hill Cooperative with appropriate and sufficient facilities for continued operation and preserve their 53 units of affordable housing. Construction began in April 2025 and reached substantial completion ahead of schedule; pavement restoration and minor electrical work remained at this time. All CDBG funds for construction activities were drawn down to date. No reported major setbacks were met during the construction period. The new water system was active at this time, and all testing had been completed. The Grant performance period would close December 31, 2026.

Mayor Kahn welcomed Jen and Ron Bush, Acting and Former Presidents, respectively, of the Base Hill Cooperative. Ms. Bush thanked the City for working with the Cooperative to help this come together, noting it took many years to get the funding needed, and they still needed a substantial loan, although at a reduced rate. She appreciated the City's partnership. Mr. Bush said they worked hard to get grants as well, taking classes and doing their best to work with what they could to keep the community where it needed to be. With the City's and state's help, he said the Cooperative's water situation was really good now; the pipes were installed, the water main was open, some cosmetic work remained, and the roads had to be paved. Mr. Bush explained how this idea developed with an original \$1 million grant but how challenges arose during Covid, so he worked with Mr. Ahern to figure out how to meet the increased expenses over the previous five years. For example, the Cooperative had to raise rent more than preferred due to the

\$400,000, 30-year loan from the state; Mr. Bush said the state only provide the loan because, “they know they got us into this mess, and they wanted to help us get out.” He said the Cooperative worked diligently to put a part of the Keene community back together better than it had been ever before. Mayor Kahn agreed that those 53 units would provide good support for a large part of the community, so he thanked Ms. and Mr. Bush for their work.

Councilor Madison was happy the Cooperative was able to complete this project. Knowing the water distribution system was 50 plus years old, he was curious about the status of the sewer system on site. Ms. Bush said the entire sewer system was replaced first—10 years prior—because it was the most critical need and there were enough grants at the time to fund a lot of it. Mr. Bush said the Cooperative still had to take out a \$300,000 loan to complete the project. Now, the Cooperative had relatively new sewer and water systems, including a new pump house. The Cooperative paid for approximately 400 feet of the City’s water pipes as well to connect to the pump house, as well as paving in that area. He said grants and the City of Keene’s partnership were critical. Councilor Madison was glad the Cooperative’s water and sewer systems were both up to date.

Hearing no further comments, Mayor Kahn closed the Public Hearing on the Base Hill Cooperative Water Infrastructure Improvements CDBG Project at 8:15 PM.

A true record, attest:


City Clerk

CONFIRMATIONS - HISTORIC DISTRICT COMMISSION, PLANNING BOARD, PARTNER CITY COMMITTEE, ZONING BOARD OF ADJUSTMENT

Mayor Kahn nominated the following individuals to City boards & committees: Russell Fleming renominated to serve as an Alternate member of the Historic District Commission, with a term to expire December 31, 2027; Derek Blunt renominated to change from an Alternate to Regular member of the Partner City Committee, with a term to expire December 31, 2027; Joseph Cocivera nominated as an Alternate member of the Planning Board, with a term to expire December 31, 2027; Zach LeRoy renominated to change from an Alternate to Regular member of the Zoning Board of Adjustment, with a term to expire December 31, 2027; and Kathleen Malloy nominated as an Alternate member of the Zoning Board of Adjustment, with a term to expire December 31, 2027. A motion by Councilor Greenwald to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Powers was absent.

KIWANIS CLUB OF KEENE - REQUEST TO USE CITY PROPERTY - TREE LIGHTING CEREMONY

A communication was received from Peg Bruce and the Kiwanis Club of Keene, requesting the annual license to conduct the Tree Lighting Ceremony on Central Square on November 28, 2025.

Mayor Kahn referred the communication to the Planning, Licenses and Development Committee.

COUNCILOR REMY - REQUEST TO PLACE SOCIAL DISTRICT QUESTION ON 2025 MUNICIPAL GENERAL ELECTION BALLOT

A communication was received from Councilor Michael Remy, seeking to add the question of whether to allow social districts in the City of Keene on the upcoming Municipal General Election ballot on November 4, 2025. HB467, recently signed into law by the Governor, defines “social districts” and enables municipalities to create these districts. Mayor Kahn referred the communication to the Finance, Organization and Personnel Committee.

MSFI REPORT - STAFF REPORT: RECREATIONAL ACCESS TO THE WASTEWATER TREATMENT PLANT DRIVEWAY IN SWANZEY AND PUBLIC COMMUNICATIONS RELAYING CONCERNS WITH RESTRICTED PUBLIC ACCESS

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending the Staff Report on Recreational Access to the Wastewater Treatment Plant Driveway in Swanzeay and the Public Communications Relating to Concerns with Restricted Public Access to the Airport Road be accepted as informational. Mayor Kahn filed the report as informational.

The Mayor requested comments from Councilor Greenwald because so many public communications were received. Councilor Greenwald agreed he wanted to commend City staff for listening to the public comments and the Committee for hearing the requests to keep the driveway open. Now, he said it was up to the public to use the space appropriately and walk on the side away from the trucks, as well as for the truck drivers to drive responsibly. Councilor Greenwald said it is a very nice natural area, and he hoped it could remain open. However, he said to make no mistake that if there was a problem, it would be closed. He also commended Wastewater Treatment Plant Director Aaron Costa for a great presentation on the reasons why the roadway was closed. Still, Councilor Greenwald said the City would give it one more try, with the hope the public would act appropriately.

MSFI REPORT - DOWNTOWN WEST SIDE PARKING GARAGE STUDY ASSESSMENT, FINDINGS, RECOMMENDATIONS AND REPORT SUMMARY

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending the Downtown West Side Parking Garage Study Assessment, Findings, Recommendations and Report Summary be accepted as informational. Mayor Kahn filed the report as informational.

MSFI REPORT - REQUEST FOR EXTENSION - DEADLINE FOR START OF CONSTRUCTION - BROOKFIELD LANE

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending the City Council grant WMR Development Company an extension to the

construction deadline stipulated in condition Number 5 of the Resolution R-2023-29-C, to provide an additional 12 month period from the date of Council action, subject to all other terms and conditions stipulated in the Resolution. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Powers was absent.

MSFI REPORT - DOWNTOWN INFRASTRUCTURE PROJECT UPDATE

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending the approved scope of the Downtown Infrastructure Project be modified as follows:

- Eliminate work on Gilbo Ave. and Church St.,
- Re-use existing LED fixtures to the maximum extent feasible,
- Bid the spare conduit and handholes as a bid alternate item, and
- Loosen the contractor work restrictions in order to allow construction in two seasons instead of three.

A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

Councilor Greenwald summarized the Committee report and noted this was the 71st meeting about the Downtown Project and there had been one more since. He urged the public, Councilors, and property owners to attend every MSFI meeting until completion because they would pertain to the Downtown Infrastructure Project. He said the Project was about to go out to bid and when the Public Works Department reviewed all the quotes and biddings with Stantec, they discovered some changes needed; costs had gone up and some things needed to be added/changed to carry out the project. He did not review everything and suggested reading the staff report and MSFI minutes. Councilor Greenwald said an incredible the amount of work had gone in to make the project work, but the Committee decided to modify four parts of the project to save costs: (1) Gilbo Avenue and Church Street could be reserved for the future, (2) reusing LED light fixtures, (3) continue the conduit as a bid alternate, and (4) change the construction schedule from three years to two years. The Councilor said these changes would save considerable money. He noted the changes would create more chaos and difficulty during the construction. However, he said the Committee heard from the downtown community, merchants, and building owners that they wanted to get the Project over with—start construction and end quickly. Councilor Greenwald noticed it would not really be a two-year project, beginning in April and ending in November—essential it is two 6-month construction period—and said it would be intense. He said it would require a lot of cooperation, and he hoped the City would develop creative ideas to help the downtown community get through this project. At the MSFI meeting, Councilor Favolise picked out an important parliamentary issue; the Committee was about to remove the shade structure on Railroad Square and the trash compactors, saving that money. However, Councilor Greenwald explained that those actions would have changed the substance of the approval of the Project that the Council passed within the same calendar year, which is not allowed under the Council’s Rule of Order: Resubmission of Items Previously Considered. So, the Council would hear more about the shade structure and trash compactors

either in 2026 or when the project would arrive at the Finance, Organization and Personnel (FOP) Committee for approval.

Councilor Favolise thanked Councilor Greenwald for the summary. Councilor Favolise thought this procedural piece took up as much time as the substantive discussion at the MSFI Committee meeting. He wanted it to be very clear for the public and fellow Councilors that the decision to keep the two bid alternate items was not a decision on the merits of constructing those two bid alternate items. Councilor Favolise said including those in the final contract was a procedural question and he expected that FOP—and then full Council when authorizing the City Manager to move forward onto a contract—would get into the substance of those issues.

Councilor Bosley asked if the Council could suspend its Rules of Order at this meeting to move forward on the Downtown Infrastructure Project. The City Attorney, Amanda Palmeira, said yes.

Councilor Remy said the two items Councilor Favolise mentioned were already put into the project as bid alternates, so they would be coming back as menu items the City could choose to include or not when the bid comes back. Thus, he said they would not be in the base project as bid alternates.

Councilor Greenwald said the City Manager did some creative adjusting of other projects and fund balances, so the City could accomplish the project at the new figure without impacting property taxes. The City Manager, Elizabeth Ferland, agreed. She explained that Public Works Director Don Lussier found a few projects in the City's Capital Improvement Program (e.g., ones on Ashbrook Road and Court Street related to Covid) that could be pushed out a few more years to free funds for the Downtown Project. Additionally, the City Manager looked at the difference that would need to be bonded for the increased cost. She found that the principal and interest payment could be supported by what was in the Downtown Infrastructure Capital Reserve account, avoiding more impacts on the tax rate based on these cost increases.

Councilor Filiault said he had gone back and forth on whether he wanted to comment on this, but he decided to. He said one of the reasons for this motion was to make some of these changes and part of the \$4 million to \$5 million cost overrun was due to, "unforced errors at Stantec's feet." He noted part of the increased costs at the last second within the previous two weeks was Stantec deciding the unused underground pipes should also be removed because they could cause sinkholes. Councilor Filiault had a problem with Stantec "sitting on" this project for three years but only finding this out recently. He added that Stantec underestimated, by about 50%, some of the materials that would be needed underground, including conduits and electrical boxes. Councilor Filiault said that it did not fall in the City Manager's, Mayor's, or Public Works Director's laps; Councilor Filiault said the buck stopped with the City Council. He said these were unforced errors that were not the City's fault, so the changes in this motion were making up for errors Stantec made. He said the changes had nothing to do with the Project being delayed slightly. Councilor Filiault wanted to be clear that these were unforced errors Stantec should have caught years sooner, not two weeks prior. He said the project still had to be completed because of the outdated pipes across the City. He was not pleased to find out at the last minute that the project had multi-million-dollar errors by Stantec, who Councilor Filiault said had been paid very handsomely to date.

The City Manager recommended that everyone watch the August 27, 2025 MSFI meeting, when the Public Works Director did a great job explaining the reasons for the increases in all different categories. Electrical conduit, for example, was a lot more expensive than originally anticipated for a variety of reasons.

The motion to carry out the intent of the Committee report carried with 13 Councilors voting in favor and 1 opposed. Councilor Jones voted in opposition. Councilor Powers was absent.

FOP REPORT - REQUEST TO PLACE KENO QUESTION ON 2025 MUNICIPAL GENERAL ELECTION BALLOT

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Council place the question of whether to prohibit Keno on the November 4 ballot and schedule a public hearing for October 16. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

Mayor Kahn said this would be an opt-out vs. opt-in, and municipalities would be automatically opted-in unless this is on the next municipal general ballot. Councilor Remy clarified that because Keene is a municipality, it must vote at the Municipal Election. He said that meant in theory, if the City did not vote on this in November 2025, it could not vote on it again for two years and by then Keno would have been legalized; anyone with an authorized license in the gap between legalization and Keene's next vote would keep their licenses as valid until they expired. Councilor Remy said that was the impetus for acting at this time.

The motion to carry out the intent of the Committee report carried unanimously with 14 Councilors present and voting in favor. Councilor Powers was absent.

Mayor Kahn scheduled a Public Hearing for October 16, 2025 at 7:00 PM on the Request to Place Keno Question on the 2025 Municipal General Election Ballot.

FOP REPORT - 2026 KEENE PD HIGHWAY SAFETY GRANT

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and expend the grant from the New Hampshire Highway Safety Agency to fund Highway Safety Grant - Keene. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Powers was absent.

FOP REPORT - 2026/2027 SUBSTANCE ABUSE ENFORCEMENT PROGRAM GRANT

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and expend the NH Department of Safety 2026/2027 Substance Abuse Enforcement Program Grant in the amount of

\$70,000.00. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Lake.

Councilor Williams said that for the fifth year in a row, he would be voting against this because he feels the money is designated for the war on drugs, of which he is a conscientious objector. One of his concerns was that it always seemed like there was money for enforcement and that [we] go with criminalization first before medicalization. He said there was money for enforcement from the federal government, but the only way to get money to fund recovery was to file a lawsuit against the drug makers. Councilor Williams said he had a problem with that. He added that even when there was a lawsuit against drug makers and a pool of state money was intended to fund recovery, the state legislature made a very strong effort in 2025 to shift that money to fund enforcement. He stated he did not agree with that or the whole concept of the broader drug war in general. Councilor Williams said he would vote no.

The motion to carry out the intent of the Committee report carried with 13 Councilors voting in favor and 1 opposed. Councilor Williams voted in opposition. Councilor Powers was absent.

FOP REPORT - LEASE OF PARKING SPACES FOR THOMAS TRANSPORTATION

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to negotiate and execute a lease agreement with Thomas Transportation for parking spaces at the Keene Dillant-Hopkins Airport. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Powers was absent.

FOP REPORT - MONADNOCK ALLIANCE FOR SUSTAINABLE TRANSPORTATION - GRANT APPLICATION

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to apply for, accept and expend a grant from the Monadnock Alliance for Sustainable Transportation (MAST) for an amount not to exceed \$130,000 and further that the Mayor be authorized to write letters expressing the Council's support for the proposed bike lanes and crosswalk safety improvements. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Lake. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Powers was absent.

CITY MANAGER COMMENTS

Elizabeth Ferland, City Manager, reported on the September 3rd Municipal Services, Facilities and Infrastructure Special Committee meeting, which was held due to the length of the previous meeting agenda. The items acted upon would appear on the September 18th Council agenda, including initiating the draft ordinance process to establish rules for protected bike lanes downtown.

The City Manager also followed up on a letter from Vicky Morton, who wrote to the Council about recommendations from the Walker Consultants' Neighborhood Parking Report. City Manager Ferland noted she has scheduled a meeting for the week of September 9th with representatives from City Parking Services, Public Works, and Community Development Departments to discuss the need for a more comprehensive City parking plan. Topics would include on-street parking issues, like the review of street widths, potential updates to Residential Parking Permit regulations in the City Code, and possible refinements to the parking requirements in Zoning. These initiatives would likely require a significant amount of time. The City Manager would provide updates to the Council and Ms. Morton as a plan takes shape. Recommendations would go through the normal Council process, which allows for public input.

ORDINANCE FOR FIRST READING - RELATING TO CLASS ALLOCATION -
ORDINANCE O-2025-31

A memorandum was read from the ACM/Human Resources Director Beth Fox, recommending the City Council refer Ordinance O-2025-31 Relating to Class Allocation to the Finance, Organization and Personnel Committee. Mayor Kahn referred Ordinance O-2025-31 to the Finance, Organization and Personnel Committee.

MSFI REPORT - SCHAPIRO COMMUNICATION - SAFETY ISSUES ASSOCIATED WITH
ON-STREET PARKING - CHURCH STREET *AND* RELATING TO NO PARKING ZONES -
ORDINANCE O-2025-27-A

The first Municipal Services, Facilities and Infrastructure Committee was read, unanimously recommending accepting Joe Schapiro's communication as informational. A second Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending the adoption of Ordinance O-2025-27-A Relating to No Parking Zones. Mayor Kahn accepted the communication as informational. A motion by Councilor Greenwald to adopt Ordinance O-2025-27-A was duly seconded by Councilor Filiault.

Councilor Haas said this Ordinance was a first step in the right direction and the Committee recognized it may not completely solve all the parking issues. The Committee also acknowledged the City Manager's upcoming meeting, but he said this good step would make some changes better for the residents. He said more changes might be needed in the future depending on how this would play out. Councilor Haas added that the MSFI Committee looked forward to some better, immediate enforcement once this passed and people started noticing the signs.

Councilor Williams said he would support this, but he was worried the Council might have to revisit it again. He perceived that there would not be parking, but standing traffic, which he said was already a massive problem there. Councilor Williams thought the City needed to figure out a way to get more legal parking spaces into this area.

Mayor Kahn observed that parents were becoming more concerned about kids' safety. With a lot more drop-offs and pick-ups at area schools, and more schools spreading across the community,

the Mayor agreed the Council would likely revisit questions about parking and traffic around schools.

Councilor Favolise said the first time this was on the agenda before it came back with the draft Ordinance, there was some conversation at MSFI, when Deputy City Manager Andy Bohannon talked about the Safe Routes to School (SRTS) Program. Mr. Bohannon reported that SRTS had been done for some schools but not for this school. Councilor Favolise asked the City Manager to speak about whether SRTS was still an option, not necessarily to replace this kind of Ordinance, but to complement it. City Manager Elizabeth Ferland had not had any further conversation related to SRTS. She explained that SRTS was an initiative for public schools, so it would not have included the Gathering Waters Charter School. She thought it was something to look at in the future though, because a lot more charter schools were popping up across the City in growing neighborhoods. She said the school sizes were creating issues related to parking, drop-off, and pick-up.

As a mom picking up and dropping off kids every day, Councilor Bosley said this was becoming a greater issue every year, with more parents dropping off and picking up. She said the public schools had it down to science. She gave the example of the Fuller School neighborhood in the afternoon affected by pick-up, with cars lined up, but said the teachers had improved the situation over time to a system of only 15 minutes, in which the parents never leave the cars. She said these systems existed and she hoped other schools would collaborate to develop similar approaches and the safest processes to keep kids out of the streets and getting home to their families. Councilor Bosley hoped the City would work with Gathering Waters Charter School's administration in the future to develop a system that works and does not necessarily create a City problem.

Councilor Williams followed up on Councilor Favolise's point about the SRTS Program. Councilor Williams commended the City for what it had done with sidewalks around this school, noting there were new sidewalks on South Lincoln and Beaver Streets. He said those new asphalt sidewalks were not perfect, they would eventually be replaced with cement, but for now met the needs of residents safely. He thanked the City Manager work making that work.

The motion to adopt Ordinance O-2025-27-A carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Powers was absent.

RESOLUTIONS - RELATING TO THE APPROPRIATION OF FUNDS FOR THE LOCAL MATCH FOR THE MARLBORO STREET & CHESHIRE RAIL TRAIL IMPROVEMENTS PROJECT, NHDOT#42515 - RESOLUTION R-2025-28; RELATING TO THE APPROPRIATION OF ADDITIONAL FUNDS FOR FY26 WATER INFRASTRUCTURE PAVEMENT REPAIRS - RESOLUTION R-2025-29; & RELATING TO THE APPROPRIATION OF FY28 FUNDS FOR THE SEWER MAIN LINING PROJECT - RESOLUTION R-2025-30

Three memoranda were read from City Engineer Bryan Ruoff, recommending Resolutions R-2025-28 Relating to Appropriation of Funds for the Local Match for the Marlboro Street & Cheshire Rail Trail Improvements Project; R-2025-29 Relating to Appropriation of Additional

Finds for FY26 Water Infrastructure Repairs; and, R-2025-30 Relating to Appropriation of FY26 Funds for the Sewer Main Lining Program be referred to the Finance, Organization and Personnel Committee. Mayor Kahn referred Resolutions R-2025-28, R-2025-29, and R-2025-30 to the Finance, Organization and Personnel Committee.

FOP REPORT - KEENE AIRPORT SOLAR PROJECT, *AND* MEMORANDUM - FINANCE DIRECTOR - RELATING TO THE APPROPRIATION OF FUNDS FOR THE KEENE AIRPORT SOLAR PROJECT - RESOLUTION R-2025-31

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager draft a Resolution for bonding for the Keene Airport Solar Project. A memorandum was also read from Finance Director Kari Chamberlain, recommending the City Council refer Resolution R-2025-31 Relating to the Appropriation of Funds for the Keene Airport Solar Project to the Finance, Organization and Personnel Committee. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Powers was absent. Mayor Kahn referred Resolution R-2025-31 to the Finance, Organization and Personnel Committee.

RESOLUTION - RELATING TO ENDORSEMENT OF THE CITY OF KEENE 2025 COMPREHENSIVE MASTER PLAN - RESOLUTION R-2025-32

A memorandum was read from Senior Planner Mari Brunner, recommending Resolution R-2025-32 Relating to Endorsement of the City of Keene 2025 Comprehensive Master Plan be referred to the Planning, Licenses and Development Committee for review and a recommendation for the City Council's endorsement of the 2025 Keene Comprehensive Master Plan. Mayor Kahn referred Resolution R-2025-32 to the Planning, Licenses and Development Committee.

NON PUBLIC SESSION

A motion by Councilor Greenwald to go into non-public session to discuss personnel matters pursuant to RSA 91-A:3,(a) and land matters pursuant to RSA 91-A:3, II(d) was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Powers was absent. The Mayor asked Deputy City Manager Rebecca Landry, Economic Development Director Medard Kopczynski, and ACM/Human Resources Director Beth Fox to remain present for the session. The session began at 8:55 PM.

The public session reconvened at 9:43 PM. A motion by Councilor Greenwald to seal the minutes of the non-public session held at this meeting as divulgence of the information would render the proposed actions ineffective was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Powers was absent.

MOTION IN PUBLIC SESSION - COLLECTIVE BARGAINING AGREEMENT

09/04/2025

A motion by Councilor Greenwald that the City Manager be authorized to do all things necessary to execute a Memorandum of Understanding modifying the current executed collective bargaining agreement with Keene Police Department Supervisors, Teamsters Local 603 to be effective September 21, 2025 through June 30, 2026 was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Powers was absent.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 9:46 PM.

A true record, attest:

A handwritten signature in cursive script, appearing to read "Cerie Wood".

City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: September 18, 2025
To: Mayor and Keene City Council
From: Mayor Jay Kahn
Through: Terri Hood, City Clerk
Subject: Mayor Jay Kahn - Concerning Social Media Posts - Councilor Williams

Recommendation:

Attachments:

1. Communication_Mayor Kahn
2. Resolution R-2013-24-A

Background:

The Mayor has submitted a letter regarding recent social posts by Councilor Williams to allow the Council to consider public concerns and determine whether a disciplinary process should be initiated pursuant to Council Policy Resolution R-2013-24-A.



September 16, 2025

Dear City Councilors,

I want to initiate the process to consider if Councilor Williams communications over social media following the murder of Charlie Kirk give rise to disciplinary action under Council Policy Resolution R-2013-24-A, Relating to City Council Disciplinary Process. By raising this question, the City Council has an opportunity to weigh in on public concerns about comments made over social media. The disciplinary process can be initiated by the Mayor or a Councilor in a written complaint, which leads to a vote of the Council on whether to proceed with the disciplinary process. The process requires enumeration of reasons for disciplinary action.

On September 12, 2025, the day following the murder of Charlie Kirk, City Councilor Robert Williams stated on his Facebook page that “Charlie Kirk was a piece of s**t who promoted gun violence and died by gun violence.” This comment, followed by others, was offensive. “His wife made her choice. His kids need to know.” Councilor Williams’ rhetoric on social media provoked the public into polarizing perspectives and was insensitive to the loss being felt by some in our community.

Our policy recognizes that pursuant to Section 28 of the City Charter, “actions may be deemed inappropriate or detrimental to the discharge of their official duties as elected representatives of the City of Keene, which require disciplinary measures short of suspension or removal.”

While I respect the constitutional right of freedom of speech, public officials are looked upon as respected voices and as leaders in our community. Mr. Williams’ comments were divisive at a moment when unity is needed in our community and country.

Sincerely,

Jay Kahn,
Mayor



CITY OF KEENE

R-2013-24-A

In the Year of Our Lord Two Thousand and **Thirteen**

A RESOLUTION **RELATING TO CITY COUNCIL DISCIPLINARY PROCESS**

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

WHEREAS, Section 28, of the City Charter for the City of Keene (“City Charter”) provides for the possibility of the removal of the Mayor or Councilors on specific charges and after due notice and hearing for prolonged absence from or other inattention to duty, mental or physical incapacity, incompetency, crime, immorality, or misconduct in office, on affirmative vote on roll call of at least two-thirds (2/3) of the elected Councilors; and

WHEREAS, the City Council recognizes that there is no specific process contained in the City Charter or in the City Council Rules of Order with respect to the potential removal of the Mayor or members of the City Council; and

WHEREAS, the City Council recognizes that, in addition to the possibility of removal under Section 28 of the City Charter, members of the City Council or the Mayor may engage in other activities or actions that may be deemed inappropriate or detrimental to the discharge of their official duties as elected representatives of the City of Keene, which require disciplinary measures short of suspension or removal; and

WHEREAS, the City Council recognizes that, whether or not a removal proceeding is to be instituted under Section 28, of the City Charter, or whether or not a member of the Council or the Mayor engages in other activities or actions which may be inappropriate or detrimental to the discharge of their official duties, there must be a process by which the Council makes a determination of removal under Section 28, of the City Charter, or a determination for the imposition of a form of discipline short of removal; and

WHEREAS, in accordance with RSA 46:13, the City Council may “make, alter or repeal rules for the orderly transaction of its business...;” and

WHEREAS, this authority is implemented by Section 21, of the City Charter pursuant to which the City Council “shall establish its own Rules of Order...;”

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Keene, New Hampshire, that the following process be implemented and adopted as a Rule of the City Council with respect to either an action for removal under Section 28, of the City Charter, or for the imposition of discipline short of removal:

1. If the Mayor, or any member or members of the City Council, believe that the Mayor, or any other member of the City Council, should be subject to removal from office in accordance with the provisions of Section 28, of the City Charter, or subject to discipline short of removal, the reason or reasons

PASSED Dec. 19, 2013

therefore shall be enumerated in a written complaint and presented by the Mayor or complaining member(s) ("Complainant(s)") to the full City Council for a vote on whether or not to proceed with the following disciplinary process. The complaint shall state specific facts for such disciplinary action, including removal based on one or more of the specific reasons justifying removal under Section 28.

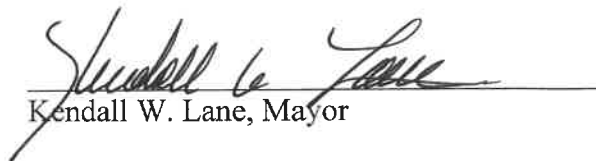
2. The City Council shall vote on the request for the disciplinary process at the next regularly scheduled City Council meeting after the filing of the complaint with the City Clerk. The Complainant(s) and the individual(s) subject to the complaint ("Respondent(s)") shall present in summary fashion their respective positions for and against proceeding with the request for the disciplinary process. At the conclusion of the presentations a proper motion shall be made to implement the disciplinary process. If the motion receives a second, the City Council shall deliberate the motion. At the conclusion of the deliberations, the City Council shall vote on the motion. A motion to proceed with the disciplinary process shall require a two-thirds (2/3) roll call vote of the City Council members present at the meeting. All members of the City Council present at the meeting shall vote on the motion.
3. If the City Council fails to adopt the motion to proceed with the disciplinary process by a (2/3) roll call vote, then the matter shall be closed. If the City Council votes to implement the disciplinary process, then the matter shall be referred to the City Council Disciplinary Committee for further investigation.
4. The City Council Disciplinary Committee shall consist of the chairman of each of the City Council standing committees with two (2) additional City Councilors chosen by the Mayor. Neither the Complainant(s), nor the Respondent(s) shall be a member of the City Council Disciplinary Committee. In the event that any such member is a chairman of a City Council standing committee, then the vice-chairman of that committee shall sit in his or her place on the City Council Disciplinary Committee. In the event that the chairman or the vice-chairman are both ineligible to sit on the City Council Disciplinary Committee, then the Mayor shall select their replacements. In the event that the Mayor is the individual requesting the disciplinary process, or is subject to the request for the disciplinary process, then the members to be selected by the Mayor shall be selected by the first eligible chairman in successive order of the Finance, Organization and Personnel Committee, or the Planning, License and Development Committee, or the Municipal Services, Facilities and Infrastructure Committee, or their successor committees in existence at the time of the proceedings.
5. The City Council Disciplinary Committee shall convene no earlier than ten (10) days and no later than twenty days (20) following the City Council action to proceed with the disciplinary process, and shall investigate the request for disciplinary action. Prior notice of the date, time, and place of the meeting(s) shall be provided to all interested parties, but not less than five (5) days' prior to the date of the initial meeting. The Complainant(s) and the Respondent(s) shall have the opportunity to present their respective

positions with respect to the request for disciplinary action and to be heard on the question. The Complainant(s) shall proceed first, followed by the Respondents. No other individual or City Council member shall participate in the proceedings except as required by, or with the approval of, the committee. Each side may be represented by independent legal counsel of their choosing to present the reasons for the complaint or the reasons against the complaint. The chairman shall chair the proceedings, and the City Council Disciplinary Committee may be assisted by the City Attorney or other legal counsel during all aspects of the investigation. The Rules of Evidence shall not strictly apply to the investigation by the City Council Disciplinary Committee, and the Committee may obtain and consider any and all evidence, testimony or other information it believes relevant to the investigation.

6. Upon the completion of the investigation of the complaint, the City Council Disciplinary Committee shall deliberate the question. Upon the completion of the deliberations, the Committee shall make a recommendation to the full City Council in the form of a proper motion. That motion shall be to either dismiss the complaint as not well founded, or to recommend that the City Council proceed with disciplinary action with respect to the complaint. The motion shall contain sufficient findings of fact referencing the investigation to support the Committee's recommendation.
7. The recommendation of the City Council Disciplinary Committee shall be acted upon by the full City Council at the next regularly scheduled meeting following the recommendation of the City Council Disciplinary Committee. Action on the recommendation of the City Council Disciplinary Committee shall require a two-thirds (2/3) roll call vote of all the City Council members present at the meeting. If the recommendation of the City Council Disciplinary Committee is to dismiss the complaint as not well founded, and if the recommendation is approved by two-thirds (2/3) roll call vote, then the matter shall be closed. If the recommendation is to dismiss the complaint, and the recommendation is not approved by a two-thirds (2/3) roll call vote, or if the recommendation is to proceed with disciplinary action and the recommendation is approved two-thirds (2/3) roll call vote, then the City Council shall hold further hearing on the complaint.
8. If further hearing is required after the vote of the City Council on the recommendation from the City Council Disciplinary Committee, then the City Council shall schedule a date and time for further hearing before the City Council with sufficient prior notice to the Complainant(s) and to the Respondent(s) to prepare for the hearing, but no less than five (5) days' prior to the date of the hearing. The Complainant(s) and the Respondent(s) shall be provided with a copy of the complaint and the City Council Disciplinary Committee's recommendation at the time of the hearing notice. The Complainant(s) shall proceed first, followed by the Respondent(s). Each side shall have an opportunity for rebuttal. No other individual shall participate in the proceedings except with the approval of the Mayor or as may be necessary to present the complaint or the defense against the complaint. Members of the City Council may ask clarification questions of the participants directed through the Mayor. The Complainant(s) and the

Respondent(s) may be represented by legal counsel of their choosing during the hearing. The Mayor shall be Chairman of the proceedings, and the Mayor and City Council may be assisted by the City Attorney or other legal counsel during all aspects of the proceedings. If the Mayor is a complaining party, or is the subject of the complaint, then, pursuant to Section 6 of the Rules of Order, the Mayor shall be deemed to be temporarily absent and the City Council shall elect a City Councilor who is not a Complainant or a Respondent to serve as Chairman until the completion of the proceedings. The Rules of Evidence shall not strictly apply to the proceedings and the City Council may consider any and all evidence, testimony or other information it believes relevant to the question. The Chairman's decision with respect to the admittance or exclusion of evidence or other information shall be final.

9. Upon the conclusion of the presentations, the City Council shall deliberate on whether or not to impose disciplinary action. Upon completion of the deliberations, the Chairman shall accept a proper motion to impose disciplinary action. A motion to impose any disciplinary action, up to and including removal of a member of the City Council or the Mayor, shall be accepted only if it contains specific findings of fact directly supporting such disciplinary action, including removal based on one or more of the specific reasons justifying removal under Section 28, of the City Charter, and only if the proposed disciplinary action is specifically stated in the motion. Any decision by the City Council to impose disciplinary action, up to and including removal from office under Section 28 of the City Charter, shall require a two-thirds (2/3) roll call vote of the City Council. All members of the City Council present at the meeting shall vote on the motion.
10. If the City Council fails to adopt the motion to impose disciplinary action as presented, or as properly amended, by a two-thirds (2/3) roll call vote, then the matter shall be closed and the proceedings shall be concluded.
11. If the motion for disciplinary action is for removal of the Mayor or member(s) of the City Council under Section 28 of the City Charter, and if the City Council shall, by two-thirds (2/3) roll call vote, adopt the motion, then such member(s) or the Mayor shall be immediately removed from office.
12. If the motion for disciplinary action is other than removal under Section 28, of the City Charter, and if the City Council shall, by two-thirds (2/3) roll call vote adopt the motion, then the City Council shall impose the discipline stated in the motion, short of removal or suspension of the member(s) or the Mayor from office.
13. Nothing contained herein shall be interpreted in a manner to alter, amend or revise any provision of the City Charter.
14. The City Council disciplinary process is subject to the requirements of NH RSA 91-A.


Kendall W. Lane, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: September 18, 2025
To: Mayor and Keene City Council
From: Ken Kost
Through: Terri Hood, City Clerk
Subject: Ken Kost - In Opposition to the Sale of City Property - 100 Church Street

Recommendation:

Attachments:

1. Communication_Kost

Background:

Ken Kost has submitted a letter in opposition to the proposed sale of City-owned property located at 100 Church Street, noting its visual appeal and suggesting that a transition to private ownership will only cause individuals engaging in problem behaviors to relocate to another area in the City.

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

September 14, 2025

Re: Sale of 100 Church Street

Dear Mayor and City Councilors

I am writing to express my concern regarding the possible sale of green space at 100 Church Street. This corner lot is not just a patch of land—it is a gem, thoughtfully designed, visually appealing public space that adds character and interest to this intersection that is otherwise dominated by parking lots and chain-link fences, all privately owned.

The issue at hand is not the space itself, but the behavior occurring there—drug use and public defecation. These are serious problems, but selling the land to a private party is not a solution. It is a transfer of public responsibility to a private entity, effectively privatizing our response to a broader social issue.

