

A regular meeting of the Keene City Council was held on Thursday, August 21, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison (arrived at 7:05 PM), Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, Thomas F. Powers, and Mitchell H. Greenwald were present. Having declared that there was a quorum physically present in the Council Chamber, Mayor Kahn recognized that Councilor Laura E. Tobin requested to participate remotely due to family travel; Councilor Tobin was calling alone from her location with the potential for someone to pass through the room. Hearing no objections from the Council, Mayor Kahn granted the remote participation. Councilor Williams led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to adopt the July 17, 2025 minutes as presented was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ANNOUNCEMENTS:

Mayor Kahn led the Council in wishing happy birthdays to Councilors Roberts, Powers, and Lake, all of whom celebrated August birthdays.

Next, the Mayor welcomed Keene State College students back to the City for another successful year. He thanked Associate Vice President for Student Affairs, Jennifer Ferrell, for helping the freshmen move-in safely. With 800 more people on campus and in the City, Mayor Kahn asked residents to be welcoming and observe traffic conditions around the College. He also reminded everyone that the Keene Public Schools would resume on August 27, 2025 and he is asking everyone to be mindful while driving to ensure the safety of children going to school; school buses could mean slower traffic patterns.

Mayor Kahn shared that the following events would be happening in Keene during the next few weeks:

- First Responders Appreciation Event: Sunday, August 24, 2025 from 10:00 AM–12:00 PM at Alumni Field. Governor Ayotte would be present early in the day, and the Mayor would be there for the softball game. The Mayor hoped Councilors could stop by and offer appreciation to the first responders.
- Keene Music Festival: Saturday, August 30, 2025 in downtown Keene.
- Monadnock Overdose Awareness Day Candlelight Vigil: Sunday, August 31, 2025, 7:30 PM on Central Square.
- Art in the Park: Saturday, August 30, 2025 and Sunday, August 31, 2025 in Ashuelot River Park.

The Mayor concluded, reminding Councilors of the site visit relating to the proposed amended return of layout for Grove Street. The site visit would occur at 5:30 PM on September 4, 2025

prior to the City Council meeting and the Mayor shared details for transportation to the site visit, and that a light dinner would be served before the regular Council meeting commences at 7:00 PM.

PROCLAMATION - KEENE SWAMPBATS - 2025 NEW ENGLAND COLLEGIATE BASEBALL LEAGUE CHAMPIONS

Mayor Kahn welcomed Kevin Watterson, President of the Keene SwampBats and the SwampBats Board of Directors. The Mayor noted the NECBL Fay Vincent Sr. Cup in the center of the Council Chamber, which reminded him of the NHL Stanley Cup and had been displayed this week in the City Hall lobby. The trophy commemorated the SwampBats' 2025 New England Collegiate Baseball League Championship win.

Mayor Kahn read into the record a Proclamation congratulating and honoring the Keene SwampBats on their historic 2025 New England Collegiate Baseball League Championship victory and their unwavering commitment to excellence and community service. The Mayor presented Mr. Watterson and the Board with the Proclamation, encouraging everyone in the Community to celebrate the achievements of this outstanding team.

Mr. Watterson said most players had gone back to school right after winning the team's sixth Championship one week prior, heading on to their next tasks in life. He said the same was true for the 12 interns, who helped run the team this summer and like the players, came from all over the country. Both the players and interns had dreams and goals that they were back at school, working to fulfill. Mr. Watterson collectively introduced the tremendous all-volunteer SwampBats Board of Directors, who oversee approximately 25 games. He said they were honored to have the support from Councilors and the Mayor because the team could not do it otherwise.

Mayor Kahn also thanked the Keene host families, including the Filiault family. The Mayor mentioned recognition for the team during Community Night and as well as coverage in the *Union Leader* and on WMUR.

PUBLIC HEARING - ORDINANCE O-2025-20-A - RELATING TO SETBACKS AND BUILD-TO DIMENSIONS

Mayor Kahn opened the Public Hearing at 7:17 PM and the City Clerk read the notice of Hearing. The Mayor welcomed Senior Planner Mari Brunner to present on behalf of the Community Development Department. Ms. Brunner said Ordinance O-2025-20 was introduced in May 2025 and had several public workshops with the Joint Planning Board-Planning, Licenses and Development (PB-PLD) Committee resulting in an "A" version.

Ms. Brunner reviewed O-2025-20-A as proposed, with changes made to that version at the public workshop on June 9, when the PB-PLD Committee asked staff to make revisions. She explained that there were changes proposed to setbacks and build-to dimensions. Ms. Brunner began with the changes proposed to setbacks:

- Response to Zoning Board of Adjustment (ZBA) interpretation that use of the phrase “a building” in the setback and build-to dimensional definitions means the first building on a lot.
- Would clarify that setbacks—front, rear, and side—apply to all buildings/structures, unless otherwise permitted (e.g., list of exceptions in Article 1, Section 1.3).

The following changes were proposed to build-to dimensional requirements:

- Modifies the build-to dimensional requirements to only apply to principal buildings/structures.
- States that accessory uses/structures cannot be in the Build-to Zone (BTZ).

Ms. Brunner said the PB-PLD Committee also talked about creating some flexibility in BTZs if developers want to develop on the back portion of the lot and there is not enough frontage to place the building in the BTZ. This proposal would allow development to occur outside the BTZ, while still protecting the streetscape and pedestrian realm desired for the area. Ms. Brunner showed an example to demonstrate the existing scenario, with a principal building constructed first at the front of a narrow lot blocking any further development from happening on that lot unless the developer has the flexibility to build behind it. Whereas she showed an example of a wider lot that could accommodate multiple principal structures in the BTZ. One intent of this Ordinance would be to create flexibility for development outside the BTZ, while still protecting that streetscape. Specifically, *“All principal buildings and all principal structures shall be located within the Build-to Zone, unless it is blocked or it cannot be placed within the Build-to Zone due to the presence of another principal building or principal structure.”* With deeper lots that have development potential and limited frontage along the street, Ms. Brunner said this could provide more flexibility.

Ms. Brunner said the PB-PLD Committee felt the terms Setback and Build-to Zone/Build-to Line were used too interchangeably throughout the Land Development Code (LDC), which created a lot of confusion because they are essentially two different things. The setback is an area where a building cannot be located and a BTZ or Build-to Line is an area where a building must be located. This Ordinance would change the labels throughout the LDC from “front setback” to BTZ. Ms. Brunner concluded that after this Public Hearing, the Ordinance would go to the Planning, Licenses and Development Committee on September 10 for its review and recommendation to the City Council. The City Council was scheduled to have a final vote on the Ordinance on September 18, 2025. She said there were some comments from the public during the PB-PLD workshops, with one leading to a revision of the phrase “whenever possible,” but Ms. Brunner said the remaining public comments were supportive.

Councilor Favolise noted the following part of the proposed language: *“All principal buildings and all principal structures shall be located within the Build-to Zone, unless it is blocked or it cannot be placed within the Build-to Zone due to the presence of another principal building or principal structure.”* He asked the standard for whether that is possible or not, and who would make the determination. Ms. Brunner said initially, it would be determined by the Zoning Administrator or ultimately the Zoning Board of Adjustment if the Administrator’s interpretation is challenged.

Mayor Kahn opened the Hearing to public comments.

Chuck Redfern, 9 Colby Street asked who the petitioner was for this Ordinance. Mayor Kahn said the City, specifically the Community Development Department.

Hearing no further comments, Mayor Kahn closed the Public Hearing at 7:25 PM, except that written comments would be accepted up until 1:00 PM on Tuesday, September 9, 2025.

A true record, attest:



City Clerk

PUBLIC HEARING - ORDINANCE O-2025-15-A - RELATING TO AMENDMENTS TO
THE LDC TO ENCOURAGE HOUSING DEVELOPMENT

Mayor Kahn opened the Public Hearing at 7:27 PM and the City Clerk read the notice of Hearing. The Mayor invited Senior Planner Mari Brunner to present on behalf of the Community Development Department before welcoming the petitioner, Jared Goodell.

Ms. Brunner said O-2025-15-A was slightly changed from when the petitioner first introduced it. The Ordinance was introduced to the Council in May 2025 and followed by two public workshops before the Joint Planning Board-Planning, Licenses and Development (PB-PLD) Committee, leading to the “A” version. For instance, parts of the Ordinance proposed originally were changes to setbacks and build-to dimensions, but that provision was removed because they were handled in a separate Ordinance. Ms. Brunner proceeded reviewing O-2025-15-A, which proposed four separate changes to the Zoning regulations, impacting the Neighborhood Business District (two changes proposed), Medium Density District (one change proposed), Downtown Growth District (one change proposed), and the rules of interpretation in Article 1 for split-zoned parcels.

