



City of Keene
New Hampshire

**PLANNING, LICENSES AND
DEVELOPMENT COMMITTEE
AGENDA
Council Chambers A
October 12, 2016
7:00 PM**

David C. Richards
Philip M. Jones
Bettina A Chadbourne
George S. Hansel
Robert B. Sutherland

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1. Presentation: Update on the State of Recycling in Keene - Public Works Department
 2. Advocacy Letter Request - NH Community Solar - Cities for Climate Protection
 3. Council Policy: Political Advertising on City Property and Rights-of-Way - City Clerk

MORE TIME ITEMS:

- A. Request for Lodging House License - 85 Winchester Street
- B. Relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care
- C. Ordinance O-2016-01: Creation of Residential Preservation District, a Business Growth District and Re-Use District
- D. Ordinance O-2016-02: Zone Change - Marlboro Street Project Area
- E. Ordinances O-2016-13, O-2016-14, and O-2016-15: Relating to the Establishment of the Main Street Historic Overlay District

Non Public Session
Adjournment



City of Keene, N.H.
Transmittal Form

September 23, 2016

TO: Mayor and Keene City Council

FROM: Cities for Climate Protection

ITEM: 2.

SUBJECT: Advocacy Letter Request - NH Community Solar - Cities for Climate Protection

COUNCIL ACTION:

In City Council October 6, 2016.

Referred to the Planning, Licenses and Development Committee.

RECOMMENDATION:

At their September 7, 2016 meeting, Mr. Dick Cornelius made a motion for the Cities for Climate Protection Committee to ask the City Council to “write a letter to the New Hampshire legislature, Governor, and the Public Utilities Commission, asking for changes to the Federal and state securities rules that preclude local citizens from owning, profiting from and controlling community supported solar projects.” Councilor Clark seconded the motion. The motion passed by unanimous vote.

BACKGROUND:

John Kondos, spoke with the committee at their July 7, 2016 meeting regarding the status of Community Supported Solar in the region and the regulatory challenges.

“He stated that the system started generating electricity on the roof of the Monadnock Food Co-op on May 25. He continued that on July 23 there will be a celebration of this project being operational, and there are handouts about it that Ms. Straughen created. There will also be an informational session for groups who might want to do similar projects. They published a New Hampshire Community Supported Solar guide to help others, which is relevant to groups more than individuals. They tried to develop a recognition that solar is a good investment. They spent two years slogging through the legal maze to make this project at the Co-op happen, so the guide will help other groups pursue projects a lot easier.

Mr. Kondos continued that there are still restrictions at the State and Federal level, which they hope to improve, and welcome support with. For instance, they wanted 50 to 100 people to own a stake in the system, but the number was restricted to 10 because of changes to NH legislation. Nine people own the Co-op’s solar system and will sell it to the Co-op in less than 10 years and make a modest profit, but these nine people felt frustrated and it was difficult to get them to buy in. Now, up to 25 people are allowed to own a stake. He and others will meet with the NH Bureau of Securities Regulations to see if they can make progress and make solar available to more people.

Councilor Clark asked why it is restricted to 25. Mr. Kondos replied that it is designed to protect small investors, which is well-intentioned, but they want to create something without enormous bureaucracy and believe they can provide layers of protections for investors. They want to allow everyone to have access.

Ms. Brunner asked if there is a slide presentation. Mr. Kondos replied no, although they have a video, which they will soon update with some drone footage of four relatively large commercial solar systems in Keene...Mr. Dachowski asked what the website is. Mr. Kondos replied that the website for the Monadnock Sustainability Network is greenmonadnock.org.

Ms. Brunner asked Mr. Kondos if he has a good idea of what changes at the State or local level could help the process go more smoothly for others. Mr. Kondos replied that State and Federal changes would help. They have had correspondence with NH Bureau of Securities Regulations. They think VT law is currently too narrow and could be broader and better. It focuses only on group net metering, which is often one owner of multiple sites, as opposed to neighbors joining together. They are talking with Senator Jean Shaheen's office and Representative Ann Kuster's office.

Chair Shedd asked if there are specific requests of the State that the CCP could ask the City Council to support. Mr. Kondos replied that from the investment perspective the State rules have a lot of jurisdiction. He continued that they would like an exception from some of the restrictive rules around only 25 small, credited or sophisticated investors being able to participate. They want others to be able to invest, and believe it can be done, with protections for the investors."



City of Keene, N.H.
Transmittal Form

October 3, 2016

TO: Mayor and Keene City Council

FROM: Patricia A. Little, City Clerk

ITEM: 3.

SUBJECT: Council Policy: Political Advertising on City Property and Rights-of-Way - City Clerk

COUNCIL ACTION:

In City Council October 6, 2016.