The proposed buyer has not presented a concrete plan to address the undesirable activity. Once sold, the city loses control over the space and its future. The new owner could:

- Remove trees and bulldoze the berm
- Install fencing (chain-link?)
- Pave the area or add harsh lighting

While the buyer may have a creative solution that maintains the visual quality of this corner, they have not shown us what that solution is, so they are asking us to trust they will fix the problem, without transparency or guarantees. This is not sound public policy.

If we sell 100 Church Street because of loitering and drug use, and the new owner ‘manages’ the problem, people will go somewhere else. Just in the area that I walk my dogs every day, I see similar behavior at the Wells Street Parking Garage, the Rail Trail near Russell Park, in Railroad Square where people even use the area behind Kilkenny Pub to do drugs and as an outdoor bathroom. This will just become a game of urban Wack-a-mole.

Public spaces are vital to the health and vibrancy of our city. The city needs to protect these spaces, not sell them to others. The solution to this misuse is not divestment—it is engagement. Let us invest in better lighting, increased patrols, and continue our important community outreach. We cannot sell our way out of this problem.

Please reconsider this sale. Let us preserve 100 Church Street as a public asset and commit to real solutions that reflect our values as a community. I enjoy this corner every day as a visual relief from the parking lots on the other three corners. Keep his nice corner for all of us in this neighborhood and look at other solutions under Keene's control.

Sincerely

A handwritten signature in dark ink, appearing to read 'Ken Kost', with a stylized, cursive script.

Ken Kost
51 Railroad Street



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

From: Mark Rebillard
Keene Downtown Group

Through: Terri Hood, City Clerk

Subject: **Mark Rebillard - Use of City Property - Series of Small-Scale Downtown Festivals During Downtown Construction Project**

Recommendation:

Attachments:

1. Rebillard_Communication

Background:

Mark Rebillard of the Keene Downtown Group has submitted a request to conduct a series of small-scale festivals to be held downtown during the various phases of the downtown project. The proposed festivals are part of a Colonial Theatre and Keene Downtown Group collaborative project called "Dig Into Keene", a three-part plan to keep downtown vibrant and active during the planned construction phases.

Mark Rebillard

Chairperson

PO Box 80

Keene, NH 03431

(603) 439-0321

Mark@DeepRootsMB.com



September 16, 2025

Keene City Council

Mayor Jay Kahn & Keene City Council

3 Washington Street

Keene, NH 03431

Dear Mayor Kahn and City Council,

On behalf of a partnership between the Keene Downtown Group (KDG) and the Colonial Theatre, I ask the City of Keene to grant licenses and allocate the city resources required for six small, limited size festivals to be held in Downtown Keene on dates to be determined in 2026. Each one day festival will feature live stage performances, sidewalk sales, buskers, vendors and craft areas and may also require some reserved parking spaces, limited street closures, police, fire and public works resources services to be conducted effectively, economically and safely.

These festivals are part of a Colonial KDG collaborative project called "Dig Into Keene", a three part plan to keep downtown vibrant and active during the planned construction phases. Please see the attached project summary for more detailed description.

The Keene Downtown Group is a 501c6 non-profit that has successfully produced many downtown events including the Keene Ice & Snow Festival, Keene Art Walk, and the early years of the Keene Music Festival.

Thank you for your consideration.

Sincerely,

Mark Rebillard

“Dig Into Keene”

A Collaboration of The Colonial Theatre & The Keene Downtown Group

Summary

With a vast two-year downtown infrastructure reconstruction project set to begin in March of 2026, The Colonial Theatre and the Keene Downtown Group recognize the challenges and opportunities this presents for a vital component of our regional community. While the city has hired an ombudsman to facilitate communication with downtown merchants around construction events. Traffic disruptions, accessibility concerns, and potential revenue losses for businesses threaten the vibrancy of downtown Keene.

We believe that:

1. Strong alliances and clear communication among downtown stakeholders will be more critical than ever over the next three years.
2. Small regular downtown festival events have great potential to mitigate business disruption and normalize regular pedestrian traffic during construction.
3. Consistent outreach, listening, reporting and adapting to change is essential to achieve stakeholder awareness, trust and involvement.

Together, we will:

1. Lead downtown merchants, city government, regional businesses, nonprofits, property owners, community members and volunteers in the shared production of **6-12 small new downtown events** each year. Events may include combinations of live music, sidewalk sales, buskers and live acts, community games, scavenger hunts, store attractions, temporary art installations and more.
2. **Maintain a community currency voucher system; gift cards/coupons** that can be redeemed at all downtown merchants with special incentives for those who are most affected by the current phase of construction. These will be promoted and given out at downtown events, with the instruction to spend at least twice as much as the voucher value, if you can.
3. **Seek funding** for event production expenses, vouchers program and executive staff at the Keene Downtown Group to sustain and grow downtown communication structure and facilitate event collaboration throughout the construction years, and beyond.

When the dust settles... key outcomes will be:

1. A robust, intact and engaged community of downtown stakeholders with the shared knowledge, systems and organizational resources to create and plan collaborative events.
2. A downtown that can boast that it not only survived but thrived, adding new attractions and businesses while cultivating cultural vibrancy during construction.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

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

Through:

Subject: Howard Mudge - Request to Remove a Tree on City Property - Westerly Edge of 9 Evergreen Avenue

Recommendation:

On a vote of 4 to 1, the Municipal Services, Facilities and Infrastructure Committee recommends granting Howard Mudge's request to remove the tree in front of 9 Evergreen Ave. at Mr. Mudge's expense, conditional on the planting of a replacement tree to be maintained by the City. Councilor Tobin voted in opposition.

Attachments:

None

Background:

Chair Greenwald asked to hear from staff.

Don Lussier, Public Works Director, stated that he does not believe the Petitioner is available to attend tonight, but staff suggested this proceed forward on the agenda. He continued that if the Committee has questions for Mr. Mudge, it would be appropriate to place the item on more time, but staff's recommendation is to grant this request to remove a tree. It is on public property, in the right-of-way. It is in front of Mr. Mudge's home. The first photo shows the view of the tree standing from the end of Evergreen Ave., looking back toward Court St. The middle photo is the view from standing at the Court St. end of Evergreen, looking into the dead end. The third photo is a closeup. City Code says, *"No person shall remove or destroy a shade tree or ornamental tree standing on any common square, street, or land within the city limits without the permission of the Mayor and City Council. It shall be the duty of the Director of Public Works to notify any infractions of this Article and report the infraction at once to the Mayor and City Council."* In practice, the way this has been interpreted is that if a tree in the right-of-way is clearly unhealthy or causes a danger to individual property or wires, the Director has the discretion to take that hazard down. However, this tree is in good health. It is not diseased, and there is no indication that it is an imminent hazard, so staff informed Mr. Mudge that he would have to seek the Council's permission to remove it. Along with that, Mr. Mudge would be responsible for the cost of removing it if he would like to do so. Mr. Mudge wants to proceed and wants it taken down for aesthetic reasons. It is at the MSFI Committee's and Council's discretion.

Councilor Favolise stated that looking at the request, he sees reference to concern about the size of the tree and utility lines. He cannot really tell, but in the left of the first photo, it looks like it might be the side of a utility line. He asked if there is a public safety concern with this tree in addition to the aesthetics. Mr. Lussier replied that when there is an issue with trees growing into or endangering wires, City staff works with Eversource. He continued that Eversource sends an arborist out, and if they agree there is a problem, or the tree poses a risk to the wires or the reliability of Eversource's system, Eversource's tree crew comes out to trim the tree or remove it if need be. That was not the case in this situation.

Councilor Favolise asked Mr. Lussier to expand on staff's recommendation to move this forward in the absence of a public safety issue. Mr. Lussier replied that it is the discretion of the Council whether they want to authorize the removal of the tree. He continued that it would be appropriate, if they were so inclined, to authorize it with conditions, such as a replacement tree in its stead. If that were the condition of approval, staff would work with Mr. Mudge to select an appropriate street tree to plant there. The City would be responsible for maintaining it in the future, because it would remain a City tree.

Chair Greenwald asked if it is correct that if the MSFI Committee wants to recommend granting this at Mr. Mudge's expense, they could require the planting of a new tree. Mr. Lussier replied yes, they could require that as a condition of approval. Chair Greenwald stated that the tree does not look sick at all. Mr. Lussier replied that it is a healthy tree, which is why Mr. Mudge has to seek permission from the Council.

Councilor Workman asked if it is correct that it is just the tree being removed, not the stump. Mr. Lussier replied that if the tree were removed, they would have to remove the stump down to ground level. He continued that that is the same process the City follows when they remove a tree, cutting it flush with the ground.

Chair Greenwald asked if that means grinding the stump. Mr. Lussier replied that it does not mean grinding it below grade, it means cutting it flush. He continued that usually, staff brings in a grinder and trims it off, rather than trying to get the saw blade down in the ground. It would not require taking the grinder and actually penetrating down in to try to remove all of the stump. Chair Greenwald replied that he thinks he would like to see it below grade.

Councilor Tobin asked if they have a sense of how old the tree is. Mr. Lussier replied that they have no idea.

The following motion by Councilor Favolise was duly seconded by Vice Chair Filiault.

On a vote of 4 to 1, the Municipal Services, Facilities and Infrastructure Committee recommends granting Howard Mudge's request to remove the tree in front of 9 Evergreen Ave. at Mr. Mudge's expense, conditional on the planting of a replacement tree to be maintained by the City. Councilor Tobin voted in opposition.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

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

Through:

Subject: **Frederick MacMillan - Request to Install a Sculpture at Patricia Russell Park**

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends the City Manager be authorized to do all things necessary to accept and install the proposed public art piece by Frederick MacMillan, to be placed at the Ashuelot Park, and to negotiate and execute a memorandum of understanding with the donor, to include the requirement for certificates of insurance, in accordance with Resolution R-2018-22.

Attachments:

None

Background:

Chair Greenwald asked to hear from the Petitioner.

Frederick MacMillan stated that he thanks the Committee for hearing this proposal to install a cornerstone sculpture in the City of Keene, which will hopefully attract other artists who would be interested in displaying their works of art. He continued that the letter he sent to the Committee on May 12 speaks to what this project is about. There is one amendment. The letter focused on Patricia Russell Park as the installation site, but since then, the Public Works Department has modified that to change the location to Ashuelot River Park, which he believes would be much better. He and others involved with this project have secured a structural analysis from a certified engineer as to the stability of the structure. They have secured a certificate of additional insured, naming the City of Keene on an insurance policy, and they have struck an agreement with the artist, Christopher Curtis of Duxbury, VT. Mr. Curtis will be the installing party for this project, and they are ready to go.

Chair Greenwald stated that they remember the discussion, and personally, he likes the Ashuelot River Park as a site. He continued that there is reduced concern for the potential of vandalism there. He asked for questions or comments from members of the public. Hearing none, he asked for a motion.

The following motion by Councilor Workman was duly seconded by Vice Chair Filiault.

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On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends the City Manager be authorized to do all things necessary to accept and install the proposed public art piece by Frederick MacMillan, to be placed at the Ashuelot Park, and to negotiate and execute a memorandum of understanding with the donor, to include the requirement for certificates of insurance, in accordance with Resolution R-2018-22.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: September 18, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Councilor Haas - Request for Historical Marker - Keene Bottle Works

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends that the Yankee Bottle Club be authorized to design, fabricate, and donate a historical marker for installation on the Cheshire Rail Trail, and that the City Manager be authorized to take all actions necessary to facilitate its installation.

Attachments:

None

Background:

Chair Greenwald asked to hear from Councilor Haas.

Councilor Ed Haas of 114 Jordan Rd. stated that the Yankee Bottle Club is based in Keene and runs a historical/antique bottle show every October, which is coming up, and he refers the Committee to the Yankee Bottle Club's website to find out more information. It is an exciting time if you are into old bottles. We have all used bottles in various ways, shapes, or forms over the years and have an affection for them. The club recognizes that the original site of Keene Bottle Works was just off the rail trail, behind the Public Works building, and they think it would be great to have a sign there acknowledging that site. A sign put out by the NH Department of Transportation (NHDOT) is by the Recreation Center, but that references the site that was 2.5 miles south of this point. It would be good to have a sign right on the rail trail to identify that site. Adding more signs and more history to the city is always good. He commends Alan Rumrill, a known and respected historian, who strongly supports this. He hopes the Council can do it.

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

The following motion by Vice Chair Filiault was duly seconded by Councilor Tobin.

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends that the Yankee Bottle Club be authorized to design, fabricate, and donate a historical marker for

installation on the Cheshire Rail Trail, and that the City Manager be authorized to take all actions necessary to facilitate its installation.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: September 18, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Sale of City Property - 100 Church Street

Recommendation:

On a vote of 4 to 1, The Municipal Services, Facilities and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute the sale of 100 Church St., parcel #574-015. Chair Greenwald voted in opposition.

Attachments:

None

Background:

Chair Greenwald asked to hear from staff. Mr. Lussier asked the Chair to recognize Mr. Paul Rodenhauser to comment.

Paul Rodenhauser of 24 Pearl St. stated that he represents the landowner at 110 Church St. and 116 Church St., Jiffy Real Estate, LLC, as well as an interested abutter at 103 Roxbury St., MGJ Realty. He continued that this is in regards to the City-owned land at the corner of Norway Ave. and Church St. It has become "quite a nuisance and a problem," not only for public safety, but for the tenants in these buildings. Tenants have complained about drug use and people defecating behind the dumpsters, and public urination. He thinks the best way to address this is to put the property in private hands so it can be addressed. When he and those he represents first talked with the City, they had a productive meeting with the City Manager, and they were talking about different options for how the City can address it. At the end of the meeting, one of the parties suggested, "*Well, why don't we just purchase it?*" And there seemed to be unanimous agreement that that would probably be the easiest solution to quell this problem.

Mr. Lussier stated that this matter was already before the Finance, Organization, and Personnel (FOP) Committee, and the FOP Committee agreed with staff's recommendation to sell it. However, some concerns were raised at the Council meeting last week with constituents. He continued that Councilor Chadbourne had some reservations, and Councilor Williams also spoke on the topic. He himself does not have anything to add now but is happy to take questions.

Chair Greenwald stated that it is a little confusing, and Mr. Lussier sort of cleared it. He continued

that this request went through the FOP Committee, which recommended approval. There was conversation that maybe the neighborhood should be informed, which is why the matter is here at the MSFI Committee meeting. He asked the City Manager if she has thoughts on where they are going.

City Manager Elizabeth Ferland stated that staff's recommendation remains the same. She continued that the reason the Public Works Director is presenting this item instead of the Parks and Recreation Director is this is not actually codified as a park. This area is under the control of the Public Works Department, as other pieces the City owns, either in the right-of-way or land that the City maintains. When they met with the neighbors, residents of the abutting properties, they discussed what options might be available. A member of the Police Department was in the room and talked about how activity in this area has increased and how it would be unrealistic for the Police to be able to be there as often as they would need to be in order to address some of the issues. They talked about fencing or other ways to try to mitigate the issue for the people who are living right next door to this piece of land. When the abutters offered to purchase and maintain the property, staff thought that was a good solution. Therefore, staff brought it to the FOP Committee, who agreed with staff and made the recommendation.

Chair Greenwald stated that he always thought the little area was part of the big brick building. He continued that when Antioch University was there, it was a nice little study area. Antioch is no longer there. Times have changed.

Chair Greenwald asked the City Attorney if it would be appropriate for the MSFI Committee to inquire about the potential use of that property and perhaps even make it a condition of sale. City Attorney Amanda Palmeira replied yes, they could do that. Chair Greenwald stated that he is weighing two different issues: green park, and housing. They keep saying they want housing, and he strongly assumes the use on that property would be to put up a duplex or something like that.

Mr. Lussier replied that they discussed the redevelopment of it at the FOP Committee meeting. He continued that the parcel is about 5,000 square feet, and it is in a zone that requires a minimum lot size of 10,000 square feet. At the very least, it would require a Variance from the Zoning Board of Adjustment to develop that site. Geometrically, he does not know if it would support a reasonably shaped duplex development. That said, the adjacent property owners might be able to combine it with some of their land by doing a lot line adjustment and accommodate some redevelopment that way. He does not know what their intention is.

Chair Greenwald asked Mr. Rodenhauser to comment on that. Mr. Rodenhauser replied that safety is the biggest factor right now. He continued that no one is really using the "park" for anything other than drug use, loitering, and making people feel unsafe. He cannot speak to what future plans would be, but for now, it is just about safety. Chair Greenwald replied that it is best to not make a commitment right now. Mr. Rodenhauser agreed and stated that it is taking a burden off the City at this point.

Councilor Filiault stated that he agrees with the sale of the property, and he agrees that this is a troubled area. He continued that he tries to ride with the Police three times a year, knowing that the sidewalks do not roll up after 8:00 PM, and every single time he has ridden with them, they arrest someone on 93rd St. He experienced that just this week. This is a small area, with troubles that take an Officer off the street when they need to come here to make arrests. Especially with the Officer shortage, they have better things to do, but if they see an infraction, they need to enforce it. Thus, he fully agrees with the sale of this property, which is a troubled area. Police Officers have better things

to do than make an arrest every time they drive by this corner.

Councilor Favolise stated that he also supports the sale of this property. He continued that the way he sees it is that this is a parcel the City owns and is currently responsible for maintaining, and an offer from a private abutter to take it over and manage its security and maintenance feels close to a “no brainer” to him. One of the first emails he ever received from a constituent when he joined the Council was from someone feeling unsafe and uncomfortable in that general neighborhood, with activity behind the convenience store at night. Thus, if helping clean up this area means transferring this property to a private owner who could maybe enforce some standards of behavior there in a way that the City cannot, he supports that. He supported this topic coming back to the MSFI Committee and thinks it is an important discussion for the neighbors to weigh in on, and he has already received some communication about this from constituents, as have other Committee members. However, there is green space in East Keene that is not this “pocket park.” There is Pat Russell Park in East Keene, and Robin Hood Park is not too far away. The way he is balancing the competing concerns might be different if there were not already outdoor recreation opportunities in this part of Keene. This just seems like a liability to the City, and he supports taking it off of the rolls.

Mr. Rodenhauser stated that to Chair Greenwald’s point, he understands that Antioch developed this into green space, so no City money has gone into this, besides from when it was taken from eminent domain at one point.

Vicky Morton of 275 Water St. stated that for historical perspective only, in the middle of the 1980s, the City of Keene, Antioch New England, and Conway Landscape Design School out of MA went into a joint venture to make that the park that it was at the time. She helped cut and haul sod for that park, so, she knows about what happened with that park. As she understands it, it has always been part of the city. A long time ago before most people here were even alive, there was a “really nasty bar” located there. Then, that joint venture of the three entities came together to build that park.

Peter Hartz of 12 Brook St. stated that about six years ago, there was a fentanyl epidemic in Keene and people were dying weekly. He continued that one of his friends who thought that park was special, and was homeless, overdosed. This friend of his considered the park “his little piece of green in the world,” and had wanted to improve the park, and had planted some things. Mr. Hartz wanted to continue that in his friend’s memory, so he asked Public Works if it would be okay to make a garden in the strip between the sidewalk and the street. He peeled back the landscape cloth, did a lot of digging to improve the soil, and planted many things in the past five years. He has maintained that spot. Another friend of his made a different portion into a garden, where the street sign is. It is lovely and they have had a lot of compliments about it. He had been there frequently until this year when he lost ability with his legs. Having been there often over the past five years, he has witnessed good things and “mediocrely bad things.” There used to be a group of older gentlemen who sat together on the stone wall and quietly drank beer out of a paper bag. He and his friend never felt threatened by anyone in the park, and they socialized with others in the park to the point where the other park users did not feel threatened by him and his friend, either. Many times, pedestrians such as neighbors and workers in the adjacent office buildings pass by and say, “*What a beautiful little park this is.*” He thinks he had something to do with that, calling attention to it by planting the flowers. He and his friend have witnessed nice things there. There was a lesbian wedding there with ball gowns and picture snapping, with the crab apples in bloom, and it was amazing. Fathers go there to teach their kids how to play ball. He has seen people reading on blankets there. People who say it is not being used probably just do drive-bys, and yes, it is true that people are not there all the time. When we lose something, it is gone forever. This has been a beautiful little park, worked on by many people in

the past. It is an asset. The difficulties there are temporary. He has not ridden with the Police, so he does not know about what Councilor Filiault talked about. Maybe late at night it is a different story. However, it is the function of the Police to “police” downtown Keene. If they were to just try and chase away all the homeless people or the “people up to no good,” they will land somewhere else, and meanwhile, everyone will have lost the park. The question is where the people who were chased off will go next. Typically, it is someplace within walking distance of the rail trail, Hundred Nights, or Railroad Square. The problem is not going to go away just because you have sold the park. People will find another place. They probably will move over to Pat Russell Park, because it fits the bill. You cannot solve the problems by just closing off parks.

Mr. Hartz continued that he has a couple of questions that he does not expect answers to, but they are something to think about. He understands that two adjacent property owners are interested in buying the property together, which is interesting, but he was a landlord and has property in Keene, and he does not believe that the property owners intend to keep that as a park. It is an added expense. He believes it will be fenced off and not used by anyone, and then one property owner might sell to the other so the lot is continuous, and then they can change the lot lines as someone mentioned earlier. Development will eventually go in there. Housing is used as a major reason why this property needs to be developed. However, he could find ten better places to build in Keene than this lot, which is already developed as a beautiful park. For example, there is an empty lot on Church St. of almost the same size, adjacent to Pat Russell Park. He would like to know, before the sale is completed, if anyone has looked at the deed, because it was not always City property. His question is how it became City property. He understands that Antioch developed it. His impression was that Antioch owned it, and if they were to deed a park over to the City, there might have been some contingencies.

Chair Greenwald thanked Mr. Hartz for his comments and stated that he is sure the City Attorney and the City Manager will confirm the deed.

The City Manager stated that she wants to point out that the plantings and the flowers are not included in the transfer. She continued that there is a photo that might help them visualize it. The plantings are closer to the sidewalk and are separate. Mr. Hartz replied that that is like saying an arm is an arm and not a part of the body. He continued that the plantings were intended to be a beautification of the park.

Councilor Tobin stated that she appreciates the many people who have invested time and energy into making the space around them more beautiful. She continued that she loves walking around and seeing little areas being taken care of. A friend of hers grew up in the housing that is right near this property. When she thinks about children growing up in that building, she feels concerned about the safety in the surrounding areas, and about parents not trusting that their children will be safe when they go outside and cross the street. Having seen how difficult it is to deal with those persistent drug problems in a specific area, when something becomes a hub for that, she thinks it is difficult for the Police to respond to that repeatedly, because if it is a public space, they need to catch someone in the act of doing something.

Councilor Bobby Williams of 66 No. Lincoln St. stated that he does not support selling this park, at least not yet. He continued that he thinks they should try some other things before they take what he considers a drastic step of privatizing a public park. They could take some simple steps to make it safer. The original request was for fences. A fence between the park and each abutting property would make more sense, and it would discourage people from hanging out there, as it would be less

easy to escape when they get seen. Perhaps those fences would reduce the unwanted activities. In addition, a big berm in front of the park hides what is going on there. Cutting down at least part of that makes sense to him, so people can see into the park and people cannot hide there. It is important for a park to have engagement with the area outside the park so people walking by can see what is going on, so they feel like they are invited in. This park does not do that right now, but it could. Regarding the issues late at night, they could install a motion-activated streetlight so that people cannot hide there. Those are steps they could take tomorrow. If they work, great, they have a park and can keep it and maybe find more ways to engage with it. It was a little disturbing to him to hear that it is not part of Keene's Park system. If they have land like that, they should figure out how to make it part of the park system and have some programming. This is a green space in a tough part of Keene. Yes, there are other green spaces. Pat Russell Park is five blocks away and in the other direction. Everyone who lives on Church St. or walks there to get downtown and go to work goes by this park. This park could be something that engages them and gives joy on the way. It would be a good thing for the community, but if they give it away, they give away the opportunity to keep it from being walled off, and it could be turned into parking lots in 20 years. He would hate to see that. He thinks its best, highest possible use is as a park. His recommendation is to make those changes he asked for and see if they work. If they do not work, they can come back in a year and consider selling it.

Chair Greenwald stated that Councilor Favolise pointed out that they have too many Councilors in the room at a Committee meeting, creating a quorum. He asked the City Attorney for advice. The City Attorney replied that she recommends that Councilors be mindful of the conversation that is tonight for the Committee's purposes. She continued that the Committee tonight is working on a recommendation, so if Councilors want to speak, it is helpful to ask questions or make points that will help the Committee function, but not conversations about the matter that goes to Council, how they will vote on it, and what they think about proposed recommendations. Council is the venue for that.

Chair Greenwald asked for further public comment.

Michele Chalice of 25 Beech St. stated that having been a landscape architect for 40 years, she would like to have an acknowledgement that urban spaces need excellent visual access at all times for the public's sense of safety. She continued that she is embarrassed that a landscape design was done for this park with a berm that does not allow visual access in the space, and without connecting the surrounding sidewalk to welcome people into the space. To be clear, this is not a dangerous space "just because." If the berm were not there, as has been done very well at Pat Russell Park and the adjacent pocket park, there would be excellent visual access. The berm is a huge factor here. She wants to make sure that they are not just tossing it away. The location has nothing to do with it; it is a great location.

Kristen Petricola of 256 Beaver St. stated that she sent a letter to the Council about 10 days ago about this issue, and she expressed concern about how green space is an ever-shrinking commodity everywhere in the world today and believes in doing everything possible to protect it. She continued that if she lived next door, and there were people defecating behind her apartment and there were drug deals happening, that would be really disturbing, to Councilor Tobin's point. She lives at the quiet end of Beaver St., and many disturbing things occur on Oak St., so she is familiar with the east side in general being a "fairly complicated region" in the town. That said, she does not recommend the City have a habit of selling property due to being unable to figure out how to manage it. She suggests they just pause. She is an avid walker, walking all around this community, and she has walked through Pat Russell Park and seen drug deals happening there, too. Walking through there at

night, it is not always clean and pleasant. Disturbing activities are happening everywhere. To think they can just sell a park and move it or just shift the responsibility somewhere else will not work. It will just shift. People will go to Pat Russell Park. She recommends they slow it down a little bit and look at ideas like motion lights, fences, or what Ms. Chalice brought up. She knows it is not technically a park, but they could make it a green space that is more welcoming and more visually accessible. The people who want to purchase it need to keep it safe, too, so they either have to completely fence it in, which would be a “visual disgrace for the community,” or start spending money on protecting it, probably by calling the Police, but the Police are already going there. She thinks the City could be more creative with this. She appreciates the City Council’s hard work and thoughtfulness.

Jodi Newell of Leverett St. stated that she does not live right around the corner, but due to unfortunate circumstances, she and others ended up in a temporary apartment on Church St., right down the street, for a little less than a year. She continued that she spent a lot of time walking by this property and riding her bike by there, and she is very surprised that this is a concern, because she never saw anything concerning. Mr. Hartz talked about this being a space that was cultivated and loved on, and she wants to share a little bit about a similar space in her hometown. It was a place where people were using drugs and teenagers were drinking beers, and she and her former fiancé used to love taking their dog there until they noticed broken glass everywhere. After their dog passed, she and her fiancé adopted that area and saved it. They transformed it into a beautiful space, with about 60 community members participating in a clean-up day to rejuvenate it. The points other speakers made tonight are well taken. When you give up public space, there is no getting it back. She does not think this is an unresolvable issue at 100 Church St. She wants to highlight that this is a sentimental space, a space people poured their hearts and souls into because they wanted to, in the same way she and others did in her hometown of Orlando when they wanted to reclaim their space from what it had become. Learning that about the space at 100 Church St. makes it more personal, and they need to ruminate on this.

Bill Bradford Hutchinson of Keene stated that he is a candidate for mayor. He continued that he wanted to make sure this is about the parcel at the end of Church St., Norway Ave., and 93rd St. Since he returned to Keene in 1987, he spent most of his time downtown. This parcel is in the downtown area. He has seen this little area change over the years. A few years ago, a man named Jeffrey Allen, who was homeless in Keene for many years, adopted that park. He put plantings in, weeded, laid out rocks, and knew and was known by everyone in the neighborhood. That area is one of the many areas in downtown Keene that the Police have been aware of for decades, where people hang out, smoke, use alcohol and drugs, and sometimes engage in sexual activity. Thirty years ago when he ran for City Councilor at large, he said he wanted to be a voice for “the homeless drunks, the homeless junkies, the disabled, the crazies, the people whose voices are too often silenced.” For the most part, these are good people. When they hang out in the park, the Police know where they are. If someone overdoses or there is an emergency, the Fire Department knows where they are. They are more or less in public. However, there are people on the City Council who hate homeless people, although they would never admit it publicly. Mr. Allen loved owls, and when he camped in the woods, everyone knew him as someone who loved owls, and there were owl themes in that park. When there was a sense of community among the homeless people and people using substances in the park, they would work to pick up the park. They are also the people who messed it up. Some would leave their beer cans and cigarette butts around, and others would clean them up, as long as there was a trash can, which the City provided for many years. The City removed the trashcan, with the short-sighted belief that it would make the people disappear, which did not happen. People still hang out there but now there is no trash can, so the trash goes all over the place. If the City put out a trash can, there would be less trash on the ground.

Mr. Hutchinson continued that he sees the issue as white privilege, with many people not wanting to see these types of people and activities and not wanting this in downtown Keene. But this is the reality of 2025, the reality of downtown Keene. Many people say, "Not in my backyard," or "not on my street," but the question is where these people will go. The City of Keene owns a lot of woods space. He questions whether there is no place on City property where they know people will hang out, and whether these people do not have rights to public space. "Not when white privilege rears its ugly head."

Chair Greenwald asked if anyone from the Committee or public wanted to speak further.

Mr. Hartz stated that he would like to know that the City has checked out the deed before the sale, to make sure it is a clear deed. Chair Greenwald replied that they absolutely will; the City Attorney is on it.

The following motion by Councilor Tobin was duly seconded by Vice Chair Filiault.

On a vote of 4 to 1, The Municipal Services, Facilities and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute the sale of 100 Church St., parcel #574-015. Chair Greenwald voted in opposition.

Chair Greenwald stated that now this is referred to the City Council, which will be meeting and voting on this not this Thursday, but the next Council meeting on September 18, 2025.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

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

Through:

Subject: Installation of Trail Sign Identifying the Charles Redfern Bridge - BPPAC Committee

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends approval of the attached design for trail signs identifying the newly named Charles Redfern Bridge (formerly South Bridge) spanning NH State Route 101 and that the City Manager be authorized to do all things necessary to install the signage on the rail trail.

Attachments:

None

Background:

Mr. Lussier stated that he is here tonight representing Will Schoefmann, who brought this item forward. He continued that he will give a brief introduction, and members of the Bicycle and Pedestrian Path Advisory Committee (BPPAC) are present, as well as the honoree himself. This is a relatively simple request. The BPPAC has forwarded a recommendation that a sign be placed on the rail trail to indicate the State law that was passed, officially naming what they used to call the "south bridge" as the Charles Redfern Bridge. It is the pedestrian bridge that crosses over Rt. 101. There are already signs that will go on the bridge itself, facing the vehicular traffic. The City does not have much say or creativity when it comes to those official NHDOT-designed dedication signs, but signage on the rail trail is more at the City's discretion. The BPPAC put forward a recommended design, as shown. The intent is for the arced text of "*welcome to the*" to reflect the gentle arc of the Charles Redfern Bridge itself. Underneath are the words, "*Honoring the man with the vision and tenacity to create the magnificent multi-use trail system here in Keene, NH.*" If there is one word he thinks appropriately describes Mr. Redfern, it is "tenacity."

Mr. Lussier continued that he wants to point out the proposed placement of this sign. On a map he identified where the rail trail goes north-south, by the Keene State College athletic fields, the back side of the Walmart parking lot, the agricultural fields, and Eversource power lines. He continued that the NHDOT signs will go right above the roadway. The City is talking about a sign on the rail trail, probably in the area by the end of the bridge near the back of the Walmart parking lot, which would be designed and scaled to be appropriate for bike and pedestrian traffic. The design of the sign text

itself is very nice. He would like to see this incorporated into the wayfinding sign package designs that the City has had prepared for other signs throughout the rail trail system. He would use the same kind of signpost and roof structure so it looks cohesive with the other signs, but he would use the BPPAC's suggested language for the sign copy itself.

Chair Greenwald asked if the Committee had any questions or comments for Mr. Lussier. Hearing none, he asked if anyone from the BPPAC wanted to speak.

Councilor Haas stated that the BPPAC fully endorses the signage on the bridge as printed. He continued that he thought they were putting signs on both ends of the bridge. Mr. Lussier replied that it depends on how much money they can raise for the signs. Councilor Haas replied that they will work on that.

Councilor Phil Jones, Ward 5, stated that he is here tonight as a member of the board of directors for Pathways for Keene (PFK). He continued that PFK designed the sign and sent it to BPPAC for their endorsement. The sign was designed on a napkin over breakfast in the pub. It went through the process through PFK. He was the one who used the word "tenacity," and Ted McGreer helped with some of the wording, like *"the magnificent multi-use trail system here in Keene, NH."* He thinks PFK did a great job. The *"welcome to the"* text was designed to curve slightly to mimic the curve of the bridge. Most important is honoring the person with the vision and tenacity, otherwise they would not have the trail system here in Keene. He asks that the City not put any logos or emblems on the sign. Let it tell its own story. He is not sure what Mr. Lussier means about "adding it to the wayfinder," and he is not sure if that takes away from it, but he hopes they see the full sign.

Councilor Favolise stated that he had taken that to mean that when the title of the bridge is updated on the wayfinding signage, it will not have this special font and design. He asked if that is correct. Mr. Lussier replied that his suggestion is to try to merge the design that came forward with the structure that was designed for the wayfinding signs. The company came up with some typical examples of signage for trailheads, mile markers, and that sort of thing. One is a directional sign or informational sign that would be appropriate in this sort of situation, where the PFK's design would constitute the majority of the sign, but it would have posts and an arc roof, and it might have some other information like the distance to downtown. PFK's copy would be the majority of the sign. Chair Greenwald stated that to be clear, they are only talking about this one sign tonight. Mr. Lussier replied that is correct.

Charles Redfern stated that "tenacity" is Phil Jones, who went before a body of 400 legislators to get this passed, and he also met with Senators, so he is the first person he thanks. He continued that he also thanks the volunteers who have made this happen, generating excitement in the community and political goodwill. He feels the volunteers' names should also be incorporated into the sign. He also wants to note that someone who has given the sustainability of the group is Ted McGreer. Mr. McGreer has been with them for over 24 years. Without the 4 on the 4th road race, they would not have had the thousands of volunteers they have had over that period of time. Mr. McGreer uses that as a message board to push out information about what the next project is, what they are paying for on that race to be the next feature of Keene's wonderful trail system. He thanks Mr. McGreer, Councilor Jones, City staff, Mr. Lussier, Andy Bohannon, the City Manager, the City Engineer, Mr. Schoefmann, and countless others. He thanks Council for this opportunity for making this happen.