Ms. Brunner began with the two changes proposed to the Neighborhood Business (NB) District, where the proposal was to modify the intent statement to include residential uses. She said that change seemed noncontroversial, stating this District allows almost all residential uses. She thought it would be a simple change to ensure the intent statement references residential uses. The second proposal in the NB District was to change the minimum lot size from 8,000 square feet to 5,000 square feet. The road frontage would remain the same. To ensure lots would be buildable at that smaller size, Ms. Brunner said the PB-PLD Committee reduced the setbacks and build-to zones (BTZ) to allow the lot to have enough buildable area and be usable for future owners:

- Front Build-to Zone: Changed from 5–10 feet to 0–10 feet.
- Minimum Rear Setback: Reduced from 20 feet to 10 feet.
- Minimum Interior Side Setback: Reduced from 10 feet to 5 feet.

Next, Ms. Brunner explained proposed changes to the Medium Density (MD) District, which covers various areas within the City. However, Ms. Brunner displayed the majority of MD District parcels, which are closer to the downtown area, including East Keene and part of the North Central neighborhood and some small sections to the west. There were some not shown on Park Avenue, Route 101, and Washington Street toward Route 9. In the MD District, the original proposed change was to allow for six units per lot by right (instead of three) if the units were 600 square feet or less in size. That changed in O-2025-15-A to six units per lot by right (instead of three), minus the size distinction. Currently in the MD District, multi-family use was allowed but limited to three units per lot and this Ordinance proposed changing that limitation to six units per lot.

Ms. Brunner proceeded to the Downtown Growth (DG) District, where the proposal was originally to allow for residential uses, or multi-family dwellings, on the ground floor of Type B Streets vs. Type A Streets. The PB-PLD Committee adjusted the proposal, removing the street typology altogether. Ms. Brunner said O-2025-15-A would allow multi-family dwelling units on the ground floor if those units were located behind a tenantable commercial space or behind the BTZ. She said the intent of the change was to preserve the active commercial streetscape, while still allowing for more residential development to occur downtown.

Finally, Ms. Brunner noted it was not clearly stated anywhere how City Staff should be treating split-zoned lots, which are formed usually due to voluntary mergers or boundary line adjustments over time, parcels. When a zoning district is created initially, it always follows the parcel lines or the street line. Then, subsequent changes to the lot lines would create the split-zone parcel, but Ms. Brunner said it could create a hardship for owners of those lots. She explained Staff's current practice: Where an existing lot of record falls into more than one zoning district, the provisions of each district are applied separately to each portion of the lot. She said it was common for communities to create flexibility for these situations, so this proposal was to create an exception for lots that are not large enough to be subdivided. Specifically, O-2025-15-A stated: "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." It goes on to provide guidance on for determining whether a lot or portion thereof can be subdivided. Ms. Brunner said this was about determining if a parcel that is entirely within one zoning district could be subdivided off legally. If it could be subdivided, this proposal was intended to provide flexibility.

Mayor Kahn asked Ms. Brunner to show the MD District on the map. Ms. Brunner distinguished the MD District from the Conservation District. The Mayor pointed at the MD District as area approximately between Washington and Court Streets and said toward West Street as well.

Councilor Favolise wanted to ensure he and the public would understand what this Ordinance would do. He knew one of the changes being proposed in the MD District was the change from three units to six by right. Councilor Favolise asked if anything else would be changing in the MD District specifically in terms of parking minimums, impervious coverage, or open space coverage on those lots; or would those factors stay the same and the change only be to restrict the

number of units that could be developed to be up to six units. Ms. Brunner said the only proposed change was the number of units that would be allowed by right and everything else would stay the same.

Mayor Kahn welcomed the petitioner, Jared Goodell of 160 Emerald Street, who began with the intent of the proposed Ordinance. Just before the meeting, he said the Keene Sentinel released a story with a report from the New Hampshire Fiscal Policy Institute, stating that the median price of a single-family home rose at a greater rate in Cheshire County (7%) than statewide over the prior year. At age 33, Mr. Goodell called himself an outlier in the room, stating people his age struggled to afford housing, whether purchasing or renting. He had been working with the Community Development Department over the previous few years on developing housing to create more units of housing. Having grown up in Keene, he said he knew that keeping the fabric, feel, and look the community is important to the people in Keene; he cited examples with the downtown project and Historic District. Instead of building, “new ugly apartment buildings that ... are ... just cookie cutter and plain looking,” he thought a lot of community members would prefer to reuse the City’s current buildings that fit within the look and history of Keene. Mr. Goodell said one thing that led him to propose changing the Ordinance, limiting the Medium Density (MD) District to three units, was because large structures that used to be homes for families of eight to 10 people were being underutilized. He said families are not that size anymore. Mr. Goodell suggested that it would be great to create multiple housing units and keep existing structures, maintaining the look and feel of neighborhoods, utilizing what the City already has, and build things faster.

Mr. Goodell addressed Councilor Favolise and comments in some of the communications in opposition to the Ordinance. Mr. Goodell thought there was a lot of misinformation, which could be a problem, stating that this was a decision to advance the community. He said this Ordinance would increase the limitation from three to six units in the MD District. There would still be parking requirements and standards for development. He said someone would still need to go through the Planning process—an administrative process or a major review with a public hearing as outlined in the Land Development Code. Mr. Goodell said it was unrealistic to think that if this Ordinance passed it would suddenly spur a flurry of development in the MD District. He said in a lot of these areas, on-street parking was already not allowed. The thought there were already a lot of “guardrails,” and this proposal would not remove many, but create another tool in Keene’s toolbox to create housing. Mr. Goodell said everyone in the room knew there was a housing crisis, which was not a result of any one action over time, but the result of many decisions over many years. He added that a decision by the City Council or at the statehouse would not change this housing crisis overnight. However, Mr. Goodell thought a lack of or resistance to change would maintain and worsen the housing crisis. He said the community needed to be open to making changes, progressive steps, and making things easier for people to understand what this proposed Ordinance would do.

Councilor Favolise said he received a lot of feedback about this in conversation with residents of East Keene especially, so he wanted to dig into it as much as possible. He heard from people in the community, including on the east side, recognizing the need for housing and wanting the City to take steps to increase the number of units people can afford to rent/buy. However, he said there was concern that the jump from three units to six seemed big, suggesting that an increase

from three to four units would be a more incremental approach. He asked how the petitioner arrived at the proposal of six units. Mr. Goodell first noted that he did not think he owned any property in the Medium Density District and was not looking. He said he was looking for ways to spur development in the City, stating it was not a self-serving Ordinance. He referred to the structures in the MD District of varying sizes, some of which might not accommodate six units, but up to six, and he thought there should be a ceiling on how many allowed. Mr. Goodell stated that he did not arbitrarily choose six, but that was the number that seemed to work. He added when looking to convert an existing structure, it does not always make sense financially to only add one unit; he said sometimes three or further units would be more economical. When creating or changing things like an Ordinance, Mr. Goodell thought the Council should consider: “Does it have a meaningful impact to actually spur development?” Mr. Goodell concluded his reply stating, “I guess you could say I arbitrarily picked six, but I think it’s a good number and I think that you could convert some of the buildings, if somebody wanted to, into six units.”

Councilor Roberts said he looked around the country at all the different organizations and governments saying they would create new housing that would solve the housing crisis. However, he found very few places where those new houses did not raise the prices of existing houses, and the people who organizations/governments expected to help would still be priced out. Councilor Roberts cited different organizations in Keene that would help fund housing. He spoke to someone who bought a house through the New Hampshire Housing Finance Authority, meaning they must live in the home for two years or otherwise pay it back. The person told Councilor Roberts their goal was to live in that house for two years with program financing and then sell that house as a profit, which Councilor Roberts said defeated the whole purpose of that program. Mr. Goodell thought the Councilor brought up an interesting point and that the answer was simple. Mr. Goodell agreed that prices were outpacing development and called that the problem, stating there was little the Councilors could do as leaders other than cut more red tape. He said the City would need development to outpace demand, calling it a supply and demand issue. He feared that if the community would not create some supply, the demand would evaporate, meaning prices would go up and people would profit. He thought doing nothing was the wrong answer. Mr. Goodell suggested the answer was to forge the way and trailblaze with development, letting development outpace the price; he said that had not happened yet. Councilor Roberts asked if Mr. Goodell suggested the Council should cut red tape and leave this completely to the free market. Mr. Goodell stated that this was not a free market. He thought there was a misconception that if the Council passed this Ordinance, Keene would be the “Wild, Wild West.” He read one of the letters in opposition to this proposal for six units in buildings that said it would create “ghettos,” which Mr. Goodell called offensive and said would not happen. He added that the City Council does not “write a blank check for housing development,” adding there would still be “guardrails” in place. He did not anticipate people flooding the Community Development Department applying for permits to convert buildings, rather he thought this would create a new tool for the future.

