



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
May 4, 2017  
7:00 PM

Roll Call  
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- April 20, 2017

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

1. May is Mural Month Proclamation
2. May is Bike Month Proclamation
3. Public Hearing - Discontinuance of Castle Street

**B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS**

**C. COMMUNICATIONS**

1. Jan Manwaring/Keene Serenity Center - Request to Temporarily Close a Section of Carpenter Street
2. Jessica Karp - Request for Stop Sign - Darling Road/Mountain View Road Intersection
3. Reagan Messer/Moco Arts - Request to Relocate Stairs - City Hall Parking Garage
4. Mayor Lane - Request to Use City Property for the Fall Festival
5. Councilor Clark - Concerns with 411-461 Court St Housing Development Project

**D. REPORTS - COUNCIL COMMITTEES**

1. Underground Telecommunications Conduit Easements - IT Department
2. Farmer's Market of Keene - Request to Amend License
3. Acceptance of Donations to Library Renovation Project - Campaign Manager for the Next Chapter
4. Acceptance of Donation - Parks, Recreation and Facilities Department
5. Lease Agreement - Transportation Center - Parks, Recreation and Facilities Department
6. Biofuel Generator Project - Option Update Report - Public Works Department

**E. REPORTS - CITY OFFICERS AND DEPARTMENTS**

1. CITY MANAGER COMMENTS

**F. REPORTS - BOARDS AND COMMISSIONS**

**G. REPORTS - MORE TIME**

**H. ORDINANCES FOR FIRST READING**

1. Ordinance - O-2016-01-A and O-2016-02-A

**I. ORDINANCES FOR SECOND READING**

**J. RESOLUTIONS**

1. Relating to the Fiscal Year 2017-2018 Operating Budget  
Resolution R-2017-22
2. Relating to Property Tax Exemptions for Solar, Wind Powered & Wood Heating Energy Systems - Assessing Department  
Resolution R-2017-18  
Resolution R-2007-11
3. Relating to Tax Exemptions For Elderly, Deaf, & Disabled - Assessing Department  
Resolution R-2017-19  
Resolution R-2017-20  
Resolution R-2017-21  
Resolution R-2012-40  
Resolution R-2012-39  
Resolution R-2012-38

Non Public Session  
Adjournment

A regular meeting of the Keene City Council was held Thursday, April 20, 2017. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Terry M. Clark, Bartolmiej K. Sapeta, Randy L. Filiault, Thomas F. Powers, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones and Mitchell H. Greenwald were present. Robert J. O'Connor, Robert B. Sutherland, George S. Hansel and David C. Richards were absent. Councilor Clark led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the April 6, 2017 meeting was duly seconded. The motion passed with a unanimous vote in favor.

#### CONFIRMATION – ZONING BOARD OF ADJUSTMENT

A motion was made by Councilor Greenwald and duly seconded to confirm the following nomination to the Zoning Board of Adjustment: Thomas Plenda to serve as a regular member with a term to expire December 31, 2017. On a roll call vote, with 11 Councilors present and voting in favor the motion carried. Robert J. O'Connor, Robert B. Sutherland, George S. Hansel and David C. Richards were absent.

#### COMMUNICATION – FARMERS MARKET OF KEENE – REQUEST TO AMEND LICENSE

A communication was received from Bruce Bickford, Farmers Market of Keene, requesting permission to amend their license to omit spaces in the Commercial Street Parking Lot unused on Tuesdays with a coinciding reduction in the fee. The communication was referred by the Chair to the Planning, Licenses and Development Committee.

#### MSFI REPORT – OUTSIDE AGENCY FUNDING – HUMAN SERVICES DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending the presentation on outside agency funding by the Human Services Department be accepted as informational. The Mayor filed the report into the record as informational.

#### MSFI REPORT – WATER STREET REHABILITATION PROJECT – PUBLIC WORKS DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending the City Manager be authorized to do all things necessary to implement the recommended design option for the rehabilitation of Water Street between the intersections of Grove Street and Eastern Avenue with a crosswalk as amended. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

#### PLD REPORT – REQUEST TO USE CITY PROPERTY – 2017 FIRE PREVENTION PARADE – FIRE DEPARTMENT

Planning, Licenses and Development Committee report read recommending the Fire Department be granted permission to use City property for the 2017 Annual Fire Prevention Parade to be held

on Sunday, October 8, 2017. A motion by Councilor Jones to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

**PLD REPORT – ANTHONY & FENELLA LEVICK – GRANITE ROOTS BREWERY – REQUEST TO SELL BEER AT FARMER’S MARKET**

Planning, Licenses and Development Committee report read recommending the Granite Roots Brewery be granted permission to sell alcohol at the 2017 Keene Farmer’s Market on City property licensed to the Farmer’s Market of Keene and to allow samples to be provided to patrons. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer’s Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws, including the requirements of NH RSA 179:44 II-a. A motion by Councilor Jones to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

**PLD REPORT – KEVIN WATTERSON – KEENE SWAMP BATS – REQUEST TO DISCHARGE FIREWORKS**

Planning, Licenses and Development Committee report read recommending the Keene Swamp Bats be granted permission for the discharge of display fireworks on the following dates: Saturday, June 17<sup>th</sup> and Monday, July 3<sup>rd</sup> 2017 on Alumni Field at no later than 10:00 PM subject to the customary licensing requirements of the City Council; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a Class B fireworks permit for each display date. In addition, the petitioner agrees to comply with all recommendations of the Keene Fire Department and the Keene Police Department. This permission is conditional upon the Petitioner absorbing the charges for any City services provided for the June 17<sup>th</sup> display. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 17 Community Events Budget for the July 3<sup>rd</sup> display. Said payments shall be made within 30-days of the date of invoicing. A motion by Councilor Jones to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

**PLD REPORT – REQUEST TO USE CITY PROPERTY – DILLANT-HOPKINS AIRPORT – NEW ENGLAND AEROBATICS CLUB (NEAC)**

Planning, Licenses and Development Committee report read recommending the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the date of issuance through December 31, 2017, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, there will be no Sunday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held

on practice days. A motion by Councilor Jones to carry out the intent of the report was duly seconded. The motion passed with Councilors Clark and Hooper voting in opposition.

FOP REPORT – ACCEPTANCE OF GRANT FUNDS – NH DIVISION OF HISTORICAL RESOURCES CERTIFIED LOCAL GOVERNMENT GRANT FOR HISTORIC PRESERVATION WORKSHOP SERIES – PLANNING DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept and execute a \$4,500 grant award from the NH Division of Historical Resources Certified Local Government Grant Program for the Heritage Commission's 2017 and 2018 Historic Preservation Workshop Series. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF 2015 HOMELAND SECURITY TRAINING GRANT – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a grant of up to \$1,279.95 from the FY 2015 Homeland Security to send two personnel to the 2017 New York Tactical Officers Association Conference in April, 2017. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF FORFEITURE – CASE # 2015117408 – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept forfeiture funds, in the amount of \$343.50, awarded to the Keene Police Department from the New Hampshire State Attorney General's Office. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF MONETARY DONATION – POLICE DEPARTMENT  
FOP REPORT – ACCEPTANCE OF DONATION- ST. JAMES EPISCOPAL CHURCH – PARKS, RECREATION AND FACILITIES DEPARTMENT  
FOP REPORT – ACCEPTANCE OF MONADNOCK ALCOHOL & DRUG COALITION DONATION – YOUTH SERVICES

The Chair indicated that the three Committee reports would be considered under one motion.

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept \$50 donation to be used for the Keene Police Department K-9 program. Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept the donation of pickle ball equipment from St. James Episcopal Church for the purpose of growing the activity. Finance, Organization and Personnel Committee report read

recommending the City Manager to accept an award from Monadnock Alcohol & Drug Coalition in the amount of \$2,000 for use by Youth Services. A motion by Councilor Greenwald to carry out the intent of the three Committee reports was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – BODY AND SOUL ROAD RUNNERS – RED CAP RUN – REQUEST FOR COMMUNITY EVENT FUNDING

Finance, Organization and Personnel Committee report read recommending the City Council include the Red Cap Run as a community event. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – MONADNOCK FAMILY SERVICES AND MONADNOCK COMMUNITY SERVICES CENTER – REQUEST TO PURCHASE PROPERTY – 93<sup>RD</sup> STREET

Finance, Organization and Personnel Committee report read recommending the City Council authorize the City Manager to negotiate with Monadnock Family Services and Monadnock Community Services Center for the sale of City-owned property located at 11 93<sup>rd</sup> Street. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – REQUEST FOR AN EXPENDITURE FROM THE LAND USE CHANGE TAX FUND FOR A FOREST STEWARDSHIP PLAN FOR THE GREATER GOOSE POND FOREST – CONSERVATION COMMISSION

Finance, Organization and Personnel Committee report read recommending the City Council authorize the Conservation Commission to use up to \$30,000 from the Land Use Change Tax Fund for the purpose of creating a stewardship plan for the Greater Goose Pond Forest. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – PROPERTY TAX EXEMPTION – BLIND – ASSESSING DEPARTMENT

FOP REPORT – PROPERTY TAX EXEMPTION – SOLAR ENERGY SYSTEM –

ASSESSING DEPARTMENT

FOP REPORT – PROPERTY TAX EXEMPTION – ELDERLY, DEAF AND DISABLED –

ASSESSING DEPARTMENT

FOP REPORT – PROPERTY TAX EXEMPTION – WOOD AND WIND ENERGY SYSTEMS

– ASSESSING DEPARTMENT

FOP REPORT – PROPERTY TAX CREDIT – VETERAN, VETERAN SURVIVING

SPOUSE, VETERAN SERVICE – ASSESSING DEPARTMENT

The Chair indicated that the five Committee reports would be considered under one motion.

Finance, Organization and Personnel Committee report read recommending the City Council make no change to the blind exemption. Finance, Organization and Personnel Committee

report read recommending the staff be directed to introduce a Resolution which would increase the Solar Exemption from the current language, which recognizes a solar energy heating or cooling system in an amount equal to the cost, including installation, of up to \$10,000 in value to up to \$30,000 of the assessed value. Finance, Organization and Personnel Committee report read recommending the elderly exemption income level for a single person be increased to \$28,700 and the income level for married persons be increased to \$38,700 to reflect adjustments in social security. Finance, Organization and Personnel Committee report read recommending no change to the Wind and Wood Energy System exemptions. Finance, Organization and Personnel Committee report read recommending no change in the amount of the optional Veteran Credit at \$225. A motion by Councilor Greenwald to carry out the intent of the five Committee reports was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – RENEWAL OF C.E. BRADLEY LAND LEASE - AIRPORT DEPARTMENT  
FOP REPORT – RENEWAL OF IAN BOYD LAND LEASE - AIRPORT DEPARTMENT  
FOP REPORT – RENEWAL OF THOMAS TRANSPORTATION LAND LEASE - AIRPORT DEPARTMENT

The Chair indicated that the three Committee reports would be considered under one motion.

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to renew the land lease of C. E. Bradley. Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to renew the land lease of Ian Boyd. Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to renew the parking space land lease of Thomas transportation. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – COUNCILORS JACOBS AND CHADBOURNE – GENDER IDENTITY

Finance, Organization and Personnel Committee report read recommending the City Manager include in the Employee Handbook proper language to include gender identity and transgender identity as a protected class. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – MAYOR LANE – TESTIMONY IN SUPPORT OF HB 478

Finance, Organization and Personnel Committee report read recommending the City Council resolve to support State Legislation to include transgender, gender identity or expression as a protected classification under State Law; and the City Council affirm the Mayor's letter dated March 7 supporting State Legislation to include gender identity or expression as a protected classification under State Law. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

## CITY MANAGER COMMENTS

The City Manager provided an update of the Life Safety Inspection Program that started in August of 2016. The training of all non-certified fire officers to the Fire Inspector 1 level has been completed. A total of 12 fire officers and 3 firefighters took the program and have been certified. These fire officers will assist in the inspection activities through the Fire Prevention Bureau which will improve the City's inspection program by getting to more locations sooner - while at the same time allowing crews to become more familiar with occupancies so they are better prepared during an emergency response. The Manager noted this program was made possible by a FEMA Fire Prevention Grant awarded to the Fire Department during the summer of 2016.

The City Manager reminded all Councilors that the Novus paper-less agenda solution will be deployed at next week's Committee meetings. The City Manager expressed that the City Clerk attended the Senate Bill 3 hearing and after waiting nearly 4 hours, the Clerk was unable to present her testimony orally, but copies were provided to the House Committee members. The Manager noted the testimony had also been provided to the City Councilors. The bill tightens the voter registration requirements and requires verifiable acts of domicile. Of concern to local officials, is a new obligation for local elected officials to verify the domicile by either reviewing other municipal records, or by sending local officials to the actual physical residence of the voter to obtain the verification requirement for those voters who cannot present verification of their domicile at the point of voter registration and who have not supplied that documentation within 10 days after the Election. This bill was recently heard before the House Election Law Committee and they have not reported out with their recommendation.

The City Manager continued with House Bill 561. HB 561 as amended requires local government employers to pay the un-founded liability portions of the NHRS employer rates on part-time employees when (1) an employer converts or replaces a full-time position with one or more part-time positions within 12 months of a position's becoming vacant, or (2) an employer fills a full-time position with an interim, temporary, or part-time employee within 12 months. The bill was recently heard by the Senate Executive Departments and Administration and has not been reported out with a recommendation.

The City Manager went on to explain that Fairpoint has applied to the Public Works Department for an excavation permit to replace 575 feet of conduit in Main Street. The work will extend from Central Square to Cypress Street and the project will require temporary closure of the easternmost northbound lane. Their contractor expects the work to take approximately 2 weeks. Public Works Department is working with the applicant to develop detailed traffic control plans, notification requirements and other details.

The City Manager thanked the Planning, Public Works and Police Departments for communications both internally and externally about the lighting on Main Street. They have been looking at parking, benches and the locations of amenities including what the spring time plans look like. The City Manager announced the schedule for the work being done on Main Street. Street sweeping is currently underway. Pavement markings for streets and crosswalks is waiting for confirmation from the contractor, but generally it takes place early in May when



temperatures are warm enough to apply paint.

The Manager reported that City wide drain cleaning and line flushing is underway. Crack sealing is scheduled. Broken pavers will be replaced in the crosswalks on Main Street. This will be done at night about 1 week, weather permitting. Main Street irrigation tests and repairs is scheduled, as needed, the week of May 8<sup>th</sup>. The week of May 8<sup>th</sup> the planting beds will be prepared for annuals and perennials. During the week of May 15<sup>th</sup> staff will be performing the “Downtown Treatment” by reviewing the flower beds and looking at the trees to determine if they can stay or need to be removed and replaced. During the week of May 22<sup>nd</sup> they will continue annual plantings and adding more perennials. He went on to explain the area of the sidewalk in front of the Chamber of Commerce being really too thin as well as the drainage and sprinkler systems does not work half the time. This is not aesthetically pleasing and it is difficult to maintain and navigate the curb system. The two trees are going to be removed where necessary and brick will be added. A parking meter kiosk will be added to test how kiosks will work in a downtown environment.

#### MORE TIME

More time was granted for the following issue within committee: Tim Zinn- Let It Shine- Request to Use City Property – “Keene Pumpkin Festival Brought to You by the Children of SAU 29.”

#### FOP REPORT AND ORDINANCE O-2017-04: RELATING TO FEES FOR ENGINEERING INSPECTIONS AND PUBLIC WORKS PERMITS

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2017-04. The report was filed as informational. Ordinance O-2017-04: Relating to Fees for Engineering Inspections and Public Works Permits was read for the second time. A motion by Councilor Greenwald for adoption of the Ordinance was duly seconded. On a roll call vote, with 11 Councilors present and voting in favor, the motion passed. Councilors Clark, Sutherland, Hansel and Richards were absent. Ordinance O-2017-04 declared adopted.

#### MSFI REPORT AND RESOLUTION R-2017-09: RELATING TO THE MODIFICATION OF THE TAX DITCH EASEMENT OFF LEE STREET TURNAROUND EASEMENT, AND UTILITY EASEMENT

Municipal Service, Facilities and Infrastructure Committee report read recommending the adoption of Resolution R-2017-09. The report was filed as informational. Resolution R-2017-09: Related to the Modification of the Tax Ditch Easement off Lee Street Turnaround Easement, and Utility Easement was read for the second time. A motion by Councilor Manwaring for adoption of the Resolution was duly seconded. On a showing of hands with 11 Councilors present and voting in favor the motion passed. Four Councilors were absent. Resolution R-2017-06 declared adopted.

04/20/2017

A motion by Councilor Manwaring for rescission of the Resolution R-2009-25-A was duly seconded. On a showing of hands with 11 Councilors present and voting in favor, the motion passed. Four Councilors were absent. Resolution R-2009-25-A declared rescinded.

COMMUNICATION - LIBERTY UTILITIES AND RESOLUTION R-2017-17: RELATING TO THE ABSOLUTE DISCONTINUANCE OF A PORTION OF PRODUCTION AVENUE

A communication was received from Liberty Utilities along with Resolution R-2017-17: Relating to the Absolute Discontinuance of a Portion of Production Avenue. The Chair referred the communication and Resolution R-2017-17 to the Municipal Services, Facilities and Infrastructure Committee. A site visit was scheduled for Thursday, June 1, 2017 at 5:45 PM and the Public Hearing was set by the Mayor for Thursday, June 1, 2017 at 7:00 PM.

NON-PUBLIC SESSION

At 8:18 PM, a motion by Councilor Greenwald to go into non-public session for the purposes of discussion of land matters under RSA 91-A:3 II(d) was duly seconded. On a roll call vote, 11 Councilors were present and voted in favor. Robert J. O'Connor, Robert B. Sutherland, George S. Hansel and David C. Richards were absent. Discussion was limited to the subject matter. The session concluded at 8:25 PM. A motion by Councilor Greenwald to keep the minutes in non-public session was duly seconded. On a roll call vote, 11 Councilors were present and voting in favor. Robert J. O'Connor, Robert B. Sutherland, George S. Hansel and David C. Richards were absent.

ADJOURNMENT

At 8:25 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:



City Clerk



## PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be held before the Keene City Council pursuant to a Petition from Kurt Blomquist, Public Works Director of the City of Keene, to consider **Resolution R-2017-01, relative to the complete discontinuance of a portion of Castle Street** that lies westerly of Ashuelot Street pursuant to the authority granted by RSA 231:43, and in accordance with the procedures set forth in RSA 231. The City Council will hear all parties interested who may attend and any evidence they may offer. The discontinuance plan is available for viewing at the Public Works Department, Office of the City Engineer.

SITE VISIT: May 4, 2017 at 5:45 p.m.

PUBLIC HEARING: May 4, 2017 at 7:00 pm.

PUBLIC HEARING LOCATION: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this 6<sup>th</sup> day of April, 2017.