Ted McGreer of 115 Main St. stated that yes, he has been on the PFK board for 24 years, but Mr. Redfern had the vision with John Summers to look at these rail trails 30 years ago. He continued that they put on this race because of Mr. Redfern's tenacity. He knocks on doors, gets sponsors, and

raises the majority of the money for this organization, which he thinks is around \$2 million at this point. He is honored to be here with Mr. Redfern, and he is delighted this sign honoring him will be on the bridge.

Chair Greenwald thanked Mr. McGreer for his work. He asked if there were any further comments, or if the Committee was ready for a motion.

Councilor Favolise stated that before he makes the motion, he wants to say that he is glad he is the one who gets to do so. He continued that Mr. Redfern was a Ward 1 Councilor, although he does not know if it was the exact seat that he himself is in now, and he is also a Leo F. Redfern award winner, so this is meaningful for him. He congratulates Mr. Redfern.

The following motion by Councilor Favolise was duly seconded by Councilor Workman.

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends approval of the attached design for trail signs identifying the newly named Charles Redfern Bridge (formerly South Bridge) spanning NH State Route 101 and that the City Manager be authorized to do all things necessary to install the signage on the rail trail.

Chair Greenwald stated that he looks forward to the festivities when the signs are put up. He asked if they know how long it will take. Mr. Lussier replied no, they have not fabricated the sign at this point, so it will take some time to fabricate it and make a plan to install it. Chair Greenwald asked if Public Works is making it. Mr. Lussier replied no, Public Works specializes in retroreflective signs compliant with the Manual on Uniform Traffic Control Devices (MUTCD). He continued that anything more creative than that is outside of their wheelhouse.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

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

Through:

Subject: **Downtown Infrastructure Project - Suggested Bike Lane Rules - BPPAC Committee**

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends that the list of suggested bike lane rules by the Bicycle and Pedestrian Path Advisory Committee (BPPAC) be accepted as informational.

Attachments:

None

Background:

Chair Greenwald stated that one of the features of the Downtown Infrastructure Project is a bike lane. He continued that there has been a lot of discussion about how to make the bike lane safe and workable for everyone. The City Manager appointed a committee, and the BPPAC also worked on suggested rules for the bike lane. Before the MSFI Committee tonight is a draft of recommendations for usage.

Mr. Lussier stated that he is again here representing Mr. Schoefmann, regarding the suggested bike lane rules. He continued that about a year and a half ago, they started having conversations about the requirements to regulate the activity of these new bike lanes the Council had by then approved. The City Manager and the Mayor got together and appointed a committee to look at the existing rules in State law and how those apply to City Ordinances and then recommend rules to govern how people use these bike lanes once they are built. This came to a head recently with the BPPAC dusting those off and forwarding them to the Council to be enacted into an Ordinance. The recommended motion in tonight's agenda is to accept the correspondence as informational. The Council has already voted to authorize the City Manager to draft an Ordinance and to bring it forward. That was already on staff's docket to do. He did not think it was urgent, because they are still close to a year before the bike lanes exist. However, because BPPAC recommended that this comes forward, staff went ahead and submitted the draft. The agenda packet includes the draft Ordinance as well as the language forwarded by the BPPAC. He would like to go through the BPPAC's 12 recommendations, and for each, he will discuss how an item is either addressed by the draft Ordinance or already contemplated in State statute and the City Code.

Mr. Lussier stated that the BPPAC's recommendations are as follows:

1. *Bicycles and other personal vehicles for the purpose of these rules include all as defined by State of NH statutes.*

Mr. Lussier stated that RSA 259-6 defines a "bicycle" as according to State law, and it explicitly says that an e-bike is a bicycle, for legal purposes. He continued that he would also point out that RSA 259:122 defines a "vehicle" which includes *"every mechanical device in, upon, or by which any person or property is or may be transported or drawn upon a way."* It is as inclusive of a definition as you could possibly imagine, capturing scooters, skateboards, bikes, e-bikes, and monocycles. All of those are "vehicles" by State law and fall under the requirements for vehicles.

2. *Bicycles should always yield to pedestrians in the bike lanes.*

Mr. Lussier stated that RSA 265:143 – 153 is the section of State law that deals specifically with the rules of the road as they pertain to bicycles. They say, *"Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and be subject to all of the duties applicable to the driver of any other vehicle under the rules of the road, except as provided in paragraph 2..."* This says that it is already a State law that bicycles have to yield to pedestrians in bike lanes or crosswalks.

Mr. Lussier stated that one of the themes of his comments on these BPPAC suggestions is that it is not best legal practice to have rules at the City level that duplicate existing State law, or State law that are redundant with existing Federal law. He continued that the risk is that if State law changes and the City does not also change its local laws, they will be in conflict, which will cause legal ambiguity. Where things are already adequately covered by State law, staff suggests not adding them to City laws to be redundant. This second BPPAC suggestion is one such example.

3. *Bicycles should not park in the bike lanes. Likewise, any vehicle engaged in commercial deliveries should not even temporarily park in the bike lanes, no matter the duration.*

Mr. Lussier stated that bicycle parking in bike lanes is addressed in the Ordinance that they will go over in a minute. He continued that vehicles parking would already be addressed elsewhere in the City Code. Section 94-67 has General Prohibitions for Parking; it is what says you cannot park on a sidewalk or within 15 feet of a fire hydrant or within 30 feet of an intersection. One of those rules is that you *"cannot park on the traveled portion of any roadway, so as to obstruct the movement of traffic in the travel lane."* He thinks that would cover the parking on a bike lane. In essence, the bike lane is a portion of the roadway that is dedicated for a specific type of vehicle. If the Committee and Council think that is too obtuse, staff could add a bullet in Section 94-67 to explicitly say you cannot park in a bike lane. He thinks either way is acceptable, but in his mind, it is already adequately covered.

4. *Bicycles and other personal vehicles are not to be operated on sidewalks.*

Mr. Lussier stated that this is addressed in City Code Section 94-466. He continued that actually, bicycle use on sidewalks is allowed, except where it is not. The Code lists specific streets and locations where bike use on sidewalks is not allowed. According to State law and everywhere else in the city, people are allowed to use bikes, scooters, and skateboards on sidewalks. Staff does not propose changing those rules. As it is currently written in the Ordinance that they will go over, there would still be no use of bicycles on the sidewalks downtown. The downtown sidewalks exist separately from the bike lanes.

5. *Bicycles and any personal vehicle should not exceed 8 MPH in these bike lanes.*

Mr. Lussier stated that the proposed draft recommends a maximum of 10 MPH. He continued that the MUTCD has a specific recommendation for speed limits. Admittedly, Federal Highway regulations are mostly geared toward vehicular traffic, but the guideline is that speed limits only be incremented in multiples of 5 miles per hour. It is what vehicle operators expect to see. It avoids confusion about what the sign means. Staff recently had an opportunity to do some bike trials on Main St., and he thinks they found that with speeds less than 10 MPH, it gets difficult to maintain balance on a bicycle. Bicycles are stable when you are riding, and not when you are still, because the wheels spinning create that gyroscopic effect and create stability. Thus, staff recommends the maximum speed be set at 10 MPH. State law has provisions for the equipment of a bicycle that reference stopping distance at 10 MPH. He thinks it is consistent with State law to say 10 MPH is the maximum.

6. *Helmets are recommended for all cyclists but are required for persons under 16 years of age.*

Mr. Lussier stated that he has two concerns with this. He continued that first, laws are not designed as recommendations. They are either enforceable laws or they are not. It is not a good idea to have a recommendation codified in an Ordinance. Second, for people age 16 and under, helmets are already required under 265:144(10). *"No person less than 16 years of age may operate or ride upon a bicycle on a public way unless he or she wears a protective headgear of a type approved by the Commissioner of Health and Human Services."*

7. *1-4 yr olds up to 40 lbs. can ride on a bicycle that has a harness, sits upright, does not allow feet and/or hands to reach spokes, and is permanently attached to the bicycle and/or tow.*

Mr. Lussier stated that 166-144(1) already requires that all users ride *"upon or astride a permanent and regular seat attached to the bicycle."* He continued that if BPPAC's concern is having a child being carried by an adult or sitting on the handlebars or that sort of thing, that is already prohibited under State law. They are required to be in an approved seat that is permanently affixed to the vehicle, and it would be easy for an Officer to say when something is a seat designed for such a rider to be sitting in.

8. All bicycles and personal vehicles should yield to pedestrians before crossing intersections.

Mr. Lussier stated that that is not consistent with State law. If you come to an intersection and there are pedestrian signals like the ones on Central Square, the pedestrian is required to stop and yield to traffic when they have a “no walk” sign. When they have a “walk” sign, vehicles are required to yield to the pedestrians. Simply having a rule that bicyclists are required to yield to pedestrians in the intersection would create a conflict with that existing State law. Pedestrians are required to yield to vehicles when the pedestrian signals are present and the “no walk” sign is on. State law prohibits crossing diagonally. Finally, vehicles are required, in all cases, to exercise due care, regardless of what the pedestrian is doing. Besides being potentially conflicting with State law, it is also redundant to have that statement in there, so staff does not recommend adding this to the Code.

9. All bicycles and personal vehicles must fully obey all traffic control signs and devices.

Mr. Lussier stated that RSA 265:9, “Obedience to Any Required Traffic Control Devices,” and RSA 265:2, “Required Obedience to Traffic Laws; Penalty” both talk about vehicles having to obey the traffic laws. He continued that he thinks it would be redundant to have a line in City Code saying bicycles, which are vehicles, have to obey the law. They already have to obey the law.

10. Bicycles must have front white and rear red lighting if operated between ½ hour after sunset and ½ hour before sunrise.

Mr. Lussier stated that this is an interesting question. He continued that it is not clear whether BPPAC’s request is that this be an additional requirement. Currently, in 266:86, all bicycles, during those hours of darkness, are required to have a headlamp and a rear red reflector. They are not required to have a self-illuminated lamp, they are required to have a red reflector that is visible at a distance of 300 feet when illuminated by vehicle headlights. State law says specifically that a red light can be used in addition to a reflector, but not in lieu of. Thus, if the intention is for the City to also require a red light in addition to a reflector, the Council has the authority to do that, but he would note that it is an additional requirement and it might be difficult for someone who is not from Keene, who thinks they are in good shape with their headlamp and their reflector, to know that this one city also requires an illuminated lamp on your bike. Whether to require that is up to the Committee and Council.

11. Bicycles cannot be left unattended unless placed against a proper bicycle rack. Unattended bicycles not at a rack may be removed by City employees.

Mr. Lussier stated that RSA 265-152 allows parking on sidewalks and roadways, so long as it does not impede pedestrian traffic. He continued that this recommendation from the BPPAC would be a more stringent requirement, and if the Committee and Council want it, it is within their authority.

12. *All rules and regulations of the State of New Hampshire must be followed; it is the obligation of the cyclist to understand these regulations.*

Mr. Lussier stated that City Code already has Section 94:464 Rules of Operation, which says, *“The rules for operation of bicycles on public ways or public property shall be set forth in RSA 265:143 – 265:153.”*

Mr. Lussier continued that all that said, what staff recommends, and what the Committee sees in the agenda packet, is a draft Ordinance they could bring forward to City Council that would do the following. The first line would remain as is. They would add a “b)” paragraph, which would say, *“In addition, the following rules shall apply to the operation of bicycles, unicycles, tricycles, scooters, roller skates, skateboards, or similar devices (including electrically propelled or assisted versions of such devices) on bike lanes and multi-use paths within the City of Keene.*

- 1) Within the Downtown Core zoning district, the maximum permissible speed shall be 10 miles per hour.*
- 2) Where bike lanes are provided adjacent to roadways, cyclists shall only travel in the same direction as the adjacent travel lane.*
- 3) No person shall stop, park or load any bicycle or other vehicle in such a way as to obstruct the public use of bike lanes and multi-use paths.*
- 4) Bicycles and other personal vehicles shall not be parked or left unattended within the public way, except at a rack provided for such purpose.*
- 5) Bicycles must have front white and rear red lights if operated between a half hour after sunset and a half hour before sunrise.”*

Mr. Lussier stated that items 4) and 5) are more stringent, addressing those recommendations from BPPAC, which is up to the Committee and Council. The above is what staff recommends the Ordinance say. They would love the Committee’s feedback on this draft, which has not been read at Council. The idea is for the Committee to discuss it and tell staff what they want to see in it, so when it comes to its first reading, it will already be in the format that the Committee approves.

Chair Greenwald stated that his initial observation is, he understands the need and desire for an Ordinance. He continued that he thinks that informing the public of the rules is most important. He “does not care if it is written in the Constitution,” but it needs to be easy to understand so the public can get with it gradually. It is about training. He remembers learning the rules of the road as a child, which are logical, but they see many people not following the rules of the road. He will thus ask if there is a way to have the Ordinance as well as a Resolution or “rules of the road” or something that picks up a lot of what the BPPAC brought forth. Although the recommendations are redundant, it is important to have them, to train the public in what to do. There is a little time to do this, before the bike lanes are functional, probably next summer.

Mr. Lussier replied that Chair Greenwald is absolutely right. He continued that he, Mr. Schoefmann, and the City Manager have made similar comments, regarding how they can write all the laws they want, but it comes down to public education. There will be a learning curve as people learn how to use this new type of facility. They talked with Rebecca Landry, Deputy City Manager, about how to communicate this. They are thinking about videos and other types of public informational messages. However, an Ordinance is something that can be enforced, versus education, which will just be an ongoing process. Chair Greenwald replied that they need to get going, sooner than later, with

signage and the education. They need to get it going, before someone gets hurt.

Councilor Favolise stated that his concern is that they heard tonight that “bicycles cannot be on the sidewalk in the downtown,” and yet, when he is downtown at any time of day, on any day of the week, he sees bicycles on the sidewalk downtown. He continued that he does not have interest in wasting the time of the Committee, the Council, staff, or the public, to come up with the best version of the Ordinance that reconciles all the things and takes into account the State law and the BPPAC’s recommendations and the Council’s desires, only to have it not enforced. He is concerned that as soon as there is some kind of collision between a bike and a pedestrian or vehicle, such as someone crossing from the parking stalls, he thinks they will see a drop-in public support for the bike lanes. He wants to get this right in terms of the Ordinance, but he also wants to get this right in terms of enforcement. They touched on the education piece, but this will also come down to enforcement, and it is not being enforced right now. He recognizes that he is one of 15 Councilors, but he would like a commitment from City staff that this will be an enforcement priority, more than it is now.

Councilor Filiault stated that he appreciates the BPPAC putting the bike lane rules together, but they are “feel good” rules that are completely unenforceable. He continued that when he rode with the Police last week, he asked three different Officers if the KPD will be able to enforce these bike lane rules, and they said, “*Absolutely not.*” He rode with an Officer for eight hours, and it was stop after stop after stop. He encourages any Councilor who has not ridden with the Police to do so, because it is one thing to see things on paper, and it is another thing to experience something in reality. It is an eye-opener. He saw that the Officer barely has time to do a call before the next comes in. They are buried in work. He looks at this list of bike lane rules and knows the probability of enforcement is zero. When the Officers said they could not enforce the bike lane rules, they were not being rude. They told him they do not have time, being eight officers short. If the Council puts these rules out, they might feel good about having put something on paper, but to him, “Paper means nothing. Reality means everything.” In this situation, reality is that the KPD Officers have more important things to do than to see if a bicycle is going 5 MPH or 8 MPH or what the horsepower is of an e-bike. He has heard some people say, “*We’ll have to self-police,*” but they cannot self-police it now. The other day in front of the Colonial Theater, a bicycle almost ran him and his family over. When he yelled, “*There’s no bikes on sidewalks downtown,*” the cyclist replied with a rude hand gesture and insult and kept on going. Most people are not going to confront people on bicycles, because that is the type of response they get.

Councilor Filiault continued with an anecdote about a person on an e-bike he recently saw, who took a turn so quickly it would have harmed someone coming around the corner, if someone had been there. He continued that the speed and stealth of these electric bicycles are incredible. No one will be enforcing a speed limit on any bicycle or vehicle on the sidewalks or the bike lane. Reality on the street is different from what is on paper. If any Ordinance brought before the Committee allows anything with a motor on a sidewalk or bike path, he personally will vote “no” on that Ordinance. Nothing with a motor belongs on those. The horsepower, stealth, and speed of these vehicles increase yearly. No matter what the definition is, when an Ordinance comes before the Committee, he will vote against it if any motor is allowed on any of these surfaces, except for maybe a motorized wheelchair.

Councilor Tobin stated that she agrees with Chair Greenwald that whatever they come up with here in terms of an Ordinance, there still needs to be clear communication about the rules. She continued that the education piece needs to happen for drivers, cyclists, and pedestrians. Regarding the one about bikes being parked in different places, she really wants them to be in a bike rack. She does not

want trees covered with bikes, which is what they sometimes see now. She asked if it is correct that “scooters” in this context are different from the mobility devices that are often called scooters, with the latter still allowed on sidewalks. Mr. Lussier replied that he believes that is correct. Councilor Tobin replied that it would be good to clarify that somewhere in the Ordinance.

Councilor Tobin continued that she does not know if this needs to be part of the Ordinance, but there is something that needs to be cleared up. The design will be that there is the parking, then the bike lane, then the sidewalk. Thus, when people are getting out of their vehicles and crossing the bike lanes, in terms of what the behavior is there, it looks like there are crosswalks drawn on the bike lanes, but she does not know if that is considered part of the roadway or it would have the same guidelines. Mr. Lussier replied that where there is a crosswalk across the road, that crosswalk marking will also go across the bike lanes to let bicyclists know they are crossing a crosswalk. He continued that at those locations; they have to yield to pedestrians in the crosswalk. Councilor Tobin replied that it sounds like it is still considered part of the roadway then. Mr. Lussier replied yes.

Chair Greenwald asked for public comment.

Councilor Haas stated that he is a member of the BPPAC. He continued that they started working on this in January 2024 and hashed out a lot. They looked at many state laws and the regulations of many other cities across the country, trying to find things that were comparable. They put together a large packet and sent it to the City Manager’s committee, and he is glad to see it coming into an Ordinance. In the meantime, the BPPAC continues discussing it and what they can do. Their goal is specific.

Chair Greenwald paused Councilor Haas’s comments to ask the City Attorney if it is okay for Councilor Haas to continue, given that there is a quorum of Councilors right now. The City Attorney replied that she would remind the Councilor that conversations about the recommendation that comes out of this Committee are for all 15 Councilors to be having with them, and they have that opportunity at City Council. She continued that if a Councilor wants to provide information that the Committee will use in making this recommendation, which would not be something the Councilor would voice at City Council, that works, too. To give transparency and more of an explanation, the reason is that when there is a quorum of Councilors, there is the opportunity for a meeting of the City Council to be formed, if a quorum of members starts discussing an agenda item that is appropriate for the full City Council to address.

Councilor Haas replied that he will avoid expressing opinions or directions and just reflect discussions that they had in BPPAC meetings. He continued that the City Attorney can interrupt him if he strays from these guard rails. The downtown bike lanes are a special situation, given that they are raised bike lanes that are more like sidewalks dedicated to bicycles. They do not have a good word for it. Words used in discussions of bike lanes tend to confuse people, like the “sharrows” that run up and down Main St. and Washington St. being called “bike lanes.” Wherever the City has some kind of markings for bicycles on a roadway, they call it “a bike lane,” but what they are doing in the downtown infrastructure project is unique and special. Somehow, they need to find verbiage that expresses that. The BPPAC’s biggest concern is the need to create a safe environment for cyclists and for pedestrians, which is part of the BPPAC’s charge, and for the other users of the space. They need to create something that makes everyone comfortable in the space. Of course, they will never 100% get there, but through Ordinances and communications, they can get to a point where everyone knows they are aiming for this safe environment that respects everyone’s rights to the space. They can go on and on about incidents they have had with different pedestrians, cyclists, or

drivers – everyone has had such experiences. But that does not mean they cannot go forward with creating something that will be very special, and a great credit to Keene.

Councilor Haas continued that regarding enforcement, yes, it is hard for a Police Officer to enforce speed rules on motorcycles, never mind bicycles, which can dart in and out much easier. However, like the discussion they just had about the access road to the Wastewater Treatment Plant. They need to have people being self-enforcing. He sees that as a growing factor in all of their decisions, that they look to the citizenry to help enforce these laws. When something is written into an Ordinance, even if it is difficult to enforce or does not get enforced, it creates a legal environment in which there is a law on the books that talked about how someone's behavior should have been, so if something happens and a person violated that law with their behavior, that tilts the legal side of it, should there be a liability suit. He is glad to see this Ordinance coming forward. The BPPAC's ideas are to help craft it. A couple of them, as Mr. Lussier mentioned, could be incorporated at the Committee's desire.

Councilor Haas continued that regarding, *"Within the Downtown Core zoning district, the maximum permissible speed shall be 10 miles per hour,"* that could be for the bike lanes in particular, because they cannot have a speed limit on bicycles that are traveling in the streets. Second, the reason for having an odd number for a speed limit is for exactly the reason Mr. Lussier pointed out - people are used to seeing "5" or "10," and of course, tend to go 5 miles per hour beyond the number. Seeing an odd number makes people pause and have to think. He first ran into that many years ago when he learned that is how Disney World controls speed in its parking lots. Disney World made their parking lot speed limit something like 11 MPH or 17 MPH, attracting attention.

Councilor Haas stated that the BPPAC looks forward to working further with this Ordinance and offering recommendations. He continued that the communications piece was a big deal. The BPPAC never expected to get an Ordinance written around it, because they knew the conflicts with State law and so on and so forth. However, they have to drive communications. He thinks of tourist brochures and advertising things that educate people about the downtown area's "sidewalk bike lanes."

Councilor Favolise stated that he is not quite as firm in his opposition to electric bikes and scooters as Councilor Filiault is, and to be clear, he is not talking about assisted mobility devices, but he has thought a lot about whether having electric bikes and scooters is consistent with their intent in the downtown district. He continued that as Councilor Filiault said, these e-bikes can be going 20-30 MPH and quietly sneak up on you. He looks forward to further discussion about that piece. Councilor Tobin brought something up the last time the Committee talked about this, which he is not sure they settled on exact language for, regarding "tricks" and not allowing bicycles and scooters to be used in ways other than for getting from point A to point B. They want a multi-modal transportation environment. His final comment is that the challenge he has with some of the language in the draft Ordinance versus the language in the recommendations is that he understands and generally agrees with the principle Mr. Lussier laid out about avoiding redundancy. At the same time, he hears a desire from the committee, public, and staff for clear communication and education. He wonders if it would be worth it to have some of the redundant sections in this piece of the Ordinance that is specific to downtown operation, and what the trade-off would look like. He looks forward to continued conversation and thinks there are still some big questions for the Committee to wrestle with, recognizing that the decision about bike lanes was made before he joined the Council and it is the will of the community expressed through the vote of the Council. Now they need to figure out a way to make this work and prioritize safety downtown.

Chair Greenwald stated that it is appearing that this discussion is informational. He continued that however, the Ordinance needs work. He is asking for something else, maybe a Resolution or something that is a little more inclusive for the public. Who is going to do this and when?

The City Manager replied that the Ordinance is meant to create the framework for the rules of the road, but the educational campaign will come after that. In the committee she and the Mayor created, they talked a lot about the need for education and engagement with cycling groups. They have already talked with Ms. Landry about how they might do that, and videos are one method they could use to educate people about the rules. They are looking to the Committee and Council to set the rules first. They know what the State rules are. Once the Council has set the rules, then they can begin the work of the educational campaign.

Chair Greenwald asked if they should expect to see a continuing discussion on this at the next MSFI Committee meeting. The City Manager replied that they should expect to see a draft of the Ordinance at the next Committee meeting. She continued that staff would draft an Ordinance, which would have its first reading at the City Council and be referred back to the MSFI Committee. She assumes the Committee would have one or two more meetings to decide what the Ordinance looks like, and then it would go back to Council for final reading and adoption. After that, they would begin the effort of the educational campaign.

Chair Greenwald asked for further public comments.

Andreas deDanaan of 37 Cottage St. stated that he would like clarification about the parking, and the proposed mandate for bikes to be in some sort of parking structure. He asked how many of those parking structures will be available. Chair Greenwald replied that they do not have a parking structure for bicycles. Mr. deDanaan replied that he means a bike rack. Chair Greenwald asked Mr. Lussier if there is a number for the bike racks. Mr. Lussier replied that he does not know the number off the top of his head, but the project will construct a number of permanently installed bike racks, in locations where they will be out of the way for sidewalk plows. One of the problems now is that staff must remove many of the bike racks during the winter due to maintenance of the sidewalks. All of the bike racks installed with this project will be permanent. There will be roughly one bike rack per city block. Mr. deDanaan replied that that sounds good. He continued that he agrees with the rule of having bikes on bike racks, but he wanted to make sure there are enough of the racks, because that is often a problem.

Mayor Jay Kahn stated that he appreciates the thought that the BPPAC has put into this. He continued that this is a start. There are some things he would like to add emphasis to. He hopes the Committee considers the BPPAC's recommendation of 8 MPH. He rode a bike 8 MPH to try it out and was completely able to balance without a problem. It became wobbly for him at 6 MPH. The difference between 8 MPH and 10 MPH is 25%, so that difference is not something insignificant. They might have difficulty with enforcement, but this is about self-responsibility, as many or most of them have expressed, including through the education process. Yes, somebody will eventually be hit crossing a bike lane. It is inevitable, as people get hit many different ways, and there are conflicts between people, dogs, vehicles, pedestrians, or whatever it might be. The point is, if someone is going 20 MPH, you can judge a difference between 8 MPH and something that is twice that speed. That is the self-responsibility issue. There are always going to be people who have observed that kind of accident, because it is downtown, and there are always going to be people there. The point is, he would be able to perceive if someone was acting irresponsibly, the difference between 8 MPH and accommodating the fact that pedestrians will be crossing, and the fact that they were accelerating

without concern for pedestrians crossing spaces. That will be a conflict between the person on the vehicle who created the accident, and the person who was hit. And they will deal with that in their own ways. He is not saying this is the City's responsibility. This is individual responsibility, and people need to be held accountable if they do not follow the guidance the City has provided, and he thinks perception will be the rule. He thinks the Committee should consider 8 MPH as BPPAC has suggested.

Mayor Kahn continued that he also thinks the Committee, beyond the Ordinance, needs to insist on signage. He agrees they should get it on the website and promote as much as they can in advance of this, but without signage, it is that point in time when someone is on Main St. and there is a sign with the rules. They should work with BPPAC to identify what the most important rules are, whether they are in State law or not. It is all about safety. Many Councilors will be knocking on doors in the next few weeks, and he guarantees that the downtown infrastructure will be the primary topic they get questions about, and "safety" is the primary answer for them to deliver. How they address that, with proactive steps, will be very important to keep people coming downtown. The motivation here is to create a safe atmosphere downtown so that people who are resistant to the changes are assured that the City is taking steps to ensure that safety is prominent in their decisions. He hopes the Committee and Council deal with that with signage. Judging by the Charles Redfern Bridge sign, he thinks BPPAC has some sign experts. Finally, he thinks that the 8th recommendation, about bicyclists yielding to pedestrians before crossing intersections, is something they will need to continue to talk about. That is not a well understood statement. It is meant to convey to pedestrians that there is a safe protocol in the downtown area.

Councilor Jones stated that he wants to talk about procedure. He continued that there is a quorum present, so other Councilors are not giving their opinions, and he understands that the Committee intends to accept this as informational, which means there will not be any discussion for the Council to have. He thinks there should be some other motion that would allow the Council to speak to this at the Council meeting. Chair Greenwald replied that alternately, he could speak to the City Manager and the City Attorney about a workshop, which would allow everyone to speak. Councilor Filiault stated that even if something is recommended as informational, the Mayor still has to bring it up at the Council meeting in two weeks and a Councilor can still raise their hand to speak to it at the Council meeting. Recommending acceptance of an item as informational does not kill it.

Ted McGreer of 115 Main St. stated that he is a raving fan of alternative transportation opportunities in this community and has been for 30 years. He continued that he makes his living by putting shoes on people to go use these trails. He is an avid cyclist as well. He would speculate that everyone here agrees that cycling on the downtown sidewalks right now is not safe. That is why they have rules in place for not riding on the sidewalk. The question is whether painting a green stripe on the sidewalk makes it safer. Councilor Favolise talked about losing public support for the bike lanes, and his fear, having talked with thousands of people about this infrastructure project, is that they have already lost that. The safety issue here with this raised path coming down Main St. and ending is a major concern for people. To the Mayor's point about reaction time, cognitive abilities to see somebody coming 8 MPH versus 20 MPH is as good as the eye of the beholder. If "little Mrs. Thompson" gets out of her car, she cannot react as quickly seeing somebody coming at 20 MPH versus 8 MPH. He is nervous about it. He does not disagree with Councilor Filiault. They will not have bike police there with radar to see who is going 12 MPH and stopping them. He questions how they will enforce these rules. As a downtown merchant, he thanks everyone for having a deep passion for the beautification and the changes downtown, but he cannot, in good faith, support the bike lanes. He knows it is too late, but he just cannot do it.

Deborah Macri stated that she has had a business on Central Square for 42 years, but she lives at 286 MacLean Rd., Alstead. She continued that she agrees with Mr. McGreer. She will add that avid cyclists are not going to use this bike path. They do not now. They ride in the traffic on Main St., or use other streets to go around Main St. She does not see any need for this bike lane on Main St., thinks it is a real accident waiting to happen, and is completely against it. She knows they have to do this infrastructure project. But as far as having people get out of their cars and cross a bike lane to a sidewalk, she thinks they are looking for trouble. She agrees with Councilor Filiault.

Chair Greenwald asked for further public comment. Hearing none, he asked for a motion.

The following motion by Councilor Workman was duly seconded by Vice Chair Filiault.

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends that the list of suggested bike lane rules by the Bicycle and Pedestrian Path Advisory Committee (BPPAC) be accepted as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Kiwanis Club of Keene - Request to Use City Property - Tree Lighting Ceremony**

Recommendation:

On a vote of 4 to 0, Planning, Licenses and Development Committee recommends the Keene Kiwanis Club be granted permission to use downtown City rights-of-way on Friday, November 28, 2025, to conduct the annual Tree Lighting Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street at Central Square, Roxbury Street from west of the Hannah Grimes Parking lot to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the actual event will be held from 5:00 PM to 8:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for the following: use of spaces with dates, times and locations to be determined in coordination with the Parking Division for volunteer parking during pre-event set-up and post-event break-down activities, and spaces within the event footprint on the day of the event.
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

Attachments:

None

Background:

Chair Bosley welcomed applicants from the Kiwanis Club of Keene, Liz Sayre of 290 Main Street and Christine Klauck of 110 Arch Street. Ms. Sayre said the Kiwanis Club proposed the annual Keene Tree Lighting Event for November 28, 2025, on Central Square. The Club completed the City application process and had Protocol meetings with the City Clerk's Office, Public Works Department, and Fire Department. Santa would be in attendance this year and Mrs. Claus would read *The Night Before Christmas*, giving out candy canes to children, and bells for them to ring when Santa comes. The Keene Cheshiremen Chorus would provide entertainment. Ms. Sayre called it a very community and family-friendly event, and the Kiwanis Club hoped for the Council's continued support.

Chair Bosley requested comments from City Manager Elizabeth Ferland, who said Deputy City Manager Rebecca Landry attended the Protocol Committee meetings and reported back. The City Manager said the Protocol Committee was happy with the plans as in the past. Staff from the Public Works Department and Fire Department would coordinate closing Central Square and detouring all traffic, consistent with past practice; staff would be present throughout the event. Community Development Department staff were prepared to perform any necessary food and electrical inspections. So, the City Manager said everything was in good shape, no changes to the event were needed, and the Protocol Committee was happy with the application.

Vice Chair Jones welcomed Ms. Sayre back to City Hall and thanked her for the report. Ms. Sayre said it was always a pleasure.

Councilor Haas recalled a question in 2024 about more coordination with downtown merchants. He said some specific requests did not seem practical, but it might be good to reach out to some of the merchants to see how they could promote their businesses during the Tree Lighting. Ms. Sayre said the Kiwanis Club would go to every downtown merchant leading up to the event and try to work with them as best possible. She was only aware of one person who felt closing Central Square affected their business, but Ms. Sayre said that business is not on the part of Main Street impacted by the closure. She said the Kiwanis Club would try to accommodate everyone. Ms. Sayre hoped the merchants would use it as an opportunity to become a part of the event and have special sales or some other draw to their location.

There were no public comments.

The following motion by Councilor Williams was duly seconded by Vice Chair Jones.

On a vote of 4 to 0, Planning, Licenses and Development Committee recommends the Keene Kiwanis Club be granted permission to use downtown City rights-of-way on Friday, November 28, 2025, to conduct the annual Tree Lighting Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated to the event, and agrees to remit said payment within 30-days of the date of invoicing;

- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street at Central Square, Roxbury Street from west of the Hannah Grimes Parking lot to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the actual event will be held from 5:00 PM to 8:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for the following: use of spaces with dates, times and locations to be determined in coordination with the Parking Division for volunteer parking during pre-event set-up and post-event break-down activities, and spaces within the event footprint on the day of the event.
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Authorization to Enter Mutual Aid Agreement with the Town of Marlborough for Building Inspection and Code Enforcement Services**

Recommendation:

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends that the City Manager be authorized to do all things necessary to enter into the Mutual Aid Agreement with the Town of Marlborough.

Attachments:

None

Background:

Chair Bosley welcomed Code Enforcement Plans Examiner Mike Hagan, who explained that the Town of Marlborough contacted Keene about some inspection services. The City looked into it and developed a proposed Mutual Aid Agreement between the City of Keene and Town of Marlborough to provide inspection and code enforcement services to the Town of Marlborough. This was regulated under RSA 53-A:3, II. City staff presented a package for the Committee and sought to authorize the City Manager to enter into the Mutual Aid Agreement.

Chair Bosley asked if the City held this agreement with any other community. Mr. Hagan said not at this time for building inspection services. Keene had provided plan review services for the Town of Winchester's Rite Aid building. So, he said it was a familiar scenario to the City.

Chair Bosley requested comments from City Manager Elizabeth Ferland, who supported this proposal. The City Manager said staff had a lot of conversations about what it meant to have a Mutual Aid Agreement and ensure it would not be at the expense of Keene taxpayers. She explained that the Town of Marlborough had a conflict reviewing a project happening in its own community and needed some outside help. This agreement is allowed by RSA, which was followed very closely. City Manager Ferland said she always prioritizes the City of Keene's needs and ensures the City does not take on responsibilities for another community without fair reimbursement.

Councilor Haas asked what staffing Marlborough had for inspections and reviews at this time. Mr. Hagan said there was a part-time building inspector as well as a part-time electrical inspector.