Councilor Haas asked why the MD District—what was special there that this proposal would not apply to create housing throughout the entire City? Mr. Goodell thought it was an easy answer, stating there was no restriction like this written into the LDC for the other zoning districts. He clarified that the MD District is not just the east side of Keene; he cited the north central area, the west side, and parts of Park Ave. Mr. Goodell thought it was disingenuous and not factual to say

this would single out the east side of Keene. Therefore, he proposed to change the existing rule, increasing the allowance. He said it was not to single out Medium Density, but to modify something currently in the LDC and hopefully create a path for more housing development. Councilor Haas asked whether Mr. Goodell saw this development happening elsewhere in the City. Mr. Goodell said development was happening everywhere in the City, stating anyone can pull the permit files and see where it is happening. He referenced one of the communications, which called for this to be a Citywide solution, which Mr. Goodell said he agreed with. He said that was why people in that room had worked for the previous few years to change the rules and the LDC for the entire City. Mr. Goodell stated that changing one rule that applies to the Medium Density District would not mean targeting a specific area of Keene, only looking at rules that exist, which he said the City needs to change to spur and make housing development easier for those who cannot afford to rent/buy here.

Mayor Kahn acknowledged several written communications submitted relating to this proposed amendment. He brought forward agenda items C1 through C5: Communications submitted by members of the public, all of which were in opposition to Ordinance O-2025-15-A. These communications were received from Vicky Morton, Charles Redfern, Tom Duston and Laurie Jameson, Robert and Sandra Hamm, and Councilor Haas on behalf of East Keene residents. Additional written communications from Eric and Joan Murphy, and Connie Joyce, were received after the agenda was published and distributed to Councilors on their desks this evening.

Mayor Kahn opened the Hearing to public comments.

Frank Richter of 22 Valley Street read a letter into the record: *“Keene is a special place. A large part of what makes Keene so special is its neighborhoods. East Keene is one such neighborhood with great people, beautiful historic homes, and well-kept yards and gardens by caring homeowners.*

By introducing the zoning change allowing more than three units in the Medium Density Zone, the City would be in violation of its own Building Regulations, and, more specifically, Keene’s Property and Housing Standards, as outlined in Chapter 18, Article 3, which are in place to preserve such beautiful neighborhoods as East Keene.

Given that 3/4 - if not more - of East Keene is Medium Density [as you saw in the map], and that almost none of the properties West of Main Street and Court Street are Medium Density, this puts the burden exclusively and unfairly on the residents and homeowners of East Keene.

The purpose of Article 3 in Chapter 18 is to ‘provide minimum standards for property and housing use and maintenance - not otherwise incorporated into the Building Code - necessary to preserve neighborhoods, abate nuisances, and protect health, safety, and welfare of City residents.’

These standards are minimum standards and include Section 18-241 (#4), which states that ‘all motor vehicles shall be parked on-site, on paved driveways or approved parking surfaces that comply with the parking standards of the Zoning Code.’ That Zoning Code requires one parking

space per unit. Currently, given the size and layout of ALL residential properties in the Medium Density Zone (which is almost all of East Keene [as you saw on the map],) three units already pushes the limits on the parking as evidenced by the many violations recorded by the City's Code Enforcement Department. As a former City of Keene Code Enforcement Official myself for more than four years, I saw - and ticketed - countless incidents of cars parked on unapproved services (mostly lawns or what used to be gardens). The number of cars for two or three units in the Medium Density Zones was enough to create a mess. As others have stated, this is not only aesthetically unacceptable, it creates problems with excessive water runoff and sheet flooding and creates safety issues as well.

Another serious concern that arises if more than three units are allowed in the Medium Density Zone has to do with trash and waste. Four to six units almost always requires a dumpster. Under Division 2, Section 18-240, titled 'General Requirements for Property Maintenance' it states that, 'Waste storage containers must be located where they can be serviced, placed to reduce waste and be maintained in a sanitary condition to prevent infestation. All storage containers shall be located a minimum of 25 feet to the rear of the front line of any building.' It goes on to state 'that if significant improvements to a building are made [for example, adding units to exceed the currently-allowed three units], 6 additional requirements are made with regards to onsite waste management, including: the following three requirements: Containers shall be accessible by motorized disposal equipment (a garbage truck); containers shall be located to the rear of the approved parking areas farthest from the street; and containers shall not interfere with circulation necessary for emergency access and loading operations.'

I ask, 'How do you accommodate parking for six units and storage of waste containers such as dumpsters without violating the parking standards, the safety standards, the pest mitigation standards, and the standards for governing adequate storage and removal of waste?' I will tell you from first-hand experience, that the number one reason for overflowing garbage and trash violations issued by Code Enforcement is vehicles parked and blocking access to dumpsters so that haulers cannot access them, resulting in overflowing containers. This is not something onsite residents or neighbors should have to put up with and is only exacerbated by allowing more than the maximum three units in the Medium Density Zone.

There are several other concerns that I, and my neighbors, have with regards to allowing more than the currently permitted three units in the Medium Density Zone. Others have already expressed those concerns in writing as well as on the floor tonight. I ask that this Committee remove any request to expand the number of permitted units in the Medium Density Zone from this and any future proposed zoning changes. Thank you."

Christy Sterbenz Filby of 103 Beaver Street, moved to Keene about 2 1/2 months prior. After living in numerous places around the country, she said she had not encountered a neighborhood with so many original single-family dwellings that were converted to multi-family. To her, the density is quite high for anywhere outside an urban area. She was concerned about the Ordinance that would allow doubling of density and shared four points. First, Ms. Sterbenz Filby learned from City Staff that there was already a process called Cottage Court to allow for higher density development in a neighborhood like the Medium Density District through a specific process. She learned the process was utilized successfully over the previous several months, including by the

petitioner. Ms. Sterbenz Filby said the Cottage Court process may take longer, but allows for public input, something she said would be eliminated with this Ordinance. If there was already a working process in place to allow additional density on a case-by-case basis, she asked why a fix was needed that would create blanket allowability. do we need to fix that and create a blanket? Second, although the petitioner lives in Keene, Ms. Sterbenz Filby believed that if this Ordinance passed, it would lead to a more investor-owned properties and developments. For instance, her landlord owned three properties on the east side, but they live in one of them, so they were invested in the community. She recognized the need for housing, but felt the City needed to balance those that live and work here with those hoping to just make money. For instance, one of her colleagues' landlord lives in California and they had never seen them; they call a number, and someone comes for maintenance needs. Ms. Sterbenz Filby said the City should value the neighborhood and not make it too easy for investors to simply develop in higher density properties, stating that likely could happen even if not the petitioner's intent. Third, it seemed to her that the east side neighborhood was already shouldering much of the load for affordable housing and density in the community. Ms. Sterbenz Filby encouraged the City to explore, promote, and incentivize other ways of increasing density in other parts of the community too. She suggested ways including reviewing the options and incentives for Accessory Dwelling Units (ADUs), or for duplexes where the lot sizes are larger and could accommodate the density more appropriately in other parts of the City. Fourth, safety should be considered in an older neighborhood with narrow roads and older infrastructure. Ms. Sterbenz Filby said greatly increasing the density could lessen the safety of a neighborhood, whether it is from the additional vehicles parked on the roads, a higher risk of water/sewer failure, or a greater population in a smaller environment that was never really designed to accommodate it. If there was an emergency or structural failure, she said system response times and accessibility could be greatly reduced. Ms. Sterbenz Filby suggested that each proposed increased density project deserves a Public Hearing to discuss those issues individually, adding the current Cottage Court process allows that. She encouraged the Council not to accept this Ordinance as presented and honor the current process already in place.

Autumn DelaCroix of Court Street noted that in the few years between graduating from Keene State College and having the opportunity to buy her own home in Keene, she lived in two different multi-family Medium Density units in the City. In both cases, she said they already had dumpsters because although they were serving only three families, they were packed full of units with a lot of roommates. Ms. DelaCroix cited 12 people living in one building to illustrate that these buildings were being used, just trickily. Similarly, there were in excess of six parking spaces at both of those units. By keeping the units unseparated, she said it only encourages people to feel forced to enter unsafe situations by acquiring roommates to be able to afford a place in Keene. She cited such examples with up to five roommates to make ends meet. By allowing the units to be separated, Ms. DelaCroix said it would not increase the density of people but decrease the chaos of what people will do to be able to rent an apartment. Regarding what people were doing to get into the City, she did not think the City should limit the freedoms of developers, stating that some people do not want to live in a City. She also suggested there might not be units that could be converted in East Keene. Ms. DelaCroix also thought it was overlooked that the proximity to Downtown makes these Medium Density Districts affordable to live in; she does not use a car, nor do many others who go to College and work downtown. She said even if developers outside the City make money, people living in these smaller units in the

City would keep that money local, whether that is where they work or have fun. She knew there were a lot of out-of-state investors with homes in the City but said there were also many local landlords. Lastly, Ms. DelaCroix was tired of people “infantilizing” emergency response services, stating they are quite capable and can navigate situations. She does not think the community should panic before emergency responders tell them to; they know how to do their jobs, and we should let them.