Referred to the Planning, Licenses and Development Committee.

RECOMMENDATION:

Recommend Resolution R-2016-31 be referred to the Planning, Licenses and Development Committee for their review and recommendation.

ATTACHMENTS:

Description

Resolution R-2016-31

BACKGROUND:

Resolution R-2016-31 is being introduced in response to a recent opinion from the New Hampshire Attorney General's Office with respect to political signs on City property and public rights-of-way. The Resolution specifies where political signs can not be placed, while indicating the desire to permit the placement of political signs in all other areas of public rights-of-way. The Resolution also recognizes the statutory authority of a municipality to make bylaws regulating the distribution of campaign materials or electioneering or any activity which affects the safety, welfare and rights of voters at any election.

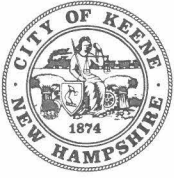
Prior to the State Primary, the Clerk's office received a complaint about political signs at a polling location. In discussions with the City Attorney we agreed that the Attorney General's Office should be contacted to get their latest opinion on this particular statute, which is not clear on a municipality's authority to either grant permission or restrict political signs on public property. The last time we discussed this issue with the Attorney General's Office was in 2008; at that point in time, they were indicating that a municipality did not have the right to give permission for political signs to be on public property.

The AG's office has changed its position on this Statute and they are now recommending that before the City could remove a political sign in response to a complaint, that the City Council should specify locations where political signs are not permitted. Hand-held signs are not restricted by this Resolution.

In addition, the Resolution clarifies the issue of posted political signs at the City's polling locations on Election Day. RSA 659:43 prohibits the posting of any political signs at the polling location. The Resolution clarifies

that this restriction applies to the entire polling location property excepting for the area within the public right-of-way.

Hand-held signs at a polling location on Election Day are not restricted by this Resolution excepting for a ten foot wide corridor that extends from the entrance to the polling location and for a distance determined by the Ward Moderator.



CITY OF KEENE

R-2016-31

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

A RESOLUTION COUNCIL POLICY: RELATING TO POLITICAL ADVERTISING ON CITY
PROPERTY, PUBLIC RIGHTS-OF-WAY AND POLLING LOCATIONS

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

WHEREAS: The establishment of policies relating to the City's land, rights-of way, and buildings provides greater awareness of the policy and ensures consistency; and

WHEREAS: RSA 31:41-c authorizes municipalities to make bylaws regulating the distribution of campaign materials or electioneering or any activity which affects the safety, welfare and rights of voters at any election; and

WHEREAS: RSA 664:17 prohibits the placement or affixing of political advertising on public property or highway rights of way without the owner's consent, which advertising includes, but is not limited to political campaign signs, and which authorizes the removal of non-permitted political advertising by the City; and

WHEREAS: RSA 659:43 prohibits the posting of any campaign material at a polling place on Election Day; and

WHEREAS: The City desires to prohibit the placement or affixing of political advertising in the locations specified herein, but desires to permit the placement or affixing of such advertising on all other City rights-of- way to the extent that such placement or affixing does not interfere with maintenance of the location, obstruct the safe visibility of, or safe passage of, bicyclists, pedestrians, or motor vehicles, or otherwise impair public safety.

NOW THEREFORE BE IT RESOLVED: That political advertising is prohibited on the Main Street, Marlboro Street, Winchester Street Roundabout and splitter islands, Court Street, Maple Avenue, and East Surry Road Roundabout and splitter islands, Court Street, Allen Court and the hospital entrance Roundabout and splitter islands, Island Street, Pearl Street, and Winchester Street intersection and splitter island, Ashbrook Road median, Base Hill Road and NH Route 12 intersection medians, Winchester Street median, Maple Avenue median in front of the Middle School, Washington Street and Old Concord Road intersection, Main Street right of way (east and west side) and median north from the Main Street, Marlboro Street, and Winchester Street Roundabout to Central Square, the Central Square Common and splitter islands, and on medians or islands within the Commercial Street, Elm Street, Gilbo East and Gilbo West Parking lots or within any City park, City cemetery, or at any City facility and its adjacent rights of way other than polling locations on Election Day .

PASSED

BE IT FURTHER RESOLVED: That all political advertising shall be hand-held at all polling places on Election Day except for the area within the public right-of-way, where political signs are permitted to be placed.

Kendall W. Lane, Mayor

In City Council October 6, 2016.

Referred to the Planning, Licenses and Development Committee.

A handwritten signature in dark ink, appearing to read "Patricia C. Smith". The signature is fluid and cursive, with the first name "Patricia" being more prominent.

City Clerk