Councilor Haas said it sounded like Keene's staffing was more robust and could handle this workload. He respected that sometimes people need help from the outside but feared the City becoming an agency for the Town of Marlborough. He said most of the time when a large organization provides a service to a smaller organization, there would be some kind of markup associated with it, it would not just be at the City's cost. Councilor Haas was disappointed to see there was nothing like that in the Agreement. City Manager Ferland said the State of New Hampshire was pretty strict in terms of what the City could charge for fees and reimbursements; unless it is an enterprise fund, the City does not generate revenue, and even an enterprise fund just offsets costs. So, the City was limited as to what it could charge for a service like this, as long as the City would be reimbursed wholly. The City Manager said she made sure to include a short notice in the Agreement if the City should need to cancel at any time or if it is something the City simply could not take on. Councilor Haas asked if "reimbursed wholly" means the City's normal fee or the actual cost to the City for employee time and benefits. Mr. Hagan replied that the City of Keene's current fee structure would cover the costs and pay directly for the plan review, inspections, and administrative services provided.

Councilor Haas thought staff could see his point. He said if the City was limited by the state law, "so be it," that was how it was for so many things. Councilor Haas was concerned that this Agreement would interfere with staff time spent on Keene issues, noting Code Enforcement had been a concern over the past several years. He said the City hired Rick Wood, Fire Marshal/Building Inspector, who helped to organize things. Councilor Haas said he guessed Mr. Wood had done such a great job that the City had enough added capacity for this Mutual Aid Agreement. Chair Bosley did not think capacity was the same as ability, stating that she thought Mr. Wood brought quality to the Community Development Department; Chair Bosley thought the Department had the capacity but had not been using it in the most constructive way. City Manager Ferland thought the Community Development Department had capability but not a lot of capacity, so she shared the concern for City staff being pulled in too many different directions. The City Manager said the priority would always be City of Keene work. However, she said the City had helped other communities from time-to-time, as long as it is not at the City's expense; for example, the Revenue Office had registered vehicles for another town for a period of a few weeks. The City Manager called that a part of being in New Hampshire municipal government—"we do tend to help each other." Councilor Haas appreciated a good neighbor policy and called it good thing. He was glad the Mutual Aid Agreement included a 30-day cancellation because he said it, "could get ugly," if the Town of Marlborough laid off both part-time inspectors or they retired. Councilor Haas appreciated the City Manager's attention to that concern.

Vice Chair Jones saw this as more of a Mutual Aid Agreement, in which the City is reimbursed for services performed because the Town of Marlborough had a conflict. He thought it was very simple and if there was more to it, it should be called into court, and the City would still be reimbursed. Vice Chair Jones called it a Mutual Aid Agreement and being good neighbor.

There were no public comments.

The following motion by Councilor Haas was duly seconded by Vice Chair Jones.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends that the City Manager be authorized to do all things necessary to enter into the Mutual Aid Agreement with the Town of Marlborough.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.9.

Meeting Date: September 18, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Acceptance of Donation for Makerspace Staffing

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized do all things necessary to accept and expend a donation of \$15,000 from the Friends of the Keene Public Library to fund Makerspace staffing.

Attachments:

None

Background:

Library Director, Marti Fiske, and Head of Youth and Community Services Amy Kramer addressed the Committee and stated this item is in reference to the acceptance of an annual donation from the Friends of the Library in the amount of \$15,000. This fund will be used to pay for Makerspace staffing. Ms. Fiske stated that the Friends of the Keene Public Library have been funding the Makerspace since 2016. She indicated that the Makerspace staff train community members on how to use the machinery, and they work with librarians to develop services and programming. Today the library has staff who work 18.5 to 19.5 hours a week and the library has approximately 18.5 hours open every week. Ms. Fiske expressed her appreciation to the Friends and turned the presentation over to Ms. Kramer.

Ms. Kramer stated currently Makerspace has one part-time staff person and frequently interns from Keene State College from their Department of Sustainable Product Design and Innovation also provide their services. She presented to the committee some items Makerspace helps interested participants create. She stated they have in their possession a 3D printer, sewing machines, and a laminator. She gave some examples of items they have made in Makerspace, including signs displayed at the Story Walk at Ashuelot Park, people have made kitchen knobs, engraving of glasses and water bottles, engraved coasters. Ms. Kramer stated one does not have to be an artist to design and create things with Makerspace, there are staff available to assist you.

The following motion by Councilor Chadbourne was duly seconded by Councilor Lake.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City

Manager be authorized do all things necessary to accept and expend a donation of \$15,000 from the Friends of the Keene Public Library to fund Makerspace staffing.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.10.

Meeting Date: September 18, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of NH Juvenile Court Diversion Network Funding**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.

Attachments:

None

Background:

Youth Services Manager Alyssa Bender addressed the committee next. Ms. Bender stated New Hampshire Juvenile Court Diversion Network is the over-arching accreditation entity and covers the state-accredited program. The City has been accredited through the network for over 20 plus years and go through accreditation every two years, and through the sub-contract accreditation is completed every year. She indicated with these funds they are able to provide more services that they were not able to provide in the past. She stated the City typically receives between \$5,000 to \$6,000. However, last year the City received \$56,000 and this year the grant is for \$45,800.36. The increase in funding also came with increase in requirements. The City has taken over three new towns and cover the entire county for the diversion program.

Ms. Bender stated this funding helps support kids and wellness programs and also supports kids and substance use prevention and education. Last year the City worked with over 80 youth who were referred to diversion, whereas four years ago the City accepted only 30 youth.

The following motion by Councilor Roberts was duly seconded by Councilor Chadbourne.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.11.

Meeting Date: September 18, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Revo Casino Host Community Agreement

Recommendation:

On a vote of 3 to 1, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a standard agreement for host communities with Revo Casino and Social House Keene, and to accept and expend the funds. Councilor Roberts voted in opposition.

Attachments:

None

Background:

The City Manager addressed this item. She stated she had two Councilors who reached out to her who saw a news article on WMUR, which allows host municipalities of gambling facilities to also receive funds as if they were a charity. Nonprofits see about \$16,000 to \$20,000 depending on the activity at the casino. December is when Revo Casino would be addressing this issue for the host municipalities and in order to participate the City would need to sign their standard agreement.

The Manager stated this is the first time the City would be participating in something like this and would need Council authorization to move forward.

Councilor Chadbourne asked whether this means each year the City would have to apply, and it would be approved in December. The Manager stated this is the time period chosen by Revo Casino and this is when the agreement would need to be signed to participate (35% of what they take in during the time period).

Councilor Lake asked whether there are restrictions on how these funds can be used. The Manager stated the funding goes to the general fund. She added the reasoning behind this is because communities felt that casinos place a burden on their host community such as with Police and Fire. Hence, there are no restriction on how the funds can be used. She stated a conversation would need to be undertaken as to how these funds should be used.

Councilor Roberts stated he is not going to support this because he agreed the money would be

helpful but stated he had an ethical problem with accepting money from organizations that might cater to gambling issues. He stated when he goes to the New Hampshire Employment Security Office, by 11:45 am, he sees vehicles starting to come in and most of the attendees are retirees. He felt accepting these funds places a bad light on the City.

Councilor Favolise stated the negative impacts casinos have on citizens would be an issue regardless of whether the City has this agreement or not. He encouraged the committee to think about this agreement offsetting some of that perception and some of the burden a casino places on a community and stated he would like the opportunity to vote on this before the full Council.

Councilor Lake asked if this item was not moved forward, whether another charitable organization would fill that time slot in December and additionally whether there was a restriction on the location of the charitable organization that receives that funding.

The Manager stated in meeting with the Casino Manager, he indicated they try to keep it as local as possible, but there is no restriction that it needs to be Keene and there are organizations that are receiving funds that are not from Keene.

Councilor Chadbourne stated the City Manager has made a good point in terms of the City accepting this money, which benefits the City and as Councilor Favolise pointed out these casinos are here and this money is going to a charity or a municipality. She added the Manager had indicated the Council could decide how this money could be used and felt based on what Councilor Roberts said the Council could perhaps consider using the money towards either the Police Department or the Fire Department, which employs a social worker to address some of the issues that come up with addiction. She stated she saw this as a positive thing and stated she supports it.

Councilor Roberts referred to the ten-day issue and asked whether those days are additional days taken away from the casino or whether they are taken away from other charitable organizations. The Manager stated they are not additional days for the casino but if the City didn't accept these funds, then another nonprofit could apply for those days. The Councilor asked if the City accepts these funds, does that mean there could be less funds available for nonprofits that are currently receiving these funds. The Manager stated it just means a nonprofit couldn't sign up for those dates the City signed up for because the nonprofits are receiving it based on the sales or the activity that is happening on the days they are signed up for.

The Chair felt it was the right thing for a community; when an organization such as this, is in the community and the City is providing some services, this type of funding helps pay their fair share.

The following motion by Councilor Roberts was duly seconded by Councilor Chadbourne.

On a vote of 3 to 1, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a standard agreement for host communities with Revo Casino and Social House Keene, and to accept and expend the funds. Councilor Roberts voted in opposition.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

From: Megan Fortson, Planner
on behalf of the Joint Planning Board/PLD Committee

Through: Paul Andrus, Community Development Director

Subject: **O-2025-28-A Relating to Zone Change for Five Properties on Pearl Street & Winchester Street - Joint Planning Board/PLD Committee**

Recommendation:

A motion was made by Councilor Jones that the PLD Committee request the Mayor set a public hearing on Ordinance O-2025-28-A. The motion was seconded by Councilor Williams and carried on a unanimous vote.

A motion was made by Councilor Remy that the Planning Board find Ordinance O-2025-28-A consistent with the 2010 Master Plan. The motion was seconded by Armando Rangel and carried on a unanimous vote.

Attachments:

1. O-2025-28_Draft Ordinance Language_Redline
2. O-2025-28-A_Draft Ordinance Language_Clean Copy
3. Letter Size Pearl Street
4. SR_Ordinance_O-2025-28

Background:

O-2025-28 went to City Council for a first reading on August 21, 2025, and was referred to the Joint Planning Board & PLD Committee. A public workshop was held on September 8, 2025. During the public workshop, the Joint PB-PLD Committee, after hearing concerns from members of the public, voted to create an "A" version of the ordinance by removing three of the eight parcels included as part of the proposed zoning map amendment.

Included below is a section of the draft minutes from the September 8th Joint PB-PLD meeting. Attached to this memo are clean and redlined versions of the updated ordinance, O-2025-28-A, as well as the staff report that was included as part of the September 8th Joint Committee agenda packet.

- 1. Ordinance O-2025-28 Relating to Zone Change.** Petitioner, Adam Wright, proposes to amend the Zoning Map of the City of Keene by changing the zoning designation of the properties located at 0 Winchester St (TMP #592-019-000), 291 Winchester St (TMP #592-020-000), 371 Pearl St (TMP #592-021-000), 305 Winchester St (TMP #593-003-000), 363 Pearl St (TMP #593-004-000), 347 Pearl St (TMP #593-005-000), 339 Pearl St (TMP #593-006-000), and 331 Pearl St (TMP #593-007-000) from Low Density to Commerce. The total area of land that would be impacted by this request is ~2.6 ac.

Mr. John Noonan with Fieldstone Land Consultants addressed the Committee on behalf of petitioner Adam Wright. Mr. Noonan stated the applicant is looking to amend the zoning map and noted the applicant owns multiple lots on Pearl Street and Winchester Street. Mr. Noonan stated the applicant is planning to purchase the other lots that are listed in the application. Ultimately, the plan is to either sell or merge the lots, but Mr. Wright wants to be able to change it from low density residential to commerce in order to increase the uses that would be permitted in that area. The applicant feels this is a reasonable request.

Mr. Noonan stated this site is adjacent to the commerce district to the south where the fast food restaurants are located, the parking lot across the street is owned by Keene State College, and with the new roundabout it mimics more of a commerce zone directly abutting to the south compared to residential properties that are in the low density district along Pearl Street.

Mr. Noonan stated these properties are also different from the other lots along Pearl Street in that there is frontage, especially if they are merged. There will be frontage on both Winchester Street and Pearl Street. Both streets have municipal infrastructure for water and sewer, which is required. Liberty gas is also available on these streets. Hence, having multi-use works well on this site, which would be permitted in commerce zoning where you could have a mixed-use of multifamily residential or commercial businesses.

This concluded Mr. Noonan's comments.

Ms. Vezzani asked to be recused, as the applicant is a longtime client.

Councilor Haas asked whether other classifications have been looked at for rezoning this area, perhaps commerce limited. Mr. Noonan answered in the negative and stated they did not consider others because it is between the existing residential low density and commerce; it would become a spot zone if a different zone was proposed.

Mayor Kahn asked how the applicant would interpret this relative to traffic impact in the neighborhood. Mr. Noonan stated that with the construction of the roundabout, anything that would be a commercial use would come off Winchester Street, where you have two lanes of traffic in either direction. There are also municipally owned sidewalks that extend around the corner. If there was going to be a residential use, then they could potentially locate the residential driveways off the Pearl Street frontage of those lots. Mr. Noonan noted the applicant had not given any thought to designs for buildings or layouts at this time.

Chair Farrington asked how far up toward the roundabout the median exists on Winchester Street. Mr. Noonan referred to a plan and explained the median starts at the roundabout, runs just past lot 3 and ends at that location.

Mayor Kahn stated his other concern addressed in zoning is the 50-foot setback required when abutting a residential district. Mr. Noonan agreed and added that would affect the portion to the west where the lots would remain in low density residential.

Staff comments were next.

Planner Megan Fortson addressed the committee and stated the proposed zoning map amendment includes the conversion of eight existing parcels along Pearl and Winchester streets from a low density zoning designation to a commerce zoning designation. The parcels currently range in size from approximately 0.11 acres up to 0.57 acres, for a total impacted acreage of almost 2.7 acres.

Ms. Fortson stated in these rezoning decisions, the petitioner's intended use of the property should not be considered, rather, the permitted uses allowed in the proposed district should be evaluated for their suitability on the site. Additionally, the committee should consider, in reviewing the surrounding land use and zoning patterns, the consistency of the proposed rezoning request with the current master plan. As well as the existing and proposed zoning requirements and the possible resulting impacts, she noted the existing development on the parcels range from a few undeveloped lots to a lot with an existing outbuilding only and a few single-family and two-family residences.

Ms. Fortson then provided some background regarding the surrounding land use and zoning patterns. There is a mix of land uses. Adjacent to this larger cluster of parcels, there is the Keene State College Winchester Street parking lot, which is located to the east. There are McDonald's and other commercial uses located directly to the south of the subject parcel.

There is Riverside Plaza and other commercial uses are located to the south and southeast. As Mr. Noonan explained, the proposed ordinance would extend the limits of the commerce district further to the north. Zoning districts adjacent to the subject parcels include low density to the north and west, and commerce to the east and south. The downtown edge and high density districts begin approximately 500 feet to the northeast across the Ashuelot River. There is another area of high-density zoning located about 810 feet to the west of the subject parcels further along Pearl Street.

Ms. Fortson reviewed the proposal's compliance with the 2010 Master Plan, but noted that the 2025 Comprehensive Master Plan would soon be adopted.

For Community Vision, the vision focus area that is most relevant to the proposed rezoning is focus area one, which focuses on a quality built environment. This focus area contemplates the interconnection of the built environment and residents by focusing on specific goals that are relevant to both. Examples include striving to provide quality housing while continuing to sustain a vibrant downtown, as well as maintaining neighborhoods, while also balancing growth and ensuring the provision of infrastructure. The proposed zoning change would expand the commerce district further to the north, thereby providing an opportunity for potential developers to construct buildings containing a mix of dwelling units and commercial uses. Rezoning and redeveloping the subject parcels in this way could help provide a transition area between the existing homes in the Pearl Street neighborhood and the existing commercial amenities offered along Winchester Street. All these uses are able to be served by the existing municipal infrastructure in this area.

In regard to its compliance with the Future Land Use Plan, the subject parcels are located in what is called the Winchester Street Strategic Planning area of the future land use map and this area is described as having opportunities for a mix of higher density housing and provision of retail and

community services that transition to the Key Road commercial area along Winchester Street towards Keene State College and the Blake Street neighborhood.

The proposed zoning change would allow for the development of a myriad of uses on these parcels, regardless of whether they are merged or developed as individual lots. Permitted uses would include multifamily apartment buildings with commercial uses on the 1st floor, as well as a variety of other uses including, but not limited to office, retail and restaurants.

Ms. Fortson noted this neighborhood also straddles the downtown neighborhoods, traditional neighborhoods, mixed-use and business industrial live-work areas of the future land use map. The downtown neighborhood area is identified as being best suited to accommodate carefully planned growth and density. Alternatively, the business area of the future land use map is identified as being best suited for a mix of low-impact industrial and business uses. In conjunction with live work artist space where employees and business owners live in proximity to their place of employment or business.

Finally, in regard to the Housing Chapter, the master plan recognizes the community's ability to improve upon its existing housing stock and create new housing opportunities across all income and lifestyles. Balance the mix of rental and owner-occupied units, which will continue to be a determining factor in Keene and the region's health and prosperity. Overall, housing must be conveniently located, as well as be healthy, safe and affordable.

Ms. Fortson stated this proposal, given the fact that it is going from a lower impact zoning district to a higher impact zoning district, would potentially allow developers to provide new, diverse housing options at an affordable price in a location that is convenient for jobs, services and downtown amenities.

Ms. Fortson then provided a comparison between the existing and proposed zoning districts:

Low Density District — Is intended to provide for low intensity single-family residential development. All uses in this district shall have city water and sewer service.

Commerce — Is intended to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district shall have city water and sewer service.

In the low density district, the only use that is permitted by right and without a conditional use permit through the cottage court or a conservation residential development includes single family dwellings, community gardens and conservation areas.

In contrast, the commerce district has quite a few commercial uses; institutional uses, congregate living and social service uses, industrial open space. All these categories are allowed by right.

Comparison of Requirements:

Low Density — Minimum lot size of 10,000 square feet.

Commerce – minimum lot size is 15,000 square feet

Setbacks — Low Density – 15-foot front set back, 20-foot rear set back, and a 10-foot side set back.

Commerce — 20 foot front, side and rear set back with an increased 50 foot setback if a property is located adjacent to a residential zoning district.

Lot coverage – Low Density — Impervious surface coverage of 45%.
Commerce — You can go up to 80%.

Ms. Fortson noted this would create a cluster of commercially zoned parcels along Pearl Street and Winchester Street with the abutting parcels to the north, northwest and west remaining part of the low-density district.

Any future development on these lots, if they are rezoned to commerce, would need to be reviewed to ensure that there is sufficient capacity for sewer and water services available for the proposed development.

In regard to recommendations, there are recommended motions. For the Planning Board, if the Board finds the application appropriate, it would be to find the proposed ordinance consistent with the 2010 master plan. For the PLD Committee, the recommended motion would be to recommend that the Mayor set a public hearing date.

This concluded staff comments.

Councilor Remy asked how many lots are compliant with the 15,000 square feet of minimum lot size. Ms. Fortson stated she was not sure. The Councilor noted 339 Pearl Street would be on the edge of being noncompliant, 371 Pearl Street would remain as noncompliant, and there is one other lot that would become noncompliant.

The Chair asked for public comment next.

The Chair noted that the communication the Board was sent from James and Patricia Wright of 344 Pearl Street, who are opposed to this zoning change.

Ms. Barbara Peloquin of 308 Pearl Street stated she has lived in this property for 55 years and noted that she had concerns about this proposal. She began by stating she did not receive abutter notification until this past Friday, which made it difficult to get ready for this meeting. Ms. Peloquin questioned why the applicant himself was not present at today's meeting. She went on to say that adding the roundabout is a positive aspect for this area, but living on Pearl Street is not always comfortable when it comes to this roundabout. She stated it is dangerous to try and exit Pearl Street. She reminded the Board of a similar change requested for the end of Wood Street in 1989 for the storage unit site. The understanding was that ten trucks would enter and exit the site Monday through Friday and noted there are trucks that come to this site at 2 am disturbing the neighborhood. She stated the conditions on Pearl Street are not as simple as has been presented tonight.

Ms. Peloquin stated it would be helpful to have a more defined explanation as to what is being proposed for this area. She stated she is not opposed to change, but is opposed to having to close her windows and doors all summer because of the smells that travel from the restaurants close by. Ms. Peloquin stated when an entire neighborhood is being proposed to be changed, it is necessary for the neighbors to know what they can expect.

Ms. Peloquin noted the roundabout off Island Street is interesting, the street is not wide enough, access to the sidewalks is treacherous. Once a comfortable neighborhood, it is not the same anymore. She referred to how unsafe the sidewalk in front of Carbone's Window site and the unsafe experiences she has witnessed.

Ms. Michelle Wright stated she lived at 344 Pearl Street as a child and now owns rental property on Pearl Street. Her parents, Mr. and Mrs. Wright, who are 83 and 81 years old, live at 344 Pearl Street and, like many neighbors, are aging in place in this community they have called home for multiple decades. She stated she is before the committee with her parents to express strong opposition to the proposed rezoning of Pearl Street from low density to commercial. She felt this would negatively affect abutters, most of whom are seniors, living out their retirement in a peaceful neighborhood.

Ms. Wright went on to say commercial zoning opens the door to taller buildings that tower over homes, robbing residents of sunlight, views and privacy.

Traffic and Safety – As was indicated by Ms. Peloquin, increased vehicle trips, delivery trucks, customer traffic, a narrow residential street will exacerbate already dangerous conditions for seniors, children and pedestrians.

Noise — Extended business hours bring constant disruption. Early mornings, late nights and weekends, especially within the parking lots. This is a problem the neighborhood has been forced to deal with since the farmland was converted to fast food alley on Winchester St.

Light Pollution — Bright signage and parking lot lights will spill into yards and bedrooms, disrupting rest as experienced by the location of McDonald's and the previous construction staging area the neighborhood has had.

Stormwater and Environmental Risks — More pavement and larger buildings mean runoff erosion and potential flooding into properties. Ms. Wright noted that several times just on Wagner Street drains have overflowed and flooded. This area, being so close to the Ashuelot River, is also a problem.

Loss of Privacy - Larger buildings and more foot traffic erode the peace and safety that the neighborhood has long valued.

Property Values — The presence of commercial zoning in a quiet residential block reduces the value of homes and discourages future families from moving here.

Ms. Wright noted the city's master plan lays out clear goals to support aging in place and protect the quality of life for seniors, preserving neighborhood character and ensuring new development is compatible with existing uses and to encourage new housing, but in locations where it aligns with infrastructure and community needs. She felt this proposal conflicts with all of those items creating more housing or commercial activity by disrupting a longstanding residential neighborhood does not align with the master plan and its growth at the expense of those who have already built their lives here.

Ms. Wright stated the neighborhood has lived through this type of change in the past, when farmland nearby was rezoned for commerce and the neighborhood saw fast food restaurants spring up. The shift brought noise, traffic, light pollution right to the residents' doorsteps. To move forward with the rezoning will take it right from their doorstep into their living rooms. The previous change created undue stress for the residents, and it forever changed the neighborhood's character. To allow further commercial encroachment, simply for the sake of investors, is unconscionable.

Ms. Wright stated as a realtor she understands the urgent need for more housing in Keene and across the nation. She stated she supports thoughtful development, but it must not come at the cost

of existing homeowners, many of whom are elderly and have earned the right to quiet enjoyment in their golden years. We can build new housing in ways that respect the master plan, protect our seniors and preserve neighborhood integrity.

Ms. Wright stated they are the neighborhood of Keene; the residents, the voice, the community, the very fabric of Keene the master plan represents and purports to protect. Neighborhoods are not simply clusters of houses. They are as alive as the people who dwell in them. They are created and sustained by individuals who believe in the ultimate American dream, the right to homeownership. That dream, though increasingly elusive across the nation, remains the heartbeat of Keene. Here, families have worked for decades to secure a modest piece of earth to build a home to raise children, to share meals at a kitchen table, to tend gardens that nourish more than just the body.

She stated that as leaders, this committee has the rare opportunity to set a precedent to declare that neighborhoods in Keene are not expendable. They are essential. Their health, stability and continuity are critical to the well-being of our city. By preserving what we have and building upon it thoughtfully, you affirm that growth does not mean erasure, and progress does not mean displacement. The voices of Pearl Street and neighborhoods like it carry generations of stories, stories of resilience, of floods endured, of laughter rising from porches, of children running through twilight, or elders aging with dignity in the homes they built. This is not simply nostalgia. It is the foundation of civic health. Strong neighborhoods create strong cities. When we protect them, we protect our people, our history and our shared future, and thoughtfully develop as a community.

In closing, Ms. Wright stated Pearl Street is more than an address. It is a legacy. It is proof that neighborhoods are not only where we live, but who we become. They are where the laughter of children once echoed. Where families sat down to dinner at 5:00. Where neighbors looked after one another without hesitation. They are the foundation upon which Keene has built its character and its strength. She asked that the committee see beyond maps and zoning lines. See the lives lived here. The generations who have poured their work, their love and hope into these homes into the city. See a future that can still thrive if we honor the past. We, the residents, are not against growth. We are for the community, we are for a city that remembers its people. We are for the right to age in peace, in the homes we built and no passage forward. The stories and legacies of this place. The master plan is not just policy. It is a promise. A promise to preserve, protect and nurture the very fabric of Keene: its neighborhoods, its people, its soul. Let us keep that promise.

Ms. Lori Whippie of 352 Pearl Street addressed the committee next. Ms. Whippie stated she lives right across from where this major part of this proposed change is going to be happening. She stated she too shares strong opposition to this change. Ms. Whippie apologized for not being prepared and added that she, too, did not receive a letter until the last minute and expressed her disappointment in the lack of efforts by the city to notify the community about this meeting.

Ms. Whippie stated she shares the same frustrations as her neighbors. She stated she shares the same frustrations about the roundabout: it is not wide enough and is incredibly dangerous for residents to exit their street. She also added she has concerns with where the crosswalks are placed because it is almost impossible to see pedestrians.

She stated the other troubling issue is the residents don't know what is going to be constructed on their street.

Ms. Whippie stated she too has been affected by noise and light pollution as well as the staging area

for construction and stated it is disappointing the lack of attention that has been given to homeowners on this street.

Ms. Whippie stated this was her first home. Her husband is in the military and when he retires in four years and comes back home, she does not want him to come back to a place of noise and unrest. She noted that he has earned his place of peace and is someone who has given almost 20 years to the military. She added when they purchased their house they never realized the amount of noise and trouble that came from the McDonald's parking lot. She indicated it is loud even at 2 to 3 am. She stated there is constantly garbage in her yard, and it is difficult to keep up with that. Ms. Whippie pointed out that they live very close to the river and have experienced flooding in the basement, causing a lot of property damage. She felt a commercial property would devalue her home and cause more issues than what she is experiencing.

Mr. James Wright stated he has lived in his residence for 60 years. Mr. Wright stated he has lived through two flooding events, but this is his home and wants to continue to live here. He referred to two properties the city has ignored for many years on Pearl Street for over 30 years. He talked about the difficulty of living so close to a roundabout. Mr. Wright stated he has heard the applicant is intending to construct a restaurant on Pearl Street. He talked about the effort he has put into trying to get a speed sign on this street, but has not been successful.

Councilor Jones stated to the public they would have another opportunity to address the full council in about a month. He further stated this committee cannot be project specific but can dictate the types of uses that can be located.

Ms. Peloquin addressed the committee again and stated she understands the process. Ms. Peloquin stated she does not want to be another situation with the kind of use that already exists on Pearl Street where large trucks travel by her house and talked about the issue she is already having with large vehicles causing her house to shake and windows that have cracked due to these vehicles driving by her house. She stated they have no recourse for this, but if they had known what was going to happen they could have raised an objection. Ms. Peloquin pointed out that she has also learned that a commercial use in a neighborhood could decrease property value.

Councilor Bosley stated the responsibility of this committee is to deliberate what they feel is the best use of this property and all the uses that can be located on this property. The Councilor stated someone could approach the city and say, for example, they were going to construct a beautiful greenhouse, and could sell that concept to the neighbors. On that information, the city could change the underlying zoning. However, because the zoning is now changed, a car dealership can be located in that zone and at that point there will be no recourse to stop any of the permitted uses in that zoning district. She stated that, hence, it is better the committee doesn't know, so that they could evaluate the most potentially harmful use that could be located if the zoning was changed.

With no further comment, the Chair closed the public hearing.

Councilor Remy stated in looking through the list of potential uses – he stated while the master plan is very broad, it talks about some important uses which have been highlighted. This particular zone, as staff has called out in their report, is a “call out zone” and is in the Winchester/Marlboro Street Strategic Planning Area. He referred to the following language. The *intent was that there are opportunities for a mix of higher density housing and provision of retail and community services that transition to the Key Road commercial area along with Winchester Street towards Keene State*

College and the Blake Street neighborhood in the direction of Main Street, and then it goes on to talk about Marlborough Street on the other side. He felt from a master plan perspective, the uses meet that definition, but whether it aligns with the neighborhood on Pearl Street is something that would need to be discussed.

Councilor Bosley stated on the surface of this, she would tend to disagree with Councilor Remy. She stated during the meeting she had been driving up and down Pearl Street on Google Maps because she wanted to get a feel for what the neighborhood is like. She stated she agrees there is potential for some commercial zoning but did not feel it needs to go this far down Pearl Street. She stated there is a really nice residential neighborhood here that needs to be protected; she stated with the recent changes to the commercial district, we could see a six-story building with housing on the upper floors and commercial on the lower floor and did not feel this would be in keeping with this neighborhood. As well as a myriad of other uses that would be allowed in commerce. The Councilor stated she would be amenable to looking at the front four lots that are directly adjacent to the roundabout, which could serve a commercial purpose, but the three lots at the rear belong to the neighborhood.

Councilor Jones felt the city had already set precedent with the change of zoning on Pearl Street 10 years ago when it would have changed from a lower impact to a higher impact. At that time, it was determined that the other end of Pearl Street, where it meets West Street, is a failed intersection, and that the city should not be moving to a higher impact. The Councilor noted nothing had changed at that intersection, it is still a failed intersection and added that moving to a higher impact is not the right thing to do at this time.

He went on to say, as Ms. Whippie had stated there is the potential for flooding, and now we are going to be taking an area and almost doubling the impervious surface from 45% to 80% and stated he disagreed with this as well. Councilor Jones stated this is not the right idea for this neighborhood. The committee can't look at projects, but they can look at commercial uses and some of those uses as outlined on the list provided to the committee don't fit in this neighborhood.

Councilor Madison stated he agrees with Councilor Jones and stated he too was looking at Google Maps and noted this is a residential street; it is not meant for a lot of traffic and looking at the commercial uses that could potentially go into these lots is concerning because of the traffic that would be introduced by those uses onto Pearl Street. He felt traffic would turn around on to people's driveways or turn around onto the other two streets off Pearl Street. He did not feel Pearl Street was designed for this type of traffic.

Mayor Kahn asked staff what the options the petitioner has to scale back his application. He asked whether this was under the committee's purview. Ms. Brunner stated at the public workshop phase, the Joint Committee could modify the zoning proposal. It is a legislative decision, and the Board has the leeway to make such a change.

The Mayor asked whether it would be a denial of this initial request, but with a message that the petitioner could come back with a revised petition. Ms. Brunner stated if the committee modified the proposal and if it is impractical for any development to happen, it could be considered a denial, or it could be considered a modification.

Councilor Bosley stated she would like to leave a portion of it as a change and noted she couldn't see anyone wanting to live in those lots on that roundabout; specifically the two lots that directly abut the roundabout. Anything further back would be disrupting the residential neighborhood. She stated

her preference would be to consider that, but would be amenable to striking the entire conversation, if that's the direction the committee wants to proceed.

Councilor Remy asked Councilor Bosley if she was proposing to include 363 and 305 Pearl Street. He felt 371 and 291 Pearl Street would be challenging. Councilor Bosley stated that to create continuity you would need 363 and 305, which was her original suggestion, but stated her preference would be to divide 363 in the center. Councilor Remy stated his comments around the master plan were regarding the lots being discussed now but would not apply to the lots in the rear.

Councilor Haas stated it is unfortunate that we are locked into the definitions of zones and their permitted occupancies. He felt the city should explore opportunities to accommodate these transitional zones; to accommodate small residential neighborhoods as they move up against a commercial zone.

A motion was made by Councilor Remy that the Joint Committee amend the proposed ordinance to remove 331 Pearl Street, 339 Pearl Street and 347 Pearl Street so that the only remaining properties would be the city's property at 0 Winchester Street, properties at 291 Winchester Street, 305 Winchester Street, 363 Pearl Street and 371 Pearl Street. The motion was seconded by Councilor Bosley.

Councilor Haas explained with the amendment that the petitioner could withdraw the petition, or it would move to a public hearing on the amended proposal.

Mr. Hoefer stated he would be in support of the amendment. Councilor Jones felt unless the petitioner had requested an amendment, it was not something the committee should be proposing. Ms. Brunner stated what the committee is doing right now is creating an A version, which would not require a continuance of the public hearing. The notice of the public hearing would reflect the A version and the neighborhood would be provided with a change to the ordinance. The Mayor felt this was reasonable accommodation for the petitioner and the neighborhood.

The amended motion, made by Councilor Remy, carried on a 10-2 vote, with Councilors Jones and Madison voting in opposition. A motion was made by Councilor Jones that the PLD Committee request the Mayor set a public hearing on Ordinance O-2025-28-A. The motion was seconded by Councilor Williams and carried on a unanimous vote.

A motion was made by Councilor Remy that the Planning Board find Ordinance O-2025-28-A consistent with the 2010 Master Plan. The motion was seconded by Armando Rangel and carried on a unanimous vote.