Toby Tousley of 500 Washington Street said there were hundreds of parcels in the MD District, stating it was important to note that many of them already had more than three units in them. Yet, he said he was unaware of any “ghettos” in Keene. He heard others warning, however, about unscrupulous developers who would show up and turn all these properties into widespread ghettos throughout Keene if this Ordinance passed. Mr. Tousley called that fearmongering and ignorance of the LDC, stating it would not happen that way. He said if someone acquired a single-family home in the MD District, it was highly unlikely to ever be converted to six units. He recalled actions that already occurred in Keene, such as the allowance of ADUs, and yet he said not every single-family home had added an ADU. Similarly, since Cottage Court developments were allowed in the City, Mr. Tousley said there had been only two or three; he would be proposing one soon. He was indicating that they were not widespread in every single residential district, stating these developments were allowed in the MD District already. Mr. Tousley suggested that it would be better to allow six units by right than someone choosing to create as many Cottage Courts as they want—there is no limit on Cottage Courts, and he said someone could maximize that right vs. a large house split into smaller units. He agreed with Ms. DelaCroix that people were becoming more minimalist, wanting smaller units with smaller families closer to downtown; many do not want to worry about cars. Mr. Tousley thought this proposal made sense and did not think development would run rampant as a result.

Chuck Redfern of 9 Colby Street read a letter into the record titled “Densification & Ghettoization of the East Side of Keene,” stating it should say “Potential Ghettoization” as that would be up to the developer. He read: *“Dear Honorable Mayor & Councilors, Since 1985, my wife and I have lived in the above noted home in Ward 1. We raised our family here and we have enjoyed every minute of it. However, it has come to my attention that this way of living is being threatened by those who want to profit from significant densification of the Eastside medium density neighborhoods. I cannot describe the negative impacts likely to be realized if such changes were to occur. It is my hope that all parties involved in deciding the faith of most East Keene read the letter submitted to the Mayor and Keene Council by Vicky Morton. It delineates many of the negative factors to occur should this land use change were to occur. It is my strong opinion that a City-wide problem deserves a City-wide solution. Rather than singling out one area to shoulder the burden of increased density, I urge the Council to consider policies that distribute this responsibility equitably across all neighborhoods. The very fabric of our community is woven from the distinct character and history of each part of Keene. Altering this East Side disproportionality would not only disrupt the lives of long-standing residents but also erode the trust and unity that bind our City together. Let us approach this challenge with thoughtful planning, seeking input from all corners of Keene, and crafting a solution that reflects our shared values and aspirations. By doing so, we can preserve the qualities that make our neighborhoods desirable while still meeting the needs of a growing City. Thank you for your service to Keene!”* Mr. Redfern added some comments to his letter, stating there were

requirements for parking on properties but nothing to say that could not be changed in the future in favor of on-street parking. He was also unaware of the limits on dumpsters, containers, etc., in neighborhoods specifically. Next, Mr. Redfern commented on how increased densities would impact flood zones, noting it was a question the City should ask. He said the City had tried to address some housing issues via ADUs and he provided research with his communication, which led him to a more aggressive conclusion. Mr. Redfern concluded with a message to the “young business developers” in particular, stating there was an opportunity to change the City radically with the Kingsbury property; an expert told him the foundation could be capped and built upon. Mr. Redfern imagined all of the housing and parking needs that could be served with that parcel. He challenged the younger developers to do so, as well as the older ones to step-in and lend their knowledge to help.

Connie Joyce, resident of 81 Grant Street since 1979, said the proposed approach to creating more rental units with just one parking space per unit would negatively impact Keene’s quality of life. She called the east side already overburdened and oversaturated with multi-family and commercial buildings, alcohol and drug rehabilitation properties, and three homeless shelters. She felt the east side had more than its share of temporary populations. Ms. Joyce noted that any property with more than four units would require commercial financing, adding that neighborhood character changes when residential and commercial properties mix. She said she supported creating housing opportunities but asked the Council to consider the consequences of more multi-unit expansion in the east side neighborhood. She said residents did not want more parking, health, and safety issues but wanted the neighborhood to continue thriving. Ms. Joyce said that to be fair and create more housing, the Council must consider all of Keene.

Vicky Morton, 275 Water Street explained that in 2024, Walker Consultants gave the Council a neighborhood parking assessment. She said the first recommendation was for the City to abandon no on-street parking in favor of a weatherized parking ban; now, the City has no parking during storms. The second recommendation deemed prepaid parking unnecessary because the Keene State College students were not using it the same way, so it was forgiven. Ms. Morton explained the third recommendation to develop a formal parking arrangement for neighborhoods, which she said the City had taken no action on. Therefore, she said people parked anywhere they wanted in east and north central Keene. She recalled an MSFI Committee meeting this summer, when residents complained about difficulty entering/exiting their driveways because people parked too close to them. She said residents stated “fearing” that emergency responders would not be able to reach them because of the traffic patterns in East Keene at this time. Ms. Morton said the Walker Consultants’ report said a travel lane has to be 10 to 12 feet wide in each direction, meaning 20 feet, and 8 feet on each side for parking. For a two-way street with parking, she cited a roadway 36 to 40 feet wide, stating the only two streets on the east side of Keene that wide were Marlboro and Washington Streets, yet she said people parked everywhere—too close to intersections, blocking sight lines and driveways. Ms. Morton said this needed to be remedied before talking about adding developments and more people, we need to address this aspect of it before we start to go forward with other pieces of this. She hoped it could be a discussion for the MSFI Committee. She agreed that changing from three units to six units in a building would not add many people individually. However, she spoke about the City’s neighborhood streets that were experiencing collapsing sewers due to aging water and sewer infrastructure. She cited occurrences on Water and Valley Streets. While she also wanted

to see more people in Keene who want to be here, she did not think it was the City's job to provide housing for everybody who wants to be here. Ms. Morton said there were plenty of opportunities to add housing in the City, like all the empty building lots (e.g., one on Main Street), all the buildings boarded up along the Winchester Street/Pearl Street roundabout, or the empty parking lots like the one by Burger King. She thought there were many other options to discuss as well. Ms. Morton the Council to please not give up the right for City Staff to have checks and balances each step of the way.

Krishni Pahl of East Keene said that large historic homes come with large, historic problems as she and her husband—who own one of those 100 plus year old homes—just experienced. The week before this meeting, their home caused a sinkhole in front of their property. They hoped it was a City problem, but it was not. Now, the homeowners had to replace 36 feet of sewer lines, which would be very costly. Ms. Pahl's contractor, who did this work on other historic homes with the same problem, was fairly certain it could cause a sinkhole in the public right-of-way. Ms. Pahl said the City might want to seriously consider that risk before adding any more density, stating that East Keene was "packed like sardines." Regarding traffic, Ms. Pahl felt confident the first responders could get back and forth. However, she considered those living on Water and Valley Streets, who do not have room to park in their driveways, so cars park the wrong way on the street during school hours; then, parents gather on Valley Street for the charter school and even Ms. Pahl's small car had difficulty exiting, so he imagined challenges for an 18-foot fire truck. She thought that was another matter for the Council to seriously consider—what would happen during an emergency in the middle of the night? Regarding affordability closer to downtown, Ms. Pahl said prices were not cheaper in the MD District, citing \$2,500 and \$3,000 rent for two- and three-bedroom homes. She said those were not affordable prices for walking distance to downtown. Her concern was for tax paying citizens, stating that their safety needed to be considered before adding anything more. If she had to invest another \$10,000 into her 100-year-old home, she suggested checking before adding more to other older historic homes because they come with large problems.