Attest:

  
City Clerk



External Communication  
*Transmittal Form*

May 2, 2017

**TO:** Mayor and Keene City Council

**FROM:** Jan Manwaring, Keene Serenity Center Board of Directors

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.1.

**SUBJECT:** Jan Manwaring/Keene Serenity Center - Request to Temporarily Close a Section of Carpenter Street

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**ATTACHMENTS:**

Description

Communication - Manwaring

**BACKGROUND:**

The Keene Serenity Center is holding a celebration on Saturday, June 10 in the Carpenter Field. They are requesting that that portion of Carpenter Street immediately in front of their building be closed to vehicular traffic to allow electrical cords to cross the street to musicians who will be providing music.

**Keene Serenity Center  
36 Carpenter Street  
Keene, New Hampshire  
603-358-1505**

May 3, 2017

To the Honorable Mayor Kendall Lane and City Councilors,

The Keene Serenity Center is holding its Annual Barbecue and Summer Celebration on Saturday, June 10, 2017 across the street at Carpenter Field from 11AM to 4PM. It is our biggest fundraiser of the year. We are having a number of activities as well as several folk musicians. We need electricity for their equipment.

We are requesting that 36 Carpenter Street, the building of the Keene Serenity Center, be closed off, approximately 100 feet so that we may run electrical cords across the street to the musicians. Drivers can still go around this area, either through Kingsbury Street at the southern end to Valley Street and then to Church Street, or at the northern end through our parking lot to Kirk Court to Church Street and then Valley Street to Water Street. We are also requesting a dozen cones to mark off this short section of Carpenter Street.

We appreciate your support of our efforts to assist those in recovery or seeking sobriety from alcohol and other drugs. We are a 501(c)(3) organization with 13 active board directors and about 40 members that work to create a safe place for peer recovery activities to occur. Thank you for your consideration

Sincerely,



Jan Manwaring  
Secretary, Board of Directors



City of Keene, N.H.  
*Transmittal Form*

May 2, 2017

**TO:** Mayor and Keene City Council

**FROM:** Jessica Karp

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.2.

**SUBJECT:** Jessica Karp - Request for Stop Sign - Darling Road/Mountain View Road Intersection

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**ATTACHMENTS:**

Description

Communication - Karp

**BACKGROUND:**

Jessica Karp resides on Darling Road and she is requesting a stop sign be installed at the intersection of Darling Road and Mountain View Road.

May 2, 2017

Dear Mayor Kendall W. Lane and Keene City Council,

My name is Jessica Karp, I am a resident of Keene & a homeowner on Darling Road. I would like to propose the addition of a stop sign at the Darling Road and Mountain View Road intersection. This intersection has continually proven to be very dangerous. The traffic coming down the Mountain View Road hill does not currently have a stop sign, and therefore the cars drive down and do not hesitate to pull out into oncoming traffic on Darling Road. I have had several occurrences where I have been driving down Darling Road, towards West Surry Road, and have had to stop in the middle of the intersection to prevent being in a collision. Driving this route daily, I can say that on many occasions, I have witnessed the motorists drive through the intersection without doing as little as turning their head to look for oncoming traffic. This is truly concerning. I believe a stop sign for Mountain View Road would be beneficial to the neighborhood for the safety of motorists, pedestrians and the neighborhood children. Thank you for your consideration.

Jessica Karp

A handwritten signature in black ink that reads "Jessica Karp". The signature is written in a cursive, flowing style.



City of Keene, N.H.  
*Transmittal Form*

April 27, 2017

**TO:** Mayor and Keene City Council

**FROM:** Reagan Messer, Executive Director of MoCo Arts

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.3.

**SUBJECT:** Reagan Messer/Moco Arts - Request to Relocate Stairs - City Hall Parking Garage

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**ATTACHMENTS:**

**Description**

Communication - Messer

**BACKGROUND:**

MoCo Arts is moving forward with its relocation to a new facility at 38 Roxbury Street, the former site of the YMCA. As part of their site plan approval, the project requires the relocation of the stairs from the upper level of the City Hall Parking Structure. The request is seeking an agreement for the relocation of the stairs.





April 10, 2017

Mayor and City Council  
3 Washington Street  
Keene, NH 03431

RE: Negotiation of Agreement for Stairs from City Hall Parking Structure

Dear Mr. Mayor and City Council:

The MoCo Arts Family is moving forward with our project that will relocate MoCo from our current home at 76 Railroad Street to our soon to be new facility at 38 Roxbury Street. We feel this is an exciting time for MoCo, the city of Keene and our community as we move onto the former site of the YMCA. The revitalization of the City's East side has been in discussion for years and MoCo is proud to be a part of these efforts.

Part of our site plan approval and project requires the relocation of the stairs from the upper level of the City Hall Parking Structure that are located on MoCo Arts property. We would like to initiate discussions with the City Manager to develop an agreement for the relocation of the stairs.

Thank you for your consideration of our request.

Sincerely,

Reagan Messer  
Executive Director/Artistic Director of Dance  
MoCo Arts



City of Keene, N.H.  
*Transmittal Form*

May 1, 2017

**TO:** Keene City Council

**FROM:** Kendall W. Lane, Mayor

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.4.

**SUBJECT:** Mayor Lane - Request to Use City Property for the Fall Festival

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**BACKGROUND:**

In the spring of 2015, City Council approved the idea of holding a Fall Festival in Keene. The Monadnock Fall Festival was held on October 1<sup>st</sup>, 2016 and was found to be a successful event and the Committee would like to hold another festival this year.

*The Monadnock Fall Festival; A Celebration of Community and Culture*, will include music, theater, art, poetry, agriculture, small businesses, education and all of the other things that make our area unique and a place to be proud of. Keene State College will be collaborating with this event again this year to have it occur during their Parents' Weekend.

The Fall Festival Committee has selected the date of Saturday, September 30<sup>th</sup>, 2017. The scheduled hours for activities are 10:00 AM until 8:00 PM. We are seeking permission to use Main Street and Gilbo Avenue. Sections of sidewalks will be utilized for displays ensuring that pedestrian traffic is not in any way restricted. We will be requesting that Gilbo Avenue be closed and that the use of Police and Fire Department Personnel will be needed to detail the event.



External Communication  
*Transmittal Form*

April 27, 2017

**TO:** Mayor and Keene City Council

**FROM:** Councilor Terry M. Clark

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.5.

**SUBJECT:** Councilor Clark - Concerns with 411-461 Court St Housing Development Project

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**ATTACHMENTS:**

Description

Communication - Clark

**BACKGROUND:**

Councilor Clark is raising a concern over erosion control, missing property line markers and backyard safety issues with a housing development project at 411-461 Court Street.



Terry M. Clark

City Councilor, Ward 3

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April 27, 2017

Mayor and Council  
3 Washington St.  
Keene, NH 03431

Mayor and City Councilors,

Several concerns among land abutters and neighbors about the 411-461 Court St. housing development project have been brought to my attention, including but not limited to erosion control, missing property line markers and backyard safety issues.

Informal meetings between myself, neighbors, city staff and the landowner last winter showed promise, but have yet to yield satisfactory results.

I write to ask the council to see what can be done to address those concerns.

Respectfully,

A handwritten signature in black ink, appearing to read "Terry M. Clark". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Terry M. Clark  
City Councilor - Ward 3  
14 Barrett Avenue  
Keene, NH 03431  
tmclark@ci.keene.nh.us  
603-661-8347



City of Keene, N.H.  
*Transmittal Form*

April 26, 2017

**TO:** Mayor and Keene City Council  
**FROM:** Planning, Licenses and Development Committee  
**ITEM:** D.1.

**SUBJECT:** Underground Telecommunications Conduit Easements - IT Department

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**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute easements with Keene property owners as necessary for the installation across private property of underground telecommunications conduit which will be owned and maintained by the City.

**BACKGROUND:**

Rebecca Landry, ACM/IT Director reported Eversource is planning to complete a project this summer; they are calling it the Keene Downtown Improvement Project. This project entails moving underground equipment aboveground and during this process they will be installing new conduit to the customers they serve with that infrastructure. Eversource has been amenable to the idea of allowing or installing for the City telecom conduit alongside the conduit being installed for their services. Ms. Landry noted this is one of the things we have wanted to see happen for a very long time. She feels this is a good opportunity to at least get some conduit underground and open the door for businesses looking for underground broadband. In order to have this conduit installed alongside Eversource conduit we would need to get easements from property owners. Eversource has provided a list of the properties in question and with authorization from City Council the City Manager can enter into these easements. Ms. Landry concluded by explaining the recommendation is written so that it would not be just for this one project; moving forward the City Manager would have the authority to negotiate and execute such easements.

Chair Richards asked for Committee questions or comments.

Councilor Hansel asked how many properties are involved in this project and if this would allow the City to install their own conduit but not necessarily be used by the City in the future. Councilor Hansel clarified this is in no way the beginning of the City becoming an Internet Service Provider (ISP); owned and operated by the City. Ms. Landry indicated this was really a series of questions and she would answer each in turn. Ms. Landry advised there are approximately 24 property owners on the list, adding that these people have not been contacted yet. Ms. Landry explained she does not know what the conditions would be. She does suspect the City would want to have access to those conduits if needed. The City currently leases conduit to Fastroads and they do pay an annual fee. Ms. Landry also suspects they would be open for leasing on an open and fair basis for those having an opportunity to use them. Ms. Landry does not see the City becoming an Internet Service Provider (ISP) as much as building the road. She added the infrastructure is one of the biggest barriers to providers today and the hope here is to eliminate some of those barriers by putting the conduit in place.

Councilor Jones commented he was glad Ms. Landry made this a blanket motion so we do not have to keep coming back. Councilor Jones pointed out this is basically only dealing with easements and asked if we could make it bigger. Ms. Landry explained we are working on what is called a Dig Once policy. We are also working on getting a vendor in to do a broadband study based on what has worked successfully in other communities; so we are working in that direction.

Councilor Sutherland commented this is great foresight and noted his concerns 1. How much money are we empowering the City Manager to spend, and 2. How close is the conduit to electricity and is that going to interfere, and 3. Who is going to be the engineer designing this conduit so that we do not have interference between the electricity conduit and any other communications conduit? To the first question Ms. Landry referred to the background notes in the packet "In this case, easements will be sought in exchange for the potential broadband benefit rather than monetary consideration". She continued Eversource is working with these same expectations, so we are not looking to purchase these easements. Secondly, we are working with Eversource engineering as well as our City Engineer, Don Lussier to make sure we have none of those issues.

Councilor Hansel asked if Ms. Landry knew the costs for the City to put in this conduit. Ms. Landry advised this is one of the reasons we are trying to bring on an expert to do a broadband study for us. She continued it varies from community to community and on whether you are doing a direct bury or alongside another excavation project, and or going aerial. We do not have the information for our community yet, but we will have it. Councilor Hansel clarified all we are really doing is authorizing the City Manager to approach these property owners with the proposition of potentially putting conduit in, hopefully in exchange for Broadband connectivity. He continued any actual laying of conduit would have to be financed so it would come back and we'd get another look at it; is that correct. Ms. Landry replied that depends, if Eversource is just looking to put conduit in and we buy the conduit if it is less than the threshold that requires us to come back it could go forward without going to the Finance Committee. If we hit that \$20,000 threshold where we have to buy materials or pay for professional services than it would have to come back to Council or go through the budget process. Councilor Hansel commented he is okay with it but is concerned because it is a large scale project and we are just looking at a piece of it. Councilor Hansel added he is glad the overall study is being done to look at the big picture. Ms. Landry noted she appreciates the Councilor's concern adding we have this opportunity just because Eversource is moving forward with this project in the June/July timeframe. She does not think the study will be done by then but did not want to miss this opportunity.

Medard Kopczynski, the City Manager commented we are at the beginning stage of looking at all of these processes. Noting that Eversource is abandoning some of their lines/conduit he explained we do have an opportunity to take over some of their conduit, in the first instance, and maybe do some connections with the second. The City Manager agreed with Ms. Landry comments that we have a lot of planning to do. He commented we do have a lot of people and plans for digging up in the downtown area citing Fair Point and the Gas Company as examples. Mr. Kopczynski said it is the right time to determine the layout and what the long-term needs of the City will be. As far as the Dig Once policy it could be as simple as a requirement as part of the permitting process. He continued we do not know yet; it may not be as expensive as we think or it could be more expensive than we think.

There being no comments from the public Chair Richards asked for a motion.

Councilor Hansel made the following motion which was seconded by Councilor Jones.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute easements with Keene property owners as necessary for the installation across private property of underground telecommunications conduit which will be owned and maintained by the City.

Councilor Sutherland commented without having all the information he is concerned about building a bridge to

nowhere. Councilor Sutherland is in favor of this as long as it does not start spiraling out of control and the costs. Ms. Landry suggested she would be happy to report back to the Committee after the negotiation process has taken place. Chair Richards was in favor of this suggestion.

Councilor Hansel suggested using this project as sort of a test to see what real issues come up and how realistic it is. He noted in this way it is a good opportunity.



City of Keene, N.H.  
*Transmittal Form*

April 26, 2017

**TO:** Mayor and Keene City Council

**FROM:** Planning, Licenses and Development Committee

**ITEM:** D.2.

**SUBJECT:** Farmer's Market of Keene - Request to Amend License

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**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses and Development Committee recommends granting the request from the Farmer's Market of Keene to amend their license to acknowledge a reduction in the number of parking spaces used from 40 spaces to 22 spaces on Tuesdays during the 2017 license period, including a corresponding reduction in the rental fee. The rental fee will be reduced from \$1,200 to \$932 for the season (payable on the first day of every month at \$155.00 per month).

**BACKGROUND:**

Bruce Bickford, of the Farmer's Market of Keene reported the Market is allocated space in the Commercial Street Lot and along Gilbo Avenue on Tuesdays and Saturdays. Mr. Bickford reported the sites have been working very well and explained they are not using all of the parking spaces allocated to them on Tuesdays. He went on to state they would like to request the spaces in the Commercial Street Lot be omitted from the license on Tuesdays with a coinciding reduction in the fee.

Todd Lawrence, Acting Captain of the Keene Police Department reported after review staff has no issues with this request.

There being no further comments from the public or the Committee, Chair Richards asked for a motion.

Councilor Jones made the following motion which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses and Development Committee moves to recommend granting the request from the Farmer's Market of Keene to amend their license to acknowledge a reduction in the number of parking spaces used from 40 spaces to 22 spaces on Tuesdays during the 2017 license period, including a corresponding reduction in the rental fee. The rental fee will be reduced from \$1,200 to \$932 for the season (payable on the first day of every month at \$155.00 per month).





City of Keene, N.H.  
*Transmittal Form*

April 27, 2017

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.3.

**SUBJECT:** Acceptance of Donations to Library Renovation Project - Campaign Manager for the Next Chapter

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**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the acceptance of donations totaling \$134,151.30 as listed in the January, February and March statements of the Cambridge Trust Bank, with the funds deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.

**BACKGROUND:**

Library Renovation Project Campaign Manager Patty Farmer she was before the Committee regarding the next installment deposit into the Cambridge Trust Account in the amount of \$134,151.30 for January, February and March as part of the Next Chapter Campaign Drive. Councilor Powers asked whether this means the actual amount would be \$268,000 because of the challenge grant. Ms. Farmer stated not exactly because this amount also includes pledges that were made prior to January 11. She added however, since January approximately \$130,000 has been matched.

Councilor Clark extended his appreciation to the Friends of the Library for their efforts.

Councilor Clark made the following motion which was seconded by Councilor Powers.

On 5-0 vote, the Finance, Organization and Personnel Committee recommended acceptance of donations totaling \$134,151.30 as listed in the January, February and March statements of the Cambridge Trust Bank, with the funds deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.



City of Keene, N.H.  
*Transmittal Form*

April 27, 2017

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.4.

**SUBJECT:** Acceptance of Donation - Parks, Recreation and Facilities Department

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**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of two bike repair stations from Antioch New England University and Pathways for Keene. The bike stations will be placed along the Rail Trail and in the downtown footprint area.

**BACKGROUND:**

Parks, Recreation and Facilities Director Andrew Bohannon stated this donation from Antioch University New England (AUNE) and Pathways for Keene is for bicycle repair stations which funds are matched by the City. Students from AUNE have expressed interest in making some improvement behind the university on the trail system; AUNE has a high bicycle riding population and wanted to come up with a repair station. The students expressed interest in locating additional stations in other places in the city as well. The University has purchased three of these stations; Pathways for Keene is providing funding for one, the city is providing funding for the second and AUNE for the third. The value of the three units is approximately \$4,500, and the City's portion is \$1,600.

Councilor Hansel stated the City of Manchester is putting something similar in place and stated he was glad we have this great asset in Keene which sets us apart.

Councilor Powers made the following motion which was seconded by Councilor Clark.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of two bike repair stations from Antioch New England University and Pathways for Keene. The bike stations will be placed along the Rail Trail and in the downtown footprint area.



City of Keene, N.H.  
*Transmittal Form*

April 27, 2017

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.5.

**SUBJECT:** Lease Agreement - Transportation Center - Parks, Recreation and Facilities Department

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**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a lease amendment with Christos Georgiadis for space located at the Transportation Center.

**BACKGROUND:**

Mr. Bohannon stated this item is for a lease amendment with YOLO Ice Cream shop which tenant leases space within the Transportation Center. Mr. Bohannon made note to language within the recommendation which should read as "lease amendment" and the second paragraph of the background notes should read as \$100 not \$1,000.

Chair Greenwald stated there is much negotiation that goes into these lease agreements and the numbers indicated in the background notes are not always the final number; there is always negotiation that happens between the City Manager and the tenant.

Councilor Jacobs clarified this is a monthly rent. Mr. Bohannon agreed. Chair Greenwald noted Yolo has been a good tenant and they have been an asset to the downtown.

Councilor Jacobs made the following motion which was seconded by Councilor Chadbourne.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a lease amendment with Christos Georgiadis for space located at the Transportation Center.

The Manager stated Mr. Bohannon has had to pick up the task of taking care of some of these leases and thanked him for this additional work.



City of Keene, N.H.  
*Transmittal Form*

April 27, 2017

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** D.6.

**SUBJECT:** Biofuel Generator Project - Option Update Report - Public Works Department

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**RECOMMENDATION:**

On 4-1 vote, the Finance, Organization and Personnel Committee recommends based on the energy options validation study conducted by WV Engineering, that the City Manager be authorized to do all things necessary to move forward with the Biofuel Generator Project to provide a primary power source at the solid waste facility, and use grant funds available from the EPA Climate Showcase Communities Grant to fund a portion of the project.