CITY OF KEENE

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

AN ORDINANCE Relating to Amendments to the Zoning Map – Low Density to Commerce –
Intersection of Pearl Street and Winchester Street

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

That Article 2.4 “ZONING MAP”, of the City of Keene, NH Land Development Code (LDC), as amended, be and is hereby further amended by changing the zoning designation on the "1977 Amended Zoning Map of the City of Keene", as adopted by the Keene City Council on September 1, 2021, as part of Article entitled, "ESTABLISHMENT OF ZONING REGULATIONS & DISTRICTS", of the said LAND DEVELOPMENT CODE (LDC), from Low Density (LD) to Commerce (COM), on the following parcels so that the entire parcels will be designated Commerce (COM):

592-019-000-000-000 0 Winchester Street
592-020-000-000-000 291 Winchester Street
592-021-000-000-000 371 Pearl Street
593-003-000-000-000 305 Winchester Street
593-004-000-000-000 363 Pearl Street
~~593-005-000-000-000 347 Pearl Street~~
~~593-006-000-000-000 339 Pearl Street~~
~~593-007-000-000-000 331 Pearl Street~~

Jay V. Kahn, Mayor



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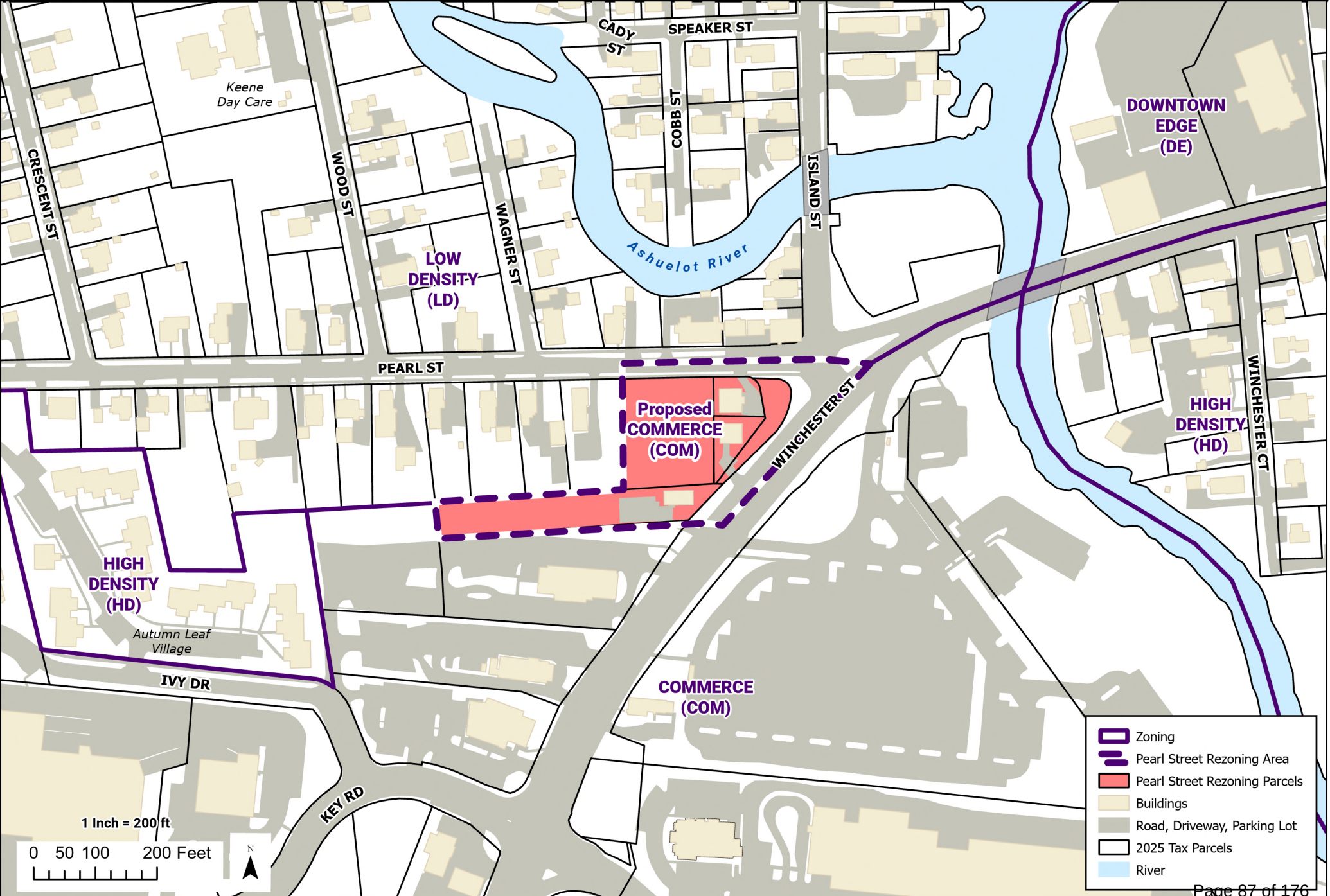
592-019-000-000-000 0 Winchester Street
592-020-000-000-000 291 Winchester Street
592-021-000-000-000 371 Pearl Street
593-003-000-000-000 305 Winchester Street
593-004-000-000-000 363 Pearl Street

Jay V. Kahn, Mayor

Proposed Zoning Map Amendment Pearl Street, Keene, NH Tax Map 593 Lots 3-4 & Tax Map 592 Lots 19-21

Prepared by KGIS
 9/15/25
 City of Keene Parcels:
 CAI Inc
 Basemapping:
 KGIS2025

DISCLAIMER:
 The City of Keene makes no
 warranty or representation as
 to the accuracy, timeliness or
 completeness of any of the data.
 The City of Keene shall
 have no liability for the data
 or lack thereof, or any decision
 made or action taken or not taken
 in reliance upon any of the data.



Staff Report – Ordinance O-2025-28

The Ordinance:

This Ordinance proposes to amend the official Zoning Map of the City of Keene by changing the zoning designation of 8 parcels along Pearl Street and Winchester Street from Low Density (LD) to Commerce (COM). The total land area that would be impacted by this request ~2.65 acres.



Figure 1. Aerial imagery from 2020 showing the eight subject parcels with frontage along Pearl St & Winchester St.

Figure 1 shows the location of the subject parcels in red. Table 1 includes a breakdown of the address, tax map parcel number, land area, ownership, and occupancy of each parcel included as part of this request. The Applicants for this proposed zoning map amendment are Adam Wright, one of the property owners, as well as a local land use consultant, Fieldstone Land Consultants.

In rezoning decisions, the Petitioner's intended use of the property should not be considered. Rather, the permitted uses allowed in the proposed district should be evaluated for their suitability on the site. Additionally, the Board should consider and review:

- Surrounding land use and zoning patterns;
- The consistency of the proposed rezoning request with the Master Plan;
- Existing and proposed zoning requirements; and,
- Possible resulting impacts.

Table 1. Lot Data for the Eight Subject Parcels Along Pearl St & Winchester St.

Parcel Address	Tax Map Parcel Number (TMP#)	Parcel Size	Property Owner	Occupancy
331 Pearl St	593-007-000	~0.37-ac	Michael C. Wright	Two-Family
339 Pearl St	593-006-000	~0.31-ac	Allan C. Bemis	Existing Outbuilding
347 Pearl St	593-005-000	~0.39-ac	Adam E. Wright	Single Family
363 Pearl St	593-004-000	~0.60-ac	Adam E. Wright	Undeveloped Lot
371 Pearl St	592-021-000	~0.12-ac	Adam E. Wright	Single Family
0 Winchester St	592-019-000	~0.18-ac	City of Keene	Undeveloped Lot
291 Winchester St	592-020-000	~0.11-ac	Adam E. Wright	Single Family
305 Winchester St	593-003-000	~0.57-ac	Stephen J. Allen	2-Family

BACKGROUND / SURROUNDING LAND USE & ZONING PATTERNS:

The subject parcels are located on the south side of Pearl St and west side of Winchester St directly to the west of the roundabout. The parcels contain a mix of uses ranging from single- and two-family homes to undeveloped lots. Access to these properties is from Winchester St and Pearl St. Adjacent uses include a mix of single-, two-, and multi-family dwelling units to the north and west. The Keene State College Winchester Street parking lot is located to the east and McDonald's and other commercial uses, including restaurants and Riverside Shopping Plaza, are located to the south and southeast.

The proposed Ordinance would extend the limits of the Commerce (COM) District further to the north. Zoning districts adjacent to the subject parcels include Low Density (LD) to the north and west and Commerce to the east and south. The Downtown Edge (DT-E) and High Density (HD) Districts begin ~500-ft to the northeast across the Ashuelot River. Another area of High Density is located ~810-ft to the west of the subject parcels along Pearl St. Figure 2 shows the location of the subject parcels in relation to the boundaries of these nearby zoning districts.



Figure 2. Map showing the location of the subject parcels in relation to the boundaries of nearby zoning districts.

MASTER PLAN CONSISTENCY:

Community Vision:

The Vision Focus Area that is most relevant to the proposed rezoning is *Focus Area 1: A Quality Built Environment*. This focus area contemplates the interconnection of the built environment and residents by focusing on specific goals relevant to both. Examples include striving to provide quality housing while continuing to sustain a vibrant downtown as well as maintaining

neighborhoods while also balancing growth and ensuring the provision of infrastructure. One way in which these types of goals can be achieved is by rezoning existing parcels that only allow for the construction of single-family homes to a commercial district.

The proposed zoning change would expand the Commerce Zoning District further to the north, thereby providing an opportunity for potential developers to construct buildings containing a mix of dwelling units and commercial uses. Rezoning and redeveloping the subject parcels in this way could help provide a transition area between the existing homes in the Pearl Street neighborhood and the existing commercial amenities offered along Winchester St. All of these uses are able to be served by the existing municipal infrastructure in this area.

Future Land Use Plan:

The subject parcels are located in the “*Winchester Street Strategic Planning Area*” of the Future Land Use Map. This area is described in the Master Plan as having “...*opportunities for a mix of higher density housing and provision of retail and community services that transition to the Key Road commercial area along Winchester Street towards Keene State College and the Blake Street Neighborhood in the direction of Main Street.*” The proposed zoning change would allow for the development of a myriad of uses on these parcels regardless of whether they are merged or developed as individual lots. Permitted uses would include multi-family apartment buildings with commercial uses on the first floor as well as a variety of other uses, including but not limited to offices, retail, and restaurants.

This neighborhood also straddles the “*Downtown Neighborhoods / Traditional Neighborhoods / Mixed-Use*” and “*Business / Industrial / Institutional / Live-Work*” areas of the Future Land Use Map. The “*Downtown Neighborhoods*” area is identified as being best suited to accommodate “*carefully planned growth and density.*” Alternatively, the “*Business*” area of the Future Land Use Map is identified as being best suited for a mix of low-impact industrial and business uses in conjunction with “*live/work artists’ space*” where employees and business owners live in close proximity to their place of employment/business. It is stated that these businesses should strive to fit in with a “*sensitivity to surrounding neighborhoods.*”

Housing Chapter:

The Comprehensive Master Plan recognizes, “*The community’s ability to improve upon its existing housing stock, create new housing opportunities across all income and lifestyles, balance the mix of rental and owner-occupied units...will continue to be a determining factor in Keene’s – and the region’s- health and prosperity. Overall, housing must be conveniently located, healthy, safe, and affordable.*” The Housing Chapter discusses strategies that encourage a diverse housing stock that promotes good design and quality construction. This proposal would increase the opportunity for the creation of new, diverse housing options at an affordable price point in a location that is convenient for jobs, services, and downtown amenities.

CHARACTERISTICS OF EXISTING & PROPOSED ZONING DISTRICTS:

Intent of the Zoning Districts:

The proposal is to convert eight existing parcels with frontage along Pearl St and Winchester St from the Low Density District to the Commerce District. A description of these districts from the Zoning Ordinance is included below.

- **Current Zoning – Low Density:** *The Low Density (LD) District is intended to provide for low-intensity single-family residential development. All uses in this district shall have City water and sewer service.*
- **Proposed Zoning – Commerce:** *The Commerce (COM) District is intended to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district shall have City water and sewer service.*

Based on these intent statements, the proposed zoning for the subject parcels could be appropriate in that City water and service are available via both Pearl St and Winchester St.

District Uses:

The permitted uses of the Low Density (LD) District (*existing*) and the Commerce (COM) District (*proposed*) differ significantly. Low Density allows for only single-family dwellings by right and up to 6-unit townhomes per building with limited commercial uses through the Cottage Court Overlay Development (CCOD) Conditional Use Permit Process (CUP).

Alternatively, the Commerce District (*proposed*) only allows for multi-family housing as well as a variety of other commercial, industrial, open space, infrastructure, and transportation uses. Table 2 shows the permitted principal uses for the Low Density District and Table 3 shows the principal permitted uses for the Commerce District.

3.3.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family	CRD, CUP	8.3.1.E
Dwelling, Multifamily	CRD, CUP	8.3.1.C
Dwelling, Above Ground Floor	CUP	8.3.1.A
COMMERCIAL USES		SECTION
Neighborhood Grocery Store	CUP	8.3.2.V
Office	CUP	8.3.2.W
Restaurant	CUP	8.3.2.AC
Retail Establishment, Light	CUP	8.3.2.AE
INSTITUTIONAL USES		SECTION
Day Care Center	CUP	8.3.3.C
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P ¹	8.3.7.E

P = Permitted

P¹ = Permitted with limitations per Article 8.

CUP = Permitted by Conditional Use Permit

CRD = Permitted by Conservation Residential Development

Table 2. Permitted Principal Uses in the Low Density District.

5.1.5 Permitted Uses

RESIDENTIAL USES			INSTITUTIONAL USES - CONTINUED		SECTION
Dwelling, Multi-family	P1	8.3.1.C	Place of Worship	P1	8.3.3.E
COMMERCIAL USES			Private School	P1	8.3.3.F
Animal Care Facility	P	8.3.2.B	Senior Center	P1	8.3.3.G
Art Gallery	P	8.3.2.C	CONGREGATE LIVING / SOCIAL SERVICES USES		
Art or Fitness Studio	P	8.3.2.D			
Banking or Lending Institution	P	8.3.2.E	SECTION		
Bar	P	8.3.2.F	Domestic Violence Shelter	P1	8.3.4.A
Car Wash	P	8.3.2.H	Drug Treatment Clinic	CUP	8.3.4.B
Charitable Gaming Facility	P1	8.3.2.I	Food Pantry	P	8.3.4.D
Clinic	P	8.3.2.J	Group Resource Center	CUP	8.3.4.G
Event Venue	P	8.3.2.K	Homeless Shelter	CUP	8.3.4.H
Funeral Home	P	8.3.2.L	Lodginghouse	CUP	8.3.4.I
Greenhouse / Nursery	P	8.3.2.M	Residential Care Facility	CUP	8.3.4.J
Health Center / Gym	P	8.3.2.N	Residential Drug/Alcohol Treatment Facility	CUP	8.3.4.K
Hotel/Motel	P	8.3.2.P	INDUSTRIAL USES		
Micro-Brewery/Micro-Distillery/Micro-Winery	P	8.3.2.R-T	SECTION		
Motor Vehicle Dealership	P	8.3.2.U	Artisanal Production	P1	8.3.5.A
Neighborhood Grocery Store	P	8.3.2.V	Data Center	P	8.3.5.C
Office	P	8.3.2.W	Industrial, Light	SE	8.3.5.E
Personal Service Establishment	P	8.3.2.X	Outdoor Storage Yard	P	8.3.5.F
Private Club / Lodge	P	8.3.2.Y	OPEN SPACE USES		
Recreation/Entertainment Facility - Indoor	P	8.3.2.Z	SECTION		
Recreation/Entertainment Facility - Outdoor	P	8.3.2.AA	Conservation Area	P	8.3.6.C
Research and Development	P	8.3.2.AB	INFRASTRUCTURE USES		
Restaurant	P	8.3.2.AC	SECTION		
Retail Establishment, Heavy	P	8.3.2.AD	Solar Energy System (Small-Scale)	P1	8.3.7.A
Retail Establishment, Light	P	8.3.2.AE	Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Self Storage Facility - Exterior Access	P	8.3.2.AF	Telecommunications Facilities	P1	8.3.7.E
Self Storage Facility - Interior Access	P	8.3.2.AG	TRANSPORTATION USES		
Sexually Oriented Business	P1	8.3.2.AH	SECTION		
Specialty Food Service	P	8.3.2.AI	Parking Lot (Principal Use)	P1	8.3.8.A
Vehicle Fueling Station	P1	8.3.2.AJ	Parking - Structured Facility (Principal Use)	P1	8.3.8.B
Vehicle Rental Service	P	8.3.2.AK	P = Permitted P1 = Permitted with limitations per Article 8. SE = Permitted by Special Exception CUP = Permitted by Conditional Use Permit		
Vehicle Repair Facility - Major	P1	8.3.2.AL			
Vehicle Repair Facility - Minor	P1	8.3.2.AM			
INSTITUTIONAL USES					
Community Center	P1	8.3.3.A			
Cultural Facility	P1	8.3.3.B			
Day Care Center	P	8.3.3.C			

Table 3. Permitted Principal Uses in the Commerce District.

Dimensional Requirements:

Table 4 highlights the zoning dimensional requirements for the Commerce and Low Density Districts. The minimum road frontage and rear setback requirements are similar, but overall the dimensional requirements of the two districts reflect their differences in allowed uses. The Low Density District has a "Minimum Lot Width at Building Line," requirement, which part of the dimensional standards in all residential districts in the City of Keene, but is not required in any other districts. The Low Density District also allows for smaller minimum lot sizes with building setbacks ranging from 10-20 ft in size and has a maximum lot coverage allowance of 45%. In

contrast to this, the Commerce District requires 20' setbacks on all sides, has a 10' narrower frontage requirement, and allows up to 80% lot coverage. These variations in dimensional requirements could allow for vastly different developments on the subject parcels.

Table 4. Dimensional Requirements for the Low Density & Commerce Districts.		
Dimensional Standard	Low Density	Commerce
Minimum Lot Area	10,000 sf	15,000 sf
Minimum Lot Width at Building Line	70 ft	-
Minimum Road Frontage	60 ft	50 ft
Minimum Front Setback	15 ft	20 ft
Minimum Rear Setback	20 ft	20 ft (50 ft setback required if abutting a residential district)
Minimum Side Setback	10 ft	20 ft
Maximum Building Coverage	35%	80%
Maximum Impervious Coverage	45%	80%
Minimum Green / Open Space	55%	20%
Maximum Stories Above Grade	2	3*
Maximum Building Height	35 ft	42 ft*

*See Use Standard 8.3.1.C.2.c for additional Dwelling, Multifamily height allowances.

IMPLICATIONS OF THE PROPOSED CHANGE:

Density of Development:

The proposed map amendment would create a swath of commercially zoned parcels along Pearl St & Winchester St with the abutting parcels to the north, northwest, and west remaining part of the Low Density District. This change would greatly increase the number of allowed uses on these lots, thereby opening up multiple opportunities for commercial development in this area in the form of multi-family dwellings, retail/office space, or even mixed-use developments.

Provision of City Water & Sewer Service:

These parcels have existing City water and sewer service connections along Pearl St and Winchester St, which is a requirement in both the Low Density and Commerce Districts. Any future development on these lots will need to include an evaluation of whether the existing utilities in this area have sufficient capacity to serve the proposed use(s).

Recommendations:

If the Committee is inclined to approve this request, the following language is recommended for the motion for each board:

Planning Board Motion: "To find proposed Ordinance, 0-2025-28, consistent with the 2010 Comprehensive Master Plan."

Planning, License & Development Committee Motion: "To recommend that the Mayor set a public hearing date."



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: Request for Consideration of an Ordinance Amendment to Regulate the Muzzling of Dogs

Recommendation:

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends placing Councilor Williams - Request for Consideration of an Ordinance Amendment to Regulate the Muzzling of Dogs on More Time.

Attachments:

None

Background:

Chair Bosley welcomed comments from the petitioner, Councilor Bobby Williams. Councilor Williams recalled that approximately 18 months prior in March 2024, the PLD Committee discussed a larger dog that attacked a smaller dog in the community. The larger dog had a history of attacking other dogs. The owner of the smaller dog requested that the Council consider a muzzle Ordinance, requiring dogs with bite histories to wear muzzles in public. Councilor Williams did not think that should be a permanent sentence, but perhaps that two years with the muzzle could be a good lesson for a dog and a dog owner, specifically. He said the intent was not to punish dogs or dog owners, but to improve behavior and safety overall in the City.

Councilor Williams explained that when first introduced, the City found it was unable to pass this proposed muzzling ordinance because the State of NH laws restricted muzzles only to the context of a rabies outbreak; he called that a curious interpretation. Given this problem, Councilor Williams took the issue to the State of New Hampshire with the help of State Representative Jodi Newell. Representative Newell introduced House Bill 250, which passed by unanimous consent and was signed into law in August 2025. HB 250 allows the City to pass a muzzling ordinance in Keene. Therefore, Councilor Williams asked the Committee to consider whether the City would want a dog muzzling ordinance and what it would entail if so, to ensure Keene citizens remain safe from dogs who have attack histories. He mentioned needing to consider proper enforcement, noting that as a part of the HB 250 process, many interested parties came forward, including the Humane Society, with some model ordinances the City could consult from other communities, as well as other experts. Councilor Williams hoped to hear from the public about what they would want.

Chair Bosley noted that with this being a new law in the State of NH, the City would pave the way with this conversation. She did not think the Committee would act at this meeting. The Chair requested comments from City Attorney Amanda Palmeira on next steps. The City Attorney began with a high-level overview of the state law before reviewing the new change. NH is a Dillon's Rule state, which is the opposite of a Home Rule state, meaning the City can only regulate what the state says it can regulate. Under NH RSA 466:39, municipalities have been expressly authorized to regulate the restraint of dogs and issue fines. Although the City could regulate the restraint of dogs, the state has still limited the type of restraint activity and the enforcement measures for the type of activity (outlined in RSA 444:31). The state identified actions the City could choose from to qualify dogs as either a *nuisance*, *menace*, or *vicious*. The City chose to work with those three actions/categories, as seen in the City Code Section 10-35. The City Attorney recalled the state's limit on enforcement in RSA 444:31 was a monetary penalty. So, although the City could pick actions and assign them to categories, the categories and their fines were already picked by statute for the City.

City Attorney Palmeira explained that the new law taking effect September 30, 2025, would authorize the City and other municipalities to require muzzling of dogs who have engaged in one of the particular actions listed in RSA 466:31, II (g), "If, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings." If a dog has committed one of those actions, the statute would now authorize municipalities to require the action that warrants a muzzle in public. Chair Bosley asked if this RSA would require the City to create an Ordinance. The City Attorney said no, this was an enabling statute. So, the City would have the option to create an Ordinance indicating that when an incident like this happens, muzzling could be required. The change in law was to be enabling. The City Attorney concluded with the options for monetary fines in the statute, noting there were fines listed for first, second, and subsequent biting and attacking offenses; the City could choose to follow this mechanism for muzzling but there was no guidance for it in the new statute.

Chair Bosley welcomed Deputy City Clerk Kathleen Richards and Animal Control Officer (ACO) Michelle Grimes. The Chair asked Ms. Grimes to explain the steps she goes through during an incident with a dog. Ms. Grimes said at this time, depending on the violation—nuisance, menace, vicious—and the situation at hand, the dog would be deemed vicious if it had a record of biting another person or dog. The dog owner would receive a first offense violation if the dog never had an issue before. They must pay within 96 hours from date of issuance. If there is a second bite within 12 months, they would receive a second offense—\$400 at this time. A third offense within 12 months or the dog being deemed a danger to the public would result in a court date and process. Ms. Grimes said at this time, there was one dog and owner in that court process for the year 2025.

Chair Bosley asked about the court process and what comes from it. Ms. Grimes was unsure as this was her first time dealing with this situation as ACO. The City Attorney said it is usually out of municipal hands once it reaches the courts, and the incidents sounded pretty infrequent; she also deferred to Police Chief Steve Stewart with longer tenure to discuss. Chief Stewart said it is just the difference between a civil process at the City level and a state violation if it is taken to District or Circuit Court. The penalties would be largely the same, but the court could order the animal seized or in some cases destroyed, depending on the viciousness of the attack and circumstances. Chair Bosley said she had heard people's anecdotal concerns that if a dog bites someone, it will have to be put to sleep. However, in reading the statutes, it looked to her like the City's only recourse to date had been financial penalties. She was curious where the assumption/concern came from, but it

seemed like the court could make the decision to have a dog put to sleep. Chief Stewart said yes, the Court has the power to make that decision through due process but said it could get complicated. He recalled one situation in the recent past, in which the attack was so vicious that the dog was housed in the Humane Society for an extended period of time, there was negotiation between the prosecutors and the owner's defense attorneys, and it ultimately resulted with the rare decision to end the dog's life.

Chair Bosley asked about the investigation process to build evidence and decide fault when there is a bite between two dogs. She thought often, people would be more willing to just pay a fine. However, if a new ordinance stipulated that someone would have to muzzle their dog for one year after a bite, for example, they might appeal that decision because it would feel like a bigger burden than paying a fine and moving on with their life. Chair Bosley wanted to ensure that any new ordinance would have a really good process for proving what dog was at fault, noting that if livestock was involved it would be more obvious. She asked about current evidence collection processes to decide what dog provokes in a situation. Chief Stewart said this ordinance process would not change any of that; investigations and fact collecting would always have a standard protocol. Ms. Grimes could not respond to every incident due to her limited hours. In many cases Police Officers respond, perform the immediate investigation (e.g., fact collecting), and turn the information over to Ms. Grimes to help process if it does not seem to be criminal or going to the state. Chief Stewart reiterated that none of that process was changing.

Chair Bosley asked about the appeals process once the City has decided fault. Chief Stewart said someone could appeal the City's decision by not paying their civil forfeiture, the City would issue a summons, and then the matter would go to District or Circuit Court. The City Attorney thanked Chief Stewart and added that the existing statute had fines assigned for the categories (nuisance, menace, vicious). However, muzzling would only be for *vicious* dogs, and the new statute provided a lot of flexibility to give muzzling a separate fine structure, if the Council wanted.

Chair Bosley asked about data/records on past attacks and fines paid. Ms. Grimes said she kept a manual Excel spreadsheet to track all forfeitures issued. The City Clerk's office receives one of the carbon copies of the forfeiture fine to place on file waiting for the dog owner to come in to pay the fine. Ms. Grimes said the Clerk's office typically calls or emails her on the day that payment is made, so she can remove those cases from the 2025 forfeitures that she tracks.

Chair Bosley thought it could start to get cumbersome and unclear how to document and enforce the muzzling part of the ordinance through the City Clerk's office after a second bite. She wondered how the City would know it is the same dog in the second instance as the first instance; would it be attached to their City Dog License number? What if it is an out-of-town dog? Chair Bosley said it is not like a criminal record attached to a fingerprint on a person. She asked what City staff thought the City's capacity for record keeping and managing an ordinance like this would be. The Deputy City Clerk noted that at this time, the office was using the ClerkWorks application for its dog licensing database. ClerkWorks main purpose is to track the licensing of dogs according to state statute: new dogs that should be licensed in Keene and dogs that have been licensed. The Clerk's role for dogs that have committed offenses—nuisance, menace, and vicious dogs—are processed as "point of sale" transactions, with the Clerk serving as the intake for fines, applying them to the right cost code for the budget. The Clerk's office software does not associate the record of payments related to dog fines with dogs in the licensing database for a few reasons, including that some offending dogs may not reside in the City of Keene.

Chair Bosley asked Ms. Grimes if her Excel spreadsheet was adequate at this time and Ms. Grimes deferred to Chief Stewart. The Chief explained two different systems: (1) the overarching record system that does not accept civil forfeitures very well, so they needed to be kept in Ms. Grimes' Excel spreadsheet; and (2) summons issued for nuisance/menace/vicious dogs are easily tracked in our system due to the infrequency (e.g., only one at this time, and one in the prior few years). Chief Stewart did not think it was an insurmountable tracking undertaking.

Chair Bosley discussed the potential for loopholes, noting the summons would be issued to the person and not the dog. She wondered about rehoming a dog with a bite history; would the vicious summons follow the dog and how? Chief Stewart thought the City Attorney might be able to cleverly write the ordinance. The Chief said the City could not enhance the penalties or the fines against the new owner. The ACO noted there was no national database to track bites or attacks. Chair Bosley was concerned that the City would be making determinations from institutional knowledge and not record keeping. She wondered if the City could explore associating that identifying data with dog licenses. She provided an example of her dog's color being misidentified on its dog license, saying these were very common things. She wanted to capture the appropriateness of the ordinance the Committee was trying to create. The City Attorney agreed; she appreciated the questions from a constitutional perspective. She noted that the statute would criminalize the person for their dog's action and if the dog is passed to different people, the offense would not follow the dog. So, Chair Bosley said it could get a little tricky, because this was not to muzzle the person.

Councilor Haas said it was unclear to him that the red text in the agenda packet was a part of the state law. Regarding the offense following the dog rather than the owner, he thought of it in terms of a real estate transaction, with disclosure issues that you can't go back on. Councilor Haas was in favor of crafting as strict an ordinance as possible, because once a dog gets into one of these categories, he said it probably would not change.

Chair Bosley agreed with Councilor Williams about wanting to hear from a dog behavior expert at some point to understand whether dogs could change over time. Chair Bosley said she did not have 100% experience, but she had a two-year-old dog with significant training and her trainer's immediate reaction was that muzzling can provoke aggression and they recommended training instead. After managing a large breed dog, she said it would be hard without training, and it is in large part about the person getting trained, not the animal. Chair Bosley wondered about the possibility of also requiring behavior classes, so if someone does not want to muzzle, they would have to take so many weeks of behavioral training courses; she would feel better about that because in many cases, she said people are the problems, not the dogs. Chair Bosley said in many instances people humanize their dogs, do not treat them like pets, and do not set good limitations and boundaries—this results in people getting hurt. She said it is unfortunate for the dogs and there is no fixing the dogs without fixing the people, calling it difficult.

Chief Stewart said that if trying to couch this in with not wanting to be too mean to the dogs—maybe they will have to wear a muzzle for one year or two years—he said nothing was likely to change in those two years. The Police Chief said that depending on training would probably also be a slippery slope, contingent on what sort of effort the owner puts in. Chief Stewart stated that when the Council is considering whether to do this, "if it is going to be muzzled it probably needs to be muzzled forever." Chair Bosley said she wanted to see an opportunity for the dogs to potentially earn their way out of the muzzles; she compared it to a person with points on their license because they are a bad driver when they are young but earn their way back. She talked about the potential for the City to create a system for proving good behavior.

The City Manager, Elizabeth Ferland, talked about walking her properly leashed dog on trails, when improperly unleashed dogs would run up to her dog, startling it. She asked who would be at fault if her leashed dog bit one of those other dogs. She also asked who would be at fault if someone let their unleashed dog run up to her dog on her lawn at her house. The City Manager thought these were important questions for concerned pet owners, and she was also interested in the investigative part. Chair Bosley agreed, pointing out that strangers often would not respect boundaries for dogs. She gave the example of her really aggressive looking big black German Shepherd, who is actually very friendly, but she tells people he is not for his space. She said people would still disrespect her boundaries, run up, and grab the dog—in one instance a child and another an adult claiming they were “good with dogs.” Fortunately, the dog did not react, but Chair Bosley wondered who would have been at fault if the dog had bitten, when she clearly warned. It gave her anxiety about the potential ramifications for individuals. She knew this law developed from an incident, and she did not want to diminish the effect of that incident on the person it happened to. However, Chair Bosley said there was another side to this story, and she was trying to thread the needle and distinguish the dogs who might not be committing heinous acts of viciousness (e.g., wrong place at the wrong time). She asked how to make those determinations. Chief Stewart thought to start answering that question, it would help to have Ms. Grimes speak to Certified Dog Training and the true factors needed. The Chief said there would be different factors at play in every investigation. He thought the City Attorney could answer questions better about civil matters like when a dog might be on someone’s property or elsewhere in public when an incident occurs, or on/off leash. Chief Stewart said even telling someone not to touch your dog, the person not listening, and them getting bitten by your dog could still result poorly for the animal.

Ms. Grimes spoke about training, noting she is a Certified Professional Dog Trainer with credentials through one of the only nationally recognized credentialing organizations for dog trainers. This is an unregulated industry, and anyone can call themselves a dog trainer. As a Certified Professional Dog Trainer through this organization, Ms. Grimes said she must—like any professional credential licensing—take a national test and reaccredit yearly. ACO Grimes appreciated all of Chair Bosley’s outside the box thinking. Ms. Grimes said the incident in Keene that prompted this new statute was devastating and it was clear what happened in that situation. In many cases she works professionally, there are instances where a dog is fearful of other dogs, but that does not mean it cannot enjoy time with its owner out on a leash. Unfortunately, she said people do not follow those laws, they allow their dogs off leash, and things happen because dogs are dogs; but she said it is also devastating if an owner tries to verbally warn. We cannot dictate what another human will do or how they will react. Ms. Grimes understood the reason behind the muzzling but also had concerns because she thought dogs could be rehabilitated in many cases. However, she said that it relies very much on the owner’s dedication, effort, and being able to swallow pride and understand that it does not mean the dog is terrible, there is just something else happening with the dog to cause those behaviors. Ms. Grimes said owners who understand those underlying issues would be successful.

Chair Bosley said it would be a lot for the Committee to process, and it was good to discuss everything, so the City Attorney would be prepared to draft an ordinance. The Chair thought it would be important for the Committee to consider how creative the ordinance should be, how to structure it (with a mechanism to track it and implement it fairly), and what options there could be for a proper training period by reviewing other communities in NH that could be models. Chair Bosley asked Ms. Grimes to create a proposal for the Committee based on these items, and Ms. Grimes agreed.

Chair Bosley opened the floor to public comments.

Debra LeBlanc of 28 Union Street wanted to add one idea to these good suggestions and alternatives. Instead of fining people, she suggested their fines could be applied to training sessions for their dogs. She wondered if a combination of expert training and muzzling could work. Ms. LeBlanc thanked Councilor Williams for the whole process and helping to reach the solution through this legal process. Ms. LeBlanc appreciated everyone's attention to the topic. She wanted to address follow-through; not putting a muzzle on a dog and forgetting about it. Her mauling was on a City sidewalk, where she thought she was safe. Ms. LeBlanc was glad to work together to find solutions so she could feel safe again when walking her dog around another dog. She recalled that during her incident, receiving the information she needed from the Police Department was very challenging; she said they had no idea how to treat a person who had been through this situation. There was no ACO then and Ms. LeBlanc said she was adrift, unaware of the process to handle her bite wound. The Police Officer she called three times gave her inaccurate information about the other dog's vaccinations. After three days of calls, she was finally told that there was no record on the dog, so she received 12 globulin shots at the ER. Ms. LeBlanc called that useless because she was then notified that the dog actually did have vaccinations. In the future, she hoped to see guidelines for when the ACO is unavailable, so the Police know how to handle this kind of situation. Ms. LeBlanc explained that this incident caused her a lot of depression, pain, and suffering. It took her one year to feel comfortable on the sidewalks again. She hoped for Police Department education. Ms. LeBlanc would bring more ideas to the future PLD Committee discussions on this topic.

Terri O'Rourke of 34 Hillside Avenue noted that the City's Ordinance included nuisance dogs. She wondered if excessive barking qualified as a nuisance and if not, she hoped the City would consider adding it. She could not imagine that Hillside Avenue was the only neighborhood in Keene that experienced dogs continually barking day night. She provided 20 pages of continuous barking she had documented, and hoped barking could be in the Ordinance. Chair Bosley believed nuisance barking was already in the Ordinance and deferred to the City Attorney, who agreed. City Attorney Palmeira recalled the three categories of dogs—nuisance, menace, vicious—with actions assigned under them that trigger which category applies. "Barking for sustained periods of time of more than 1/2-hour or during night hours so as to disturb the peace and quiet of the neighborhood," falls under *nuisance* dogs. The City Attorney said the conversation at this meeting was about muzzling, which would only apply to vicious dogs. Chair Bosley advised Ms. O'Rourke to contact the Police Department or ACO if she experienced a sustained situation like the City Attorney quoted. Ms. O'Rourke said she called twice. Chair Bosley reiterated this meeting was about vicious dogs, and suggested Ms. O'Rourke send a follow-up email to the City Manager.