Andy Holte of Forest Street was a resident of a MD District outside eastern Keene, which he said do exist. He felt it necessary to balance the opposition statements with one in support of the proposed changes. At this time, he saw two things in almost every U.S. City: 1) a crisis level need for more housing, and 2) residents who recognized that need but wanted the extra housing somewhere else—not their own neighborhoods. He said the Keene community needed to resist the temptation for that kind of thinking, often known as "not in my backyard." For every opportunity to add housing, he said the community could always find holes to poke in the proposal; the reasons could be perfectly valid, like many of those voiced at this meeting. However, he said to weigh those reasons against the desperate need for more affordable housing. If the City continued approaching housing one project, one street, and one neighborhood at a time, Mr. Holte said voices of opposition would speak loudly, the City would reject nearly every opportunity to add housing, and the crisis would grow worse. He shared an example when Habitat for Humanity recently broke ground on two houses on Old Walpole Road, which he called an exciting project the community should support. It was originally a project for more than one dozen residences but the optics, including what Mr. Holte called completely reasonable objections of neighboring homeowners, kept that from happening. Mr. Holte did not judge or disagree with those neighbors, but said the community needed to find a way to make these

projects a reality instead of finding reasons to shoot them down. He was glad to hear from homeowners who cared about the direction of the City. Mr. Holte also asked the Council to consider the interests of those who do not own homes and may not be aware of this proposal; those residents like Ms. DelaCroix described. Ms. Holte suggested changes to Code that would benefit all Keene residents, not just those with the luxury of time and energy to attend Council meetings and own homes. He agreed with Mr. Redfern's comment about applying changes more broadly, asking why to stop at one type of zone when the City could remove barriers to housing everywhere. So, Mr. Holte said the Council should first pass this Ordinance and then do more. He stated that he very much disagreed with the concerns about overcrowding, noting the City's population had been stagnant for decades. He said young families and workers were moving away because they would not afford housing. He added that near downtown was exactly where the City should be increasing density because residents could be closer to jobs, live without needing cars, and easily shop at local businesses. Mr. Holte said the presence of more residents would not be a negative but would create and maintains vibrant, thriving neighborhoods. He stated that these concerns should be addressed directly, not by restricting housing. He agreed that the City should improve parking, seek bus service, reduce noise pollution by addressing trucks and motorcycles, address heat islands by planting trees and adding green space, directly address absentee landlords, and more. However, Mr. Holte cautioned against blocking new housing because the community is worried about how residents might behave in the future. He asked the City to work with the existing concerned residents to improve the quality of their neighborhoods and also make reasonable amendments to the LDC like this that make it easier to house the people who need it. Mr. Holte said that would be the type of leadership the City needs from its Councilors. He asked his fellow residents to show leadership too by welcoming and championing the changes needed. He said it is easy to fear change and imagine what might go wrong, but he encouraged everyone to imagine all the positives that come from removing barriers; imagine a Keene where no one needs to live on the street, where businesses can hire all the workers they need because housing is plentiful, and where College graduates fall in love with the City and easily choose to stay and build a life here. Mr. Holte said that is the Keene he wants to live in and changes like this Ordinance would take the City one step closer to that future.

Robert Hamm of 89 Valley Street said he really appreciated the need for more housing throughout the City. He expressed concerns about the limitations of this proposed Ordinance towards the MD District simply regarding issues raised about the sizes of the streets. He questioned the infrastructure capacity, noting his understanding that some of the larger fire apparatus require 18 feet of open roadway to set up; that would be a problem on the street he lives. Mr. Hamm thought it would be important to foster sustainable growth that is balanced in an equitable way. He did not think it should be a blanket exception open for everyone. He opposed the proposed amendment, asserting that limiting workforce housing expansion to Keene's east side is problematic due to its narrow streets, because the parking issues had not been addressed and because of the emergency access challenge. Mr. Haam did not think it was infantilizing to suggest there were challenges for emergency services given the sign line issues. Mr. Haam emphasized that the current zoning processes already allowed for thoughtful housing conversions and warned that the proposed blanket exception would undermine necessary oversight and exacerbate infrastructure issues. For these reasons, Mr. Haam said he and his wife respectfully urged the City Council to fully consider all the ramifications and long-term consequences of the proposed Ordinance and ultimately vote to reject it.

Jennifer Sizoo of 10 Fairfield Court, an east side resident, said she was not in favor of this Ordinance as proposed. She felt it was a blanket allowance and wondered how many properties in the MD District this would apply to. Had it been mapped? Ms. Sizoo said she was all in favor of housing and that the City needed smaller housing, but this seemed like “a sweep” that may not be needed. She questioned the proposals practicality, wondering if the Council had enough information to make the decision. She wondered if people requested these changes often enough for such a sweeping change in the City that could have unintended consequences.

Sam Jackson of Court Street said she heard one argument a lot about the number of cars parked on the road or traffic issues and wonder if those could be alleviated—even now—by some of those roads becoming one-way. She questioned if that could create the needed space for emergency vehicles and allow for side street parking. Otherwise, Ms. Jackson strongly supported this proposed Ordinance, agreeing that these developments would not appear overnight and would still have to go through long City processes for approval (e.g., from the Fire Department). As someone living in low density housing, she welcomed this expansion throughout Keene and said she could see this applying everywhere. However, where she lived at this time, she was unable to walk everywhere she needed (e.g., grocery store) without a car. She spoke about how those living in proximity to downtown have access to a grocery store and reduce their expenses by not having a car. Although living in an area like East Keene may be more expensive, Ms. Jackson said it was balanced by not needing a car.

Eric Murphy of 287 Roxbury Street wanted to share an interesting observation about this moment in time as a community. He said he was not moved by “ghetto-ism” or “Not in My Back Yard-ism,” and thought the conversation was off the point. Mr. Murphy thought the people who attended these meetings paid attention, did their research, and would live with the consequences of changes to the LDC. He thought everyone did their homework, so when people were mentioning curb congestion, Mr. Murphy did not think it was speculation. He hoped most people had employment to pay for these houses, in which case he stated they would not be walking to downtown Keene because that is not where the majority of employment is. He thought one to three cars would be needed for every occupied unit. He called this well-reasoned speculation. Mr. Murphy also suggested seeing whether residential permit parking could improve the on-street conditions if considering densifying parts of the City. Also, if allowing six-unit developments, he asked if the City would require fire apparatus turning templates in site plans? He said there are consequences to the decision of opening up units, such as runoff and flooding; would the City run capacity modeling for downstream sewer basins? Mr. Murphy wanted to think that the Ordinance could be made better. However, if an Ordinance creates a barrier to development and the development is reasonable, he hoped the developer would seek an exception to the rule with a reasonable argument.

Hearing no further comments, the Mayor closed the Public Hearing at 8:41 PM, except that written comments would be accepted up until 1:00 PM on Tuesday, September 9, 2025.

A true record, attest:



City Clerk

NOMINATIONS - 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. Mayor Kahn tabled the nominations until the next regular meeting.

CONFIRMATIONS - AIRPORT DEVELOPMENT AND MARKETING COMMITTEE, HERITAGE COMMISSION

Mayor Kahn nominated Julie Schoelzel to serve as a Regular Member of the Airport Development and Marketing Committee, with a term to expire December 31, 2025. The Mayor also nominated Kathy Halverson and Jill Bouchillon to serve as Alternate Members of the Heritage Commission, both with terms to expire December 31, 2026. 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 15 Councilors present and voting in favor.

COMMUNICATION - COUNCILOR HAAS - REQUEST FOR HISTORICAL MARKER - KEENE BOTTLE WORKS

A communication was received from Councilor Ed Haas, on behalf of the Yankee Bottle Club, requesting to place a historical marker on the Rail Trail to identify the original site of the Keene Bottle Works. Mayor Kahn referred the communication to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION - COUNCILOR FILIAULT - REQUEST TO DISCUSS ROUTE 9 ACCIDENTS AND POSSIBLE SOLUTIONS

A communication was received from Councilor Randy Filiault, requesting to bring stakeholders together, including the state and surrounding towns, to discuss the volume of accidents on Route 9 between Keene and Brattleboro, Vermont, and look for potential solutions to mitigate the issue. Mayor Kahn referred the communication to the City Manager for follow-up.

COMMUNICATION - COUNCILOR WILLIAMS - REQUEST FOR CONSIDERATION OF AN ORDINANCE AMENDMENT TO REGULATE THE MUZZLING OF DOGS

A communication was received from Councilor Robert Williams, requesting the City consider adopting an ordinance that would regulate muzzling dogs with a record of vicious behavior. HB 250, recently signed into law by the Governor, enables local governing bodies to adopt such an

ordinance related to vicious dogs, as defined in NHRSA 466:31, ii(g). Mayor Kahn referred the communication to the Planning, Licenses and Development Committee.

COMMUNICATION - HOWARD MUDGE - REQUEST TO REMOVE A TREE ON CITY PROPERTY - WESTERLY EDGE OF 9 EVERGREEN AVENUE

A communication was received from Howard Mudge, requesting to have a tree removed from City Property located on the western edge of his property due to the tree's age, size, and condition. Mayor Kahn referred the communication to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION - VICKY MORTON - REQUEST FOR THE CITY TO ACT UPON THE WALKER CONSULTANTS' RECOMMENDATIONS RELATED TO ON-STREET PARKING

A communication was received from Vicky Morton, requesting the City of Keene act on the recommendations of Walker Consultants and create formal on-street parking guidelines. Mayor Kahn referred the communication to the City Manager to bring recommendations related to items in the Walker Consultants' report back to a Council Committee.