**BACKGROUND:**

Asst. City Manager/Planning Director Rhett Lamb began by introducing Charlie Herr of WV Engineering. Mr. Lamb stated in the Fall of 2016 staff came to Council regarding providing power at the transfer station indicating another source of energy needed to be found. This facility has been operating on a generator since 1994 to provide three phase electrical power off the landfill gas. This system is no longer viable for the long run due to the decline in landfill gas; currently it operates at 70% during the warmer months and 40% during the colder months.

In August of 2016, Engineers, Sandborn Head completed a study and looked at a broad array of options and provided a report. Staff picked three of these options; (1) Extend three-phase power from where it stops at Route 12, (2) Biodiesel Generation, (3) Solar Generation with Battery Storage. Based on these three options, the City Council authorized the Manager to explore the biofuel option and to also use the EPA Showcase Communities Grant which is a grant in the amount of \$500,000.

Following Council's discussion and comment WV Engineering was hired to look at all three options and to provide a cost analysis. Mr. Lamb stated staff recommends the city moved forward with the biofuel option and added the WV study was funded through the Solid Waste Operating budget. Mr. Lamb then turned the presentation over to Charlie Herr.

Mr. Herr explained that the first option is to extend three-phase power with Eversource and Fairpoint running a line along Route 12 to the site. This would require the installation of a transfer switch to power the existing diesel generator in case there was an outage. He noted that Eversource provided an estimate of \$65 per foot for their work and Fairpoint who would be providing the poles gave an estimate of \$2,580 per pole. The total estimate for this work is \$692,000. To this amount a 10% fee was added for engineering, permitting and administration costs and a 10% contingency cost for a total of \$769,000.

He continued that annual electricity costs were also estimated using Eversource's GV rate and they came up

with an average monthly consumption of 26,200 kW-hr and an average monthly peak demand of 147 kW. Using the GV rate schedule, the annual cost of electricity was estimated to be \$66,000. Hence, the 10-year cost for this option has been estimated to be \$1,430,000 and the 20-year cost to be \$2,089,000.

Mr. Herr stated the second option was the Biodiesel Generation. This option would include a 20,000 gallon tank for storage of biodiesel fuel installed at the site for supplying the generator and other city and facilities. This option would require the installation transfer switch to power the existing diesel generator in case there was an outage. Total installation cost has been estimated to be \$493,500 including engineering, administration and contingency costs. The total installation cost after the EPA grant is applied would be \$164,000. The fuel costs for this option are based on 315,000 kW-hr annual electricity consumption and published fuel consumption rates for the biodiesel generator specified, the annual fuel consumption rate is estimated to be 23,700 gallons. Based on a cost of \$1.50 per gallon and a \$0.10 per gallon fluctuation the annual fuel cost is estimated to be \$37,920. The yearly maintenance costs are estimated to be \$3,000 for the generator and \$2,000 for the tank. Based on all these figures, the 10-year cost for this option has been estimated to be \$593,000, and the 20-year cost to be \$1,022,000.

Mr. Herr continued the third option is Solar Generation with Battery Storage. This option consists of a solar array with battery storage capability and to supply the electrical demand of the facility, except during the winter when occasional help from the existing diesel generator may be required. The cost estimate for this option is 4.5 million dollars, plus the following work: Land clearing, leveling, access road installation, concrete pad for battery, re-configuration of existing conduits, etc. The total for this came to \$4,989,000 including engineering, administration and contingency. The total installation cost after the EPA grant is applied would be \$4,489,000. Ten year cost with \$11,000 yearly maintenance costs included would be \$4,599,000. Twenty year cost with \$11,000 yearly maintenance costs included would be \$4,709,000. It should be noted the 20 year cost does not include the replacement of the solar panels or the batteries which have a useful life of about 25 years.

Chair Greenwald with reference to the three-phase power option asked who owns the poles and asked if the city pays \$2,500 to construct a pole whether the city at that point does not own the pole. Mr. Herr stated Fairpoint and Eversource would own the poles and could also use this infrastructure to provide power for other customers in the future.

The Chairman asked whether other utility companies in addition to Eversource have been looked at, stating he believes the City is competitively purchasing power from other companies. Mr. Lamb agreed and stated First Point is a company the city has a contract with currently through the end of 2018. Mr. Lamb added Mr. Herr had only looked at Eversource. The City Manager added the difference between the two companies could be a couple of cents different per kilo watt hour. The Chairman asked for a dollar amount difference by the next Council meeting.

Councilor Powers clarified for all three options there would be a backup generator. Mr. Lamb agreed.

Councilor Clark asked if the city was to access three-phase power from Wyman Road through the woods, whether Eversource would have to install those poles. Mr. Herr stated they would as they would be providing the overhead power and added he did not look into a private contractor doing this work. He added he has seen this work done occasionally by a private contractor but it has not been done too often. The Councilor felt this was a shorter distance. Mr. Lamb stated they did not look at the length but one option they did look at was looking at another access route instead of Route 12 (crossing over Route 12), but this would depend a lot on the participation from the State because they own the former rail line and there are some natural obstacles such as bedrock and wetlands. Councilor Clark felt if Eversource could be left out of the picture it could save the city a lot of money and if solar could be looked at more closely the numbers could change.

Councilor Jacobs asked if other customers were going to be using the poles the city was constructing whether this could be looked at as an economic stimulus. Mr. Lamb felt this is an important question and something that

could interest Eversource – he explained the first issue is to see if this land could be developed. He referred to where the water and sewer lines end and talked about the cost to extend these lines for any sort of industrial development. He referred to the Aldrich property which has been looked at in the past which has frontage on Route 12 but it does have a substantial amount of wetland. The Barrett property also has some contour issues. There are flatter properties on the top of the hill but the slopes leading to it and the outcroppings pose significant problems. There is land on the top of the hill outside of Keene which could offer some development possibilities but staff doesn't see anything that stands out right now.

Council Hansel asked what will happen to the methane generator that currently exists at the landfill and what would happen to the left over methane. Mr. Lamb stated under any of these options that generator would be decommissioned and stated he would like to defer to Duncan Watson for added clarification. Mr. Watson agreed with what Mr. Lamb had said and added the city would put it out for some sort of salvage value which is unknown at this point. Chair Greenwald asked whether it would not be prudent to keep using this generator. Mr. Watson stated the reliability aspect is one of the reasons staff is in front of the Committee today. This system has been in place for close to 23 years and it is at the end of its useful life.

Councilor Powers noted the changing technology and asked for the odds of not needing three-phase power at the landfill in the near future. Mr. Watson stated someday the city will start shipping its material from its landfill to a larger facility but this is a decade plus away because of the capital cost of starting such a facility in this area, this does not look very promising at this time.

Councilor Jacobs stated there was a question about bio diesel fuel and the availability of this fuel. Mr. Lamb stated the city has a list of six or seven providers of bio fuel within five hours of Keene. The primary provider the city has reached out to is White Mountain Bio Diesel in Littleton and they are the primary source of information provided for today's discussion. Mr. Lamb added should there ever come a time anything happens to the bio fuel market what situation would the city be in at that point. Mr. Lamb stated according to Mr. Herr and the specifications provided to the city, the city could easily switch over to diesel with minor modifications to the tank and run the generator.

Councilor Powers asked whether the work WV Engineering did recently showed anything different to what has been done previously. Mr. Lamb stated the three-phase power had a ten-year cost of 1.2 million (report from November), WV Engineering has it at 1.4 million. The bio diesel price is within that ballpark but solar with battery backup even though this is an emerging technology was considerably higher.

Councilor Chadbourne made the following motion which was seconded by Councilor Powers.

On 4-1 vote, the Finance, Organization and Personnel Committee recommends based on the energy options validation study conducted by WV Engineering, that the City Manager be authorized to do all things necessary to move forward with the Biofuel Generator Project to provide a primary power source at the solid waste facility, and use grant funds available from the EPA Climate Showcase Communities Grant to fund a portion of the project.

Councilor Powers voted in opposition.



City of Keene, N.H.  
*Transmittal Form*

May 2, 2017

**TO:** Mayor and Keene City Council

**FROM:** Michele Chalice, Planner

**THROUGH:** Rhett Lamb, ACM/Planning Director

**ITEM:** H.1.

**SUBJECT:** Ordinance - O-2016-01-A and O-2016-02-A

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**RECOMMENDATION:**

A motion was made by Mayor Kendall Lane that the Planning Board find Ordinance O-2016-01-A and O-2016-02-A are in compliance with the Comprehensive Master Plan. The motion was seconded by George Hansel and was unanimously approved.

A motion was made by David Richards that the Planning, Licenses and Development Committee recommend the Mayor set a public hearing on Ordinance O-2016-01-A and O-2016-02-A. The motion was seconded by George Hansel and was unanimously approved.

**ATTACHMENTS:**

**Description**

Ordinance O-2016-01-A

Ordinance O-2016-01A\_Red-Line

Ordinance O-2016-02-A

Ordinance O-2016-02-A\_Red-Line

Marlboro Street Rezoning Map

**BACKGROUND:**

Planner Michele Chalice began by saying that the Committee only has two potential map changes left as well as some zoning issues to look at today; (1) “Repair Garage” in the Business Growth and Re-Use District, (2) the implications for adding “Institutional Use” in the Business Growth and Re-Use District (BGR) and the Neighborhood Business District (NB) and the (3) approval of the ordinances.

“Repair Garage” – This is a use that has a condition even in the existing Industrial District. Chair Spykman asked whether there was any district in the City where a “Repair Garage” use is permitted without a condition. Ms. Chalice answered in the affirmative and added the only other district that permits “Repair Garage/Paint Shop” is Commerce and this has a condition as well. Ms. Chalice added if this condition is met, i.e., if the use is screened, this use is proposed to be able to happen anywhere in the BGR District. She noted this is not a use that was considered during the Marlboro Street Re-Zoning Project. However, the concern prioritized by the committee during the Marlboro Street Re-Zoning Project was this concept of a “walkable community” and felt a resident being able to walk to a place to have their vehicle repaired would be consistent.

The alternative would be to allow this use with a Special Exception, but this would be a different process and an applicant would have to go before the Zoning Board of Adjustment for a Special Exception. Ms. Chalice referred to the following criteria the Zoning Board would take into consideration:

*(a) The zoning board of adjustment shall have the power to hear and decide Special Exceptions to the terms of this chapter and, in doing so, may grant approval in appropriate cases and subject to appropriate conditions and safeguards for the protection of the public health, safety and welfare.*

*Special Exceptions may be approved if the board finds that:*

*(1) The proposed use is similar to one or more of the uses already authorized in that district and is in an appropriate location for such a use.*

*(2) Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious or offensive to the neighborhood.*

*(3) There will be no nuisance or serious hazard to vehicles or pedestrians.*

*(4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.*

Chair Richards asked for the dimensional requirements for a “Repair Garage.” Ms. Chalice stated there are no dimensional requirements, but referred to the following definition for a “Repair Garage”: *means a building or structure or part thereof or any premises used for making major changes and adjustments to motor vehicles including structural changes or repairs, and including work involving the use of machinery.*

Councilor Sutherland stated there has always been an effort to get rid of car dealership type uses out of this area and to encourage Residential on one side and variety of other uses on the opposite side. He felt what the Committee should be looking at is BGR with Special Exception or Central Business with Special Exception.

Mayor Lane stated the attempt to reduce car dealerships on Marlboro Street, which happened in the 70’s, was to reduce the congestion on Marlboro Street and this applied to any automobile use that caused congestion on this street. He stated one of the concerns he has is the regulations Keene places on small businesses which makes it difficult for them to exist in this community. He felt the regulatory oversight being placed on these small businesses were meant for larger businesses and came in because of the Konover Mall. The Mayor stated what needs to be thought of is how we encourage small businesses and how do we discourage small business. If the attempt is to discourage small business they could then be required to go before multiple bodies. However, if the desire is to encourage small business, then put in place a requirement for that not happen.

Councilor Sapeta asked whether the “Repair Garage” is a use that should be looked at from a longer perspective than five or ten years as this is an industry that is innovative and the City could be looking at inviting a forward-looking, cleaner industry.

Mr. Lamb stated there are two businesses that currently fall under this category; they can still stay at their location but would be non-conforming. Ms. Chalice added staff’s recommendation is to utilize the condition as it was utilized in Industrial to make sure the visual aspect is completely contained, should this use happen.

Mayor Lane asked in the Industrial Zone where the two automobile repair shops currently exist whether they were conforming uses. Ms. Chalice stated she was not quite sure but noted Tom’s Auto does have screening around their site but felt this is something the Zoning Administrator will need to verify. Chair Spykman stated landscaping has been added around Tom’s Auto makes this site conforming and it would be the same with Victoria Street.

Councilor Sutherland felt residences might not mind a “Repair Garage” but could object to a “Paint Shop” because of issues with fumes, etc. Ms. Chalice stated the Committee does not have to permit a paint shop, it can specify what it would like. Chair Spykman stated that there was an automobile/paint shop the City approved on Winchester Street recently which has substantial filtering and noise reduction equipment and felt



auto garages can be a clean business.

Ms. Landry asked whether a change of ownership would affect a use. Ms. Chalice stated it would not, even with a Special Exception as long as the use stays consistent.

Councilor Hansel stated he was trying to figure out what was less onerous to an applicant; Industrial and having a condition or having to require a Special Exception. Ms. Chalice stated requiring a Special Exception would cause a project and applicant to go before the Zoning Board of Adjustment.

Councilor Jones stated he agrees with what the Mayor stated and felt otherwise we would be handing over car repairs to big businesses like Sullivan Tire and Midas who can afford developers. Vice-Chair Barrett stated over the years he has visited repair shops located in various neighborhoods, even some located in Residential areas and did not see them having a negative impact in any of those areas.

Vice-Chair Barrett stated he did not see a problem including this use in BGR with the same condition that exists right now in the Industrial district. Chair Spykman asked whether anyone on the Board has an objection to this. The Committee did not.

Ms. Chalice referred to page 16 of the staff report which shows a red building – Tom’s Auto. This owner has two parcels on Water Street. These parcels are surrounded by Central Business on the north, west, and east, and surrounded by the proposed Residential Preservation District on the south. She added garage business is the notion of storage which use is allowed in Commerce, whereas “Repair Garage” is conditionally allowed in Industrial. Staff feels this would be an appropriate use in BGR. Ms. Chalice referred to use comparisons on page 28.

Councilor Sapeta asked how the owner has reacted to this zoning change. Ms. Chalice stated the owner is not particularly interested in any zoning changes because it would make his site non-conforming.

The Committee agreed these two parcels should be located in the Business Growth and Re-Use District.

This concluded the zoning changes for Ordinance 0-2016-02.

Ms. Chalice then referred to “Institutional Uses” being included in the BGR as well as Neighborhood Business. Currently Sec. 102-1112 of the City of Keene’s Zoning Code states:

*A Special Exception is required to change to a different “Institutional Use” or to add another “Institutional Use” other than in the central business (CB), central business limited (CBL), and Commerce (COM) zones – it is being suggested adding BGR and NB to this language.*

Councilor Hansel stated he wasn’t sure if he wanted “Institutional Uses” in BGR; his vision for this area is to bring small business and revitalize this area and build it up. Ms. Chalice noted this would only be allowed from Marlboro Street up to Eastern Avenue. Councilor Hansel stated this is the area he wants developers to be looking at and wanting to develop.

Councilor Sutherland added Neighborhood Business (NB) also has restrictions as it relates to parking and felt “Institutional Use” would hence not bode well in this district either based just on the restrictions. Ms. Chalice stated another provision which would need to be addressed is the doubling of the side and rear setbacks when an “Institutional Use” happens immediately adjacent to a Residential use. She referred to a map and noted in the NB District and the BGR District there are areas immediately adjacent to the Residential Preservation (RP) parcels.

Chair Jones stated he did not feel there would be sufficient room to build anything related to Neighborhood

Business in this small area of land which would be “Institutional Use” and stated he too agrees with Councilor Hansel that we would like to get BGR in this area. Ms. Chalice noted there are certain Institutional use’s that can be small, such as the Waldorf School.

Councilor Sapeta noted there are also a college use, senior center and place worship also included in this. Mr. Lamb stated there is no proposal to change the definition of “Institutional Use” which would be a bigger task rather than adding it to a proposed zoning ordinance. Chair Spykman asked Mr. Lamb to explain how the “odd” “Institutional Use” system works in Keene. Mr. Lamb stated there was a time when “Institutional Use” was adequately regulated in Keene. There were churches popping up in Residential areas. Hence, the City set up a definition for Institutional which stated “Institutional Use” will be allowed by Special Exception in certain areas. This is why Section 102-1111 and -1112 includes a list of streets; Marlboro Street is on this list and is allowed here regardless of what the underlying zoning is.

Councilor Jones stated his thought is this change would provide for some standard for “Institutional Use” to happen in a certain portions in the City where over-lapping uses take place; it would already be a defined area. Mr. Lamb stated the fundamental question is whether the Council is going to require it by Special Exception or not. Mayor Lane felt the Committee might be putting in place something that would be difficult to solve if it tries to solve the issue of “Institutional Uses” tonight. The Mayor felt the Central Business District could probably support “Institutional Use” on Marlboro Street and off Marlboro Street. He indicated he wants small businesses and wants to grow small businesses but doesn’t feel the same way about “Institutional Uses” and felt “Institutional Uses” that are non-profits need more control as to where they are located, how many of them exist, and what kind of impact they have on where they are located. He did not feel “Institutional Use” should be added to this ordinance.

The Committee agreed to leave “Institutional Uses” as they exist at the present time.

Review Ordinance as it exists with the revisions made to it since April – Ms. Chalice referred to the bottom of page 17 - **O-2016-01 Committee and Staff Revisions to Date.**

Councilor Sapeta asked why Bed and Breakfast is permitted in BGR, NB and RP. Ms. Chalice stated Bed and Breakfast was a recent add-on and the idea was to leverage the older homes in the community as the City doesn’t have the family size to support these older homes. Under the definitions there are two types of Bed and Breakfast that has been created – *Bed and Breakfast with dining meeting facilities* in NB is with Special Exception as well as in the RP because it is believed this would be a high density use and considerations need to be made for properties within this district. Whereas, *Bed and Breakfast inn/tourist home* is a permitted use by right in all three districts.

Councilor Hansel referred to page 24 – chart – column entitled *Max. Building. Height/Stories (w/ 1st Floor Parking)* – he noted – he likes the provision of permitting an extra floor because parking is being permitted on the first floor. He asked whether this is being done in any of the other zones. Ms. Chalice stated it is being done in NB and BGR. Ms. Chalice referred to page 21 – has the ability to go up an extra story if it is an energy efficient building from one of the four methodologies. The Councilor stated the way in which he is reading this – in NB if there is first floor parking and you get another story of occupancy, it is going from two to four stories rather than three to four stories as in the other zones. Ms. Chalice agreed this is an error she will need to correct.