Mayor Jay Kahn said the City Council asked him to be involved in this process. He wrote the letter requested by the Council and attended the hearing to ensure legislators could ask questions. He was glad the response was so positive because he said the legislature was not consistent on local control during the prior legislative session. Having advocated for this state statutory change, the Mayor thought the City had a responsibility to act and produce a model for the State of New Hampshire. So, he said the process here needed to be pretty deliberate, and the Mayor felt this conversation had been at the right level to hear one another and the various perspectives. He agreed that education would need to be a big part of the ordinance. He suggested thinking broadly about the stakeholders who would need to join the Council in some type of workshop or interactive conversation around a proposed Ordinance. He said the ordinance should be progressive, meaning iterative, and consider many points of view. He hoped the veterinary community would engage in the process, calling them an important advocate for proper training and owner responsibilities; he thought vets had some responsibility to be a good nexus, so the ACO is not the sole adjudicator or educator to the

community. Mayor Kahn also recounted his own incident of being bitten by an off-leash dog while he was walking on NH Route 12A. He said Ms. Grimes' follow-up within one day was outstanding, both with him and the dog owner. The Mayor encouraged the public to report these incidents to the ACO because although they might not want to penalize the owner who probably loves the dog, the ACO needs a record in case of future occurrences.

NH Representative Jodi Newell of 32 Leverett Street felt too close to this issue, having helped pass HB 250. She thought the conversation about how this could all work out was interesting, noting the whole point of HB 250 was to create something that makes sense to the community. She thought of different situations, like the idea of a dog with no history until a child's birthday party or Ms. LeBlanc's instance of encountering a dog with a history. Representative Newell questioned the rational process for trying to understand where a dog is at, its capacity to learn, and where to go from there. She cited personal experiences as an owner and "terrible" dog trainer, saying she thought there could be certain things to consider for a good dog with an owner who does not necessarily have the means for training, and also a good dog who might try to get out of the house sometimes. Representative Newell touched on the differences between vicious and nuisance dogs, stating those definitions were already passed from the state to municipalities. She said the intent of this was not to put dogs who bark, get out during the day, or might be a "pain in the rear," in muzzles. The intent was to parse that out in the most rational way for the community and create guidelines that take the dog and owner into account. Representative Newell said a well-intentioned dog owner may not necessarily have enough money to pay for training and she thought they should be considered too.

The City Attorney confirmed that she had enough information from the Committee to draft the ordinance. The Committee discussed its options: (1) Place the item on More Time to allow the City Attorney to work on the draft ordinance to bring back to PLD, or (2) recommend the Council accept Councilor William's communication as informational and recommend the City Council instruct the City Attorney to draft an ordinance for first reading to bring back to PLD. Chair Bosley thought More Time would be more expeditious and Councilor Williams said he was comfortable with that option.

Councilor Williams said he really thought of this as an educational thing, not necessarily a punishment thing. He hoped to see this muzzle requirement for viscous incidents, with time off for good behavior if an owner could prove the dog is no longer the threat it appeared to be through training or some other way.

The following motion by Councilor Williams was duly seconded by Vice Chair Jones.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends placing Councilor Williams - Request for Consideration of an Ordinance Amendment to Regulate the Muzzling of Dogs on More Time.

Chair Bosley said the Committee looked forward to the City Attorney drafting an ordinance and said maybe at that point, the Committee could talk about some of the other community advocates, veterinary offices, trainers, other potential dog owners, and people who had been in this situation to provide feedback on the draft language.



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.2.

Meeting Date: September 18, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Request to Place Social District Question on 2025 Municipal General Election Ballot

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that Councilor Remy's Request to Place Social District Question on the 2025 Municipal General Election Ballot be placed on more time until the next meeting.

Attachments:

None

Background:

The Chairman stated Councilor Remy is not present today and hence, this item will be place on more time until the next FOP meeting. Councilor Lake clarified there will be sufficient time for this item to make the 2025 Municipal Ballot. The Manager agreed that there is sufficient time.

The following motion by Councilor Lake was duly seconded by Chair Roberts.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that Councilor Remy's Request to Place Social District Question on the 2025 Municipal General Election Ballot be placed on more time until the next meeting.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: September 18, 2025
To: Mayor and Keene City Council
From: Donald Lussier, Public Works Director
Through: Elizabeth Ferland, City Manager
Subject: **Relating to Rules for the Operation of Bicycles
Ordinance O-2025-33**

Recommendation:

That Ordinance O-2025-33 be referred to the Municipal Services, Facilities & Infrastructure Committee for consideration and a recommendation back to Council.

Attachments:

1. O-2025-33 Rules for Operation of Bicycles

Background:

At a meeting on September 3, 2025, the MSFI Committee reviewed recommendations from the Bicycle Pedestrian Path Advisory Committee as well as a preliminary draft of a potential bike lane rules ordinance. Ordinance O-33-2025 will codify those proposed rules.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Rules for the Operation of Bicycles

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 Section 94-464, “Rules for Operation” in Article VI of Chapter 94, entitled “TRAFFIC, PARKING AND PUBLIC WAYS” in its entirety and replacing it with the following:

Sec. 94-464. - Rules for operation.

- a) In all cases, the rules for operation of bicycles on public highways or public property within the City of Keene shall be as set forth in RSA 265:143–265:153,
- b) In addition, the following rules shall apply to the operation of bicycles, unicycles, tricycles, scooters, roller skates, skate boards, or similar devices (including electrically propelled or assisted versions of such devices) on bike lanes and multi-use paths within the City of Keene:
 - 1) Within the Downtown Core zoning district, the maximum permissible speed shall be 10 miles per hour.
 - 2) Where bike lanes are provided adjacent to roadways, cyclists shall only travel in the same direction as the adjacent travel lane.
 - 3) No person shall stop, park or load any bicycle or other vehicle in such a way as to obstruct the public use of bike lanes and multi-use paths.
 - 4) Bicycles and other personal vehicles shall not be parked or left unattended within the public way, except at a rack provided for such purpose.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

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

Recommendation:

On a vote of 2 to 2, the Planning, Licenses and Development Committee failed to recommend the adoption of Ordinance O-2025-15-A. Chair Bosley and Councilor Williams voted in favor. Vice Chair Jones and Councilor Haas voted in opposition.

Attachments:

1. O-2025-15-A Relating to Amendments to the LDC to Encourage Housing Development

Background:

Chair Bosley noted there was already a Public Hearing, so no further public comments would be accepted. She welcomed Senior Planner Mari Brunner, who took questions from the Committee. Chair Bosley asked the Committee to discuss whether it wanted to recommend this Ordinance to Council and if any amendments were needed.

Councilor Williams knew some people were frustrated about increased density and that some thought the Ordinance was focused on Keene's east side. He wanted people to understand that this process really was not about targeting any one neighborhood. Councilor Williams said the intent was to spread out the burden of increased density. To that end, he said the City had been doing that by making buildings taller in High Density Districts and by reducing from five-acre minimum lot sizes to two acres in the Rural District. He said all of these changes impacted neighbors and the Council should listen to their concerns. Councilor Williams said the purpose of spreading increased density in so many different places is to defuse the impact, so that no one neighborhood is overwhelmed with development. He thought the City had been doing a good job with that. Councilor Williams thought people were specifically concerned in this instance about having up to six units in one large building, whereas he actually thought it was appropriate. He recalled living in one very big, empty building in the Medium Density District that would have been well-suited to five or six units. So, he believed those buildings existed. Councilor Williams also knew there was some concern that all of those buildings would develop really quickly. He stated the City, "should be so lucky to get that much

housing all at once,” but he did not think it would happen. Councilor Williams thought the intention of this would be the type of development the City needed most—small apartments for single people.

Councilor Haas heartily disagreed with Councilor Williams, with all due respect. Councilor Williams talked about shared burden throughout the City, but Councilor Haas was not so sure he saw development happening in all the other areas of the City where the Land Development Code had changed. While this Ordinance was not focused on any one neighborhood, Councilor Haas said there would be a single set of buildings very adaptable to this proposal that would not be distributed throughout the Medium Density District; they would be focused on streets with large older homes. He noted it was already possible to develop these homes into five or six units without this Ordinance, with a few extra steps in the process, but it had not happened. Councilor Haas said he would love to see this development happen, but through the extra steps to ensure all potential effects of any such development are taken care of.

Vice Chair Jones agreed with Councilor Haas. Vice Chair Jones said he knew this Ordinance was not only about east Keene, but that was where the Council heard about the impact most. He added that the City had done so many things for east Keene over the years. For instance, in 2000—when he chaired the Municipal Services, Facilities & Infrastructure Committee—the Council passed the Ordinance prohibiting parking anywhere but driveways in east Keene, because of the density issues. Vice Chair Jones said the primary concerns in 2000 were student housing, but reasons had changed since. He listed other ordinances that developed because of east Keene: the Public Effluence Ordinance, Noise Ordinance, and the Marlboro Street Ordinance or the rezoning of east Keene that took a long time and required consultants. East Keene had transformed from a once industrial area served by the railroads to neighborhoods. Vice Chair Jones recalled former Councilor David Richards introducing the Resolution to focus on improving the east side, incentivizing people to improve their homes and make better neighborhoods. Vice Chair Jones thought it had worked, and staff and the Council had done a lot to focus on the east side. He did not think this Ordinance would take the east side a step backward, Vice Chair Jones said he just did not agree with it.

Chair Bosley said this would get a little awkward because she tended to align with Councilor Williams in not seeing the large impact of that particular portion of this Ordinance change. Chair Bosley thought a lot of the concern was unfounded. She said she understood a little bit about development and the cost of development, and unfortunately probably should have been more adamant about this at the Joint Planning Board-Planning, Licenses and Development (PB-PLD) Committee meeting. She did not personally envision people taking large older buildings and going from three units to six units because the cost associated with that change once above four units is prohibitive due to the fire suppression and sprinkler requirement. She said it was unfortunate, because now there was an Ordinance that had some really great things, which she thought everyone could agree were positive moves forward in the community; she said those positives were bogged down by this concern from the public over something she did not think would be a useful tool. She thought anyone with a property that could accommodate that many units would choose to increase from three units to 10 units and make the infrastructure investment worth it. Chair Bosley mentioned owning property in Keene with associated vacant lots, and said when passing the Cottage Court Ordinance, she was excited for the potential opportunities. To her, it was not worth it to develop an individual unit, stating it would be cheaper as an investor to buy a pre-existing unit than to try developing something. She said the only way that investment works is on a scale, citing someone who brought a Cottage Court to the City for consideration consisting of a large lot acreage (approximately 10) and about 30 housing units. Chair Bosley called that viable but said three units on a vacant lot would not make financial sense to an investor. She thought everyone should be realistic, she felt the concern that had

been stoked in the east side neighborhood was unfounded, and she did not want to lose the rest of the Ordinance over this item. She was concerned the Council could also have a 50–50 sentiment, like this Committee, and the other items in the Ordinance would be lost. Chair Bosley asked the Committee to have a heart-to-heart tonight about the appropriate path forward: (1) send this back to the PB-PLD Committee and amend the maximum allowable units down to four, which she thought was a more reasonable number developers might do by right anyway because it would not trigger the fire suppression associated costs; or (2) send this forward to City Council with a split Committee decision and risk losing the other good work in the Ordinance.

Councilor Williams noted that if this moved forward to Council and it were to fail, this was September, so the matter could be resubmitted again in January 2026 per the Council’s Rules of Order on Resubmission of Items Previously Considered. Chair Bosley said that was correct.

Councilor Haas asked if the Committee could strike the portion of the Ordinance associated with the Medium Density District (so effectively nothing would be changed there), and if that would create a substantive enough change to cause the Ordinance to go back through the process. City Attorney Amanda Palmeira replied that the question depended on whether it would make a material change to the Ordinance. The City Attorney advised that removing a district or zone would constitute a material change, so the Ordinance would need to go back through the process. Councilor Haas said it was a shame that so many other things were bundled into this Ordinance, with the great Zoning change in the latter part, for instance. If this was sent back to the PB-PLD Committee, he thought they should continue debating the minimum interior side setback based on the question from three to six units. He said he was not too concerned about interior setbacks until he considered them in the Neighborhood Business District, where he thought it might seem appropriate to maintain the 10-foot side setbacks. For both reasons, Councilor Haas was in favor of sending this back to the PB-PLD Committee.

Vice Chair Jones thought the Ordinance should move forward to Council as is because this was not a City-created Ordinance, a petitioner submitted this. The Vice Chair suggested sending this to Council as the petitioner intended it, so they would get the vote they hoped for. He thought that would be better vs. watering down the request in a way the petitioner did not ask for. Chair Bosley said that explanation helped clarify for her what the Committee should do. She agreed with Vice Chair Jones about sending the Ordinance as it was to Council for a vote.

Chair Bosley asked what would happen if the Committee’s recommendation to the Council was a split 2–2 vote; would that be “no” recommendation? The City Attorney said yes, under parliamentary procedure and as mirrored in the City Council’s Rules of Order, a tie on a motion to recommend the Ordinance would effectively be a failure to secure a majority, but also effectively a recommendation to deny. Chair Bosley said the Mayor would have to explain that well to the Council, and the City Attorney said she would be there to help.

Chair Bosley noted that this would further complicate things because the next Ordinance on the Committee’s agenda would send definitions to Council, so the Mayor would need to explain that, and might have to send it back to the PB-PLD Committee. Ms. Brunner did not think the companion Ordinance O-2025-17 would be necessary anymore; the definitions in it were either removed from the petitioner’s Ordinance when combined with a staff Ordinance or they related to charitable gaming facility and gaming position, and those definitions were already in Article 29. She explained that when the petitioner submitted their Ordinance, the online Land Development Code still needed to be updated.

Discussion ensued briefly on how to best phrase the motion.

The following motion by Vice Chair Jones was duly seconded by Councilor Williams.

On a vote of 2 to 2, the Planning, Licenses and Development Committee failed to recommend the adoption of Ordinance O-2025-15-A. Chair Bosley and Councilor Williams voted in favor. Vice Chair Jones and Councilor Haas voted in opposition.



CITY OF KEENE

In the Year of Our Lord Two Thousand and 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 5.3.1, titled Purpose, as follows:

The Neighborhood Business (NB) District is intended to serve as an additional downtown zoning district that promotes smaller sized business, ~~and~~ professional uses, **and residential 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.

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

Min Lot Area	8,000 sf <u>5,000 sf</u>
Min Road Frontage	50 ft
Front Setback <u>Build-to</u>	5 0 -10 ft Build-to Zone
<u>Zone</u>	
Min Rear Setback	20 <u>10</u> ft
Corner Side Setback	5-10 ft Build-to Zone
<u>Build-to Zone</u>	
Min Interior Side	40 5 ft
Setback	

3. 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 ~~6~~ dwelling units 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 may be permitted on the ground floor if located behind tenantable commercial space or behind the Build-to Zone.

4. Add a new section to the end of Article 1, Section 1.3 “Rules of Measurement & Exceptions,” as follows:

1.3.9 Lots Split by Zoning District Boundaries (Split-zoned lots).

Where an existing lot of record falls into more than one zoning district, the provisions of each district shall be applied separately to each portion of the lot, with the following exception:

a. For lots or portions thereof which are not large enough to be subdivided, the property owner may choose to apply the provisions of the district which comprises the largest share of the lot to the portion(s) of the lot that cannot be subdivided.

For the purposes of this subsection only, when determining if a lot or portion thereof is large enough to be subdivided, the following shall be considered:

i. Each portion of the lot in each distinct zoning district shall be evaluated separately to determine whether new legal lots could be created that are not split-zoned.

ii. Any portion of a lot that could be subdivided legally based on the underlying zoning district shall comply with the requirements of the underlying zoning district.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.2.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

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:

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends accepting Ordinance O-2025-17 as informational.

Attachments:

1. Ordinance O-2025-17_Referral

Background:

The Chair said the Committee had just heard from staff that Ordinance O-2025-17 would not be necessary because the definitions would not refer to anything in its companion Ordinance and/or have already been updated in the Land Development Code. The Chair asked for guidance from the City Attorney on the best motion. The City Attorney thought accepting the Ordinance as informational would be fine if no parts of it were needed because it had solely been a Council action and had not gone through the Joint Planning Board-Planning, Licenses and Development Committee.

There were no public comments.

The following motion by Councilor Haas was duly seconded by Vice Chair Jones.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends accepting Ordinance O-2025-17 as informational.



CITY OF KEENE

In the Year of Our Lord Two Thousand Twenty Five

AN Relating to Amendments to Definitions of the Land Development Code to
ORDINANCE 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.

Jay V. Kahn, Mayor

In City Council May 1, 2025.
Referred to the Planning,
Licenses and Development
Committee.

Geni M. Wood

City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.3.

Meeting Date: September 18, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to Setbacks and Build-to Dimensions
Ordinance O-2025-20-A**

Recommendation:

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-20-A.

Attachments:

1. O-2025-20-A Relating to Setbacks and Build-to Dimensions

Background:

Chair Bosley noted there was already a Joint Planning Board-Planning, Licenses and Development Committee Public Hearing, during which there were no public comments. No further public comments were accepted at this meeting. Senior Planner Mari Brunner was available to take questions from the Committee if needed.

The following motion by Councilor Williams was duly seconded by Vice Chair Jones.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-20-A.



CITY OF KEENE

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

AN ORDINANCE _____
Relating to Setbacks and Build-to Dimensions

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:

- I. That Section 1.3.3 “Setbacks & Build-To Dimensions” of Article 1 be amended to modify the definitions of Building Setback, Build-to Line, and Build-to Zone, as follows:
 - A. Building Setback. The required minimum distance all buildings or structures 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 distance that all buildings or structures must be located from the front lot line, **unless expressly permitted by this LDC.**
 2. Rear Setback. The required minimum distance that all buildings or structures must be located from the rear lot line, **unless expressly permitted by this LDC.**
 3. Side Setback. The required minimum distance that all buildings or structures must be located from the side lot line, **unless expressly permitted by this LDC.** A side setback may be measured perpendicular to the interior side setback or to the corner side lot line.
 - 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 all principal buildings or principal structures must be located. The building façade line of all principal buildings or principal structures 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.
 - E. Build-To Zone (BTZ). A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which all principal buildings or principal structures must locate-, **unless they cannot be located within the BTZ due to the presence of existing or proposed principal buildings or principal structures.** 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.

II. That Section 8.4.1.C of Article 8 be amended as follows:

C. Accessory uses and structures shall comply with the dimensional requirements (e.g. setbacks, lot coverage, height) of the zoning district in which they are located, unless an exception is expressly granted below or elsewhere in this LDC.

1. No accessory use or structure may occupy any part of a front setback **or build-to zone** unless the front setback extends beyond the front of a legally nonconforming building; in such case, the portion beyond the front of the building may be used.

III. **That Section 4.2.1 of Article 4, “Dimensions and Siting” for the Downtown Core District be amended to change the label for the Type A and Type B Street Setbacks to “Type A Street Build-to Line” and “Type B Street Build-to Zone,” respectively.**

IV. **That Section 4.3.1 of Article 4, “Dimensions and Siting” for the Downtown Growth District be amended to change the label for the Type A and Type B Street Setbacks to “Type A Street Build-to Zone” and “Type B Street Build-to Zone,” respectively.**

V. **That Sections 4.4.1 and 4.5.1 of Article 4 and Sections 5.3.2 and 5.4.2 of Article 5, “Dimensions and Siting” for the Downtown Edge District, Downtown Limited District, Neighborhood Business District, and Business Growth & Reuse District be amended to change the label for the “Front Setback” and “Corner Side Setback” to “Front Build-to Zone” and “Corner Side Build-to Zone,” respectively.**

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.4.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Relating to Definitions for Accessory Structure, Setbacks and Build-to Dimensions
Ordinance O-2025-21-A**

Recommendation:

On a vote of 4 to 0, the Planning, Licenses and Development Committee amended Ordinance O-2025-21 to an “A” version to include definitions as proposed to match those in Ordinance O-2025-20-A.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-21-A.

Attachments:

1. O-2025-21_Definitions of Setbacks and Build-to Dimensions_referral
2. O-2025-21-A_Redline

Background:

Chair Bosley welcomed Senior Planner Mari Brunner, who explained that this was a companion Ordinance to O-2025-20-A. Ms. Brunner suggested amending this Ordinance so the definitions in it would be consistent with Ordinance O-2025-20-A. She noted that some of the wording for the definitions in O-2025-20-A were modified when its “A” version was created. All of those same changes were needed for Ordinance O-2025-21 as well to ensure internal consistency.

Chair Bosley asked—if the Committee amended Ordinance O-2025-21 to an “A” version—were staff comfortable updating the Ordinance appropriately. Ms. Brunner said it was already updated as a redlined version and shared with the City Clerk’s office and Committee. It was included in the PLD packet as well.

The following motion by Vice Chair Jones was duly seconded by Councilor Haas.

On a vote of 4 to 0, the Planning, Licenses and Development Committee amended Ordinance O-2025-21 to an “A” version to include definitions as proposed to match those in Ordinance O-2025-20-2025-212

A.

The following motion by Vice Chair Jones was duly seconded by Councilor Haas.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-21-A.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Definitions of Accessory Structure, Setbacks and Build-to Dimensions

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:

- I. That Article 29 “Definitions” be amended to modify the definitions of Building Setback, Build-to Line, and Build-to Zone, as follows:

Accessory Structure – **Any** structure that is subordinate and customarily incidental to a principal structure that is located on the same lot.

Building Setback - The required minimum or maximum distance **any** 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.

Build-To Line (BTL). A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where **any principal building or** structure must be located. The building façade line of **any** 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.

Build-To Zone (BTZ). A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which **all principal buildings or structures** must locate, **whenever possible. Principal buildings or structures may locate outside the BTZ only if they cannot be located within the BTZ due to the presence of other principal buildings or structures.** 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.

Setback, Front - The required minimum or maximum distance that **any** building or structure must be located from the front lot line, **unless expressly permitted by this LDC.**

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

Side Setback - The required minimum or maximum distance that **any** building or structure must be located from the side lot line, **unless expressly permitted by this LDC.** A side

setback may be measured perpendicular to the interior side setback or to the corner side lot line.

Jay V. Kahn, Mayor

In City Council May 15, 2025.
Referred to the Planning, Licenses and
Development Committee.



City Clerk



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Definitions of Accessory Structure, Setbacks and Build-to Dimensions

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:

- I. That Article 29 “Definitions” be amended to modify the definitions of Building Setback, Build-to Line, and Build-to Zone, as follows:

Accessory Structure – **Any** structure that is subordinate and customarily incidental to a principal structure that is located on the same lot.

Building Setback - The required minimum ~~or maximum~~ distance **allny buildings or structures** 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.

Build-To Line (BTL). A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where **allny principal buildings or principal structures** must be located. The building façade line of **allny principal buildings or principal structures** 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.

Build-To Zone (BTZ). A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which **all principal buildings or principal structures** must locate, ~~unless Principal buildings or structures may locate outside the BTZ only if they cannot be located within the BTZ due to the presence of existing or proposed other principal buildings or principal structures.~~ 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.

Setback, Front - The required minimum ~~or maximum~~ distance that **allny buildings or structures** must be located from the front lot line, **unless expressly permitted by this LDC.**

Setback, Rear - The required minimum ~~or maximum~~ distance that a ~~l~~l~~ny~~ buildings or structures must be located from the rear lot line, unless expressly permitted by this LDC.

Side Setback - The required minimum ~~or maximum~~ distance that a ~~l~~l~~ny~~ buildings or structures must be located from the side lot line, unless expressly permitted by this LDC. A side setback may be measured perpendicular to the interior side setback or to the corner side lot line.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.5.

Meeting Date: September 18, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Relating to Land Development Code Fee Updates
Ordinance O-2025-25

Recommendation:

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-25.

Attachments:

1. O-2025-25_Relating to LDC Fee Updates_referral

Background:

Chair Bosley welcomed Senior Planner Mari Brunner and Planner Megan Fortson to discuss proposed Ordinance O-2025-25, relating to restructuring the fee schedule in Appendix B of the City Code. Ms. Fortson explained that the Community Development Department intended to do this for some time. The Department proposed both restructuring the layout of this part of City Code and updating some of the fees. Ms. Fortson reviewed examples of the proposed changes:

- Zoning Board of Adjustment Application fees: increase from \$100 to \$250 to match those of surrounding municipalities of similar size.
- Earth Excavation Permit Applications: add some additional application types related to permit renewals and major and minor permit amendments.
- Conditional Use Permit Application: adjust fees to \$200 flat instead of the current range between \$100 and \$200.
- Telecommunications Conditional Use Permit Application: \$300
- Cottage Court Applications: \$200

Ms. Fortson pointed out notice fees for the Change of Governmental Land Use Notifications. Another big proposal was to change the method of mailed notice used to notify abutters of land use applications. At this time, the Community Development Department was sending letters via certified mail at a rate of \$6.04 per abutter. The City of Keene requires noticing all property owners within 200

feet of a subject parcel, as well as any professionals (e.g., engineer, surveyor, architect) with a stamp on a plan, the applicant team, and any holders of easements. Ms. Fortson said that could add up very quickly for someone submitting an application. In place of that method, staff proposed changing to Certificate of Mailing, which would comply with the verified mail requirement under state statute; the Post Office certifies it receives the letters, but the method makes things less time-intensive for staff when sending letters. Ms. Fortson said Certificate of Mail would also greatly benefit the public because it is less expensive, and people receiving letters do not have to sign for them, which had been a barrier to people with different work schedules.

Ms. Brunner said this had been in the works for a long time. She said staff spoke to each of the individual boards about 1.5 years prior. The Community Development Department completed a more in-depth analysis related to staff time spent reviewing these applications, comparing the data to other communities with similar application types. She said the intent was to try keeping these fees reasonable, while being a bit more in line with current practices and relieving some of the burden on the General Fund Balance by having more cost covered by the application fee itself. For instance, she cited the current Earth Excavation Permit Application fee at only \$50. She said the staff time dedicated to one Earth Excavation Permit equals tens of thousands of dollars; a third-party review calculated it as about \$30,000 for one application. So, Ms. Brunner said it would be cost-prohibitive to try to cover all costs with application fees and that was not the intent of this change. The goal was to help some.

Ms. Brunner also discussed something that had recently come to the Community Development Department's attention. She was unsure whether the Council wanted to consider it related to this Ordinance. Staff had started hearing from community members who were receiving their City notices/communications just barely in time, which City staff found a little concerning. In the most recent instance, it was a first-class mailing, so it would not have had the same delaying effect (i.e., having to sign or go to the post office if you missed it), and staff verified that the letters were sent out a full 10 days before the hearing.

Ms. Brunner stated some potential things the Council could consider:

- Requiring on-site posting: It was required for some application types at this time, but not all. There were signs available in the Community Development Department for applicants to post on their properties to be visible to abutters.
- Given the number of renters in the community, who rely on the property owners to communicate information back to them, the City could just require direct mailing to the actual residents of the abutting properties. That was not in this Ordinance and would be a change from the current practice. However, in the time since introducing this Ordinance, staff started to hear of these issues and wanted to bring them to the Committee's attention.

Chair Bosley recalled a recent PB-PLD Committee meeting, when members of the public expressed that they did not have time to prepare or arrange to be there. She said she did not have any problems with the proposed changes. She had noticed the inconsistencies in the fee schedules, so she was happy to see the change. Chair Bosley would have preferred a redlined table to see the old fees next to the new fees and ensure the charges were high enough. Ms. Fortson clarified that the Chapter 100 section of Appendix B, where all of the Land Development Code fees are outlined, was not actually structured as a table but as a list of fees. She said this was staff's attempt to provide some structure in the Land Development Code where there was none before.

Councilor Haas asked how Keene's fees compared to neighboring towns, specifically Swanzey. Ms. Forton was unsure staff had analyzed Swanzey in particular. She explained the analysis. The Historic District Commission adopted its fee schedule updates in August 2024, and the Planning Board and Zoning Board each adopted fee schedules in April 2024. Staff tried to look at municipalities that were similar sizes, and Ms. Fortson said Keene is quite large compared to Swanzey. However, the analysis did compare to Lebanon, for example, with a \$150 application fee. Keene's Zoning Board Variance Application fee at this time was \$100, whereas in larger municipalities like Manchester or Nashua it was \$900 for a single application (not including the legal ad fee or the cost of noticing abutters). Ms. Fortson said the analysis showed Keene's costs were very low compared to municipalities of comparable sizes.

Vice Chair Jones asked staff to include this narrative in the September 18 Council packet, because he thought it would help the other Councilors. Vice Chair Jones called all of these "user fees" and asked if they would go back to the Fourth Floor (i.e., Community Development Department). City Manager Elizabeth Ferland said the funds would return to the General Fund Balance.

Councilor Williams was alarmed by Ms. Brunner's comments on the U.S. Postal Service. The Councilor wondered if the Postal Service was not as reliable as it used to be. A Keene resident just told him they had not received their mail in three days. So, Councilor Williams thought this was a problem the City would be facing moving forward and he was worried about the effects. Though not the topic at hand, Chair Bosley agreed that at times, days had gone by at her office without a Postal person coming.

Councilor Haas asked staff to provide City Council with a redlined version of the fees to help visualize the changes. Ms. Brunner explained that they did not because they essentially struck the entire redlined section and added a new one; they did not want it to be confusing due to the formatting in Word. Staff agreed to produce a new, compromised redline copy for the Council with only the fees redlined to show the old vs. proposed new fees next to each other.

There were no public comments.

The following motion by Councilor Haas was duly seconded by Vice Chair Jones.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-25.



CITY OF KEENE

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

AN ORDINANCE Relating to Land Development Code Fee Updates

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

That the Land Development Code fees in Appendix B of the City of Keene Code of Ordinances be removed in their entirety and replaced with the following:

Chapter 100. Land Development Code (LDC) Fee Schedule

Service Connection Permit Fees

Connection Type	Fee	Basis
Water, ≤ 2"	\$100	• 15 minutes of review/approval by the City Engineer • 2 one-hour visits by an Engineering Technician to inspect the tap and service line/curb stop prior to backfill
Water, > 2"	\$200	• 30 minutes of review/approval by the City Engineer • 2 one-hour visits by an Engineering Technician to inspect the tap and service line/curb stop or gate valve prior to backfill • 2 visits to observe disinfection testing procedure and review lab results
Sewer, design flow ≤ 5,000 GPD	\$100	• 15 minutes of review/approval by the City Engineer • 2 one-hour visits by an Engineering Technician to inspect the connection to the main and the service pipe prior to backfill
Sewer, design flow > 5,000 GPD	\$200	• 1 hour of review/approval by the City Engineer • 2 one-hour visits by an Engineering Technician to inspect the connection to the main and the service pipe prior to backfill
Storm drain, ≤ 6"	\$100	• 15 minutes of review/approval by the City Engineer • 2 one-hour visits by an Engineering Technician to inspect the tap and service

		line/curb stop prior to backfill
Storm drain, > 6"	As determined by the Public Works Director	Storm drain connections to the city's system over 6" in diameter will require hydraulic analysis and a review of the available system capacity. Fee for connection will be determined based on the specific circumstances.
Engineering inspection fees, per hour	\$55	

Application Fees

Application Type		Application Fee	Notice Required
Zoning	Amendments to Zoning Text (Articles 1-19)	\$250	Mailed & Published
	Amendments to Zoning Map	\$250	Mailed & Published
	Variance / Floodplain Variance	\$250	Mailed & Published
	Special Exception	\$250	Mailed & Published
	Equitable Waiver	\$250	Mailed & Published
	Enlarge or Expand Nonconforming Use	\$250	Mailed & Published
	Zoning Written Interpretation	\$125	None
	Appeal of Zoning Written Interpretation	None	Mailed & Published
Planning Board	Subdivision	Subdivision	\$200 + \$100 per lot Mailed & Published
		Conservation Residential Development Subdivision	\$200 + \$100 per lot Mailed & Published
		Boundary Line Adjustment	\$100 + \$20 per lot Mailed
		Voluntary Merger	\$100 + \$20 per lot None
	Site Plan	Administrative Planning Review	\$125 None
		Minor Project	\$250 + \$0.05 per sf gross floor area of new construction Mailed & Published
		Major Project	\$250 + \$0.05 per sf gross floor area of new construction Mailed & Published
	Conditional Use Permit (CUP)	Telecommunications	\$300 Mailed & Published
		All Other Conditional Use Permits	\$200 Mailed & Published
	Earth Excavation	Permit	\$50 None
		Application / Major Amendment	\$250 Mailed & Published
		Minor Amendment	\$125 None

		Permit Renewal	\$250	Mailed & Published*
	All Planning Board application types	Advice & Comment	\$25	None
		Request to extend expiration of conditionally approved application	\$25 for first request, \$50 for each request thereafter	None
Historic District Certificate of Appropriateness (COA)		Advice & Comment	None	None
		Minor Project	\$25	None
		Major Project	\$50	Mailed & Published
		Request to modify an approved Major Project	\$50	Mailed & Published
Sign		Applications with a total project cost of \$5,000+	\$100 + \$10 per \$1,000 of total project value	None
		Applications with a total project value less than \$5,000	\$100	None
Street Access		Street Access Permit Application	\$50	None
		Street Access Exception Request	\$50	Mailed & Published
		Appeal of Decisions on Street Access Permits	\$50	Mailed & Published
Other		Change of Governmental Land Use	\$0	Mailed & Published
		Sustainable Energy Efficient Development Overlay District Incentive (SEED)	\$100	None
		Floodplain Development Permit	\$50 + \$100 per acre (or portion thereof) of special flood hazard area proposed to be altered	None

*Published Notice is only required if Planning Board is the reviewing body.

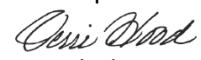
Notice & Recording Fees

Type of Notice		Fee
Mailed	Postage for certified mail	Current USPS certified mail rate
	Postage for certificate of mailing	Current USPS certificate of mailing rate
	Postage for first class mail	Current USPS first class mail rate
Published	All applications, unless otherwise noted	\$62
	Amendments to zoning text / zoning map	Current advertisement display rate in a paper of general circulation within the City of Keene.

Recording Fees	Current Cheshire County Registry of Deeds fee, including LCHIP fee
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Jay V. Kahn, Mayor

In City Council August 21, 2025.
Referred to the Planning, Licenses and
Development Committee.


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.6.

Meeting Date: September 18, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Relating to Land Development Code Application Procedures
Ordinance O-2025-26

Council Action:

Recommendation:

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-26.

Attachments:

1. O-2025-26_Relating to LDC Application Procedures_referral
2. Article 26_Application Procedures_combined

Background:

Chair Bosley welcomed Senior Planner Mari Brunner and Planner Megan Fortson. Ms. Fortson said the proposed Ordinance O-2025-26 was a companion Ordinance to O-2025-25. All the fees that were added or modified in O-2025-25 are interconnected to this section of the Land Development Code. She said staff proposed amending sections of Land Development Code Article 26, which outlines all of the application procedures for the City's land use applications. The most significant changes were proposed to two tables at the beginning of Article 26.

- Table 26-1: Outlines the various application types and the authority responsible for reviewing applications. Changes proposed:
 1. Updated some sections to align with Planning Board regulations. For example, Earth Excavation regulations were not listed under the purview of the Planning Board and that was corrected with this change.
 2. Added new Zoning Application types because the City started offering a Floodplain Variance option and a written interpretation for the Zoning Administrator.
 3. Consolidated the list of Conditional Use Permits, adding the additional Earth Excavation Permit Application types.
 4. Added additional permit types for Street Access Permit Applications, which are basically driveways.