COMMUNICATIONS RELAYING CONCERNS WITH RESTRICTED PUBLIC ACCESS TO THE AIRPORT ROAD SUBMITTED BY: STEVE HOOPER; KATHARINA & PETER ROONEY; AND SUSAN ABERT

The first communication was received from Steve Hooper, concerning the recently instituted restrictions on public access to the Airport Road and wanting to discuss a few possible revisions. A second communication was received from Katharina and Peter Rooney, concerning restricted public access during weekdays to the Airport Road and wanting to discuss alternatives. A third communication was received from Susan Abert, concerning restricted access to the Airport Road and requesting a compromise relative to the hours the restriction is in place. Mayor Kahn referred the three communications to the Municipal Services, Facilities and Infrastructure Committee.

FOP REPORT - SALE OF CITY PROPERTY - 100 CHURCH STREET

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute the sale of 100 Church Street (parcel ID# #574-015-000-000-000) to an abutting property owner. A motion by Councilor Powers to carry out the intent of the committee report was duly seconded by Councilor Remy.

Councilor Williams said he was contacted by a constituent very concerned about the sale of a public park to a private entity. The Councilor called that a big move. Though underused, he called the park a neighborhood resource. If selling one, he thought the City should sell the other pocket park on Church Street, which he called more underused. Being located in one of the densest residential neighborhoods in Keene, Councilor Williams thought this park at 100 Church

Street was valued by neighbors. He cited the constituent who had spent years volunteering in the park and was responsible for many of the beautiful plantings there; the person was now of limited mobility and could not tend a lot of the garden. Councilor Williams thought it would be really nice to maintain that spirit of volunteerism and maintain parks like this, so they do not fall into disarray or get used in undesirable ways. He continued, explaining some issues with the design of the park, specifically a big berm in the front, which he said is easy for people to hide behind. Councilor Williams suggested removing the berm and adding fences to the sides, which was originally part of the request, could help a lot of the problems to go away. He suggested examining the issue and what the neighborhood wanted to do with the park. In talking to people, he said nobody was aware that this was happening, so he thought it warranted further discussion.

A motion by Councilor Williams to refer the FOP report [Sale of Property – 100 Church Street] to the Municipal Services, Facilities and Infrastructure Committee was duly seconded by Councilor Filiault.

Mayor Kahn requested comments from City Manager Elizabeth Ferland, who said this small pocket park had been problematic. The City Manager mentioned a lot of behavior causing complaints in the neighborhood. She agreed about the berm, stating she was unsure why it was there and agreed removing it could improve the situation. City Manager Ferland explained that the property owner of the apartments right next to the park contacted the City, requesting to purchase and maintain it as part of their parcel. Honestly, when the neighbor offered, staff thought it was a good solution. This neighbor saw some unusual, detrimental behavior occurring in the neighborhood that had been problematic. The City Manager had no concern about sending this to the Municipal Services, Facilities and Infrastructure (MSFI) Committee for further conversation, ensuring the neighborhood can discuss and see if there is interest in helping to ensure that park is utilized appropriately. However, the City Manager said the City was unable to provide Policing and other things needed to address complaints from the abutting parcel.

Councilor Greenwald did not think this was a time sensitive matter. If Councilor Williams was saying the neighbors were unaware, Councilor Greenwald said the Council could at least let them speak. Councilor Greenwald said it could be a more thoughtful decision, rather than just selling it and taking the money. He had no doubt that the apartment building would do a good job with it and said maybe they could do it in a neighborhood way to accomplish both. He supported referring it to MSFI.

Councilor Filiault agreed with the previous comments, stating that this had been a rushed item. He said referring this to MSFI would give the public more of a chance for input. For example, he recently heard of someone who did not know about the downtown project. However, he agreed with the City Manager that this particular park had issues. Councilor Filiault cited his ride-alongs with the Keene Police annually, stating that virtually each time they had arrested someone in that park for either drugs or drinking. That said, he agreed with Councilor Greenwald about not rushing past understanding the community's vision for the space. While Councilor Filiault still thought he would ultimately support the City Manager and FOP Committee's recommendation to sell the parcel, the Councilor wanted to allow the public a chance for input and would support the amendment.

Councilor Chadbourne thanked Councilor Williams for bringing this forward. Councilor Chadbourne was also contacted by a few constituents, who only heard about this potential sale and were upset about it. She knew the constituent Councilor Williams referred to and said those plantings abutting the sidewalk would not be affected; Councilor Chadbourne knew because she did a lot of the work there. Even if the City decided to sell the parcel, she thought it would behoove the Council to listen to how the neighbors would be impacted. However, Councilor Chadbourne stated that in the time she had worked in this park, she witnessed a lot of drug transactions and other questionable behavior in broad daylight. She said she understood and supported sending this to MSFI.

The motion to refer to refer the FOP report [Sale of Property – 100 Church Street] to the Municipal Services, Facilities and Infrastructure Committee carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - EXECUTION OF A CHANGE ORDER WITH INSITUFORM FOR ADDITIONAL SCOPE OF CONSTRUCTION SERVICES AS PART OF THE SEWER MAIN LINING PROJECT

A Finance, Organization and Personnel Committee report was read, unanimously recommending 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.

Mayor Kahn said it was determined that the funds needed for this change order were in the FY27 Capital Improvement Program (CIP). Therefore, a Resolution would now be needed to appropriate the funds as part of this project. The City Engineer would submit the required Resolution for referral to the Finance, Organization and Personnel Committee at the September 4 City Council meeting. With no objection, Mayor Kahn tabled this FOP Committee report until the September 18 City Council meeting to be acted upon after the City Council votes on the funding Resolution.

EXECUTION OF AN AGREEMENT FOR ENGINEERING SERVICES DURING CONSTRUCTION WITH GREENMAN-PEDERSEN INC, (GPI) AS PART OF THE TRANSPORTATION HERITAGE TRAIL PHASE 1 PROJECT, NHDOT#40653

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute an agreement with Greenman-Pedersen, Inc. (GPI) for engineering services during construction as part of the Transportation Heritage Trail Phase 1 Project (NHDOT#40653) for an amount not to exceed \$300,000. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Lake. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

CONTRACT FOR 2026 CITY-WIDE PROPERTY REVALUATION

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute a contract with Vision Government Solutions for the 2026 City-wide property revaluation. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Jones asked whether to expect a brick-and-mortar setup, drive-by, or drones. The City Manager replied that this contract was primarily for drive-by evaluations, but the City would be sending postcards to owners, requesting to access properties. If unable to access the property, the City would do its best to perform an exterior inspection.

The motion to carry out the intent of the Committee report carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - AMENDMENT TO FAA AIP GRANT FOR AIRPORT – AIRPORT TAXIWAY A RECONSTRUCTION PROJECT

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to accept, execute, and expend grant funding for up to the amount of \$3,601,668.27 from the Federal Aviation Administration Airport Improvement Program for the Taxiway A Reconstruction Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - CONSTRUCTION AGREEMENT FOR AIRPORT TAXIWAY A RECONSTRUCTION PROJECT WITH CASELLA CONSTRUCTION INC.

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to enter into a construction agreement with Casella Construction Inc. for the Airport Taxiway A Reconstruction Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - AIRPORT FUEL TANK REPLACEMENT PROJECT CLOSE-OUT AND REALLOCATION OF FUNDS

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to close the Fuel Tank Replacement Project (05J0006A) and reallocate remaining funds of \$37,480.24 to the Airport Taxiway A Reconstruction Project (05J0004B). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - USE OF UNSPENT CITY ATTORNEY'S OFFICE PERSONNEL FUNDS

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Attorney be authorized to carryover and use \$60,000 of unspent monies from the Fiscal Year 2025 City Attorney Personnel budget for Legal Services. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

City Manager, Elizabeth Ferland, began her report with the exciting news of Laurie Plankey's promotion to Revenue Collector. Ms. Plankey would be moving from Account Clerk II in the Finance Department, where she had consistently demonstrated exceptional skills, dedication and professionalism since 2008. In her Finance Department role, she streamlined the general billing and accounts receivable processes, generating more than 5,500 invoices during the previous fiscal year, totaling just over \$9 million. The City Manager said from experience that Ms. Plankey was great at both collecting the money as well as invoicing, stating that those skills would transfer well to the Revenue office. Ms. Plankey would also serve as a liaison between the City and its ambulance service collection agency, Comstar; in FY24, she achieved an impressive 96% collection rate, reflecting her strong management abilities and attention to detail. The City Manager called Ms. Plankey highly organized, detail-oriented, and very talented—a skill set that would serve her well in her new role as Revenue Director.