The last line on the chart on page 21 should correctly read as: 2, 4, 3, and 5 (left to right). Ms. Chalice agreed and thanked Councilor Hansel for correcting the mistake.

Ms. Landry asked where motor vehicle “Repair Garage” will be incorporated. Ms. Chalice stated this will be added to the uses for BGR (page 20).

A motion was made by Mayor Kendall Lane that the Planning Board find Ordinance O-2016-01-A and O-2016-02-A are in compliance with the Comprehensive Master Plan. The motion was seconded by George Hansel and was unanimously approved.

A motion was made by David Richards that the Planning, Licenses and Development Committee recommend the Mayor set a public hearing on Ordinance O-2016-01-A and O-2016-02-A. The motion was seconded by George Hansel and was unanimously approved.

Ms. Chalice explained after the public hearing this matter will be referred back to the Planning, Licenses and Development Committee who will discuss the Ordinance with no public comment and recommend to Council whether or not to adopt the two ordinances. Subsequent to that the Council will vote on the two Ordinances.



# CITY OF KEENE

Sixteen

In the Year of Our Lord Two Thousand and .....  
Relating to the Creation of a Residential Preservation District, a Business Growth

AN ORDINANCE .....and Re-Use District and a Neighborhood Business District.....

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by inserting the bolded text and deleting the stricken text, as follows:

1. That the Ordinances of the City of Keene, Article IV, Division I, Section 102-241(a), Establishment and boundary lines, are amended by adding the following districts to *District Titles* as follows:

- a) Residential Preservation - RP
- b) Business Growth and Re-Use - BGR
- c) Neighborhood Business – NB

2. That the Ordinances of the City of Keene, Article IV, is amended by adding the following Districts:

## Division 21. - Residential Preservation (RP)

Sec. 102-770. – Intent

The intent of this Residential Preservation District (RP) is to provide and/or re-create a neighborhood of residential properties that prioritizes family units. The district has a mix of small to large residential house types. There are shallow front setbacks and shallow to medium side setbacks; with variable, private landscaping, streets with curbs, sidewalks, and shade trees that define medium to large blocks.

- (1) Prioritize residential uses with proximity to small, urban green spaces connected to walk and bike locations along and into the connecting streets and districts;

- (2) Encourage an environment where buildings are arranged, sized and scaled according to the needs and comfort of pedestrians;
- (3) Encourage and/or maintain walk and bike-friendly connections throughout the district and along streets;

Sec. 102-770.1 - Permitted Principal Uses – Any mixture of these primary uses is permitted

Permitted Use	Subject to the Following:
Accessory Dwelling Unit (ADU)	<1,500 SF
Bed & Breakfast Inn/Tourist Home	
Bed & Breakfast w-Meeting/Dining Facilities	Special Exception
Single-family Dwelling	
Duplex/Two-Family Dwelling	Affidavit of owner-occupancy for new structures with Certificate of Occupancy
Noncommercial Raising of Farm Animals	
Nursery/Child Care Facility	< 2,500 SF

Sec. 102-770.2 - General

- 1) In the case of a “Duplex/Two-Family Dwelling”, the property owner must occupy one of the two dwelling units.
- 2) A completed affidavit of occupancy by the owner of one unit upon application for final “Occupancy” by the Building Code department is necessary.

Sec. 102-770.3 – Density, Height, Dimensional Regulations

Residential Preservation Zoning District Density, Height and Dimensional Regulations								
MAXIMUM BUILDING HEIGHT - STORIES	MINIMUM LOT SIZE	MINIMUM LOT SIZE PER DWELLING UNIT	ALLOWABLE DWELLING UNITS	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM SETBACKS: BUILDINGS	MAXIMUM % OCCUPIED BY STRUCTURE/S	MAXIMUM % OF LOT IMPERMEABLE (Buildings & Pavement)	MINIMUM % GREEN/OPEN SPACE (not gravel)
2	8,000 SF	5,400 SF	2	60'	15' Front	35%	45%	55%
					10' Side			
					20' Rear			

Sec. 102-770.4 -5 - Reserved

## Division 22 - Business Growth and Re-Use District (BGR)

### Sec. 102-771.0 – Intent

The intent of this district is to enhance the economic vitality of the area by re-developing with new technology companies as well as clean manufacturing, processing, assembling and wholesaling businesses within a walkable, human-scaled place. The district provides height, density, and mixed-use incentives to attract redevelopment adjacent to Keene’s urban core. Existing infrastructure and services as well as access to the Cheshire Rail Trail offers Smart Growth opportunities. Creative development is encouraged alongside the Beaver Brook corridor, utilizing Keene’s environmentally-progressive planning policies and adaptive re-use tradition:

- 1) Create conditions suitable to co-exist adjacent to residential neighborhoods;
- 2) Create conditions which support that of a high quality, walkable community; a “Walkable Community” being an economically thriving, livable, aesthetically harmonious, ecologically-sustainable place that gives their residents a variety of safe transportation choices and improved quality of life.
- 3) Create a sense of place through enhancing public access, providing landscape amenities, ensuring proper lighting and promoting an aesthetically-pleasing streetscape;
- 4) Connect uses and buildings while prioritizing pedestrian and bicycle access separate from vehicular access;
- 5) Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create “outdoors rooms”, a critical element of “place-making”; aiming for ratios of building facades to roadway widths from 1:2 to 3:2;
- 6) Recognize the role of large street trees which plays an important role in creating a pedestrian scale. Pedestrian comfort being another critical element to the vitality of these new places being created;
- 7) Reduce the impacts of parking through its placement behind or alongside buildings;
- 8) Provide open space and landscaping to create small, public spaces for social interaction, enhancing the visual appearance and appeal of the individual properties along Marlboro Street and connecting streets;
- 9) Provide trails for pedestrians and bicyclists to ensure that Keene’s walkable and bicycle-friendly environment is extended along Marlboro Street and into the connecting streets and neighborhoods;
- 10) Provide pedestrian amenities such as kiosks, stands, street furniture, drinking fountains, trash and recycling receptacles,
- 11) Enhance the visual appearance of the individual properties, Marlboro Street, and connecting streets;
- 12) Provide location-sensitive transitions between neighborhoods and uses along Marlboro Street; and
- 13) Provide shade and public spaces for social interaction.

Sec. 102-771.1 - Permitted Principal Uses – Any mixture of these primary uses is permitted:

Permitted Use	Subject to:
Assembly	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Bed an Breakfast Inn/Tourist Home	
Bed and Breakfast with Meeting/Dining Facilities	
Bulk Storage & Distribution of goods, accessory to main manufacturing use	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
College: undergraduate, graduate and industrial training programs	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Health & Fitness Center	Special Exception required for all outdoor activities. Accessory use only.
Historic Site	
Home Occupation/Live-Work	
Home Offices (Insurance/Publishing Companies, Manufacturing Firms)	
Manufacturing/Processing	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Motor Vehicle Repair Garage, Paint Shop	Condition: No outside storage of dismantled vehicles or vehicle parts in the front yard area; all outside storage except of registered vehicles with no more than minor damage must be screened from view by a minimum six-foot-high impervious fence or hedge or similar buffer along internal lot lines.
Multi-Dwelling Structure	Special condition: mixed use only when connected to a commercial or industrial use.
Neighborhood Grocery Store	< 3,500 SF

Nursery/Greenhouse	
Office, Small Scale Corporate, Business or Professional Purposes	Any one use may occupy no more than 20,000 gross square feet of floor space. Special exception subject to criteria for > 20,000 square feet.
Research & Development Laboratory	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Restaurant	As distinguished from a bar and less than 50 seats.
Warehousing	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Wholesaling	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.

Sec. 102-771.2 – General

- (1) Buildings may have more than one principal façade and/or entry.
- (2) New buildings which have a property line along Beaver Brook are encouraged to face Beaver Brook as an amenity.
- (3) For ecological and aesthetic reasons, the City encourages Beaver Brook’s Floodway, i.e. “No-Build Setback Strip” to be maintained as an open, strip of native grasses and wildflower meadow from NH Route 12 to Railroad Street. The City also encourages an easement be granted to the City for a walking and bicycling trail connection along this Floodway from NH Route 12 along Beaver Brook to the City’s Rail Trail connection at Water Street.
- (4) Service alleys shall be no more than 15 feet wide.
- (5) Lighting and windows onto a service alley shall be placed at regular, evenly-spaced intervals.
- (6) Ground-level HVAC units are not permitted unless completely screened from street, sidewalk, path and street views.



Sec. 102-771.3 – New Building Incentive Option

Application procedures and information required:

(a) Upon application, the zoning administrator shall begin the process for evaluating whether or not a project is eligible for the incentives contained within the BGR district. The applicant shall be responsible for submitting a letter of intent, application form and application fee (collectively identified as the "application") to the zoning administrator to initiate this process.

(b) The letter of intent, signed by the applicant and property owner, or his authorized agent, shall include a narrative that addresses the following:

(1) A description of the complete project and what strategies will be employed to obtain a green building certification.

(2) The green building system and level of attainment proposed for the project.

a. LEED®, Green Globes, the National Green Building Standard (ICC 700), and the International Green Construction Code are the acceptable Green Building Rating systems for this article.

b. Demonstrated compliance with these systems will permit pre-certification.

(3) All necessary information to allow an informed decision regarding the applicant's ability to comply with the chosen rating system.

(4) Statement that the applicant releases the City of Keene, its officers, employees, agents and servants from any liability if the applicant is unsuccessful in efforts to attain green building certification or equivalent, as identified in this article.

(c) With the letter of intent, the applicant will choose a third party reviewer from a listing of third party reviewers maintained by the code enforcement department. The applicant can provide a third-party nomination to the code enforcement department, but acceptance of the third party shall be at the sole discretion of the department. The costs and expenses of the third-party reviewer shall be paid by the applicant at the time of the filing of the application. Within 35 business days, the third-party reviewer will make a determination of the project's ability to achieve a minimum green building pre-certification status for one of the following rating systems:

LEED ®	LEED ® Silver
Green Globes	Two Green Globes
National Green Building Standard (ICC 700)	Silver - Green Building; and/or Two Stars - Site Design and Development
International Green Construction Code	Minimum compliance with the code and compliance with the adopted levels in Table 102.4.12.
Allowable Green Building Systems	

(d) Within ten business days after receipt of third-party review, results and commentary, the zoning administrator shall determine in writing if the project is:

- (1) Eligible for BGR district incentives.
- (2) Ineligible for BGR district incentives.

(e) Once the zoning administrator has issued a decision that the project is eligible, the applicant cannot change the proposed green building rating system without first obtaining the approval of the zoning administrator. In making this re-determination, the zoning administrator may require that the proposed change(s) be submitted to a third-party reviewer as provided by this article.

(f) Upon application, the applicant shall submit the review of the third-party and any acceptances or certifications from green rating agencies to demonstrate compliance with the proposed green building rating system or code.

(g) Prior to the issuance of a certificate of occupancy, the zoning administrator shall receive certification or documentation from the qualified third-party reviewer that the as-built project has achieved the proposed rating system. No certificate of occupancy or temporary certificate of occupancy shall be issued without demonstrated evidence supplied by the applicant and third-party reviewer that the project has achieved the proposed level of green building compliance.

Sec. 102-771.4 – Density, Height, Dimensional Regulations

Maximum Building Height		Maximum Building Height for Incentive Eligible Projects		Minimum Lot Size	Minimum Lot Size for Incentive Eligible Projects	Minimum Building Setbacks	Minimum Setback Between Structure Impervious /Paved Areas	Minimum Landscape Buffer at Structures	Minimum Open Space Setbacks: New Structure further from 100-year Floodway	Maximum % of Lot Impermeable (Includes Structures & Paving)	Minimum % Green /Open Space (Not gravel)
Permitted	Permitted w/ 1st Floor. Parking	Permitted	Permitted w/ 1st Floor. Parking								
2	4	3	5	10,000 SF	None	10* Front 20' Side 20' Rear	20'	10' Front 10' Side 10' Rear	20' Front 20' Side 20' Rear	45	55
* The front building setback shall be 5' maximum from a Marlboro Street frontage.											

- (1) A new structure constructed within the BGR District shall have no fewer than two stories.
- (2) Projects that meet eligibility requirements may take advantage of additional building height opportunities.
- (3) With regard to the front building setback of five feet from any Marlboro Street property line, minor deviations equal to a maximum of 25 percent of street frontage are permitted for parks, open space, plazas or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.
- (4) With regard to the front building setback of ten feet from any other street frontage property line in the BGR District, minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.
- (5) First floors are encouraged to be designated for vehicular or bicycle parking only. An additional story of building height is offered as an incentive.

Sec. 102-771.5 - Parking Regulations and Incentives

- 1) Parking Regulations - Shared parking to reduce the total number of parking spaces required for properties within this zone will be allowed as permitted under *Chapter 102 Zoning: Article XIV. Shared Paring with the Sustainable Energy Efficient Development (SEED) Overlay.*
- 2) Parking lots shall not be permitted at transition points into and out of the BGR district unless screened with landscaping and/or, fencing, existing buildings, new buildings.
- 3) Parking lots shall be located at the rear or side of a building(s).

- 4) The following parking requirements shall apply for an eligible project:
  - a) This article shall supersede parking requirements established in section 18-253.
  - b) Shared parking shall be permitted, pursuant to section 102-1450 - section 102-1456;
  - c) The maximum allowable distance between any property and the location of any off-site parking shall be 750 feet, pursuant to section 102-978;
- 5) The number of parking spaces required for eligible projects within the BGR zoning district shall comply with the parking requirements established in Table II: Parking Calculations for Eligible Projects within the BGR zoning district.

Table II: Parking Calculations for Incentive Eligible Projects within the Business Growth & Re-Use District	
USE CATEGORY	MINIMUM
Dwellings, Multi-Family*	1-25 Dwelling Units: 2.0 spaces per unit
	26-50 Dwelling Units: 1.75 spaces per unit
	51-100 Dwelling Units: 1.5 spaces per unit
	>100 Dwelling Units: 1.25 spaces per unit
* per Sec. 102-794 "...except per unit for elderly or special population housing which can demonstrate a reduced demand for parking"	

Sec. 102-771.6-.9 – Reserved

Division 23 - Neighborhood Business District (NB)

Sec. 102-772.0 – Intent

The intent is to create mixed-use districts with small businesses to support the adjacent neighborhoods and workplaces. The district is intended to enhance the visual character of the existing commercial corridors as well as to encourage site designs that promote pedestrian circulation, small urban parks and transportation alternatives along Marlboro Street. Some uses which are not retail or service in nature are also allowed so that a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local scale and to limit adverse impacts on nearby residences. Development is intended to be pedestrian-oriented and compatible with surrounding residential areas. A mixture of uses side by side and in the same structure is to be encouraged. Location of parking is limited, since its appearance is generally out of character with the surrounding residential development.

- (1) Reduce the multiple impacts of automobile parking by limiting the number of spaces per parcel, avoiding large expanses of automobile parking lots facing the streets while providing safe, secure and convenient bicycle parking opportunities.
- (2) Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create “outdoors rooms”, a critical element of “place making”; aiming for ratios of building facades to roadway widths from 1:2 to 3:2;
- (3) Utilize large street trees which also play an important role in creating a pedestrian scale. Pedestrian comfort being another critical element to the vitality of new places being created;
- (4) Create walk and bike-friendly connections throughout the district and along streets.
- (5) Create an outdoor experience adjacent to buildings, different from the downtown.
- (6) Connect uses and buildings within the Neighborhood Business Districts through pedestrian and vehicular access, prioritizing pedestrian and bicycle access above vehicular access.

Sec. 102-772.1 – Permitted Principal Uses – Any mixture of these primary uses is permitted:

Permitted Use	Subject To:
Bed and Breakfast Inn/Tourist Home	
Bed and Breakfast with Meeting/Dining Facilities	Special Exception
Multi-Dwelling Structure	
Funeral Parlor	< 3,750SF
Nursery/Greenhouse	< 5,000 SF
Health & Fitness Center	< 2,500 SF
Home Occupation/Live-Work	
Neighborhood Grocery Store	< 3,500 SF
Nursery/Child Care Facility	< 3,000SF
Office, Professional	<5,000 SF
Historic Site	
Restaurant	<3,500 SF
Retail Sales/Service	<3,500 SF

Sec. 102-772.2 – Density, Height, Dimensional Regulations

MAXIMUM BUILDING HEIGHT - STORIES	MAXIMUM BLDG. HEIGHT- STORIES (w/ 1st Floor Parking)	MINIMUM LOT SIZE	MINIMUM BUILDING SETBACKS	MINIMUM SETBACK between STRUCTURE & IMPERVIOUS /PAVED AREAS	MAXIMUM BUILDING SETBACK from FRONT PROPERTY LINE	MAXIMUM % OCCUPIED BY STRUCTURE	MAXIMUM % OF LOT IMPERMEABLE (Includes Structures & Paving)	MINIMUM LANDSCAPE BUFFER from STRUCTURES	MINIMUM % GREEN/OPEN SPACE (not gravel)
2	4	8,000 SF	5' Front*	10'	10'	55	65	10' Front	35
			10' Side					10' Side	
			20' Rear					10' Rear	
<p>*Minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.</p>									

Sec. 102-772.3 Parking Regulations

- (1) Shared parking to reduce the total number of parking spaces required for properties within this zone will be allowed as permitted under *Zoning: Article XIV. Shared Paring with the Sustainable Energy Efficient Development (SEED) Overlay, Chapter 102-1450.*
- (2) Parking shall be otherwise in conformance with Section 102-793, Minimum Parking Requirements of these regulations.
- (3) Parking lots shall be located at the rear of the building.

**Sec. 102-772.4-9 – Reserved**

3. That the Ordinances of the City of Keene, Article I, Section 102-2, Definitions, are amended by revising the following definitions to read as follows:

Alteration - means any construction or renovation to an existing structure other than repair or addition. Applied to a building this means a change or rearrangement in the structural parts, and can include flood proofing or other modifications.

Bed and Breakfast with Meeting/Dining Facilities – means a residential structure consisting of nine (9) or fewer bedrooms rented on a temporary, short term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on-site management on a twenty-four (24) hour basis. Meals shall be served to registered guests only.

Building – means any structure used or intended for sheltering any use or occupancy.

Dwelling, Unit – means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Structure types:

Single Family Dwelling - means a detached dwelling unit located on its own lot, designed for, or intended to be occupied by one family.

Duplex/Two-Family Dwelling - means one building designed, occupied or intended for occupancy by two separate families; each a complete, independent living facility with separate, permanent, full provisions for sleeping, eating, cooking and sanitation. Each of the two dwelling units shall provide complete internal access to all rooms in the unit

Multi-Dwelling Structure – means a structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate zoning lots. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly incidental and accessory.

Mixed-use Development – means a combination of different permitted uses within a single building lot.