5. Added a new application type called Change of Governmental Land Use to be used by the Public Works Department when there is a City Project and they need a lay down area for construction materials (e.g., during the Island Street project, the Department used Eversource land for materials). This process would require review and comment by the Planning Board. With this change, staff proposed a formal Procedure section in Article 26, outlining that process.

- Table 26-2: Outlines the legal and mail public notice requirements for each application type. Details in the table include requirements for posting onsite, notice type, and number of days prior to a meeting. Changes proposed:
 1. Submittal Requirements: Several of the existing sections required providing application fees as set forth in Appendix B of the City Code of Ordinances and Certified Mailing. Staff proposed to strike “Certified Mailing” and replace it with “mailed notice.” So, should the method of mailed notice need to change, it can be changed in Appendix B of City Code, without having to alter all other sections of the Land Development Code.

Chair Bosley pointed out bullet size inconsistency in the Land Development Code mockup pages for staff to rectify.

Councilor Haas referred to Table 26-2 on page 79 of the meeting packet, stating it was a great presentation of the table and explanation of the revisions. He pointed out something that bothered him under Floodplain Development, noting the decision was left to the Floodplain Administrator, which struck Councilor Haas as a more serious decision to place on any one person. He thought it would be appropriate for Floodplain Development to also be reviewed by the City Engineer and then either this PLD Committee or the City Council. Any time Councilor Haas saw a single point of approval it troubled him, unless there was a legislative reason for the decision. He asked if others had thoughts. Floodplain Administrator Mike Hagan was not present, but Ms. Brunner explained that Mr. Hagan is a Certified Floodplain Manager, which required extensive training. He had received the Keene Floodplain Manager certification within the prior few years but had been doing it for a long time. Ms. Brunner said Floodplain Development is a technical review, and she thought there was a relief process through the Zoning Board of Adjustment if an applicant were to have any issues or want to seek relief from the regulations. Ms. Brunner did not think the Floodplain Development process would make sense going to City Council; she called it a pure math exercise. Councilor Haas asked how the City could build in another layer of review on something as serious as making judgements on Floodplain Development, stating any approval by a single point is fragile. Ms. Fortson provided the example of the U-Haul facility on Winchester Street that had an extensive Floodplain Review process, including actual amendments through the Federal Emergency Management Agency (FEMA). She said before any applicant or developer can get a Building Permit, they have to go through the Floodplain Development Permit, which requires submitting materials prepared by a licensed engineer in the State of New Hampshire. So, Ms. Fortson said someone else in the process would provide that background. She added that Mr. Hagan would not only review the Floodplain Development Permit, but also the Building Permit Application, so there is a thorough analysis. Ms. Fortson stated that people put their professional licenses on the line when this information is submitted to certify the accuracy of the materials. Councilor Haas was accepting that there were good controls in place but would always be on alert for single points of approval.

The following motion by Councilor Williams was duly seconded by Vice Chair Jones.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-26.



CITY OF KEENE

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

AN ORDINANCE Relating to Land Development Code Application Procedures

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 Table 26-1 to include additional application types; consolidate the list of Conditional Use Permit applications; and correct Article references.

Table 26-1: Development Applications Decision Authority

Application Type		Zoning Board of Adjustment	Planning Board	Minor Project Review Committee	City Council	Historic District Commission	Joint Committee	Conservation Commission	Zoning Administrator	Community Development Dir.	City Engineer	Floodplain Administrator
Amendments to the LDC	Articles 1- 19 8 & 22 - 28 <u>(Zoning Regulations)</u>				D / PH		PW					
	Articles 49 & 20, 21 , 25 , <u>26.10-26.14 & 26.19</u> <u>(Planning Board regulations)</u>		D / PH		D							
	Article 22 4 & <u>26.15</u> <u>(HDC regulations)</u>				D	D / PH						
	<u>Articles 23-29</u>				<u>D</u>							
Zoning	Amendments to Zoning Text /Zoning Map				D / PH		PW					
	Variance / <u>Floodplain Variance</u>	D / PH										
	Special Exception	D/ PH										
	Equitable Waiver	D/ PH										
	Expand or Enlarge Non-conforming Use	D/ PH										
	Zoning Administrator Decision <u>Written Interpretation</u>								D			

	<u>Appeal of Zoning Written Interpretation</u>	<u>D/ PH</u>										
Subdivision Review	Subdivision		D/ PH	PS								
	Conservation Residential Development Subdivision		D/ PH	PS								
	Boundary Line Adjustment		D									
	Voluntary Merger							D				
	Administrative Planning Review								D			
Site Plan Review	Minor Project			D / PH								
	Major Project		D/ PH	PS								
Conditional Use Permit (CUP)	Hillside Protection		D/ PH	PS							R	
	Surface Water Protection		D/ PH	PS			R					
	Telecommunications		D / PH	PS								
	Congregate Living & Social Services		D / PH	PS								
	Solar Energy System		D / PH	PS								
	<u>All Other Conditional Use Permits</u>		<u>D / PH</u>	<u>PS</u>								
Historic District	Minor Project								D			
	Major Project			PS		D / PH						
<u>Earth Excavation</u>	<u>Permit Application / Major Amendment</u>		<u>D / PH</u>	<u>PS</u>			<u>R</u>					
	<u>Minor Amendment</u>								<u>D</u>			
	<u>Permit Renewal</u>		<u>D / PH</u>						<u>D</u>			
<u>Street Access</u>	<u>Street Access</u>		<u>D</u>								<u>D</u>	
	<u>Street Access Exception Request</u>		<u>D / PH</u>								<u>D</u>	
	<u>Appeal of Decisions on Street Access Permits</u>		<u>D / PH</u>									
Other Permits	Floodplain Development											D
	Sign							D				
	<u>Change of Governmental Land Use</u>		<u>R</u>									
	Street Access		D								D	
	Earth Excavation		D / PH					R				

"R" = Recommendation "D" = Final Decision "PW" = Public Workshop "PH" = Public Hearing "PS" = Pre-submission Meeting Required

- Amend Table 26-2 to include notice requirements for additional application types and consolidate the list of Conditional Use Permit applications.

Table 26-2: Public Notice Requirements

Application Type	Notice Type			# Days ¹
	Mailed	Published	On-Site	

Amendments to Articles 1-22, 25, 26.10-26.14, and 26.19 of this LDC		•	•		10
Zoning	Amendments to Zoning Text or Zoning Map	•	•		10
	Variance / <u>Floodplain Variance</u>	•	•		5
	Special Exception	•	•		5
	Equitable Waiver	•	•		5
	Expand or Enlarge Non-Conforming Use	•	•		5
	<u>Appeal of Zoning Written Interpretation</u>	•	•		<u>5</u>
Subdivision Review	Subdivision	•	•		10
	Conservation Residential Development	•	•		10
	Boundary Line Adjustment	•			10
Site Plan Review	Minor Project	•	•		10
	Major Project	•	•		10
Conditional Use Permits	Hillside Protection	•	•	•	10
	Surface Water Protection	•	•	•	10
	Telecommunications	•	•	•	10
	Congregate Living & Social Services	•	•	•	10
	Solar Energy System	•	•	•	10
	<u>All Other Conditional Use Permits</u>	•	•	•	<u>10</u>
Historic District	Major Project	•	•	•	5
<u>Street Access</u>	<u>Street Access Exception Request*</u>	•	•		10
	<u>Appeal of Decisions on Street Access Permits</u>	•	•		10
Other	<u>Change of Governmental Land Use</u>	•	•		<u>10</u>
	Earth Excavation Permit	•	•		10
<u>Earth Excavation</u>	<u>Application / Major Amendment</u>	•	•		<u>10</u>
	<u>Permit Renewal*</u>	•	•		<u>10</u>

° = The requirements of on-site posting of notice for a public hearing for major project applications for a certificate of appropriateness shall be limited to proposals related to demolition of a structure in the Historic District.

* Published notice for this application type shall only be required when the Planning Board is the reviewing body.

¹The number of days before a public hearing or public body meeting that notice is to be issued, not including the day of posting/postmark or day of public hearing/meeting.

3. Amend Section 26.2.4.A.1 of Article 26 to change the certified mailing rate for noticing land use applications to a Certificate of Mailing rate, as follows:

When a mailed notice is required, the applicant shall submit 2 sets of mailing labels for each abutter or person entitled to such notice in accordance with state law or the City Code of Ordinances, and a mailing fee equal to the cost of the current United States Postal Service ~~Certified Mail~~ **Certificate of Mailing** rate, at the time of application submission, unless otherwise specified in this LDC.

4. Amend Section 26.4.3.B to include the Planning Board's Earth Excavation Regulations and application procedures outlined under Article 25 & Article 26.19 of the LDC.

Articles 20, 21, and **25** and Sections 26.10-25.14 and **26.19** of Article 26 – “Subdivision Regulations,” “Site Development Standards,” **and “Earth Excavation Regulations”** and Planning Board Application Procedures. For amendments proposed to Articles 20, 21, **25**, and Sections 26.10 through 26.14 **and 26.19** of Article 26 of this LDC, the following procedures shall apply.

5. Amend Sections 26.5.4.E, 26.6.4.E, 26.7.4.E, 26.8.5.E, 26.10.5.B.7, 26.12.5.I, and 26.15.5.K, and 26.16.9.A.c of Article 26 to remove the certified mailing requirement for development applications, as follows:

Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

6. Add a new section after Section 26.19.4.E of Article 26 to require the submittal of application and notice fees for Earth Excavation Permit applications, as follows:

F. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

7. Add a new section after Section 26.20 of Article 26 titled “Change of Governmental Land Use,” as follows:

26.21 Change of Governmental Land Use

26.21.1 Description

In accordance with New Hampshire RSA 674:54, any substantial change in use or a substantial new use on land owned or occupied or proposed to be owned or occupied by the state, university system, the community college system of New Hampshire, or

by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature shall be considered a change of governmental land use.

26.21.2 Initiation

The applicant for a change of governmental land use shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

26.21.3 Authority

The Planning Board shall have the authority to provide nonbinding recommendations relative to the conformity or nonconformity of the proposal with normally applicable land use regulations.

26.21.4 Submittal Requirements

An applicant shall submit written notification and supporting materials to the Community Development Department, which shall include the following.

- A. A written notification providing an explanation of proposed changes.
- B. Plans and specifications showing the proposed changes.
- C. A statement of the governmental nature of the use as set forth in NH RSA 674:54.
- D. A proposed construction schedule.
- E. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel. This list shall also include the name and mailing address of the property owner and applicant.
- F. Two (2) sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and the applicant.
- G. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

26.21.5 Procedure

The following procedures shall apply to all notifications for a change of governmental land use.

- A. Determination of Public Hearing. Upon receipt of a notification of a change in governmental land use, the Planning Board Chair shall determine whether the proposed change in use or new use warrants a public hearing. This notification must be provided at least 60 days prior to the start of construction and 10 business days prior to the Planning Board meeting at which the public hearing will be held.
- B. Notice of Public Hearing. If the Chair determines a public hearing is warranted, the Community Development Director, or their designee, shall forward the notification for a change of governmental land use to the Planning Board for a public hearing and shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:4(I)(d).
- C. Public Hearing. A public hearing shall be held within 30 days after the receipt of the notice of governmental land use. A representative of the governmental entity which provided notice shall be available to present the materials and provide explanations to the Board.

- D. Recommendations. The Planning Board may issue nonbinding written comments relative to the conformity or nonconformity of the proposal with the normally applicable land use regulations to the applicant within 30 days after the hearing.

Jay V. Kahn, Mayor

In City Council August 21, 2025.
Referred to the Planning, Licenses and
Development Committee.



City Clerk

Table 26-1: Development Applications Decision Authority

Application Type		Zoning Board of Adjustment	Planning Board	Minor Project Review Committee	City Council	Historic District Commission	Joint Committee	Conservation Commission	Zoning Administrator	Community Development Dir.	City Engineer	Floodplain Administrator
Amend-ments to the LDC	Articles 1-19 & 22-28 (Zoning Regulations)				D / PH		PW					
	Articles 19 & 20, 21, 25, 26.10-26.13 & 26.19 (Planning Board Regulations)		D / PH		D							
	Article 22 & 26.15 (HDC Regulations)				D	D / PH						
	Articles 23-29				D							
Zoning	Amendments to Zoning Text / Zoning Map				D / PH		PW					
	Variance / Floodplain Variance	D / PH										
	Special Exception	D / PH										
	Equitable Waiver	D / PH										
	Enlarge or Expand Nonconforming Use	D / PH										
	Zoning Administrator Decision Written Interpretation								D			
	Appeal of Zoning Written Interpretation	D/PH										
Sub-division Review	Subdivision		D / PH	PS								
	Conservation Residential Development Sub.		D / PH	PS								
	Boundary Line Adjustment		D									
	Voluntary Merger								D			
Site Plan Review	Administrative Planning Review									D		
	Minor Project			D / PH								
	Major Project		D / PH	PS								
Conditional Use Permit (CUP)	Hillside Protection		D / PH	PS							R	
	Surface Water Protection		D / PH	PS				R				
	All Other Conditional Use Permits		D / PH	PS								
Historic District	Minor Project	January 2025										
	Major Project			PS		D / PH						

Earth Excavation	Permit Application / Major Amendment		D / PH	PS				R			
	Minor Amendment								D		
	Permit Renewal		D / PH						D		
Street Access	Street Access		D							D	
	Street Access Exception Request		D / PH							D	
			D / PH								
Other Permits	Floodplain Development										D
	Sign							D			
	Change of Governmental Land Use		R								
	Street Access-		D							D	
	Earth Excavation-		D / PH					R			

"R" = Recommendation "D" = Final Decision "PW" = Public Workshop "PH" = Public Hearing
 "PS" = Presubmission Meeting Required

26.2 COMMON APPLICATION & REVIEW PROCEDURES

26.2.1 Applicability

The following requirements are common to many of the application review procedures in this LDC. Additional or slightly varying application and/or review requirements and procedures may be specified elsewhere in this Article or LDC.

26.2.2 Application Requirements

A. Pre-Submission Meeting

Prior to formal submittal of an application, the applicant may request a pre-submission meeting with City staff.

1. The purpose of this meeting is to review the proposed project when it is still at a conceptual stage, to identify any potential concerns with project design, and to ensure that the applicant is aware of all information that must be submitted with the application.
2. This meeting does not require a formal application or fees.

3. Some applications require attendance at a pre-submission meeting prior to application submission. Such requirement shall be specified in this LDC.

B. Submittal Requirements

1. All applications pursuant to this LDC shall be submitted in accordance with the requirements of this Article, and the established submittal requirements of the appropriate review or decision-making authority.
2. Applications pursuant to this LDC shall be filed with the appropriate review or decision-making authority, or their designee, on forms provided by the Community Development Department, or the Public Works Department for street access or service connection permits.

F. Withdrawal of Application

Unless otherwise specified in this LDC, an application may be withdrawn at any time prior to the final decision on the application. Requests for withdrawal shall be made in writing by the applicant to the appropriate review or decision-making authority. Applications to amend this LDC, including the Zoning Regulations or Zoning Map, may be withdrawn by the applicant in accordance with this Section.

G. Burden of Proof

It shall be the sole responsibility of the applicant to demonstrate that their application satisfies all applicable standards of review.

26.2.3 Staff Review

- A. Prior to consideration of an application pursuant to this LDC by a City board or commission, City staff may prepare a staff report for the application, which contains a brief summary of the proposal and a summary analysis of how the proposal relates to the applicable standards in this LDC.
 - a. Sample motions, including any suggested findings and/or conditions, may also be provided in this report.
 - b. Such staff report shall be shared with the board or commission in advance of the meeting, and shall be made available to the public.
- B. Some applications pursuant to this LDC may require review and comment from other City departments prior to a public hearing or action on the application. Comments received from City staff in other departments following their review of an application shall be forwarded to the appropriate review or decision-making authority and shall be shared in writing with the applicant as soon as they are all received.

26.2.4 Public Notice

The general public notice requirements for applications and procedures subject to this LDC, including, but not limited to, notice of public body meetings and public hearings, are included in this Section. Table 26-2 indicates the type of public notice required for applications that require public notice in accordance with state law or the City Code of Ordinances.

A. Mailed Notice

1. When a mailed notice is required, the applicant shall submit 2 sets of mailing labels for each abutter or person entitled to such notice in accordance with state law or the City Code of Ordinances, and a mailing fee equal to the cost of the current United States Postal Service **Certified Mail-Certificate of Mailing** rate, at the time of application submission, unless otherwise specified in this LDC.
2. The appropriate review authority, or their designee, shall be responsible for issuing the mailed notice.
3. The mailed notice shall include, at a minimum, the date, time, place, and purpose of such public hearing; the names of the applicant and property owner; and the address of the subject property. Such information shall be current to within 10-days of application submittal.
4. The mailed notice shall be sent to the address used for mailing local property tax bills, which may be obtained from the City of Keene Assessing Department.
5. The required timeframe for issuing mailed notice is specified in Table 26-2. This timeframe shall not include the day such notice is postmarked or the day of the public hearing or public meeting at which the application is first considered.

Table 26-2: Public Notice Requirements

Application Type		Notice Type			# Days ¹
		Mailed	Published	On-Site	
Zoning	Amendments to this LDC	●	●		10
	Amendments to Zoning Text or Zoning Map	●	●		10
	Variance / Floodplain Variance	●	●		5
	Special Exception	●	●		5
	Equitable Waiver	●	●		5
	Expand or Enlarge Non-conforming Use	●	●		5
	Appeal of Zoning Written Interpretation	●	●		5
Sub-division Review	Subdivision	●	●		10
	Conservation Residential Development	●	●		10
	Boundary Line Adjustment	●			10
Site Plan Review	Minor Project	●	●		10
	Major Project	●	●		10
Condi-tional Use Permit	Hillside Protection	●	●	●	10
	Surface Water Protection	●	●	●	10
	All Other Conditional Use Permits	●	●	●	10
	Tele-communications	●	●	●	10
	Congregate-Living & Social Services	●	●	●	10
	Solar Energy System	●	●	●	10
Historic District	Major Project	●	●	○	5
Street Access	Street Access Exception Request*	●	●		10
	Appeal of Decisions on Street Access Permits	●	●		10

Earth Excavation	Application / Major Amendment	●	●	10
	Permit Renewal*	●	●	10
Other	Earth Excavation- Permit	●	●	10
	Change of Governmental Land Use	●	●	10

○ = The requirements of on-site posting of notice for a public hearing for major project applications for a certificate of appropriateness shall be limited to proposals related to demolition of a structure in the Historic District.

* **Published notice for this application type shall only be required when the Planning Board is the reviewing body.**

¹The number of days before a public hearing or public body meeting that notice is to be issued, not including the day of posting/postmark or day of public hearing/meeting.

B. Published Notice

1. When published notice is required, the appropriate review authority, or their designee, shall publish notice in a newspaper of general circulation within the City, and in at least 2 public places.
2. The required timeframe for issuing published notice is specified in Table 26-2. This timeframe shall not include the day notice is posted or the day of the public hearing or public meeting at which the application is first considered.
3. At the time of application submission, the applicant shall submit a fee to cover the cost of the published notice in accordance with the LDC Fee Schedule in Appendix B of City Code of Ordinances.
4. The published notice shall include, at a minimum, the date, time, place, and purpose of such public hearing; the names of the property owner and applicant; and the address of the subject property.

25.2.5 Site Visits

- A. Submittal of an application in accordance with this Article shall be deemed as granting permission to City staff, the appropriate review or decision-making authority, or their designees, to enter onto the subject property for purposes of review.
 1. Permission to visit the property extends from the date an application is submitted until the project is formally denied or construction of an approved project is complete, a certificate of occupancy has been issued, or final security has been returned to the applicant, whichever occurs later.
 2. If an applicant wishes to place limitations upon access to the property subject to review, then the limitations shall be requested in writing at the time of application. Any such request shall include the reasons for the limitations, and the appropriate review authority shall use reasonable judgment in determining the extent to which the request may be granted.
- B. City boards and commissions may elect to conduct a formal site visit of a project site prior to the meeting at which an application will be

26.4 LAND DEVELOPMENT CODE AMENDMENTS

26.4.1 Description

The standards and requirements set forth in the City of Keene Land Development Code (also referred to as "this LDC") may be amended from time to time. The process for amending this LDC varies depending upon which article or articles are proposed to change. The process for amending the Zoning Regulations, which are contained in Articles 2 through 19 of this LDC, shall be as described in Section 26.3.

25.4.2 Authority

The City Council, after receiving a recommendation from the Planning Licenses and Development Committee, and from the Planning Board with respect to Articles 20, 21 and Sections 26.10 through 26.14 of Article 26, and from the Historic District Commission with respect to amendments to Article 22 and Section 26.15 of Article 26, shall take action on proposed amendments to this LDC.

26.4.3 Procedure

In addition to the common application and review procedures of this Article, the following procedures shall apply with respect to proposed amendments to this LDC.

- A. Articles 1 through 19.** For amendments proposed to Articles 1 through 19 of this LDC, the same application and review procedures shall be followed as those described in Section 26.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.
- B. Articles 20, 21, 25 and Sections 26.10-25.14 and 26.19 of Article 26 - "Subdivision Regulations," "Site Development Standards," and "Earth Excavation Regulations"** and Planning Board Application Procedures. For amendments proposed to Articles 20, 21, 25, and Sections 26.10 through 26.14 and 26.19 of Article 26 of this LDC, the following procedures shall apply.

- 1. Planning Board Public Hearing.** In

26.5 ZONING VARIANCE

26.5.1 Description

Zoning variances are intended to address unnecessary hardships or practical difficulties resulting from the strict application of the Zoning Regulations. The purpose of the variance process is to provide a narrowly limited means by which relief may be granted from the unforeseen applications of the Zoning Regulations.

26.5.2 Initiation

The applicant for a variance shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

26.5.3 Authority

The Zoning Board of Adjustment has the authority to authorize variances from the provisions of the Zoning Regulations of this LDC, subject to the requirements of this Article, the Zoning Regulations, and NH RSA 674:33.

26.5.4 Submittal Requirements

An applicant for a zoning variance shall submit a completed variance application to the Community Development Department, which shall include the following.

- A. A written narrative that describes the property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed variance, including a response to each of the variance criteria.
- B. A scaled plot plan clearly displaying the location and dimensions of all structures and open spaces on the lot in question and on the adjacent lots, as well as any proposed changes to the site, such as, but not limited to, additions to existing structures or the construction of new structures.
- C. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map

parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.

- D. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- E. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

26.5.5 Procedure

In addition to the common application and review procedures of this Article, the following review and approval procedures shall apply to applications for a zoning variance.

- A. Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.
- B. The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.
- C. Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.
- D. The Zoning Board of Adjustment shall give reasons for all decisions on variance applications and shall make reference to the appropriate sections of the Zoning Regulations, where applicable.

26.5.6 Approval Standards

The Zoning Board of Adjustment may authorize a variance from specific requirements of the Zoning Regulations only when the Board finds that all of the following conditions apply.

26.6 ZONING SPECIAL EXCEPTION

26.6.1 Description

A special exception seeks permission to do something that the Zoning Regulations permit only under certain special circumstances. All special exceptions shall be made in harmony with the general purpose and intent of the Zoning Regulations and shall be in accordance with the rules contained therein.

26.6.2 Initiation

The applicant for a special exception shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

26.6.3 Authority

The Zoning Board of Adjustment shall have the authority to hear and decide special exceptions from the provisions of the Zoning Regulations of this LDC, subject to the requirements of this Section and NH RSA 674:33.

26.6.4 Submittal Requirements

An applicant for a special exception shall submit a completed special exception application to the Community Development Department, which shall include the following.

- A.** A written narrative that describes the property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed special exception, including a response to each of the special exception criteria.
- B.** A scaled plot plan clearly displaying the location and dimensions of all structures and open spaces on the lot in question and on the adjacent lots, as well as any proposed changes to the site, such as, but not limited to, additions to existing structures or the construction of new structures.
- C.** A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map

parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.

- D.** 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- E.** Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

26.6.5 Procedure

In addition to the common application and review procedures of this Article, the following review and approval procedures shall apply to applications for a special exception.

- A.** Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.
- B.** The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.
- C.** Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.
- D.** The Zoning Board of Adjustment shall give reasons for all decisions on special exception applications and shall make reference to the appropriate sections of the Zoning Regulations, where applicable.

26.7 EXPANSION OR ENLARGEMENT OF A NONCONFORMING USE

26.7.1 Description

A nonconforming use of a structure or land may be expanded or enlarged with approval from the Zoning Board of Adjustment, provided such expansion or enlargement does not violate any of the basic zone dimensional requirements of the zoning district in which it is located.

26.7.2 Initiation

The applicant seeking approval to expand or enlarge a nonconforming use shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

26.7.3 Authority

The Zoning Board of Adjustment shall have the authority to hear and decide on applications to expand or enlarge a nonconforming use.

26.7.4 Submittal Requirements

An applicant shall submit a completed application to the Community Development Department, which shall include the following.

- A. A written narrative that describes the property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed expansion or enlargement of a nonconforming use, including a response to each of the relevant approval standards.
- B. A scaled plot plan clearly displaying the location and dimensions of all existing structures and open spaces, as well as any proposed changes to the site, such as, but not limited to, additions to existing structures or the construction of new structures.
- C. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the

street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.

- D. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- E. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

26.7.5 Procedure

In addition to the common application and review procedures of this Article, the following review and approval procedures shall apply to applications to expand or enlarge a nonconforming use.

- A. Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.
- B. The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.
- C. Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.

26.7.6 Approval Standards

The Zoning Board of Adjustment may approve an application for an expansion or enlargement of a nonconforming use, only when the Board finds that all of the following conditions apply.

- A. Such expansion or enlargement would not reduce the value of any property within the zoning district, nor otherwise be injurious, obnoxious or offensive to the neighborhood.
- B. There will be no nuisance or serious hazard to vehicles or pedestrians.

26.8 EQUITABLE WAIVER OF ZONING DIMENSIONAL REQUIREMENTS

26.8.1 Description

In situations where a lot or structure is discovered to be in violation of a physical layout or dimensional requirement of the Zoning Ordinance, and such lot or structure is not legally nonconforming, a waiver from the requirement may be sought under certain conditions.

26.8.2 Applicability

- A. An equitable waiver shall only apply to waivers from physical layout, mathematical or dimensional requirements, and shall not apply to use restrictions.
- B. An equitable waiver shall not be construed as a nonconforming use and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the Zoning Regulations.

26.8.3 Initiation

The applicant for an equitable waiver of dimensional requirements shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

26.8.4 Authority

The Zoning Board of Adjustment shall have the power to hear and decide on equitable waivers of zoning dimensional requirements, subject to the requirements of this Section and NH RSA 674:33-a.

26.8.5 Submittal Requirements

An applicant for an equitable waiver of dimensional requirements shall submit a completed application to the Community Development Department, which shall include the following materials.

- A. A written narrative that describes the property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed waiver, a response to each of the equitable waiver criteria.
- B. A scaled plot plan clearly displaying the

locations and dimensions of all structures and open spaces on the lot in question and on the adjacent lots.

- C. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.
- D. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- E. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

26.8.6 Procedure

In addition to the common application and review procedures of this Article and NH RSA 676:5 through 676:7, the following review and approval procedures shall apply to applications for an equitable waiver of dimensional requirements.

- A. Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.
- B. The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.
- C. Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.
- D. The Zoning Board of Adjustment shall give reasons for all decisions on equitable waiver of dimensional requirements applications and shall make reference to the appropriate sections of the Zoning Regulations, where applicable.

- c. A proposed conditions plan (at a scale of 1-in = 100-ft or at a larger scale) showing all parcels affected by the proposal, and depicting the following information.
 - i. Owner names and tax map parcel numbers for all direct abutters.
 - ii. Boundaries and acreage of the proposed lots subject to review.
 - iii. Location of any existing structures or site features, driveways, parking areas, public streets, rights-of-way, easements, surface waters (including wetland areas delineated by a NH certified wetland scientist), precautionary and prohibitive slopes, 100-year floodplain and floodways delineation, and wooded and vegetated areas that are displayed on the existing conditions plan, and are proposed to remain.
 - iv. The location of proposed structures and site features, lot lines, public streets, rights-of-way, easements, driveways and parking areas.
 - 3. Any additional information the Planning Board, or its designee, may reasonably deem necessary to determine compliance with the applicable regulations of this LDC.
 - 4. Any technical reports prepared by a NH licensed engineer or qualified professional, which may be required or reasonably requested by the Planning Board, or its designee, based on the nature and scope of the proposal. Such reports may include, but are not limited to drainage, traffic, and/or soils analyses.
 - 5. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.
 - 6. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
 - 7. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~
- C. Conservation Residential Development Subdivision Applications**
- In addition to the submittal requirements for a subdivision or boundary line adjustment in Section 26.10.5.B, a completed application for a proposed conservation residential development subdivision shall include the following.
- 1. An overview plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file), which displays the entire tract and any existing public roads, public or private protected lands, woodlands areas, surface waters, and precautionary or prohibitive slopes located within 200-ft of the tract.
 - 2. An existing conditions plan displaying the location of primary and secondary conservation values as defined in Section 20.3 of this LDC.
 - 3. A proposed conditions plan including the following.
 - a. The area(s) designated as Open Space, any common land and any specifically protected conservation values.
 - b. Any proposed uses of the Open Space (e.g. agriculture, recreation, forestry, etc.) and/or common lands shall be noted on the plan.
 - c. The location and dimensions of any

- D. Elevations (3 color copies on 22" x 34" sized paper or larger size, 1-color copy on 11"x17" paper and an electronic pdf file) showing the visual appearance and architectural details of all proposed structures, with proposed façade height and length dimensions, construction materials, finishes, and colors clearly labeled. Landscaping should not be included on elevations.
- E. Additional color representations, simulations, or renderings of a proposed development may be required by the respective decision-making authority, during the review process.
- F. Any additional information the respective decision-making authority may reasonably deem necessary to determine compliance with the applicable regulations of this LDC.
- G. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.
- H. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- I. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

26.12.6 Submittal Requirement Exemptions

- A. An applicant may make a request to the Community Development Director, or their designee, to exempt their application from specific submittal requirements.
- B. Any exemption granted by the Community Development Director, or their designee, shall be evaluated and approved by the respective decision-making authority during its review of application completeness. If the Planning Board or Minor Project Review Committee determines the exempted material is necessary to complete its review of the application, they may deny the exemption request and determine the application to be incomplete.
- C. If a requested exemption is not granted by the Community Development Director, or their designee, the applicant may appeal the decision to the Planning Board, in the case of major site plan applications, or the Minor Project Review Committee, in the case of minor site plan applications, prior to the respective decision-making authority's determination of application completeness.

26.12.7 Application Submittal Deadline

A. Major Site Plan Application

A completed major site plan application shall be submitted to the Community Development Director, or their designee, no later than 26 business days prior to the Planning Board meeting date at which the applicant desires the application to be reviewed.

B. Minor Site Plan Application

A completed minor site plan application shall be submitted to the Community Development Director, or their designee, no later than 14 business days prior to the Minor Project Review Committee meeting date at which the applicant desires the application to be reviewed.

- a. Owner names and tax map parcel numbers for all direct abutters.
 - b. Boundaries and acreage of the lot(s) subject to review.
 - c. Location of any existing structures or site features, driveways, parking area, wooded or vegetated areas, public streets, rights-of-way, and easements that are displayed on the existing conditions plan, which will not be altered or relocated.
 - d. The location of proposed structures and site features, driveways, parking areas, public streets, rights-of-way, easements, and landscaping.
- C.** Elevations at a maximum scale of ¼-in = 1-ft (3 color copies on 22" x 34" or larger paper, 1-color copy on 11"x17" paper, and an electronic pdf file) showing the visual appearance and architectural details of all proposed structures, as well as any portions of the existing structure proposed for demolition or removal. Such drawings shall include proposed façade height and length dimensions, construction materials, finishes, and colors clearly labeled. Landscaping should not be included on elevations.
- D.** Additional color representations, simulations, or renderings of a proposed development may be required by the Community Development Director, or their designee, or the Historic District Commission during the review process.
- E.** Samples of mortar and/or brick for projects proposing new or replacement mortar and/or brick.
- F.** Manufacturer specifications (i.e. cut-sheets) for any proposed building materials, exterior lighting fixtures, windows and doors, mechanical equipment or other site elements (e.g. benches, railings). The applicant shall specify the proposed type, color and finish, if applicable, and if missing from the manufacturer specifications.
- G.** Manufacturer specifications (i.e. cut-sheets) for cleaning products, if applicable.
- H.** Photographs, renderings, and/or line sketches to visually demonstrate the scale, massing, and visual appearance of neighboring structures.
- I.** Major project applications shall include a list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.
- J.** Major project applications shall include 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- K.** Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~
- L.** Other information as deemed necessary by the Community Development Director, or their designee, or the Historic District Commission to complete the review of the application.

26.15.6 Submittal Requirement Exemptions

- A.** An applicant may make a request to the Community Development Director, or their designee, to exempt their application from specific submittal requirements.
- B.** For minor project applications, the Community Development Director, or their designee, shall have the authority to approve such exemption requests, based on the nature and scope of the proposal.
 - 1.** If a requested exemption is not granted by the Community Development Director, or their designee, the applicant may appeal the decision to the Historic District Commission prior to the Commission's

5. Analysis of Important Habitat. All applicants for an earth excavation permit shall provide an environmental review of the excavation site obtained from the NH Natural Heritage Bureau, to determine if any lands within the excavation site are listed in the NH Natural Heritage Database as containing rare, endangered or threatened species, species of special concern, or exemplary natural communities.

- a.** If lands within the analysis area are included in the NH Natural Heritage Database, a natural resource inventory for both vegetation and wildlife shall be completed by a forest ecologist, wildlife biologist, or other qualified professional, to verify the presence and/or significance of the important habitat and to determine whether the excavation will cause an adverse impact, degradation, or fragmentation of said important habitat.

6. Miscellaneous Information. Applicants for an earth excavation permit shall provide to the Planning Board any and all additional information that the Board may reasonably deem necessary in order to complete a site-specific review of the excavation site and to determine whether the proposed excavation complies with NH RSA 155-E, and the Earth Excavation Regulations in Article 24 of this LDC.

F. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

26.19.5 Submittal Requirement Exemptions

An applicant for an Earth Excavation permit may request the Community Development Director, or their designee, to exempt their application from any of the submission requirements referenced in Section 26.19.

- A.** Requests for exemption shall be made to the Community Development Director in writing prior to the submission of a completed

application and shall include an explanation of why the specified information is not relevant to the Planning Board's determination whether the applicant complies with NH RSA 155-E, the Earth Excavation Regulations in Article 25 of this LDC.

7. The Community Development Director, or their designee, may grant an exemption of the submittal requirements if they find that the information is not relevant to the Planning Board's determination of whether the applicant complies with NH RSA 155-E and the Earth Excavation Regulations in Article 25 of this LDC. Factors to consider in determining whether to grant an exemption include consideration of the size, scale, scope, and nature of the proposed excavation project.