Next, City Manager Ferland recognized the Keene Police Department and Captain Steve Tenney for their leadership and professionalism during a very difficult situation on August 12. The City Manager explained that with Captain Steve Stewart away on vacation, Captain Tenney stepped into a challenging role as incident commander. During the incident, an individual barricaded himself in a vehicle in the TD Bank parking lot and after a prolonged period of time, the situation ended tragically with the individual's death. The City Manager stated that City's team of negotiators should be commended for their tireless efforts, regardless of the outcome; they took turns for many hours trying to negotiate a better resolution. While the result is heartbreaking, the City Manager was immensely proud of the way the Officers managed this incident, calling them calm and disciplined, which kept the community safe and reflected the highest standards of the Keene Police Department. City Manager Ferland noted that unfortunately, some members of the public gathered as spectators, creating additional challenges for Officers. She said these situations are not entertainment; they are dangerous, complex, and require sensitivity and respect for all involved. The City Manager was grateful for the dedication and professionalism of the Keene Police Department and extended her appreciation to all who served that day. She thanked the NH State Police for their assistance as well.

Lastly, the City Manager reported that the 2025 Community Night was a tremendous success, drawing a large crowd and plenty of enthusiasm. The Public Works Department cooked 424 hot dogs and 432 hamburgers; it was so popular they ran out of food twice. The Keene Fire Department also distributed more than 1,500 items throughout the evening. The City Manager gave special thanks to C&S Wholesale Grocers for their generous donation of \$500, which helped make this event possible. This year, the City Departments were very creative: Parks and

Recreation had kids spinning a prize wheel and answering trivia (e.g., how many cemeteries do we have in the City?); the Police Department showcased the new Crime Scene Van, which was popular; the Public Works Department let kids climb on large pieces of equipment and blow the horns; the City Clerk's office had a dog licensing guessing game and a 2025 Municipal Ice Cream Election. Amaliya Ruoff, daughter of the City Engineer, won the dog licensing guessing game by guessing closest to the exact number of dogs licensed by the City in 2025. The Ice Cream Election results were that chocolate ice cream in a waffle cone with rainbow sprinkles was the chosen favorite. The City Manager called Community Night great and said it once again demonstrated the importance of bringing residents, families, and the City Staff together in celebration of the community. She thanked everyone who attended and did a great job.

REPORT - ACCEPTANCE OF DONATIONS

A memorandum was read from the Finance Director/Treasurer recommending the City Council gratefully accept the following donations:

- C&S Wholesale Grocers donated \$500 in response to a grant request submitted by Public Works to support the City's Community Night on August 19, 2025.
- C&S Wholesale Grocers donated \$1,000 for the 2025 International Festival.
- An anonymous legacy gift of \$10,000 was made to support the Keene International Festival.
- Revision Energy donated \$5,000 as a willing partner in sharing some of the financial burden related to the relocation of the Monadnock View Gardens.
- NH Community Development Finance Authority donated \$500 for the Human Rights Committee's International Festival.
- Papa Family bench donation overlooking Robin Hood Pond in honor of Joseph A. Massaro, Jr. as part of the Adopt-A-Bench program.
- Hamblet Electric Charitable Foundation generously donated \$750 through a DAFgiving360 to be used for the Keene International Festival.
- UNH Extension donation of \$250 for Youth Mental Health First Aid.
- Savings Bank of Walpole donated \$1,000 for the Human Rights Committee's International Festival.
- Monadnock Chapter 66 of the North American Family Campers Association donated \$1,000 to purchase and install a bench at the former Wheelock Park Campground site.

A motion by Councilor Powers to accept the donations identified in the amount of \$20,000 in the memorandum from the Finance Director with gratitude, and that the City Manager be authorized to use these donations in the manner specified by the donors was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

REPORT - STATEMENT OF INCLUSION - HUMAN RIGHTS COMMITTEE

A Human Rights Committee report was read, unanimously recommending the language of a draft statement of inclusion with mentioned edits.

Mayor Kahn provided a recap of what had happened to date. He personally hoped the City could replace the obscure language that used “creed” as a surrogate for “religion” and “lifestyles” as a surrogate for “sexual orientation” and “gender identity.” He said the City’s 2021 Welcoming Declaration also omitted matters of age, marital, and family status, and differences from welcomed groups. Still, five months later, no destination was reached. Mayor Kahn said the political environment at the state and federal levels had not been favorable to creating unity and inclusiveness. He considered one instance four years prior, when Governor Sununu accepted 49 recommendations from the law Enforcement Accountability Community and Transparency Commission, one of those of which mandated that the police standards and Training Commission provide implicit bias training for all law enforcement, which was implemented in September 2021. As of July 2025, the legislature and Governor enacted legislation prohibiting all public entities from implementing, promoting, or otherwise engaging in any diversity, equity and inclusion (DEI) related initiatives, programs, training, or policies; they explicitly said that state funds shall not be expended for DEI related activities, including but not limited to implicit bias training.

Four years later, the Mayor said the City Council was now presented with four statements regarding Keene as a welcoming and inclusive City—the Mayor hoped no one thought Keene was otherwise: (1) the 2021 declaration by the City Council, which vowed to condemn and never ignore acts of racism, bigotry, oppression, and hatred; (2) a petition and letter from Keene Pride seeking a commitment to protecting every individual’s rights and dignity, creating an environment where everyone, regardless of their sexual orientation or gender identity, can feel safe and valued; (3) a petition and letter from Keene Republicans that concludes urging the Council to prioritize unity, fairness, and balanced representation; and (4) a Resolution proposed by the City’s Human Rights Committee—which exists to promote the principles of social justice, non-violence, equity, inclusion, and multiculturalism through educational programs, community service, public events—recommending the City maintain a safe space for all, establishing comprehensive and sustainable protections for all residents. The Mayor personally believed the City could accomplish all these things and that Keene would continue working to be a City that welcomes inclusivity, promotes unity, and condemns acts of racism, bigotry, and prejudice. Over the five months the Council had considered these four proposals, he thought more division had been promoted than unity, which was never the intent. The Mayor said the Council’s options were to send the Human Rights Committee’s (HRC) statement back to the Planning, Licenses and Development (PLD) Committee for more discussion, accept it as informational, schedule a Council Workshop on this matter, or the Council could request that the Mayor prepare a proclamation. The Mayor left the decision to the Council.

A motion by Councilor Jones to accept the Human Rights Committee report as informational was duly seconded by Councilor Roberts.

Mayor Kahn recognized Councilor Workman, HRC member to address the Council. Councilor Workman stated she knew it might seem counterintuitive for her to support accepting this as informational as an HRC member who voted in favor of the proposal. However, she said she spent the entire Council break combing through all the Council, PLD, and HRC agendas, minutes, and actions; in addition to speaking with stakeholders and other concerned members of the community. That led Councilor Workman to believe accepting the HRC report as

informational was the only option that would guarantee Keene Pride's desired outcome, which was stated in the July 2025 PLD minutes: "That the City of Keene will never use its resources on their own or in conjunction with the federal or state government in the unjust search and seizure and harassment of LGBTQ+ people." She noted the City could choose not to sign on to optional initiatives such as the 287(g) Program, for example. Councilor Workman stated that she was in favor of a Proclamation, which she believed would be the Council's only option at this time to meet Keene Pride's desired outcome. She said this process began in March and it was now August, and it was further away from both resolve and Keene Pride's request. At the August HRC meeting, Councilor Workman stated that she anticipated this going back to PLD for further public comment. However, she realized that was not in the best interest of the community, stating public comments were allowed at two PLD meetings and at HRC. She said some of the comments were incredibly hard to hear as an ally, so she could only imagine how it felt for those within the queer community. It was clear to Councilor Workman that there was room for growth both within City Hall and within the community. However, she felt holding another meeting for the sake of additional public comment would do nothing but cause further harm to the community. Councilor Workman was truly concerned that continuing this approach would put the LGBTQ+ community at an even higher risk of potential physical and emotional harm. As a City, she said we should be looking to unite the community, not create a greater divide, which was unfortunately exactly what happened here. She said a reoccurring theme throughout the conversations was that people wanted to see action from the City, not just hollow words. Councilor Workman said the current HRC proposal and other options in front of Council did not address that concern. She said the one silver lining of the work to date was the insights gained—there were people in the community who did not feel welcome or safe and that was not okay. However, she said creating a sense of belonging is a community issue that only the community could solve, and municipal meetings are not the proper platform or space for the type of healing and growth that would need to occur. Councilor Workman said the City had a cultural problem and no matter how many declarations, resolutions, or proclamations created that condemn acts of hate, the City government would not change people's deeply held beliefs. She said the community does hold the power to create the cultural change the community was seeking. Councilor Workman thought the community would be best served if this topic was addressed through community organizations familiar with and/or specializing in restorative justice practices, which have a trauma informed perspective and professionals with the skills necessary to facilitate and mediate such a discussion. She wanted to be clear that she did not arrive at this decision easily, stating she is personally committed to seeing this cultural change and would do what she could to ensure the community continues to grow together. Now she said there was a blueprint for someone to bring forward an action- and policy-based proposal, using the information gathered through this process, doing the proper outreach in advance and having a clear and concise ask prior to submitting a communication, which would make the process more seamless and hopefully result in a faster and positive outcome. Councilor Workman reiterated that this would not be the end of the conversation as a whole, just the end of this particular conversation, which she said had been nothing but divisive and harmful to the community. She thought the Council owed it to the community to take a step back, assess the objective, and move forward with a clear intent and path that would lead to the desired outcome. She thought all other proposed options would not do that. While this may seem like shutting down the conversation, Councilor Workman felt like it was quite the opposite in order to move forward with a new conversation and action- and policy-based process. She said the current conversation and

processes had become so convoluted and volatile and she thought the Council should allow the Community to catch its breath.