Nursery/Child Care Facility – means an establishment, licensed under the provisions of NH state law, for the care and supervision of a child away from the child’s home and apart from the child’s family.

Nursery/Greenhouse – means an enterprise that conducts the retail and/or wholesale business of plants grown on the premises, as well as accessory items directly related to their care and maintenance.

Research and Development Laboratory – means a structure or complex of structures designed or used primarily for research development functions.

6. That the Ordinances of the City of Keene, Section 102-2. Definitions, are amended by adding the following definitions:

Bed and Breakfast Inn/Tourist Home – An owner or operator-occupied single-family detached dwelling unit which contains no more than one kitchen and five (5) or fewer guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests, other than temporary personal guests of the family in the dwelling unit, for compensation with or without meals.

Exterior Display – Is an outdoor showroom for customers to examine and compare products and includes the outdoor display of products, vehicles, equipment and machinery for sale or lease. The display area does not have to be visible to the street. Examples of uses that often have exterior display are motor vehicles, boat sales, and plant nurseries. Outdoor display of vehicles is separate from required parking spaces under the zoning ordinance. This does not include goods that are being stored or parked outside. It does not include damaged motor vehicles, vehicles or equipment being serviced, and other similar products.

Impervious Surfaces – Those surfaces and development features on a lot which are non-porous and which substantially prevent rain or storm water from absorbing or percolating into the ground beneath them. Impervious surfaces include, but are not limited to: roof areas, structures, patios, sidewalks, driveways, parking areas, swimming pools and other development features surfaced with non-porous materials.

Neighborhood Grocery Store – Establishments primarily engaged in the provision of frequently or recurrently needed food for household consumption, such as prepared food, beverages, limited household supplies and hardware; in a space that is less than or equal to 3,500 square feet.

Porous Surface – A surface that presents an opportunity for precipitation to infiltrate (soak) into the ground.

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Kendall W. Lane, Mayor



## Marlboro Zoning Ordinance – O-2016-01-A

To Amend Chapter 2300, Districts within the Zoning Ordinance of the City of Keene

1. That the Ordinances of the City of Keene, Article IV. Division I. Section 102-241(a). Establishment and boundary lines, are amended by adding the following districts to *District Titles* as follows:
  - a) Residential Preservation - RP
  - b) Business Growth and Re-Use - BGR
  - c) Neighborhood Business – NB
  
2. That the Ordinances of the City of Keene, Article IV. is amended by adding the following Districts:

### Division 21. - Residential Preservation (RP)

#### Sec. 102-770. – Intent

The intent of this Residential Preservation District (RP) is to provide and/or re-create a neighborhood of residential properties that prioritizes family units. The RP has a mix of small to large residential house types. There are shallow front setbacks and shallow to medium side setbacks; with variable, private landscaping, streets with curbs, sidewalks, and shade trees that define medium to large blocks.

- (1) Prioritize residential uses with proximity to small, urban green spaces connected to walk and bike locations along and into the connecting streets and districts;
- (2) Encourage an environment where buildings are arranged, sized and scaled according to the needs and comfort of pedestrians;
- (3) Encourage and/or maintain walk and bike-friendly connections throughout the district and along streets;

Sec. 102-770.1 - Permitted Principal Uses – Any mixture of these primary uses is permitted

Permitted Use	Subject to the Following:
Accessory Dwelling Unit (ADU)	<1,500 SF
<del>Bed &amp; Breakfast Inn/Tourist Home</del>	
<del>Bed &amp; Breakfast w-Meeting/Dining Facilities</del>	<del>Special Exception</del>
<del>Dwelling, Single-family Dwelling</del>	
Duplex/Two-Family Dwelling	Affidavit of owner-occupancy for new structures with Certificate of Occupancy
Noncommercial Raising of Farm Animals	
Nursery/ <del>or</del> Child Care Facility	< 2,500 SF

Sec. 102-770.2 - General

- 1) In the case of a “Duplex/Two-Family Dwelling”, the property owner must occupy one of the two dwelling units.
- 2) A completed affidavit of occupancy by the owner of one unit upon application for final “Occupancy” by the Building Code department is necessary.

Sec. 102-770.3 – Density, Height, Dimensional Regulations

MAXIMUM BUILDING HEIGHT - STORIES	MINIMUM LOT SIZE	MINIMUM LOT SIZE PER DWELLING UNIT	ALLOWABLE DWELLING UNITS	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM SETBACKS; BUILDINGS	MAXIMUM % OCCUPIED BY STRUCTURE/S	MAXIMUM % OF LOT IMPERMEABLE (Buildings & Pavement)	MINIMUM % GREEN/OPEN SPACE
2	8,000 SF	5,400 SF	2	60'	15' Front	35%	45%	55%
					10' Side			
					20' Rear			

Sec. 102-770.4 -5 - Reserved

Division 22 - Business Growth and Re-Use District (BGR)

Sec. 102-771.0 – Intent

The intent of this district is to enhance the economic vitality of the area by re-developing the area with new technology companies as well as clean manufacturing, processing, assembling and wholesaling businesses within a walkable, human-scaled location place. The district can also provides additional height, density, and mixed-use incentives to attract redevelopment adjacent

to Keene's urban core. Existing infrastructure and services as well as access to the Cheshire Rail Trail ~~can maximize offers~~ Smart Growth ~~possibilities opportunities~~. Creative development ~~opportunities is encouraged~~ abound alongside the Beaver Brook corridor, ~~within~~ utilizing Keene's environmentally-progressive planning policies and adaptive re-use ~~tradition. is strongly encouraged~~.

- 1) Create conditions suitable to co-exist adjacent to residential neighborhoods;
- 2) Create conditions which support that of a high quality, walkable community ~~;~~ a "Walkable Community" being an economically thriving, livable, aesthetically harmonious, ecologically-sustainable place that gives their residents a variety of safe transportation choices and improved quality of life.
- 3) Create a sense of place through enhancing public access, providing landscape amenities, ensuring proper lighting and promoting an aesthetically-pleasing streetscape;
- 4) Connect uses and buildings while prioritizing pedestrian and bicycle access separate from vehicular access;
- 5) Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create "outdoors rooms", a critical element of "place-making"; aiming for ratios of building facades to roadway widths from 1:2 to 3:2;
- 6) Recognizing ~~as well as~~ the role of large street trees which ~~also~~ plays an important role in creating a pedestrian scale; ~~p~~ Pedestrian comfort being another critical element to the vitality of these new places being created;
- 7) Reduce the impacts of parking through its placement behind or alongside buildings;
- 8) Provide open space and landscaping to create ~~shade and~~ small, public spaces for social interaction, enhancing the visual appearance and appeal of the individual properties along Marlboro Street and connecting streets;
- 9) Provide trails for pedestrians and bicyclists to ensure that Keene's walkable and bicycle-friendly environment is extended along Marlboro Street and into the connecting streets and neighborhoods;
- 10) Provide pedestrian amenities such as kiosks, stands, street furniture, drinking fountains, trash and recycling receptacles,
- 11) Enhance the visual appearance of the individual properties, Marlboro Street, and connecting streets;
- 12) Provide location-sensitive transitions between neighborhoods and uses along Marlboro Street; and
- 13) Provide shade and public spaces for social interaction.

Sec. 102-771.1 - Permitted Principal Uses – Any mixture of these primary uses is permitted:

Permitted Use	Subject to:
Assembly	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
<del>Bed an Breakfast Inn/Tourist Home</del>	
<del>Bed and Breakfast with Meeting/Dining</del>	
Bulk Storage & Distribution of goods, accessory to main manufacturing use	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
<del>Clinic</del>	<del>Any one use may occupy no more than 20,000-30,000 gross square feet of floor space. Special exception subject to criteria for &gt; 30,000 square feet.</del>
<del>College: undergraduate, graduate and industrial training programs</del> <del>Training: Undergraduate, Graduate &amp; Industrial Programs</del>	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
<del>Greenhouse/Nursery</del>	
Health & Fitness Center	Special Exception required for all outdoor activities. Accessory use only.
<del>Historic Site, Open to Public</del>	
<del>Home Occupation/Live-Work Unit Space</del>	
Home Offices (Insurance/Publishing Companies, Manufacturing Firms)	
Manufacturing/Processing	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Motor Vehicle Repair Garage, Paint Shop	Condition: No outside storage of dismantled vehicles or vehicle parts in the front yard area; all outside storage except of registered vehicles with no more than minor damage must be screened from view by a minimum six-foot-high impervious fence or hedge or similar buffer along internal lot lines.

<del>Multi-Dwelling Structure, Multi-Family</del>	Special condition: mixed use only when connected to a <del>particular</del> commercial or <del>specific</del> industrial use. <del>See criteria.</del>
Neighborhood Grocery Store	< <del>1,500 SF</del> 3,500 SF
<del>Nursery/Greenhouse</del>	
<del>Nursery/Child-Care Facility</del>	<del>Special Exception</del>
Office, Small Scale Corporate, Business or Professional Purposes	Any one use may occupy no more than <del>10,000-</del> 20,000 gross SF of floor space. <del>Special exception subject to criteria for &gt; 20,000 square feet.</del>
Research & Development <del>Laboratory</del>	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. <del>Special exception subject to criteria for &gt; 30,000 square feet.</del>
Restaurant	As distinguished from a bar and less than 50 seats.
Warehousing	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. <del>Special exception subject to criteria for &gt; 30,000 square feet.</del>
Wholesaling	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. <del>Special exception subject to criteria for &gt; 30,000 square feet.</del>

#### Sec. 102-771.2 – General

- (1) Buildings may have more than one principal façade and/or entry.
- (2) New buildings which have a property line along Beaver Brook are encouraged to face Beaver Brook as an amenity. ~~Beaver Brook has a legal “floodway” on either side of its banks which form a “No-Build Setback Strip.” This strip is dry most of the year.~~
- (3) For ecological and aesthetic reasons, the City encourages ~~this~~ **Beaver Brook’s Floodway**, ~~i.e.~~ **“No-Build Setback Strip”** to be maintained as an open, strip of native grasses and wildflower meadow from NH Route 12 to Railroad Street. The City also encourages an easement be granted to the City for a **passive** walking and bicycling trail connection **along this Floodway** from NH Route 12 along Beaver Brook to the City’s Rail Trail connection at Water Street.
- (4) Service alleys shall be no more than 15 feet wide.

- (5) Lighting and windows onto a service alley shall be placed at regular, evenly-spaced intervals.
- (6) Ground-level HVAC units are not permitted, unless completely screened from street, sidewalk, path and street views.

Sec. 102-771.3 – New Building Incentive Option

Application procedures and information required.

(a) Upon application, the zoning administrator shall begin the process for evaluating whether or not a project is eligible for the incentives contained within the BGR district. The applicant shall be responsible for submitting a letter of intent, application form and application fee (collectively identified as the "application") to the zoning administrator to initiate this process.

(b) The letter of intent, signed by the applicant and property owner, or his authorized agent, shall include a narrative that addresses the following:

(1) A description of the complete project and what strategies will be employed to obtain a green building certification.

(2) The green building system and level of attainment proposed for the project.

a. LEED®, Green Globes, the National Green Building Standard (ICC 700), and the International Green Construction Code are the acceptable Green Building Rating systems for this article.

b. Demonstrated compliance with these systems will permit pre-certification.

(3) All necessary information to allow an informed decision regarding the applicant's ability to comply with the chosen rating system.

(4) Statement that the applicant releases the City of Keene, its officers, employees, agents and servants from any liability if the applicant is unsuccessful in efforts to attain green building certification or equivalent, as identified in this article.

(c) With the letter of intent, the applicant will choose a third party reviewer from a listing of third party reviewers maintained by the code enforcement department. The applicant can provide a third-party nomination to the code enforcement department, but acceptance of the third party shall be at the sole discretion of the department. The costs and expenses of the third-party reviewer shall be paid by the applicant at the time of the filing of the application. Within 35 business days, the third-party reviewer will make a determination of the project's ability to achieve a minimum green building pre-certification status for one of the following rating systems:

LEED ®	LEED ® Silver
Green Globes	Two Green Globes

National Green Building Standard (ICC 700)	Silver - Green Building; and/or Two Stars - Site Design and Development
International Green Construction Code	Minimum compliance with the code and compliance with the adopted levels in Table 102.4.12.
Allowable Green Building Systems	

(d) Within ten business days after receipt of third-party review, results and commentary, the zoning administrator shall determine in writing if the project is:

- (1) Eligible for BGR district incentives.
- (2) Ineligible for BGR district incentives.

(e) Once the zoning administrator has issued a decision that the project is eligible, the applicant cannot change the proposed green building rating system without first obtaining the approval of the zoning administrator. In making this re-determination, the zoning administrator may require that the proposed change(s) be submitted to a third-party reviewer as provided by this article.

(f) Upon application, the applicant shall submit the review of the third-party and any acceptances or certifications from green rating agencies to demonstrate compliance with the proposed green building rating system or code.

(g) Prior to the issuance of a certificate of occupancy, the zoning administrator shall receive certification or documentation from the qualified third-party reviewer that the as-built project has achieved the proposed rating system. No certificate of occupancy or temporary certificate of occupancy shall be issued without demonstrated evidence supplied by the applicant and third-party reviewer that the project has achieved the proposed level of green building compliance.

Sec. 102-771.4 – Density, Height, Dimensional ~~Incentives~~ Regulations

~~Table I: Dimensional Regulations for Eligible BGR Projects~~

Maximum Building Height		Maximum Building Height for Incentive Eligible Projects		Minimum Lot Size	Minimum Lot Size for Incentive Eligible Projects	Minimum Building Setbacks	Minimum Setback Between Structure & <del>New</del> Parking Lots <del>Impervious</del> /Paved Areas	Minimum Landscape Buffer from at Structures	Minimum Open Space Setbacks; New Structure further from 100-year Floodway	Sidewalk Widths	Maximum % of Lot Impermeable (Includes Structures & Paving)	Minimum % Green/Open Space
Permitted	Permitted w/ 1st Fl. Prkg.	Permitted	Permitted w/ 1st Fl. Prkg.									
4	2	3	5	10,000 SF	None	20' Front 20' Side 20' Rear	20'	10' Front 10' Side 10' Rear	20' Front 20' Side 20' Rear	10/20'	45	55

\* The front building setback shall be 5' maximum from a Marlboro Street frontage.

~~Projects that meet eligibility may take advantage of additional building height opportunity.~~

~~\* Sidewalk widths along streets within the BGR district shall be no less than ten feet off street and 20 feet along a street.~~

- (1) A new structure constructed within the BGR District shall have no fewer than two stories.
- (2) ~~Projects that meet eligibility requirements may take advantage of additional building height opportunities.~~
- (3) ~~There shall be a maximum structure~~ With regard to the front building setback of five feet from any Marlboro Street property line, minor deviations equal to a maximum of 25 percent of street frontage are permitted for parks, open space, plazas or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.
- (4) ~~There shall be a maximum structure~~ With regard to the front building setback of ten feet from any other street frontage property line in the BGR District, minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.
- (5) First floors are encouraged to be designated for vehicular or bicycle parking only. An additional story of building height is offered as an incentive.

#### ~~Sec. 102-771.5—Adaptive Re-Use Incentive Option~~

~~The City encourages reuse of existing buildings whenever possible for reasons of existing infrastructure efficiency, possible historical preservation and potential smart growth advantages.~~

~~Project Incentives: Adaptive Reuse Projects that comply with the majority of existing Development Standards and a solid set of Smart Growth Principles can also be eligible for the following incentives:~~

- (1) ~~The project can exceed the maximum density for the site provided the Adaptive Reuse Project is in compliance with the development standards.~~
- (2) ~~Existing building setbacks may remain and shall be considered legal nonconforming, but no further encroachments shall be permitted into any nonconforming setback.~~
- (3) ~~The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legal nonconforming, and any rooftop construction shall be included within the height exemption.~~
- (4) ~~A new loading zone shall not be required if the existing building does not have an existing loading zone.~~
- (5) ~~New parking spaces shall not be required for any converted use within the building, but any new square footage that includes any new units shall require additional parking at a minimum rate of 2 spaces per unit.~~



Sec. 102-771.65 - Parking Regulations and Incentives

- 1) Parking Regulations - Shared parking to reduce the total number of parking spaces required for properties within this zone will be allowed as permitted under *Chapter 102 Zoning: Article XIV. Shared Paring with the Sustainable Energy Efficient Development (SEED) Overlay.*
- 2) Parking lots shall not be permitted at transition points into and out of the BGR district unless screened with landscaping and/or, fencing, existing buildings, new buildings.
- 3) Parking lots shall be located at the rear or side of a building(s).
- 4) The following parking requirements shall apply for an eligible project:
  - a) This article shall supersede parking requirements established in section 18-253.
  - b) Shared parking shall be permitted, pursuant to section 102-1450 - section 102-1456;
  - c) The maximum allowable distance between any property and the location of any off-site parking shall be 750 feet, pursuant to section 102-978;
- 5) The number of parking spaces required for eligible projects within the BGR zoning district shall comply with the parking requirements established in Table II: Parking Calculations for Eligible Projects within the BGR zoning district.

<b>Table II: Parking Calculations for Eligible Projects within the BGR District</b>			
<b>USE CATEGORY</b>	<b>MINIMUM</b>		
<b>Dwellings, Multi-Family</b>	1-25 Dwelling Units: 2.0 spaces per unit		
	26-50 Dwelling Units: 1.75 spaces per unit		
	51-100 Dwelling Units: 1.5 spaces per unit		
	100-150 Dwelling Units: 1.25 spaces per unit		
	>150 Dwelling Units: 1.0 spaces per unit		
<b>Hotel, Motel, or Tourist Homes</b>	One (1) per sleeping room	One (1) per five (5) seats in ancillary restaurants	One (1) per 500 s.f. of other areas
<b>Restaurant, Theatre, Auditorium, Church, Places or Indoor Assembly</b>	One (1) per every four (4) seats		
<b>Retail</b>	General Retail: one (1) per 275 s.f. of floor area		

<b>Table II: Parking Calculations for Incentive Eligible Projects within the Business Growth &amp; ReUse District</b>	
<b>USE CATEGORY</b>	<b>MINIMUM</b>
Dwellings, Multi-Family*	1-25 Dwelling Units: 2.0 spaces per unit
	26-50 Dwelling Units: 1.75 spaces per unit
	51-100 Dwelling Units: 1.5 spaces per unit
	>100 Dwelling Units: 1.25 spaces per unit
* per Sec. 102-794 "...except per unit for elderly or special population housing which can	

Sec. 102-771.76-9 – Reserved

### Division 23 - Neighborhood Business District (NB)

Sec. 102-772.0 – Intent

~~These will be~~ The intent is to create mixed-use districts with small businesses to support the adjacent neighborhoods and workplaces. The district ~~NB~~ is intended to enhance the visual character of the existing commercial corridors as well as to encourage site designs that promote pedestrian circulation, small urban parks and transportation alternatives along Marlboro Street. Some uses which are not retail or service in nature are also allowed so that a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local scale and to limit adverse impacts on nearby residences. Development is intended to be pedestrian-oriented and compatible with surrounding residential areas. A mixture of uses side by side and in the same structure is to be encouraged. Location of parking is limited, since its appearance is generally out of character with the surrounding residential development.