8. Any exemption granted by the Community Development Director, or their designee, must be confirmed by the Planning Board during its completeness review of the application. The Board may consult City staff and/or a consultant retained by the Board in accordance with Section 26.19.7, prior to confirmation. If the Planning Board deems the information relevant to its decision on the merits of the application, then the applicant shall provide said information prior to the Planning Board making a finding that the application is complete.

26.19.6 Application Submittal Deadline

A completed earth excavation permit application shall be submitted to the Community Development Director, or their designee, no later than 26 business days prior to the Planning Board meeting date at which the applicant desires the application to be reviewed.

26.19.7 Procedure

In addition to the common application and review procedures of this Article, the following review and approval procedures shall apply to applications for Earth Excavation Permits.

A. Presubmission Meeting. Applicants for earth

26.21 CHANGE OF GOVERNMENTAL LAND USE

26.21.1 Description

In accordance with New Hampshire RSA 674:54, any substantial change in use or a substantial new use on land owned or occupied or proposed to be owned or occupied by the state, university system, the community college system of New Hampshire, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature shall be considered a change of governmental land use.

26.21.2 Initiation

The applicant for a change of governmental land use shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

26.21.3 Authority

The Planning Board shall have the authority to provide nonbinding recommendations relative to the conformity or nonconformity of the proposal with normally applicable land use regulations.

26.21.4 Submittal Requirements

An applicant shall submit written notification and supporting materials to the Community Development Department, which shall include the following.

- A. A written notification providing an explanation of proposed changes.
- B. Plans and specifications showing the proposed changes.
- C. A statement of the governmental nature of the use as set forth in NH RSA 674:54.
- D. A proposed construction schedule.
- E. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel. This list shall

also include the name and mailing address of the property owner and applicant.

- F. Two (2) sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and the applicant.
- G. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

26.21.5 Procedure

The following procedures shall apply to all notifications for a change of governmental land use.

- A. **Determination of Public Hearing.** Upon receipt of a notification of a change in governmental land use, the Planning Board Chair shall determine whether the proposed change in use or new use warrants a public hearing. This notification must be provided at least 60 days prior to the start of construction and 10 business days prior to the Planning Board meeting at which the public hearing will be held.
- B. **Notice of Public Hearing.** If the Chair determines a public hearing is warranted, the Community Development Director, or their designee, shall forward the notification for a change of governmental land use to the Planning Board for a public hearing and shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:4(l)(d).
- C. **Public Hearing.** A public hearing shall be held within 30 days after the receipt of the notice of governmental land use. A representative of the governmental entity which provided notice shall be available to present the materials and provide explanations to the Board.
- D. **Recommendations.** The Planning Board may issue nonbinding written comments relative to the conformity or nonconformity of the proposal with the normally applicable land use regulations to the applicant within 30 days after the hearing.



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: Relating to the Appropriation of Funds for the Local Match for the Marlboro Street & Cheshire Rail Trail Improvements Project, NHDOT#42515
Resolution R-2025-28

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2025-28.

Attachments:

1. R-2025-28_Referral_Scrivener_Correction

Background:

City Engineer Bryan Ruoff was the next speaker. Mr. Ruoff stated these appropriations of funding is to meet the local match for the Marlboro Street and Cheshire Rail Trail Improvements project. He indicated this project has been bid three times. The first was in October 2024 where the City received bids of roughly 2.5 times what the engineer's estimate was. The project was bid again in February of this year, where they received similar bids for around 2.5 million again twice what the engineer's estimate was.

At that point, staff did a reset on the project. There was some language that was leading to higher bid unit prices that was corrected to get better bid prices and the bid was resubmitted to DOT to get the updated plan specifications and cost estimates approved. With that, the federal government allocated another \$1,000,000 commitment for the project. What staff is now asking is a Resolution for the additional City match of additional federal funds for the project. The project has been publicly bid for both engineering services and construction services and the most recent bid, the numbers, came in at approximately \$600,000 less than it was originally bid for the project.

The Chair clarified the City's portion is coming from unallocated funds. Mr. Ruoff answered in the affirmative.

The following motion by Councilor Chadbourne was duly seconded by Chair Lake.

2025-388

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2025-28.



CITY OF KEENE

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

A RESOLUTION Appropriation of Funds for the Local Match for the Marlboro Street & Cheshire Rail Trail Improvements Project, NHDOT#42515

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

Related to an Appropriation for the Marlboro Street & Cheshire Rail Trail Improvements Projects NHDOT#42515 (75J0018B)

WHEREAS, The City has been awarded Federal, Transportation Alternative Project (TAP) funding, administered through NHDOT for the construction of our Marlboro Street & Cheshire Rail Trail Improvements Project, NHDOT#42515 (75J0018B); and,

WHEREAS, The funding agreement for the project includes eighty percent (80%) federal funding and a twenty percent (20%) City funding match for the qualifying costs for the projects; and,

WHEREAS, The City desires to maximize the benefits of this project for the community;

NOW THEREFORE BE IT RESOLVED That the sum of Two Hundred and fifty five thousand dollars (\$255,000), is hereby appropriated from the unallocated General Fund balance for the purpose of allocating the additional necessary funds, from what has been previously allocated in the CIP to pay for the City's required twenty percent (20%) funding, described in the federal funding agreement, for the Marlboro Street & Cheshire Rail Trail Improvements Project, NHDOT#42515, City of Keene Project#75J0018B.

Jay V. Kahn, Mayor

In City Council September 4, 2025.
Referred to the Finance, Organization and
Personnel Committee.


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to the Appropriation of Additional Funds for FY26 Water Infrastructure Pavement Repairs
Resolution R-2025-29**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2025-29 with the adjustment that the funding is coming from the Water Fund on an allocated fund balance.

Attachments:

1. R-2025-29_Referral_Scrivener_Correction

Background:

Mr. Ruoff stated there has been a number of water main breaks earlier this year. Much of the scope of those water main breaks go beyond what City crews can handle. Winchester Street, Water Street, West Street were all major water main breaks that required the City to get pricing from local contractors. Performing those repairs, pretty much depleted the water department's budget. He stated what staff is asking is replenish this money to be able to perform pavement repairs as the construction year continues. Obviously, if it is not warranted, the funds will not be used.

Councilor Lake asked when pavement is torn up and has to be repaved for a water related project, whether that money usually comes from the water fund rather than the regular public works fund.

Mr. Ruoff stated unplanned water repair would come from the water-operating budget, which budget is very small. If it is a planned project, it would be in the CIP but also be funded through the water fund.

Councilor Roberts asked how much the water street repair cost. Mr. Ruoff stated to excavate this area, re-patch and restore the sidewalk was about \$12,500. The Chair asked whether these funds were also coming out of unallocated funds of the water fund. The Manager stated that was what was being planned but is not indicated in the committee report.

The committee asked that the Resolution language be amended.

The following motion by Councilor Lake was duly seconded by Chair Powers.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2025-29 with the adjustment that the funding is coming from the Water Fund on an allocated fund balance.



CITY OF KEENE

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

A RESOLUTION Appropriation of Additional Funds for FY26 Water Infrastructure Pavement Repairs

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

Related to an Appropriation for the Water Pavement Repair Operating Budget (341400000 / 523310)

NOW THEREFORE BE IT RESOLVED That the sum of Thirty-five thousand dollars (\$35,000), is hereby appropriated from the unallocated Water Fund balance in the 2025-2026 fiscal year for the purpose of performing pavement repairs for water system related work for the FY26 Water Operating Budget (341400000 / 523310)

Jay V. Kahn, Mayor

In City Council September 4, 2025.
Referred to the Finance, Organization and
Personnel Committee.

City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: September 18, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Relating to the Appropriation of Funds for FY26 Sewer Main Lining Project
Resolution R-2025-30

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2025-30.

Attachments:

1. R-2025-30_Referral_Scrivener_Correction

Background:

Mr. Ruoff stated a month ago he had come before the committee for approval for the manager to execute a change order for the sewer main lining project. He stated he had incorrectly stated the amount the City had available in the DES Grant and what the City had for funds. He noted the City didn't have the amount to execute the change order but did have it in the grant.

Hence, what staff is trying to do and what probably should have been done from the beginning, given this is a three-year project scheduled in the CIP, was to allocate the funds for this project for FY26, 27, and 28. FY 26 and 27 have been completed. What staff is asking for is to complete the point repairs for this project and complete the change orders as part of that FY 28 budget.

The City is a year ahead on this project. By using this remaining additional loan funding, the City gets the maximum amount of loan forgiveness and essentially free money from the federal government.

Councilor Lake clarified the City is essentially completing the 2028 work ahead of schedule and are pulling that funding forward to complete that work now. Hence, this work will not happen in FY28 and the funding won't go out in FY28. The City Engineer agreed.

The following motion by Councilor Roberts was duly seconded by Councilor Chadbourne.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2025-30.

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CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to the Appropriations of Funds for the FY26 Sewer Main Lining Project

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

Related to an Appropriation for the Sewer Main Lining Program (32MI04)

WHEREAS, The City has been awarded a Clean Water State Revolving Fund (CWSRF) loan for the implementation of our Sewer Main Lining Program (32MI04); and,

WHEREAS, The award incentivizes municipal investments in wastewater infrastructure through “principal forgiveness” of a portion of the qualifying costs for the projects; and,

WHEREAS, The City desires to maximize the benefits of this program for our ratepayers;

NOW THEREFORE BE IT RESOLVED That the sum of Two Hundred and twenty five thousand dollars (\$225,000), is hereby appropriated in the 2025-2026 fiscal year for the purpose of providing funding for the Sewer Main Lining Program, Project#32MI0425.

Said appropriation will be funded by the proceeds of the aforementioned loan program.

Jay V. Kahn, Mayor

In City Council September 4, 2025.
Referred to the Finance, Organization and
Personnel Committee.

City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.4.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to the Appropriation of Funds for the Keene Airport Solar Project Resolution R-2025-31**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2025-31.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a contract with revision energy for the construction of a solar farm at the Keene Airport.

Attachments:

1. R-2025-31 Bond - Keene Solar Project_Referral

Background:

City Manager Elizabeth Ferland addressed the committee next and noted that Dan Weeks from Revision Energy and Kari Chamberlain, Finance Director were also present tonight.

The Manager stated the bond amount in the Resolution is for the entire amount of the solar project. If the City were successful at meeting the buying threshold of 5% or more in time for the Safe Harbor of the investment tax credit, the City would be reimbursed just over 3.4 million Dollars in one year. This would greatly reduce the cost of this project and accelerate both the payback period and the positive cash flow. The Manager stated to meet this deadline the City needs approval this month and the ability to execute a contract and provide a deposit as soon as possible.

The very conservative report from Beacon Integrated Solutions discussed at the last FOP meeting shows this project with a positive cash flow in year one with the tax credit applied and year three without the tax credit and has an \$8 to \$13 million estimated benefit in savings calculation.

The Manager went on to say she provided Revision Energy a report from Beacon Integrated Solutions and the City's bond rate after the last FOP meeting and Revision Energy updated the projections using the bond rate and utilizing the 25.5% tax credit instead of the 30% previously

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shown. She noted this is because the City uses tax-exempt bonds and the 30% would be for someone who is using a taxable bond. In both scenarios, the City will have substantial revenue savings. Without the tax credit, the project has a positive cash flow in year three, completely offsetting the bond payments and with the credit, there will be a positive cash flow right away and saving and revenue numbers are much greater. Revision Energy's calculations show a \$20 to \$24 million revenue and savings over the 25 years of the project, which is the warranty period.

Ms. Ferland further stated in addition to the financial benefits, there are also huge environmental benefits as well. This will be one of the largest municipal solar farms in New Hampshire and offset over 6.5 million pounds of carbon dioxide equivalent every year. This will move the City one step closer to meeting its very aggressive energy goals.

Councilor Roberts clarified one of reasons for moving this project up is because the federal administration has put a deadline date on all planned funding for green energy projects. The Manager agreed and added the investment tax credit being discussed is sun setting out with the new administration and is no longer going to be available. The City has until December 30th to meet all requirements to safeguard that tax credit. She added the City has been working on this project for two and a half years. The Manager noted with or without the tax credit, this is a very favorable project both financially and environmentally.

The Chair stated he could not see why this project should not be moved along; a project that has been worked on for many years.

Councilor Favolise asked whether the City would be assuming ownership and operational control of the solar panels. The Manager stated this project is done through what is called a power purchase agreement, which is when you do not take on any responsibility for the solar project itself, but you are purchasing the power, and the cost of the power is annually escalated. By purchasing, you are seeing the greatest benefit and with the savings what is also calculated are capital improvement repairs for the inverters.

The following motion by Councilor Chadbourne was duly seconded by Councilor Lake.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2025-31.

The following motion by Councilor Lake was duly seconded by Councilor Roberts.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a contract with revision energy for the construction of a solar farm at the Keene Airport.



CITY OF KEENE

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

A RESOLUTION Relating to the Appropriation of Funds for the Keene Airport Solar Project

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

That the sum of fourteen million three hundred fifty thousand dollars (\$14,350,000) is hereby appropriated for the Keene Airport Solar Project, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to fourteen million three hundred fifty thousand dollars (\$14,350,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

This authorization shall lapse if not fulfilled within five (5) years from the date of approval.

Jay V. Kahn, Mayor

In City Council September 4, 2025.
Referred to the Finance, Organization and
Personnel Committee.

City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.5.

Meeting Date: September 18, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to Endorsement of the City of Keene 2025 Comprehensive Master Plan**
Resolution R-2025-32

Recommendation:

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Resolution R-2025-32.

Attachments:

1. R-2025-32_Endorsement of 2025 Master Plan_referral

Background:

Chair Bosley welcomed Senior Planner Mari Brunner to present the proposed 2025 Comprehensive Master Plan (CMP) for the City Council's endorsement to the Planning Board, which would ultimately adopt the CMP. The Council would endorse the CMP by adopting Resolution R-2025-32. Ms. Brunner said this presentation was the culmination of several years of background work, but she primarily focused on the previous year since she last presented the Community Vision to this Committee. She described the planning process before reviewing main sections of the CMP including Strategic Pillars, Goals, Future Land Use, Implementation, and Next Steps.

Ms. Brunner said the CMP process began when the City Council approved the project budget. A consultant team was hired, led by Future IQ, which she called a small-but-mighty firm based in Minnesota. Future IQ was supported by economic development firm JS&A, and national planning firm WGI. Ms. Brunner said a critical part of this process was forming the Master Plan Steering Committee, which she recognized for all of its hard work. The Steering Committee included a diverse array of perspectives: Planning Board members, City Councilors, Mayor Kahn, small and large business owners (local manufacturing, public health, higher education, the nonprofit sector—in particular Keene Housing), as well as a member of the Conservation Commission. The Steering Committee met monthly throughout the 18-month process to guide the project and make key decisions.

Ms. Brunner described Phase 1 of the Master Planning process—developing the Community Vision

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& Snapshot—which focused on data gathering and public engagement. Notable activities included a community survey, with 648 very detailed responses (average 24-minute response time; survey responses available on KeeneMasterPlan.com). In addition, a two-day Think Tank workshop was held in late May 2024, when 50 community members (led by the consultant team) explored the community's preferred future. Think Tank feedback/data allowed the consultants to develop a framework for that preferred future. Next, there were 17 visioning sessions. Then in August and September 2024, the Steering Committee held a series of roundtables to develop the CMP Strategic Pillars. At the Future Summit in October 2024, which concluded Phase 1, the Community Vision and draft Strategic Pillars were presented to the larger community. Ms. Brunner referred everyone to the project portal (KeeneMasterPlan.com) for: the Community Snapshot Report that provides demographic and economic data on the City, the Think Tank Report that goes into detail on the process for the Think Tank Workshop, the Community Vision Report, and responses to all of the project surveys.

Ms. Brunner continued with Phase 2: Plan Development & Future Land Use Map. She said Phase 1 was focused on identifying and building consensus around a shared Community Vision. Phase 2 identified the goals, action steps, and priorities to make that Vision implementable. To do this, six Task Forces were created to deep dive into the six Strategic Pillars. The Task Forces reviewed data/past work from the City and larger community, analyzed case studies from other communities, and used all that information to develop Goals and Actions—vetted by the Master Plan Steering Committee. A Prioritization Survey was sent to the Planning Board, City Council, Task Force members, City leadership, and Steering Committee to help prioritize those Goals and Actions. Finally, the draft CMP, including an Implementation Matrix and Future Land Use (FLU) Map, were presented to the community at a second Future Summit on June 3, 2025.

Next, Ms. Brunner described the updated Community Vision, which was the main outcome of Phase 1. The goal was to develop a data-informed and consensus-based Vision that would reflect the shared values of the community. The Vision Report (available on the project portal) provided a more detailed description of how the Community Vision was developed. Ms. Brunner briefly recalled the Scenario Planning process described in the Think Tank Report, noting an overwhelming community consensus and desire for change. She said in other words, people in Keene did not want the status quo; they wanted to see Keene grow into a safe, welcoming, and vibrant place with good living options, access to nature, and high-quality jobs. They also wanted to see the City proactively invest in infrastructure to support both new businesses and new residents, invest in neighborhoods, and proactively go after housing solutions. Throughout the planning process, Ms. Brunner said seven “Distinctly Keene” Community Themes arose that were not specifically called out in the Strategic Pillars but are essential to what makes Keene: sustainability, education, accessibility, public health, collaboration, region, and leadership. The Themes reflect how the City works and makes decisions, and they helped shaped the Goals and Actions in the CMP. Ms. Brunner said to think of the Themes as guiding principles and values of the CMP.

Ms. Brunner explained how the Vision Keene 20-Forward Strategic Pillars were developed by the Steering Committee leading up to the first Future Summit and further defined and refined through the Strategic Pillar Task Forces and Steering Committee. The Task Forces met throughout January, February, and March of 2025. Ms. Brunner said these Pillars are meant to provide a framework to apply best practices to key areas of focus and they represent the major topic areas that underpin the community's preferred future. Ms. Brunner showed how the CMP was structured—a roadmap for reading the Plan—with the Community Vision at the center, the connecting Themes (values that are embedded in the City's policies and practices) around it, surrounded by the Pillars (core foundational

elements or principles that underpin the Vision), and then Goals, and Actions to help achieve that Vision. Ms. Brunner proceeded, describing each Strategic Pillar in the CMP.

Pillar 1: Livable Housing

- Objective – Expand enticing housing options for all.
- Goals:
 1. Boost infill development and redevelopment.
 2. Remove barriers to housing development.
 3. Promote sustainable and healthy housing standards that align with the community's character.
 4. Increase the diversity of housing options and price points.
 5. Address the housing needs of all residents, current and future.

Ms. Brunner said housing was the topic with the strongest consensus, with repeated comments about housing shortages affecting businesses, residents, and families. It is a problem with many different sources that would require many different solutions in concert together. She cited a lack of available units and incompatible supply for the demand.

Pillar 2: Thriving Economy

- Objective – Grow a dynamic economy of the future that spans local and international.
- Goals:
 1. Encourage and recruit businesses in targeted industries.
 2. Prioritize economic sustainability and resiliency.
 3. Attract and grow Keene's businesses of all scales, from entrepreneurs to businesses that span internationally.
 4. Strengthen Keene's position as an economic development leader.
 5. Foster an inclusive economy.

Ms. Brunner said people expressed wanting Keene to remain a place where both small businesses and entrepreneurs that would be able to grow their businesses. Folks also recognized that large employers and industries play a key role in the backbone stability of the local economy and need to remain healthy.

Pillar 3: Connected Mobility

- Objective – Build regional and local connectivity, transportation, and recreation networks.
- Goals:
 1. Create a connected and accessible network of multi-modal transportation infrastructure.
 2. Prioritize vulnerable road users in infrastructure design, operations, and maintenance.
 3. Expand and promote environmentally sustainable mobility options that are convenient and attractive.
 4. Expand Keene's connectivity to support economic growth.

Ms. Brunner said there was a theme of Keene being connected to the larger region throughout the CMP and called Keene the logical hub of the region. She said it would be important to build

connectivity as the region and surrounding areas grow, so there is an easy flow of workforce and residents to Keene.

Pillar 4: Vibrant Neighborhoods

- Objective – Support vibrant community neighborhoods that reflect their unique identity.
- Goals:
 1. Support a built environment that encourages social connections and interactions.
 2. Foster community relationship-building and collaboration.
 3. Ensure safe and efficient movement around town.
 4. Foster a high quality of life for all residents.
 5. Create opportunities to encourage the creation of neighborhood businesses.

Ms. Brunner liked this Pillar about placemaking. She said the Keene community had retained a lot of important cultural aspects and neighborhoods. Many people in this process talked about loving the unique identities of the specific locations where they lived and the people they could connect with there. Ms. Brunner called this Pillar like a microcosm of the larger Plan—with aspects of mobility, connections, active transportation, placemaking, and parks.

Pillar 5: Adaptable Workforce

- Objective – Foster a future-ready, abundant, and adaptable workforce.
- Goals:
 1. Attract talent to grow Keene's workforce.
 2. Expand credential pathways and skill development opportunities.
 3. Plan a proactive role in de-siloing efforts, broadening partnerships, and increasing collaboration between partners that serve and support Keene's workforce.
 4. Meet quality of life needs and reduce workforce barriers, such as housing availability, childcare, and transportation.
 5. Prioritize workforce and community health and wellness.

Ms. Brunner said Keene's future competitive success was a common theme in the visioning session. That success would depend on the City's ability to both develop and retain a skilled and future-ready workforce. She explained that an *adaptable workforce* is a balance of three fundamental facets: (1) adaptable workers who have access to evolving skill development and credential pathways throughout all stages of life; (2) adaptable institutions that offer flexibility, innovation, and planning for future needs in response to tomorrow's economy and workforce needs; and (3) an adaptable community that focuses on livability, where residents can live and commute to their workplaces, remain involved in the community, and contribute to the high quality engaged community that exists in Keene today.

Pillar 6: Flourishing Environment

- Objective – Champion environmental stewardship and climate action.
- Goals:
 1. Promote smart land use and development.
 2. Prioritize environmental protection and sustainability.
 3. Integrate green technologies and best practices in Keene's built environment.

4. Expand community and infrastructure development.
5. Strengthen Keene's local leadership and collaboration to build resilience at the regional, state, and wider levels.

Ms. Brunner explained that this Pillar reflected a deep underlying value and desire to be a responsible community, with a lot of discussion around climate changes and adapting to shifting weather patterns (e.g., flooding, extreme heat, drought). She mentioned environmental stewardship, conservation, and being proactive on renewable energy.

Next, Ms. Brunner displayed the updated Future Land Use (FLU) Map, noting the City's Future Land Use Plan illustrates desired land use patterns given the aspirations, goals, and strategies expressed throughout the Master Planning process. The FLU Map uses generalized categories, called Character Areas, which identify the desired characters for existing and future areas of growth and change. Ms. Brunner noted the FLU Map is *not* an official map or a Zoning map; it does not follow parcel lines, and it does not specify what an owner can or cannot do legally with their property. However, the FLU Map guides policy making and reflects previously adopted plans, current development trends, established land uses, and Zoning patterns. The Map attempts to capture future desires for these areas.

Ms. Brunner listed the eight Character Areas: Downtown, Downtown Neighborhoods, Residential Neighborhoods, Neighborhood Business Nodes, Corridor-Oriented Commerce, Conservation and Low-Impact Recreation, Rural Residential and Working Landscapes, and Production and Innovation. She said the FLU Map is organic and flowy, which was intentional to differentiate visually from the Zoning Map that *does* follow property lines. The FLU Map's organic nature was also meant to give future decision makers flexibility to allow for change to occur in line with the Community Vision and Goals. Character Areas were defined more by look/feel/experience than the uses because to some extent, mixed-use was desired almost everywhere in Keene, except for more rural/recreational/natural areas. Ms. Brunner said defining Character Areas was different than defining an area as solely for industrial or commercial uses.

Ms. Brunner continued with Implementation section, which sets the stage for Council and larger community to make progress on achieving the Vision and Goals of the CMP. This section was intentionally short to keep it manageable, but Ms. Brunner said a lot of work went into its organization behind the scenes. Every Action item listed under every CMP Goal was ranked based on its relative importance, boldness, and urgency through the Prioritization Survey. Ms. Brunner thanked everyone who completed that long Survey and showed an example of the graphed results. She said the Prioritization Survey immediately showed the top priorities based on their relative importance, boldness, and urgency. Each Action in the Plan was assigned a priority level, including the City's role (i.e., lead implementer, participant, supporter). That information was used to categorize each Action into an Implementation Matrix, with one page for each Strategic Pillar of the CMP. The Implementation Matrix would allow for quickly identifying items in the CMP that should be acted on first.

Ms. Brunner concluded her presentation on the Next Steps section of the Comprehensive Master Plan, listing the next immediate steps for this project:

- September 29 Planning Board public hearing and adoption of CMP.
 1. Staff hoped to have a shorter overview document prepared for the public.

- Use Implementation Matrix and identify actions to start working on now (high priority, City in lead role).
 1. Following adoption, Ms. Brunner said it would be up to the City Council, Planning Board, City staff, and other community partners to act on this Plan.
- Work with community and regional partners on goals where the City is not the lead.
- Monitor and track progress.
- Keep the Plan “fresh” and relevant to ensure the community remains engaged, with annual or biannual event(s).
- Align budget, CIP, and policy decisions with the Plan Goals and Community Vision.

Chair Bosley knew how much hard work and countless hours were invested in getting the CMP to this point. Discussion ensued about how the Council would endorse the CMP by adopting Resolution R-2025-32, before the Planning Board would officially adopt the CMP. There was confusion among the PLD Committee; Councilors thought adopting Resolution R-2025-32 meant adopting the CMP until Ms. Brunner clarified that it signifies the Council’s endorsement of the CMP.

Chair Bosley received a list of questions from another Councilor, who was unable to attend this meeting. The Chair asked about the ability to still edit the CMP for typos, etc. Ms. Brunner said typos and other errors could be treated as Scrivener’s errors. Actual content changes at this point would happen through the Planning Board (PB) Public Hearing on September 29. She said staff hoped the Plan would be ready for adoption at point. Chair Bosley said she understood and thought some of the questions were simple, like changing the word “agency” to “institution,” to clarify without changing the intent of the underlying statements. Chair Bosley would share the questions with staff so they could go directly to the PB Public Hearing.

Councilor Haas repeated the upcoming endorsement and adoption process for the public’s understanding: The PLD Committee could recommend that the Council endorse the CMP through the adoption of Resolution R-2025-32, then the Planning Board would have the power to adopt the CMP during its Public Hearing on September 29 or a subsequent Hearing. The PB is responsible for the CMP after its adoption. One of Councilor Haas’s concerns was that people would not have enough time to review the draft CMP before its adoption. He said it had been available since the beginning of June as a PDF online that most people would try to read on their phones, which he called somewhat difficult. He said people would not really be motivated to dig into the plan until the final chance. Councilor Haas hoped the City would quickly advertise the September 29 PB meeting and he asked his fellow Councilors to do so as well. Councilor Haas said the fact that the Council would not approve the Master Plan but endorse it through a Resolution had not necessarily been clear to him. He wanted it to be clear to the Planning Board and everyone else. Chair Bosley agreed that the Council adopting Resolution R-2025-32 and endorsing the CMP was very different than adopting the CMP. Ms. Brunner mentioned that the decision to follow this procedure—with the Council’s endorsement of the Comprehensive Master Plan by adopting Resolution R-2025-32—was based on how this body had done it in the past. The Committee still wanted it to be very clear.

Councilor Haas asked if the September 29 Public Hearing would be the first hearing or workshop on the finished document before its adoption. He knew it was presented to the public but could not recall if questions were taken then. Councilor Haas asked if the Planning Board (PB) would vote to adopt the CMP on September 29. Ms. Brunner said that would be the PB’s decision and the Board could continue the deliberation to a future meeting. She added that the CMP had not changed significantly since the June 3 Future Summit draft was publicly available. Although not formally noticed Public

Hearings, all the subsequent Master Plan Steering Committee meetings to discuss the Plan were open to the public and advertised via newsletters. Ms. Brunner expected that the Communications and Marketing Director would also advertise the September 29 Public Hearing very well. Councilor Haas said that would be important, so that PB would have options. The Councilor knew many PB members were on the Master Plan Steering Committee, stating there was some built-in bias to accept the CMP. Councilor Haas said the interests of the public would be defined by who showed up at the Public Hearing, so it would be important to advertise.

Next, Councilor Haas said the Master Planning process was a great effort over the previous couple years; he took part in some of it. He asked what could happen differently in the future, rather than just letting the Planning Board work on the CMP and the City updating it every 10 years. Chair Bosley mentioned the regulations for Master Plans in NH. Ms. Brunner agreed, stating it was a State of NH guideline that recommended updating it every five to 10 years. Due to the level of effort and resources required, it takes many communities longer. Ms. Brunner described two approaches: (1) some communities update their master plans every 20 or 30 years, which is not recommended, and (2) some communities update them piecemeal. She thought the City of Keene tried the piecemeal approach in the past and it did not work out well. Ms. Brunner thought 10 years was a good target because of how much time and effort the Planning process requires. When constantly focused on updating the Plan, she said it is hard to focus on implementation. Ms. Brunner thought Councilor Haas's point about keeping the CMP relevant and fresh was really important; the Steering Committee also mentioned that point and she said the PB would be discussing it. The Steering Committee suggested a dashboard to measure progress and City staff started talking internally about possibilities. Ms. Brunner learned of at least one city that updated its master plan annually and spent more money than Keene doing so. She agreed that a measurement tool to make it more real would be great. Community Development Director Paul Andrus added that internally and externally, the Community Development Department was talking about how it would—with the Planning Board—develop live mechanisms to track Master Plan progress over time and how to articulate that to the community in a fresh way. A major comment Mr. Andrus heard when he arrived in Keene was that people did not learn about all the progress since the 2010 CMP until this update began. He said there was a commitment from staff to that ongoing effort going forward.

Vice Chair Jones had the honor of serving on the Steering Committee and the Consultant Search Committee. He thanked staff for an excellent job. As chair of PLD when the 2010 Plan was adopted, Vice Chair Jones was a little more familiar with the procedure than some people. He said the CMP was actually not the City's Council tool anymore. He said it was the Steering Committee's tool and now the ownership would belong to the Planning Board. The City Council only endorses it. Most of the follow-up would be by the PB. Vice Chair Jones noted that in almost any future ordinance or resolution the City creates, Councilors would have to reference this CMP. He thanked staff for working on the specific things he asked for, like the Neighborhood Business Nodes on the FLU Map (currently on More time for the Joint Planning Board—Planning, Licenses & Development Committee) and the Implementation Matrix. Vice Chair Jones said it was a wonderful process, and he thought the City was making great progress.

Councilor Williams added a huge thank you to Ms. Brunner, all City staff, and to everyone who participated. Councilor Williams said it was amazing to watch and participate. He thought the draft CMP was a great document and he appreciated all the work that went into it.

Councilor Haas asked Ms. Brunner to explain the legislative link between the state requirement to have a Master Plan and being allowed to have a Land Development Code or Planning Board. Ms.

Brunner said many things rely on the community having an adopted Comprehensive Master Plan (CMP): Zoning Ordinance, Subdivision Regulations, Site Plan Regulations, Historic District Commission, and Capital Improvement Program. She added that while the CMP itself is not regulatory and does not create any new requirements, it is meant to guide all of the major policy decisions the City makes. So, it is very important.

There were no public comments.

The following motion by Vice Chair Jones was duly seconded by Councilor Haas.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Resolution R-2025-32.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Endorsing the 2025 Keene Comprehensive Master Plan

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

WHEREAS, the City of Keene undertook a comprehensive visioning and planning process, "Vision Keene: 20 Forward," to update the City's 2010 Comprehensive Master Plan, in accordance with New Hampshire state statutes and to guide future decision-making; and

WHEREAS, the planning process involved extensive community-wide outreach, data collection, and stakeholder engagement to develop an updated Community Vision, Future Land Use Map, and 2025 Comprehensive Master Plan; and

WHEREAS, the 2025 Comprehensive Master Plan builds on the City's established goals, including supporting economic and social vitality, protecting green spaces and natural corridors, and concentrating development within the downtown core to create a walkable community; and

WHEREAS, a strong consensus emerged from the planning process for proactive solutions to provide a range of livable housing options that suit the various age groups and needs of current and future residents; and

WHEREAS, the final draft of the 2025 Comprehensive Master Plan was presented at a public event on June 3, 2025, allowing for final public input and review; and

WHEREAS, the Keene City Council believes that the 2025 Comprehensive Master Plan accurately reflects the community's priorities and provides a solid foundation for the City's long-term economic, social, and developmental goals.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KEENE AS FOLLOWS:

1. The City Council hereby officially endorses the 2025 Comprehensive Master Plan, recognizing it as the guiding document for the City's future development and policymaking for the next ten to fifteen years.
2. The City Council acknowledges that the 2025 Comprehensive Master Plan will provide the basis for future zoning and other land use regulations and will serve as a framework for the implementation of the City's Capital Improvement Program and other planning initiatives.
3. The City Council resolves to partner with community and regional organizations to work towards realizing the vision and goals contained within the 2025 Comprehensive Master Plan.

4. The City Council further resolves to work with the Planning Board and City staff to monitor the implementation of the goals and strategies outlined in the endorsed plan and to use it as a yardstick for evaluating the consistency of future choices and actions with the community's aspirations.

Jay V. Kahn, Mayor

In City Council September 4, 2025.
Referred to the Planning, Licenses and
Development Committee.



City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #L.1.

Meeting Date: September 18, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: Execution of a Change Order with Insituform for Additional Scope of Construction Services as Part of the Sewer Main Lining Project

Council Action:

In City Council August 21, 2025.

Report tabled until the September 18, 2025 City Council meeting.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a project change order with Insituform Technologies as part of the Sewer Main Lining Project (32MI0425), in the amount of \$155,200.

Attachments:

None

Background:

City Engineer Brian Ruoff was the next address the committee. Mr. Ruoff stated this request is to execute a change order with Insituform for necessary additional scope of work for construction services as part of the sewer main lining project. He explained when the City attempted the pre clean and TV study, the sewer main scheduled to be rehabilitated as part of the project, found some pipes that had deteriorated further that needed point repair prior to work being completed. The City was able to obtain competitive pricing that is acceptable to DES who have signed off on it. Staff is looking to execute a change order with Insituform to perform these point repairs prior to lining these sewer mains.

Mr. Ruoff noted because pricing is slightly greater than 20%, which is what the City Manager is authorized to sign, staff is coming before the finance committee for approval. He stated they could potentially use the contingency in the project to get under that number. However, since federal funds are involved, in the interest of full disclosure, staff is before the committee to ask for approval. He added this is part of a NHDS Clean Water SRF loan for which the City would receive 10% loan forgiveness.

Councilor Lake made the following motion, which was seconded by Councilor Remy.

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a project change order with Insituform Technologies as part of the Sewer Main Lining Project (32MI0425), in the amount of \$155,200.