A motion by Councilor Workman to amend the motion to accept the Human Rights Committee report as informational to include directing the Mayor to draft a proclamation recognizing the LGBTQIA+ community to be read at Keene Pride's annual Pride Festival was duly seconded by Councilor Bosley. The motion to amend carried unanimously on a roll call vote with 15 Councilors present and voting in favor. Discussion ensued on the amended motion.

As a representative of the City, Councilor Roberts found it really disgusting and embarrassing to hear some of the racial and economic discrimination during public hearings for the zoning change from five acre to two acres in the Rural District. He read letters in support and opposition from well-respected members of the community, and he was aghast that they would put some of those things in letters, realizing that they would become part of a permanent record. Councilor Roberts called it totally wrong; it was like saying we do the right thing but then talking derogatorily behind people's backs. Councilor Roberts also commented on the pitfalls of trying to please everyone but when doing so, it could lead to unintentionally belittling people. He said it was important for the Mayor to know what inclusiveness means to the City. Councilor Roberts shared an example from his time at the State House. When questioned why he did not vote in favor of gay marriage, he replied, "Because when you make someone a special class, you're telling them they're not good enough and they need the protection of government to make them good enough. If you made it 'marriage equality,' I would support you in a heartbeat." Councilor Roberts said he voted three times in favor of *marriage equality*. He cautioned that an attempt to "protect" someone does not imply "you need our protection because you are not as good as us."

Councilor Jones knew the Council and HRC had been working on this for a long time. Both he and the Mayor had attended meetings with Keene Pride and the HRC. There were many opinions going around and a lot of work went into this. Councilor Jones agreed with the motion as it would give the most respect to the Human Rights Committee. Right now, he said the HRC owned the document and by accepting, it would be a part of the Council's public record, so it would always be there if the Council wanted to workshop it or send it to PLD. Though it would now be the Council's to reword as desired, Councilor Jones thought they should maintain the HRC's language out of respect, stating they worked hard on it.

Councilor Bosley fully supported the motion and Councilor Workman's description of the experience. Councilor Bosley thought this was the right direction. As PLD Chair, she acknowledged the community members who came forward and testified; Councilor Bosley called it very powerful testimony and an uncomfortable situation, which was probably one of the more difficult things she had the opportunity to Chair because of the emotion on both sides. She thanked members of public who came and spoke, stating this action was in no way the Council dismissing any of that. Councilor Bosley called this the first step in a process she thought would better suit the conversation.

Councilor Williams strongly opposed accepting this as informational and thought it should go back to the PLD Committee. He felt that by getting off track with the process laid out ahead of

time, the Council was giving a heckler's veto to the haters, and he did not want to do that. He would vote in opposition.

Mayor Kahn thanked Councilor Workman for expressing a message about the challenges she foresaw in continuing to talk about these issues in the community and the groups that could help lead. The Mayor appreciated that the City would continue trying to foster those kinds of direct conversations that would not be obscured with competing motions.

Councilor Tobin agreed that this caused some division in the community, and she hated hearing that people were frightened for their safety. She said it was difficult to hear a lot of what people said, honestly on both sides. However, Councilor Tobin thought this might be where the conversation started. She thought there was a lot of great conversation. She hoped hearing what people shared would lead to more conversations. She really struggled with the concept of not having an action step working toward this. She would support this, but hoped there could be more dialogue, and as people continued sharing how they felt that the community could learn to meet in the middle somewhere.

The motion to accept the Human Rights Committee Report as informational and direct the Mayor to draft a Proclamation Recognizing the LGBTQIA+ Community to be read at Keene Pride's annual Pride Festival carried on a roll call vote of 14–1. Councilor Williams voted in opposition.

REPORT - RESIGNATION - KENNETH SWYMER JR. - ENERGY & CLIMATE COMMITTEE

A memorandum was received from City Planner Megan Fortson, recommending the City Council accept the resignation of Kenneth Swymer Jr. from the Energy & Climate Committee with gratitude for his service. A motion by Councilor Greenwald to accept the resignation with gratitude for service was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ORDINANCE FOR FIRST READING - RELATING TO LAND DEVELOPMENT CODE FEE UPDATES - ORDINANCE O-2025-25

A memorandum was read from City Planner Megan Fortson, recommending the City Council refer Ordinance O-2025-25 Relating to Land Development Code Fee Updates to the Planning, Licenses and Development Committee for their review and recommendation. Mayor Kahn referred Ordinance O-2025-25 to the Planning, Licenses and Development Committee.

ORDINANCE FOR FIRST READING - RELATING TO LAND DEVELOPMENT CODE APPLICATION PROCEDURES - ORDINANCE O-2025-26

A memorandum was read from City Planner Megan Fortson, recommending the City Council refer Ordinance O-2025-26 Relating to Land Development Code Application Procedures to the Planning, Licenses and Development Committee for review and recommendation. Mayor Kahn referred Ordinance O-2025-26 to the Planning, Licenses and Development Committee.

ORDINANCE FOR FIRST READING - RELATING TO NO PARKING ZONES -
ORDINANCE O-2025-27

A memorandum was read from Public Works Director Don Lussier, recommending Ordinance O-2025-27 Relating to No Parking Zones be referred to the Municipal Services, Facilities and Infrastructure Committee. Mayor Kahn referred Ordinance O-2025-27 to the Municipal Services, Facilities and Infrastructure Committee.

ORDINANCE FOR FIRST READING - RELATING TO AMENDMENTS TO THE ZONING
MAP - LOW DENSITY TO COMMERCE - INTERSECTION OF PEARL STREET AND
WINCHESTER STREET - ORDINANCE O-2025-28

An application was received from Chad E. Branon, P.E., of Fieldstone Land Consultants, requesting to refer Ordinance O-2025-28 Relating to Amendments to the Zoning Map – Low Density to Commerce – Intersection of Pearl Street and Winchester Street to the Joint Planning Board-Planning, Licenses and Development Committee for a public workshop. Mayor Kahn referred Ordinance O-2025-28 to the Joint Planning Board and Planning, Licenses and Development Committee for discussion at a future public workshop.

ORDINANCE FOR FIRST READING - RELATING TO PAVEMENT SETBACKS AND
CROSS SITE ACCESS - ORDINANCE O-2025-29

A memorandum was read from Planner Evan Clements, recommending the City Council refer Ordinance O-2025-29 Relating to Pavement Setbacks and Cross Site Access to the Joint Planning Board-Planning, Licenses and Development Committee for a public workshop. Mayor Kahn referred Ordinance O-2025-29 the Joint Planning Board-Planning, Licenses and Development Committee for discussion at a future public workshop.

ORDINANCE FOR SECOND READING - RELATING TO CLASS ALLOCATION &
PERFORMANCE BONUS - ORDINANCE O-2025-24

A Finance, Organization and Personnel Committee report was read, unanimously recommending the adoption of Ordinance O-2025-24 Relating to Class Allocation and Performance Bonus. A motion by Councilor Powers to adopt Ordinance O-2025-24, with an effective date of August 24, 2025, was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RESOLUTION - RELATING TO PROPOSED FY26 BUDGET AMENDMENT -
RESOLUTION R-2025-25

A Finance, Organization and Personnel Committee report was read, unanimously recommending the adoption of Resolution R-2025-25 Relating to Proposed FY26 Budget Amendment. A motion by Councilor Powers to adopt Resolution R-2025-25 was duly seconded by Councilor Remy.

Councilor Haas asked if this change would appear in a redacted Budget to be republished on the City website. The City Manager said yes.

The motion to adopt Resolution R-2025-25 carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

NON PUBLIC SESSION

A motion by Councilor Greenwald to go into non-public session to discuss land matters pursuant to RSA 91-A:3, II(d) was duly seconded by Councilor Bosley. On a roll call vote of 14 in favor and Councilor Remy opposed, the motion carried. Councilor Powers departed prior to the start of the session. Senior Planner Mari Brunner was asked to remain present. The session began at 10:00 PM.

The session concluded at 10:19 PM. A motion by Councilor Greenwald to seal the minutes of the non-public session held this evening 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.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 10:20 PM.

A true record, attest:



City Clerk