- (1) Reduce the multiple impacts of automobile parking by limiting the number of spaces per parcel, avoiding large expanses of automobile parking lots facing the streets while providing safe, secure and convenient bicycle parking opportunities.
- (2) Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create “outdoors rooms”, a critical element of “place making”; aiming for ratios of building facades to roadway widths from 1:2 to 3:2;
- (3) Utilize large street trees which also play an important role in creating a pedestrian scale; pedestrian comfort being another critical element to the vitality of ~~these~~ new places being created;
- (4) Create walk and bike-friendly connections throughout the district and along streets.
- (5) Create an outdoor experience adjacent to buildings, different from the downtown.
- (6) Connect uses and buildings within the Neighborhood Business Districts through pedestrian and vehicular access, prioritizing pedestrian and bicycle access above vehicular access.

Sec. 102-772.1 – Permitted Principal Uses – Any mixture of these primary uses is permitted:

Permitted Use	Subject To:
Bed and Breakfast Inn/Tourist Home	
Bed and Breakfast with Meeting/Dining Facilities	Special Exception
Multi-Dwelling Unit, Multi-Family Structure	
Funeral Parlor	< 3,750SF
Nursery/Greenhouse, Nursery	< 5,000 SF
Health & Fitness Center	< 2,500 SF
Home Occupation/Live-Work	
Neighborhood Grocery Store	< 1,500SF 3,500 SF
Nursery/Child Care Facility	< 3,000SF
Office, Professional	<2,500 SF <5,000 SF
Public Historic Site	
Restaurant	<4,000SF <3,500 SF
Retail Sales/Service	<2,500SF <3,500 SF

~~Sec. 102-772.2 – General~~

~~(1) Sidewalk widths along Marlboro Street shall be no less than ten (10) feet and no greater than twenty (20) feet, depending on the highest volume of usage.~~

Sec. 102-772.2 – Density, Height, Dimensional Regulations

MAXIMUM BUILDING HEIGHT - STORIES	MAX. BLDG. HT/STORIES (w/ 1st Floor Parking)	MINIMUM LOT SIZE	MINIMUM BUILDING SETBACKS	MINIMUM SETBACK between STRUCTURE & IMPERVIOUS /PAVED AREAS	MAXIMUM BUILDING SETBACK from FRONT PROPERTY LINE	MAXIMUM % OCCUPIED BY STRUCTURE	MAXIMUM % OF LOT IMPERMEABLE (Includes Structures & Paving)	MINIMUM LANDSCAPE BUFFER from STRUCTURES	MINIMUM % GREEN/OPEN SPACE
2	4	8,000 SF	5' Front*	10'	10'*	55	65	10' Front	35
			10' Side					10' Side	
			20' Rear					10' Rear	

\*Minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.

~~Sec. 102-772.3 – Adaptive Re-Use Incentive Option~~

~~Project Incentives: Adaptive Reuse Projects that comply with the Development Standards are eligible for the following project incentives:~~

- ~~(1) The project can exceed the maximum density for the site provided the Adaptive Reuse Project is in compliance with the development standards.~~
- ~~(2) Existing building setbacks may remain and shall be considered legal nonconforming, but no further encroachments shall be permitted into any nonconforming setback.~~
- ~~(3) The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legal nonconforming, and any rooftop construction shall be included within the height exemption.~~
- ~~(4) A new loading zone shall not be required if the existing building does not have an existing loading zone.~~
- ~~(5) New parking spaces shall not be required for any converted use within the building, but any new square footage that includes any new units shall require additional parking at a minimum rate of 2 spaces per unit.~~

### Sec. 102-772.3 Parking Regulations

- (1) Shared parking to reduce the total number of parking spaces required for properties within this zone will be allowed as permitted under *Zoning: Article XIV. Shared Parking with the Sustainable Energy Efficient Development (SEED) Overlay, Chapter 102-1450*.
- (2) Parking shall be otherwise in conformance with Section 102-793, Minimum Parking Requirements of these regulations.
- (3) Parking lots shall be located at the rear of the building.

### Sec. 102-772.54-9 – Reserved

3. That the Ordinances of the City of Keene, Article I, Section 102-2. Definitions, are amended by revising the following definitions to read as follows:

~~Alteration - as applied to a building or structure, means a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.~~ **means any construction or renovation to an existing structure other than repair or addition. Applied to a building this means a change or rearrangement in the structural parts, and can include flood proofing or other modifications.**

~~Area, Building—means the maximum horizontal cross-section area of the main building and accessory structures on a lot.~~ **means the horizontal area measured within the outside of the exterior walls of the ground floor of all principle and accessory buildings on the lot. Areas**

~~of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.~~

~~Attic, habitable—means an attic which has a permanent stairway as a means of access and egress, and in which the ceiling area at a height of at least seven feet four inches above the attic floor is not more than one third the area of the floor next below.~~

Bed and Breakfast **with Meeting/Dining Facilities** – means a house or portion thereof where short term lodging rooms and meals are provided. The operator of the bed and breakfast shall live on the premises. ~~means a residential structure consisting of nine(9) or fewer bedrooms rented on a temporary, short term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on-site management on a twenty-four (24) hour basis. Breakfast shall be the only meal served and shall be served to registered guests only. Meals shall be served to registered guests only.~~

Building – means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property. ~~Any structure used or intended for supporting or sheltering any use or occupancy.~~

~~Building Height—means the vertical distance measured from the grade plane of the lot grade to the highest point of the roof, excluding chimneys, ventilators, tanks and other accessory features required above the roof. Also excluded are: towers, spires, domes and similar ornamental features, if not used for living purposes; barns, silos, and other farm buildings and structures required for agricultural purposes; and towers for transmission and communication lines, radio towers, fire towers, water towers and airplane beacons. to the average height of the highest roof surface as defined in the latest adopted version of the NH State Building Code, with the exception that grade plane shall refer to mean natural grade and not the finished ground level.~~

Dwelling, Unit – means a room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating. Also, a room or group of rooms within a group home, with or without cooking and eating facilities occupied by not more than two persons. **means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Structure types:**

- ~~A. Accessory Dwelling Unit: A dwelling unit, for use as a complete independent living facility, located on the same zoning lot as a detached single-family or attached single-family dwelling. The second unit is created auxiliary to, and is always smaller than the detached single-family or attached single-family dwelling.~~
- ~~B. Attached Duplex: A duplex located on its own lot, which shares one or more common or abutting walls with one other duplex.~~
- ~~C. Attached Single-Family Dwelling: A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units; does not share common floor/ceilings with other dwelling units. As attached~~

~~single family dwelling is also called a townhouse, rowhouse or a common wall house on a fee simple lot.~~

~~**D. Attached Multi-Family Dwelling:** more than three (3) units on a lot.~~

~~A. **Detached Dwelling, Single Family Dwelling** - means a building used and intended to be used as a single habitable unit for one family, with facilities used or intended to be used for living or sleeping, and including facilities for cooking and eating. **detached dwelling unit located on its own lot, designed for, or intended to be occupied by one family.**~~

~~**B. Dwelling, Duplex/Two-Family Dwelling**, means a building or structure limited to two individual dwelling units. **a building or portion thereof designed, occupied or intended for occupancy a complete, independent living facility for the exclusive use of one family, including permanent full provisions for sleeping, eating, cooking and sanitation. A dwelling unit shall have no more than one kitchen and shall provide complete internal access to all rooms in the unit. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly incidental and accessory, such as an outdoor grill or a wet bar. means one building designed, occupied or intended for occupancy by two separate families; each a complete, independent living facility with separate, permanent, full provisions for sleeping, eating, cooking and sanitation. Each of the two dwelling units shall provide complete internal access to all rooms in the unit**~~

~~**C. Manufactured housing Home:** means any structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical heating systems contained therein. Manufactured housing as defined in this section shall not include campers or recreation vehicles as defined in RSA 216 I:1 or RSA 259:84 a; presite built housing as defined in RSA 674:31 a; or modular buildings as defined in RSA 205 C:1, XI.~~

~~**A factory-built, single family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, that is transportable in one or more sections, is built on a permanent chassis, is designed to be used as a year-round, permanent, single family dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of initial delivery to a permanent site, and which does not have wheels**~~

~~or axles permanently attached to its body or frame. This definition does not include a recreational vehicle, mobile home, or modular home.~~

C. Dwelling, multifamily **Multi-Dwelling Structure:** A structure that contains ~~means a building containing three or more dwelling units~~ **that share common walls or floor/ceilings with one or more units.** The land underneath the structure is not divided into separate zoning lots. **Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly incidental and accessory, such as an outdoor grill or a wet bar.**

~~Hotel/Motel—shall mean a building or group of buildings which provides sleeping accommodations on a transient basis, with or without meals, but without separate cooking facilities for individual occupants. means a building or group of detached or connected buildings, containing six or more guest rooms, designed or used primarily for providing sleeping accommodations for travelers and/or tourists on a daily or weekly rate basis or a period less than six months. Such establishments shall provide customary hotel/motel services such as linen, maid service, communication service, etc. Said use may also contain such ancillary facilities as conference facilities, restaurant, bar, recreational facilities, ballroom, banquet room and meeting rooms.~~

~~Manufacture/Manufacturing—means the act of making goods or articles from raw materials or unfinished products and includes processing and assembling. means the processing, assembling, and/or converting of raw, unfinished materials or products into articles or substances of different character, or for a different purpose.~~

Mixed-use **Development** – means a combination of different permitted uses within a single building lot.

Nursery/Child Care Facility – ~~means a place where seven or more preschool children are cared for temporarily in their parents' absence. This is not intended to prohibit the care of school-age children temporarily in their parents' absence.~~ **means an establishment, licensed under the provisions of NH state law, for the care and supervision of a person or child away from the person or child's home and apart from the person or child's family.**

~~**Day Care Center:** A facility with provides care, protection and supervision of people for a period of less than 24 hours for more than five people unrelated to the operator, which is licensed under the provisions of NH RSA 170-E:34,I. See also Day Care, Family.~~

~~**Day Care, Family:** Family day care home means an occupied residence in which care is regularly provided for people from at least two unrelated families and which receives a payment, fee or grant for any of the people receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for five~~

~~or fewer persons, which shall include those people under 13 years of age who are related to the caregiver.~~

Nursery/Greenhouse – ~~means a place where plants are raised or grown.~~ **means an enterprise that conducts the retail and/or wholesale business of plants grown on the premises, as well as accessory items directly related to their care and maintenance.**

~~Open Space—means land within or related to a conservation residential development, which is set aside for conservation purposes, in accordance with section 102.289. Open space is subject to use limitations as set forth in section 102.288(4) and is intended for the common use, benefit and enjoyment of the residents of the conservation residential development and/or the general public. Open space may be held jointly by the owners of other lands in the conservation residential subdivision, a developer prior to completion of a conservation residential subdivision development, a homeowner's association, the city, or a third party conservation organization.~~ **means land intended to remain undeveloped for use as active or passive recreation areas or for resource protection.**

~~Recreation Area—means an area designed primarily for activities, either active or passive, normally considered as recreation.~~ **means a parcel of land for the refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of a property or its wildlife. (Term is currently used in Div. 3 Conservation Residential Development Sec. 102-272 Permitted uses)**

~~Research and Development Laboratory – means a place devoted to activities engaged in refinement, investigation or experimental study of methods to improve processes or products. Manufacturing of products is not included within this definition.~~ **means a structure or complex of structures designed or used primarily for research development functions. related to industry and similar fields of endeavor that do not involve the mass manufacture, fabrication, processing, or sale of products.**

~~Restaurant—means any place where food or drink is prepared or served to the public for consumption on the premises. The term "food" includes beverages~~ **means a structure in which the primary use in the preparation, cooking, consumption and sale of food and beverages.**

~~4. That the Ordinances of the City of Keene, Article I, Section 102-2. Definitions, are amended by **removing** the following definitions:~~

~~Commercial Lots means any parking lot that provides parking for nonresidential uses or for multi-family dwelling units, defined here as any structures containing more than two dwelling units.~~

~~Dwelling, duplex, means a building or structure limited to two individual dwelling units.~~

~~Dwelling, multifamily structure, means a building containing three or more dwelling units.~~



~~Dwelling, single family, means a building used and intended to be used as a single habitable unit for one family, with facilities used or intended to be used for living or sleeping, and including facilities for cooking and eating.~~

~~Motel shall mean a building or group of buildings with direct access to each unit from the outside, and with an on-site parking space for each unit, which provides sleeping accommodations primarily for transients traveling by motor vehicle, with or without meals and/or cooking facilities for individual occupants.~~

~~Mixed-use means a combination of different permitted uses within a single building or lot.~~

6. That the Ordinances of the City of Keene, Section 102-2. Definitions, are amended by adding the following definitions:

~~**Bar**—means any establishment devoted primarily to the selling, serving and drinking of alcoholic beverages.~~

**Bed and Breakfast Inn/Tourist Home** – An owner or operator-occupied single-family detached dwelling unit which contains no more than one kitchen and five (5) or fewer guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests, other than temporary personal guests of the family in the dwelling unit, for compensation with or without meals.

~~**Commercial Parking Lots**—Premises designed and used exclusively for the parking of motor vehicles for a fee. Or a parking lot for a building to be approved by the Planning Board.~~

~~**Exterior Storage**—Includes the outdoor storage of goods that generally have little or no differentiation by type. The goods may be for sale or lease, but if so, they are the types that customers generally do not inspect and compare. Exterior storage includes the storage of raw or finished goods (packed or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; and other similar items. Examples are lumberyards, tool and equipment rental, bark chip and gravel sales, and storage of goods used in manufacturing. Damaged or inoperable motor vehicles or motor vehicles that have missing parts that are kept outside are included as exterior storage. The storage of motor vehicles that do not have any missing parts or damage that is visible from the outside of the vehicle is considered parking rather than exterior storage. The storage of motor vehicles that have minor dents or other minor defects in the body is also considered parking rather than storage if the motor vehicle is in working order. See also Exterior Display.~~

**Exterior Display** – Is an outdoor showroom for customers to examine and compare products and includes the outdoor display of products, vehicles, equipment and machinery for sale or lease. The display area does not have to be visible to the street. Examples of uses that often have exterior display are motor vehicles, **and** boat sales, and plant nurseries. Outdoor display of vehicles is separate from required parking spaces under the zoning

**ordinance. This does not include goods that are being stored or parked outside. It does not include damaged motor vehicles, vehicles or equipment being serviced, and other similar products. ~~See also Exterior Storage.~~**

**Impervious Surfaces – Those surfaces and development features on a lot which are non-porous and which substantially prevent rain or storm water from absorbing or percolating into the ground beneath them. Impervious surfaces include, but are not limited to: roof areas, structures, patios, sidewalks, driveways, parking areas, swimming pools and other development features surfaced with non-porous materials.**

~~**Mixed Use Development – A development on one zoning lot that combines uses with commercial and/or office uses, consisting of one or more buildings.**~~

**Neighborhood Grocery Store – Establishments primarily engaged in the provision of frequently or recurrently needed food for household consumption, such as prepared food, beverages, limited household supplies and hardware; in a space that is less than or equal to ~~1,500~~ 3,500 square feet.**

**Porous Surface – A surface that presents an opportunity for precipitation to infiltrate (soak) into the ground.**



# CITY OF KEENE

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

AN ORDINANCE Relating to Change of Zone – Marlboro Street Project Area and its Parcels

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

That Chapter 102, the Zoning Ordinance of the City of Keene, New Hampshire, as amended, be and hereby further amended by changing the zoning designation on the Zoning Map of the City of Keene, as adopted by the Keene City Council on December 15, 1977, as part of Chapter 102 entitled, "ZONING", of the said Ordinances, from:

**High Density (HD), Low Density (LD), Commerce (C) and Industrial (I)**

to

**Residential Preservation (RP), Business Growth and Re-Use (BGR), Neighborhood Business (NB), and Medium Density (MD)**

for the following parcels:

That the following tax parcels will change from zoning district INDUSTRIAL to  
**RESIDENTIAL PRESERVATION:**

027010150000	027010150100	027010140000
027010130000	027010150200	027020010000
027010110000	027010100000	027020160000
027010220000	027010120000	

That the following tax parcels will change from zoning district HIGH DENSITY to  
**RESIDENTIAL PRESERVATION:**

024010020000	027020120000	028010080000
027020040000	027020130000	028010090000
027020050000	027020140000	028010100000
027020060000	027020150000	028010110000
027020070000	028010030000	028010120000
027020080000	028010040000	028010130000
027020090000	028010050000	028010140000
027020100000	028010060000	028010300000
027020110000	028010070000	028010310000

028020060000	029020110000	029050050000
028020070000	029020120000	029050060000
028020160000	029020130000	029050070000
028020170000	029020140000	030020050000
028020180000	029020150000	030020070000
028020190000	029020160000	030020090000
028020200000	029020170000	030020110000
028020210000	029020220000	030020240000
028020220000	029030010000	030020250000
028020250000	029030020000	030020270000
028020260000	029030030000	030020280000
028020270000	029030040000	030020290000
028020280000	029030050000	030020290100
028020290000	029030060000	030020300000
028020300000	029030070000	030020310000
028020310000	029030080000	030020350000
028020320000	029030090000	033010010000
028030050000	029030110000	033010020000
028030060000	029030140000	033010030000
028030070000	029030150000	033010050000
028030080000	029030160000	033010060000
028030090000	029030170000	033010070000
028030100000	029040010000	033010090000
028030110000	029040020000	033010100000
028030120000	029040030000	033010110000
028030130000	029040040000	033010120000
028030140000	029040050000	033010130000
028030150000	029040060000	033010160000
028030160000	029040120000	033010200000
028030170000	029040130000	033010280000
028030180000	029040140000	033010290000
028030190000	029040150000	033010310000
028030200000	029040160000	033020010000
028030210000	029040170000	033020030000
028030220000	029040180000	033020050000
028030230000	029040190000	033020070000
028030240000	029040200000	033020080000
028030250000	029050020000	033020090000
028030260000	029050030000	033020100000
029020100000	029050040000	033020100100

033020110000	033020170000	034040020000
033020130000	033020310000	034040030000
033020140000	033020320000	034040040000
033020150000	033020340000	034040050000
033020160000	034040010000	

That the following tax parcels will change from zoning district INDUSTRIAL to **BUSINESS GROWTH AND RE-USE**:

030020200100	031010180000	030020200000
027010160000	030020200000	030020180000
026010210000	026010150000	030020180100
030020380000	031010170000	027010060000
027010040000	027010010200	024010010000
027010010000	027010010100	024010020000
026010260000	026010190000	026010170000
031010120000	027010250000	023020180000
026010280000	026010250000	
031010120200	026010160000	

That the following tax parcels will change from the HIGH DENSITY zoning district to **NEIGHBORHOOD BUSINESS**:

029030200000	030020190000	037060420000
029050010000	030020260000	037060430000
029050080000	030020320000	037070010000
029050090000	030020340000	037070020000
029050100000	030020390000	037070030000
029050110000	031030010000	037070040000
029050120000	037010020000	037070050000
029050130000	037010110000	037070060000
029050140000	037050050000	033020070000
030020130000	037060010000	
030020170000	037060020000	

That the following tax parcels will change from zoning district COMMERCE to **NEIGHBORHOOD BUSINESS**:

029040090000	029030120000	033010040000
033010080000	029040080000	030020210000
029040100000	029040070000	029030130000
029030190000	029030180000	029040110000



## Sixteen

## Relating to Change of Zone – Marlboro Street Project Area and its Parcels

That Chapter 102, the Zoning Ordinance of the City of Keene, New Hampshire, as amended, be and hereby further amended by changing the zoning designation on the Zoning Map of the City of Keene, as adopted by the Keene City Council on December 15, 1977, as part of Chapter 102 entitled, “ZONING”, of the said Ordinances, from:

**High Density (HD), Low Density (LD), Commerce (C) and Industrial (I)**

to

**Residential Preservation (RP), Business Growth and Re-Use (BGR), Neighborhood Business (NB), and Medium Density (MD) and ~~Central Business (CB)~~**

~~on~~ for the following parcels:

That the following tax parcels will change from zoning district INDUSTRIAL to **NEIGHBORHOOD RESIDENTIAL PRESERVATION**:

027010150000	027010150100	027010140000
027010130000	027010150200	<del>027020010000</del>
027010110000	027010100000	<del>027020160000</del>
027010220000	027010120000	

That the following tax parcels will change from zoning district HIGH DENSITY to **RESIDENTIAL PRESERVATION**:

027020150000	028010080000	028030210000
028010110000	<del>023010100000</del>	028010310000
028010120000	<del>023010110000</del>	029050040000
028010140000	028010030000	028030070000
030020070000	<del>023010070000</del>	029050060000
030020110000	<del>023010080000</del>	028030080000
028010070000	<del>023010090000</del>	028030110000
028030050000	<del>023010120000</del>	028030060000
028010090000	028010130000	027020100000
028030260000	028010040000	027020120000
028010100000	028010050000	027020130000
030020090000	028010060000	030020050000
028030130000	028030090000	028010300000
030020300000	028030120000	029050020000

029050050000	028020220000	029040190000
027020060000	028020250000	030020280000
027020050000	028020260000	033010010000
027020080000	028020270000	033010020000
027020110000	028020280000	033010030000
028030240000	028020290000	033010050000
027020090000	028020300000	033010060000
028030160000	028020310000	033010070000
027020070000	028030150000	033010090000
030020240000	028030260000	033010100000
030020250000	029020100000	033010110000
030020270000	029020110000	033010120000
<del>023010030000</del>	029020120000	033010130000
<del>023010040000</del>	029020130000	033010160000
<del>023010050000</del>	029020140000	033010200000
028030250000	029020150000	033010280000
028030100000	029020160000	033010290000
028030140000	029020170000	033010310000
029050030000	029020220000	033020010000
028030170000	029030010000	033020030000
028030180000	029030020000	033020050000
028030190000	029030030000	033020080000
028030200000	029030040000	033020090000
028030220000	029030050000	033020100000
028030230000	029030060000	033020100100
<del>023010060000</del>	029030070000	033020110000
029050070000	029030080000	033020130000
030020350000	029030090000	033020140000
030020290100	029030110000	033020150000
030020290000	029030140000	033020160000
030020310000	029030150000	033020170000
<del>023010130000</del>	029030160000	033020310000
<del>023010140000</del>	029030170000	033020320000
<del>023010150000</del>	029040010000	033020340000
027020040000	029040020000	034040010000
027030140000	029040030000	034040020000
<del>027020150000</del>	029040040000	034040030000
<del>028010110000</del>	029040050000	034040040000
<del>028010120000</del>	029040060000	034040050000
028010040000	029040120000	029040200000
028020160000	029040130000	028020320000
028020170000	029040140000	027020140000
028020180000	029040150000	028020060000
028020190000	029040160000	028020070000
028020200000	029040170000	033020070000
028020210000	029040180000	



That the following tax parcels will change from zoning district INDUSTRIAL to **BUSINESS GROWTH AND RE-USE**:

030020200100	030020200000	<del>031010060000</del>
027010160000	026010150000	<del>031010090000</del>
026010210000	<del>027020010000</del>	<del>031010100000</del>
030020380000	031010170000	<del>031300120100</del>
<del>027020160000</del>	027010010200	030020180000
027010040000	027010010100	030020180100
027010010000	026010190000	027010060000
026010260000	027010250000	024010010000
031010120000	026010250000	024010020000
026010280000	026010160000	026010170000
031010120200	030020200000	023020180000
031010180000	<del>032010010000</del>	

That the following tax parcels will change from the HIGH DENSITY zoning district to **NEIGHBORHOOD BUSINESS**:

029030200000	030020190000	037060420000
029050010000	030020260000	037060430000
029050080000	030020320000	037070010000
029050090000	030020340000	037070020000
029050100000	030020390000	037070030000
029050110000	031030010000	037070040000
029050120000	037010020000	037070050000
029050130000	037010110000	037070060000
029050140000	037050050000	033020070000
030020130000	037060010000	
030020170000	037060020000	

That the following tax parcels will change from zoning district COMMERCE to **NEIGHBORHOOD BUSINESS**:

029040090000	029030120000	029040070000
<del>030020130000</del>	029040080000	<del>030020260000</del>
033010080000	<del>030020390000</del>	029030180000
029040100000	<del>030020190000</del>	<del>029050100000</del>
029030190000	<del>029050130000</del>	<del>030020170000</del>
<del>030020340000</del>	029040110000	029050080000
<del>029050140000</del>	029030130000	029050120000

029050010000	037070040000	037010020000
029030200000	037070010000	037060430000
030020320000	037060010000	031030010000
029050090000	037070030000	037070060000
033010040000	037070020000	029050110000
030020210000	037060420000	029030130000
037050050000	037010110000	029040110000
037070050000	037060020000	

That the following tax parcels will change from INDUSTRIAL zoning district to **CENTRAL BUSINESS** zoning district:

027010060000 Bentley Commons	024010010000 Findings Realty Inc.
027010050000 Warner, Evelyn B	

That the following tax parcel will change from INDUSTRIAL zoning district to **MEDIUM DENSITY** zoning district:

027010240000 Christopher C Hamblet	027010050000
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That the following tax parcel will change from the CENTRAL BUSINESS zoning district to the **BUSINESS GROWTH AND RE-USE** zoning district:

02701008000	02302019000
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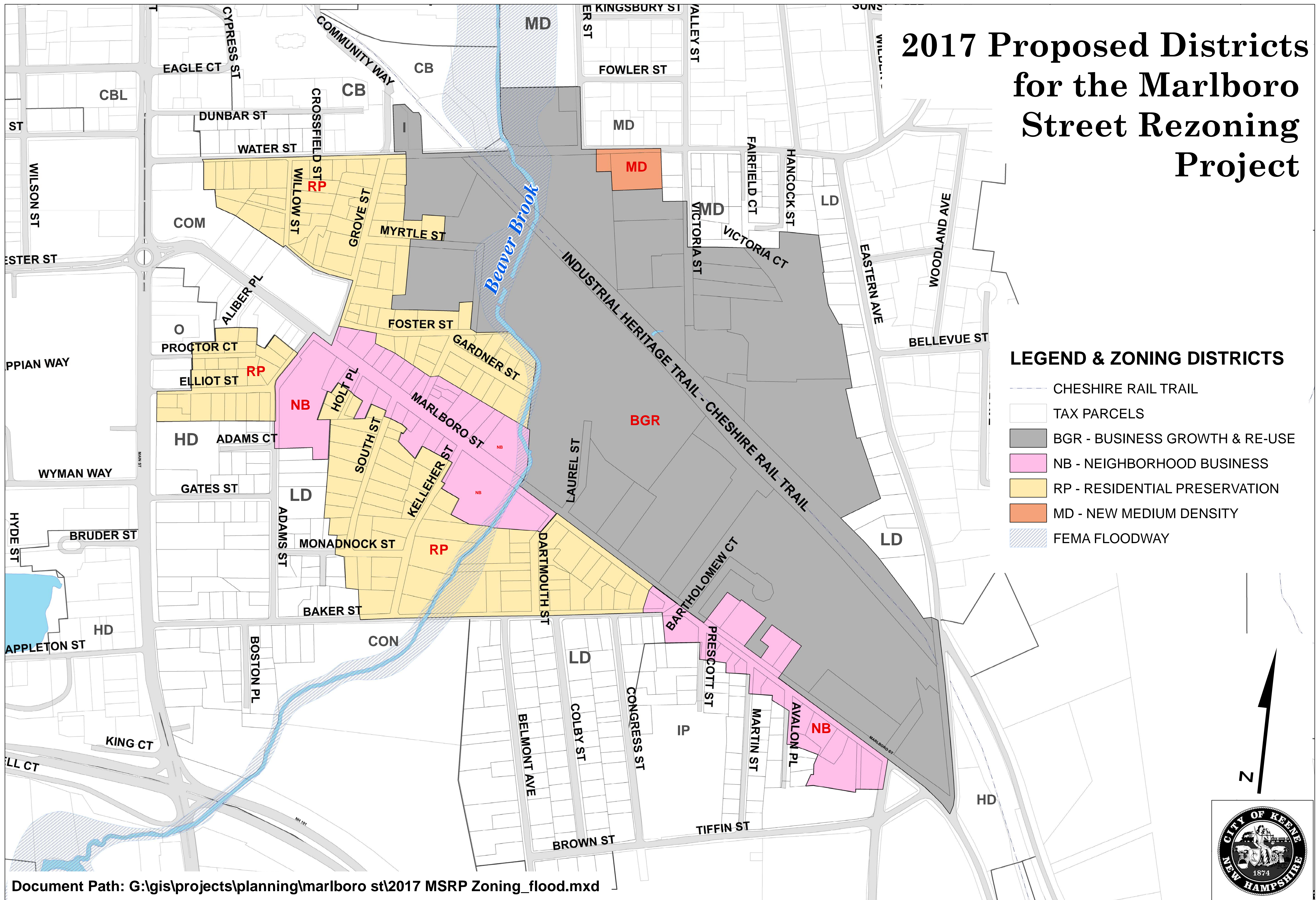
That the following tax parcels will change from INDUSTRIAL zoning district to **NEIGHBORHOOD BUSINESS** zoning district:

031010060000	031010100000
031010090000	031010120100








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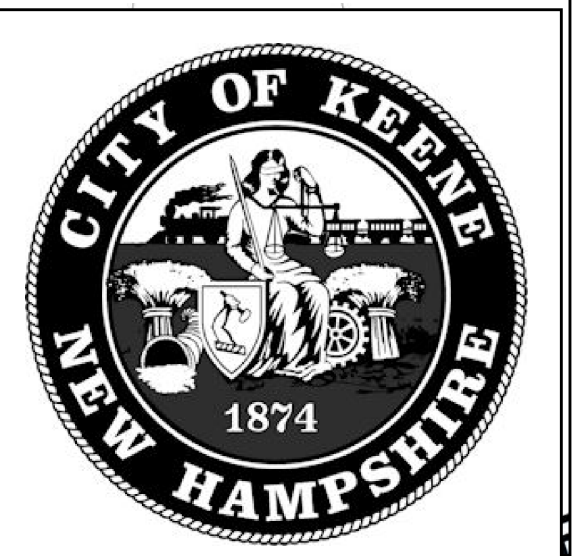
Kendall W. Lane, Mayor

# 2017 Proposed Districts for the Marlboro Street Rezoning Project



## LEGEND & ZONING DISTRICTS

-  CHESHIRE RAIL TRAIL
-  TAX PARCELS
-  BGR - BUSINESS GROWTH & RE-USE
-  NB - NEIGHBORHOOD BUSINESS
-  RP - RESIDENTIAL PRESERVATION
-  MD - NEW MEDIUM DENSITY
-  FEMA FLOODWAY





City of Keene, N.H.  
Transmittal Form

May 2, 2017

**TO:** Mayor and Keene City Council

**FROM:** Medard Kopczynski, City Manager

**ITEM:** J.1.

**SUBJECT:** Relating to the Fiscal Year 2017-2018 Operating Budget

---

**RECOMMENDATION:**

That Resolution R-2017-22 relating to the 2017/2018 fiscal year budget be referred to the Finance, Organization & Personnel Committee for their review and recommendation, and that a public hearing be scheduled for Thursday, May 18, 2016.

**ATTACHMENTS:**

**Description**

Resolution R-2017-22

Resolution R-2017-22\_excel

**BACKGROUND:**

Resolution R-2017-22 summarizes the budget document that has been prepared for the 2017/2018 fiscal year. The detailed document was transmitted to the Mayor and City Council on May 1, 2017. The document, in its entirety has been posted on the City's website, and printed copies are available for review at the Keene Public Library. A Citizen's Budget has also been prepared and is available that summarizes the General Fund Proposed Budget, and explains the City Budget process, and the role of the Comprehensive Master Plan in that effort.

Any bond resolutions associated with projects recommended for funding in the next fiscal year will be presented under separate cover memos.

The remaining steps in the budget process are outlined below:

Monday, May 8, 2017 5:30 PM	Finance, Organization and Personnel Committee review  City Manager introduction Review: General Fund Revenues, Elected & Appointed Officials, Administrative Services - all, PC Replacement
Tuesday, May 9, 2017 5:30 PM	Finance, Organization & Personnel Committee review  Review: Community Services – all ( <i>Parking- Parking Lots &amp; Meters</i> )
Monday, May 15, 2017 5:30 PM	Finance, Organization & Personnel Committee review

	Review: Municipal Development Services – <i>Airport, Health &amp; Code Enforcement, Planning, Parking(maintenance), PW-Engineering &amp; Highway, PW-Solid Waste, PW-Sewer, PW-Water, PW-Fleet</i>
Thursday, May 18, 2017	Public Hearing at regular City Council meeting
Thursday, May 25, 2017 6:30 PM	Finance, Organization & Personnel Committee formulates budget recommendation
Thursday, June 1, 2017	Council vote on budget at regular City Council Meeting



# CITY OF KEENE

R-2017-22

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

A RESOLUTION ..... Relating to the 2017/2018 fiscal year budget.....

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

That the sum of \$25,039,632 be raised by taxation during the current year which together with \$32,877,851 for estimated operating revenues aggregating \$57,917,483 is hereby appropriated for the use of the several departments of the City Government, and further that the sum of \$3,461,930 be appropriated for capital expenditures and capital reserve appropriations in the city proprietary funds, funded by the use of capital reserves, fund balance and current revenues, for the fiscal year beginning July 1, 2017, as attached hereto and made a part thereof.

---

Kendall W. Lane, Mayor

**CITY OF KEENE, NEW HAMPSHIRE**  
**2017/2018 Annual Operating Budget**

**R-2017-22**

<b>General Fund Revenue &amp; Other Financing Sources:</b>	<i>Adopted</i>	<b>General Fund Appropriations:</b>	<i>Adopted</i>
Property Tax Revenue	\$25,039,632	Elected & Appointed Officials	\$2,760,051
Use of Surplus	815,000	Capital Projects	1,932,768
Other Taxes	447,000	Administrative Services	3,610,007
Tax Increment Financing	463,270	Community Services	19,324,689
Licenses, Permits & Fees	3,497,363	Municipal Development Services	6,659,859
Intergovernmental	2,700,495	Debt Service	4,897,288
Charges for Services	1,759,402		
Fines & Forfeits	86,746		
Miscellaneous	1,322,533		
Other Financing Sources	3,053,221		
<b>NET GENERAL FUND OPERATING REVENUES</b>	<b>\$39,184,662</b>	<b>NET GENERAL FUND OPERATING APPROPRIATIONS</b>	<b>\$39,184,662</b>
<b>TOTAL PARKING METER FUND REVENUES</b>	<b>\$2,198,544</b>	<b>TOTAL PARKING METER FUND APPROPRIATION</b>	<b>\$2,198,544</b>
<b>TOTAL PC REPLACEMENT FUND REVENUES</b>	<b>\$69,135</b>	<b>TOTAL PC REPLACEMENT FUND APPROPRIATIONS</b>	<b>\$69,135</b>
<b>TOTAL SOLID WASTE FUND REVENUES</b>	<b>\$4,790,481</b>	<b>SOLID WASTE FUND APPROPRIATIONS</b>	<b>\$4,790,481</b>
<b>TOTAL SEWER FUND REVENUES</b>	<b>\$5,659,563</b>	<b>TOTAL SEWER FUND APPROPRIATIONS</b>	<b>\$5,659,563</b>
<b>TOTAL WATER FUND REVENUES</b>	<b>\$3,759,462</b>	<b>TOTAL WATER FUND APPROPRIATIONS</b>	<b>\$3,759,462</b>
<b>TOTAL EQUIPMENT FUND REVENUES</b>	<b>\$2,255,636</b>	<b>EQUIPMENT FUND</b>	<b>\$2,255,636</b>
<b>TOTAL OPERATING REVENUES - ALL FUNDS</b>	<b>\$57,917,483</b>	<b>TOTAL OPERATING APPROPRIATIONS - ALL FUNDS</b>	<b>\$57,917,483</b>
<b>CAPITAL:</b>			
SEWER FUND CAPITAL FUNDING	<b>\$930,451</b>	SEWER FUND CAPITAL APPROPRIATIONS	<b>\$930,451</b>
WATER FUND CAPITAL FUNDING	<b>\$1,154,727</b>	WATER FUND CAPITAL APPROPRIATIONS	<b>\$1,154,727</b>
EQUIPMENT FUND CAPITAL FUNDING	<b>\$1,376,752</b>	EQUIPMENT FUND CAPITAL APPROPRIATIONS	<b>\$1,376,752</b>
<b>TOTAL CAPITAL FUNDING - ALL FUNDS</b>	<b>\$3,461,930</b>	<b>TOTAL CAPITAL APPROPRIATIONS - ALL FUNDS</b>	<b>\$3,461,930</b>



City of Keene, N.H.  
*Transmittal Form*

April 27, 2017

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** J.2.

**SUBJECT:** Relating to Property Tax Exemptions for Solar, Wind Powered & Wood Heating Energy Systems - Assessing Department

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**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2017-18 and the rescission of Resolution R-2007-11.

**ATTACHMENTS:**

**Description**

Resolution R-2017-18

Resolution R-2007-11

**BACKGROUND:**

City Assessor Dan Langille stated these items were discussed two weeks ago. The first item has to do with solar exemption up to \$30,000 of assessed value of the solar energy system. Councilor Clark clarified this exemption will be applied every year through the life of the system. Mr. Langille agreed and added it will exempt up to \$30,000 of the value of the system. The Councilor asked whether property will be assessed and then be exempted. Mr. Langille answered in the affirmative and added the system also does depreciate in value and this would be taken into consideration as well. He further stated as time goes on if the market shows there isn't value or the value is lower, the exemption amount will be adjusted accordingly.

Councilor Clark made the following motion which was seconded by Councilor Powers.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of R-2017-18 and to rescind R-2007-11.





# CITY OF KEENE

R-2017-18

In the Year of Our Lord Two Thousand and .....2017.....

A RESOLUTION ..... RELATING TO PROPERTY TAX EXEMPTIONS FOR SOLAR, WIND  
POWERED & WOOD HEATING ENERGY SYSTEMS .....

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

**Whereas**, in 1975 the legislature enacted RSA 72:62, an Exemption for Solar Energy Systems, and RSA 72:66, an Exemption for Wind Powered Energy Systems, and RSA 72:70, an Exemption for Wood heating Energy Systems and

**Whereas**, the City of Keene is a active participant and leader in the “Cities for Climate Protection” and

**Whereas**, the Council of the City of Keene wishes to modify the Exemption for Solar Energy, Wind Powered Energy and Wood-heating Energy Systems in recognition of energy conservation.

**Now Therefore Be It Resolved** by the Council of the City of Keene that Resolution R-2007-11 adopted March 15, 2007, is rescinded.

**And Be It Further Resolved** by the Council of the City of Keene that it hereby wishes to comply with the modifications as set out in RSA 72:27-a, by responding in the affirmative to the following:

“Shall the Council of the City of Keene adopt the provisions of RSA 72:62 for a property tax exemption on real property equipped with a solar energy system in an amount equal to the assessed value of the solar energy systems, up to 30,000 in value.”

“Shall the Council of the City of Keene adopt the provisions of RSA 72:66 for a property tax exemption on real property equipped with a wind powered energy system in an amount equal to the cost, including installation, of the wind powered energy systems, up to 10,000 in value.”

“Shall the Council of the City of Keene adopt the provisions of RSA 72:70 for a property tax exemption on real property equipped with a wood heating energy system in an amount equal to the cost, including installation, of the wood heating energy systems, up to 10,000 in value.”

---

Kendall W. Lane, Mayor



# CITY OF KEENE

R-2007-11

In the Year of Our Lord Two Thousand and ..... 2007 .....

A RESOLUTION ..... RELATING TO PROPERTY TAX EXEMPTIONS FOR SOLAR, WIND  
POWERED & WOOD HEATING ENERGY SYSTEMS .....

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

**Whereas**, in 1975 the legislature enacted RSA 72:62, an Exemption for Solar Energy Systems, and RSA 72:66, an Exemption for Wind Powered Energy Systems, and RSA 72:70, an Exemption for Wood heating Energy Systems and

**Whereas**, the City of Keene is a active participant and leader in the “Cities for Climate Protection” and

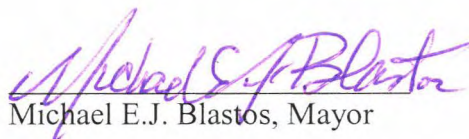
**Whereas**, the Council of the City of Keene wishes to modify the Exemption for Solar Energy, Wind Powered Energy and Wood-heating Energy Systems in recognition of energy conservation.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Keene that it hereby wishes to comply with the modifications as set out in RSA 72:27-a, by responding in the affirmative to the following:

“Shall the Council of the City of Keene adopt the provisions of RSA 72:62 for a property tax exemption on real property equipped with a solar energy heating or cooling system in an amount equal to **the cost, including installation, of the solar energy systems, up to 10,000 in value.**”

“Shall the Council of the City of Keene adopt the provisions of RSA 72:66 for a property tax exemption on real property equipped with a wind powered energy system in an amount equal to **the cost, including installation, of the wind powered energy systems, up to 10,000 in value.**”

“Shall the Council of the City of Keene adopt the provisions of RSA 72:70 for a property tax exemption on real property equipped with a wood heating energy system in an amount equal to **the cost, including installation, of the wood heating energy systems, up to 10,000 in value.**”

  
Michael E.J. Blastos, Mayor



City of Keene, N.H.  
*Transmittal Form*

April 27, 2017

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** J.3.

**SUBJECT:** Relating to Tax Exemptions For Elderly, Deaf, & Disabled - Assessing Department

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**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2017-19, Resolution R-2017-20, and Resolution R-2017-21 and the rescission of Resolution R-2012-40, Resolution R-2012-39 and Resolution R-2012-38.

**ATTACHMENTS:**

**Description**

Resolution R-2017-19  
Resolution R-2017-20  
Resolution R-2017-21  
Resolution R-2012-40  
Resolution R-2012-39  
Resolution R-2012-38

**BACKGROUND:**

Mr. Langille stated for this exemption the income criteria is being changed. Anyone below these income levels will be eligible for these exemptions; \$28,700 (single person) and \$38,700 (married persons).

Councilor Powers made the following motion which was seconded by Councilor Jacobs.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of R-2017-19, R-2017-20, R-2017-21 and to rescind R-2012-40, R-2012-39 and R-2012-38.



# CITY OF KEENE

R-2017-19

In the Year of Our Lord Two Thousand and ..... 2017 .....

A RESOLUTION ..... RELATING TO ELDERLY EXEMPTION QUALIFICATIONS .....

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

**Whereas**, RSA 72:39-a was established for the purposes of standardizing the Elderly Exemption program and

**Whereas**, the City Council wishes to amend the income limitation related to the Elderly Exemption.

**Now Therefore Be It Resolved** by the Council of the City of Keene that Resolution R-2012-40 adopted March 15, 2012, is rescinded.

**And Be It Further Resolved** by the Council of the City of Keene that it hereby wishes to comply with the modifications as set out in RSA 72:27-a, by responding in the affirmative to the following:

“Shall the Council of the City of Keene amend the Elderly Exemption Qualifications to read:

An elderly exemption, shall be granted for qualified taxpayers in the amount of 29,700 for a person 65 years of age up to 75 years of age; 37,400 for a person 75 years of age up to 80 years of age and 44,900 for a person 80 years of age or older. To qualify, the property shall be owned by a resident, owned by a resident jointly or in common with the resident’s spouse, either of whom meets the requirements for the exemption claimed, owned by a resident jointly or in common with a person not the resident’s spouse, if the resident meets the applicable requirements for the exemption claimed, or owned by the resident’s spouse, either of whom meets the requirements for the exemption claimed and when they have been married for at least 5 consecutive years. In addition, the eligible party must have a net income of not more than **\$28,700** or if married a combined net income of not more than **\$38,700**; and own net assets not in excess of \$55,000, or if married a combined net asset limit of \$78,650 excluding the value of the residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse”. This act shall take effect as of April 1, 2017.

\_\_\_\_\_  
Kendall W. Lane, Mayor



# CITY OF KEENE

R-2017-20

In the Year of Our Lord Two Thousand and .....2017.....

A RESOLUTION RELATING TO AN EXEMPTION FOR DEAF OR SEVERELY HEARING IMPAIRED PERSONS AND AN EXEMPTION FOR IMPROVEMENTS TO ASSIST PERSONS WHO ARE DEAF OR SEVERELY HEARING IMPAIRED.....

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

**Whereas**, the legislature has enacted RSA 72:38-b for the purpose of granting an exemption to qualified deaf or severely hearing impaired persons and an exemption for improvements to assist persons who are deaf or severely hearing impaired and

**Whereas**, the City Council wishes to amend the income limitation amount related to the Elderly Exemption.

**Now Therefore Be It Resolved** by the Council of the City of Keene that Resolution R-2012-39, adopted December 20, 2012, is rescinded.

**And Be It Further Resolved** by the Council of the City of Keene that it hereby wishes to comply with the modifications as set out in RSA 72:27-a, by responding in the affirmative to the following:

“Shall the Council of the City of Keene amend the exemption for qualified deaf or severely hearing impaired persons and an exemption for improvements to assist persons who are deaf or severely hearing impaired to read:

Any deaf person or person with severe hearing impairment shall be exempt each year on the assessed value, for property tax purposes, of his or her residential real estate to the value of 29,700. The exemption applies only to property which is occupied as the principal place of abode by the eligible deaf person or person with severe hearing impairment. A “deaf person or person with severe hearing impairment” means a person who has a 71 Db hearing average hearing loss or greater in the better ear as determined by a licensed audiologist or qualified otolaryngologist, who may rely on a visual means of communication, as American Sign Language or speech recognition and whose hearing is so impaired as to substantially limit the person from processing linguistic information through hearing, with or without amplification, so as to require the use of an interpreter or auxiliary aid. The eligible person shall have resided in the state for at least 5 consecutive years preceding April 1 in the year in which the exemption is claimed, and if married, must have been married for at least 5 years. In addition, the eligible party must have a net income of not more than \$28,700, or, if married, a combined net income of not more than \$38,700 and own net assets not in excess of \$55,000, or if married, combined

net asset limit of \$78,650 excluding the value of the residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance.

In addition to the exemption provided above, a person may claim an exemption for improvements to assist persons who are deaf or severely hearing impaired. The exemption for improvements shall apply to every owner of residential real estate upon which he or she resides, and to which he or she has made improvements for the purpose of assisting a person who is deaf or severely hearing impaired who also resides on such real estate. The exemption shall be determined by deducting the value of such improvements from the assessed value of the residential real estate before determining the taxes upon such real estate. The exemption shall only apply in taxable years during which the person who is deaf or severely hearing impaired resided on the residential real estate for which the exemption is claimed on April 1 in any given year.” This act shall take effect as of April 1, 2017.

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Kendall W. Lane, Mayor



# CITY OF KEENE

R-2017-21

In the Year of Our Lord Two Thousand and .....2017.....

A RESOLUTION .....RELATING TO EXEMPTION FOR THE DISABLED.....

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

**Whereas**, RSA 72:37-b was established for the purpose of granting an exemption to property which is occupied as the principal place of abode by any person eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled and

**Whereas**, the City Council wishes to amend the income limitation related to the Disabled Exemption.

**Now Therefore Be It Resolved** by the Council of the City of Keene that Resolution R-2012-38, adopted December 20, 2012, is rescinded.

**And Be It Further Resolved** by the Council of the City of Keene that it hereby wishes to comply with the modifications as set out in RSA 72:27-a, by responding in the affirmative to the following:

“Shall the Council of the City of Keene amend the Exemption for the Disabled to read:

An exemption for persons eligible under Title II or Title XVI of the federal Social Security Act shall be granted to qualified taxpayers in the amount of 29,700. To qualify, the property shall be owned by a resident, owned by a resident jointly or in common with the resident’s spouse, either of whom meets the requirements for the exemption claimed, owned by a resident jointly or in common with a person not the resident’s spouse, if the resident meets the applicable requirements for the exemption claimed, or owned by the resident’s spouse, either of whom meets the requirements for the exemption claimed and when they have been married for at least 5 consecutive years. In addition, the eligible party must have a net income of not more than \$28,700, or if married a combined net income of not more than \$38,700; and own net assets not in excess of \$55,000, or if married a combined net asset limit of \$78,650, excluding the value of the residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinances. Further, upon their sixty-fifth birthday, a person eligible for the exemption for the disabled shall remain eligible for a yearly exemption either in the amount of the Exemption for the Disabled or the Exemption for the Elderly, whichever is greater.” This act shall take effect as of April 1, 2017.

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Kendall W. Lane, Mayor



# CITY OF KEENE

R-2012-40

In the Year of Our Lord Two Thousand and .....2012.....

A RESOLUTION .....RELATING TO ELDERLY EXEMPTION QUALIFICATIONS.....

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

**Whereas**, RSA 72:39-a was established for the purposes of standardizing the Elderly Exemption program and

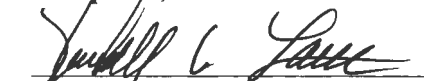
**Whereas**, the City Council wishes to amend the income limitation related to the Elderly Exemption.

**Now Therefore Be It Resolved** by the Council of the City of Keene that Resolution R-2009-29 adopted December 17, 2009, is rescinded.

**And Be It Further Resolved** by the Council of the City of Keene that it hereby wishes to comply with the modifications as set out in RSA 72:27-a, by responding in the affirmative to the following:

“Shall the Council of the City of Keene amend the Elderly Exemption Qualifications to read:

An elderly exemption, shall be granted for qualified taxpayers in the amount of 29,700 for a person 65 years of age up to 75 years of age; 37,400 for a person 75 years of age up to 80 years of age and 44,900 for a person 80 years of age or older. To qualify, the property shall be owned by a resident, owned by a resident jointly or in common with the resident’s spouse, either of whom meets the requirements for the exemption claimed, owned by a resident jointly or in common with a person not the resident’s spouse, if the resident meets the applicable requirements for the exemption claimed, or owned by the resident’s spouse, either of whom meets the requirements for the exemption claimed and when they have been married for at least 5 consecutive years. In addition, the eligible party must have a net income of not more than **\$27,700** or if married a combined net income of not more than **\$37,400**; and own net assets not in excess of \$55,000, or if married a combined net asset limit of \$78,650 excluding the value of the residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse”. This act shall take effect as of April 1, 2013.

  
Kendall W. Lane, Mayor





# CITY OF KEENE

R-2012-39

In the Year of Our Lord Two Thousand and .....2012.....

RELATING TO AN EXEMPTION FOR DEAF OR SEVERELY HEARING

A RESOLUTION IMPAIRED PERSONS AND AN EXEMPTION FOR IMPROVEMENTS TO ASSIST

PERSONS WHO ARE DEAF OR SEVERELY HEARING IMPAIRED

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

**Whereas**, the legislature has enacted RSA 72:38-b for the purpose of granting an exemption to qualified deaf or severely hearing impaired persons and an exemption for improvements to assist persons who are deaf or severely hearing impaired and

**Whereas**, the City Council wishes to amend the income limitation amount related to the Elderly Exemption.

**Now Therefore Be It Resolved** by the Council of the City of Keene that Resolution R-2009-30, adopted December 17, 2009, is rescinded.

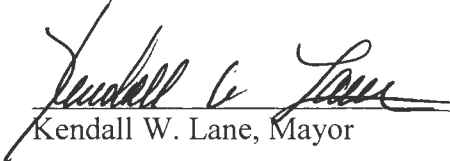
**And Be It Further Resolved** by the Council of the City of Keene that it hereby wishes to comply with the modifications as set out in RSA 72:27-a, by responding in the affirmative to the following:

“Shall the Council of the City of Keene amend the exemption for qualified deaf or severely hearing impaired persons and an exemption for improvements to assist persons who are deaf or severely hearing impaired to read:

Any deaf person or person with severe hearing impairment shall be exempt each year on the assessed value, for property tax purposes, of his or her residential real estate to the value of 29,700. The exemption applies only to property which is occupied as the principal place of abode by the eligible deaf person or person with severe hearing impairment. A “deaf person or person with severe hearing impairment” means a person who has a 71 Db hearing average hearing loss or greater in the better ear as determined by a licensed audiologist or qualified otolaryngologist, who may rely on a visual means of communication, as American Sign Language or speech recognition and whose hearing is so impaired as to substantially limit the person from processing linguistic information through hearing, with or without amplification, so as to require the use of an interpreter or auxiliary aid. The eligible person shall have resided in the state for at least 5 consecutive years preceding April 1 in the year in which the exemption is claimed, and if married, must have been married for at least 5 years. In addition, the eligible party must have a net income of not more than **\$27,700**, or, if married, a combined net income of not more than **\$37,400** and own net assets not in excess of \$55,000, or if married, combined

net asset limit of \$78,650 excluding the value of the residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance.

In addition to the exemption provided above, a person may claim an exemption for improvements to assist persons who are deaf or severely hearing impaired. The exemption for improvements shall apply to every owner of residential real estate upon which he or she resides, and to which he or she has made improvements for the purpose of assisting a person who is deaf or severely hearing impaired who also resides on such real estate. The exemption shall be determined by deducting the value of such improvements from the assessed value of the residential real estate before determining the taxes upon such real estate. The exemption shall only apply in taxable years during which the person who is deaf or severely hearing impaired resided on the residential real estate for which the exemption is claimed on April 1 in any given year.” This act shall take effect as of April 1, 2013.



Kendall W. Lane, Mayor

Passed: December 20, 2012



# CITY OF KEENE

R-2012-38

In the Year of Our Lord Two Thousand and .....2012.....

A RESOLUTION ..... RELATING TO EXEMPTION FOR THE DISABLED .....

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

**Whereas**, RSA 72:37-b was established for the purpose of granting an exemption to property which is occupied as the principal place of abode by any person eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled and

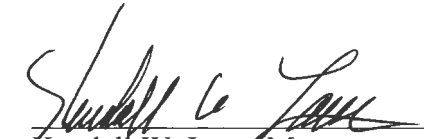
**Whereas**, the City Council wishes to amend the income limitation related to the Disabled Exemption.

**Now Therefore Be It Resolved** by the Council of the City of Keene that Resolution R-2009-31, adopted December 17, 2009, is rescinded.

**And Be It Further Resolved** by the Council of the City of Keene that it hereby wishes to comply with the modifications as set out in RSA 72:27-a, by responding in the affirmative to the following:

“Shall the Council of the City of Keene amend the Exemption for the Disabled to read:

An exemption for persons eligible under Title II or Title XVI of the federal Social Security Act shall be granted to qualified taxpayers in the amount of 29,700. To qualify, the property shall be owned by a resident, owned by a resident jointly or in common with the resident’s spouse, either of whom meets the requirements for the exemption claimed, owned by a resident jointly or in common with a person not the resident’s spouse, if the resident meets the applicable requirements for the exemption claimed, or owned by the resident’s spouse, either of whom meets the requirements for the exemption claimed and when they have been married for at least 5 consecutive years. In addition, the eligible party must have a net income of not more than **\$27,700**, or if married a combined net income of not more than **\$37,400**; and own net assets not in excess of \$55,000, or if married a combined net asset limit of \$78,650, excluding the value of the residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinances. Further, upon their sixty-fifth birthday, a person eligible for the exemption for the disabled shall remain eligible for a yearly exemption either in the amount of the Exemption for the Disabled or the Exemption for the Elderly, whichever is greater.” This act shall take effect as of April 1, 2013.

  
Kendall W. Lane, Mayor