



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
July 6, 2017
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- June 15, 2017
- June 19, 2017
- June 20, 2017

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Presentation - Goose Pond Dam

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation
Zoning Board of Adjustment

C. COMMUNICATIONS

1. Leaf Seligman - Resignation - Juvenile Conference Committee
2. Kevin Dremel - Resignation - Keene Heritage Commission
3. Kevin Dremel - Request to Use City Property - Keene Music Festival
4. Paula Sousa - Overnight Parking on Middle Street
5. Peg Bruce/Kiwanis Club of Keene - Requesting Permission to Decorate Light Poles on the Center Median of Main Street
6. Councilors Clark and Filiault - Release of Voter Information to the Presidential Advisory Commission on Election Integrity

D. REPORTS - COUNCIL COMMITTEES

1. In Support of the Paris Climate Agreement - "We are Still In" Letter of Support
2. Relating to Acceptance of a Monetary Donation - Police Department
3. Appropriation of Unanticipated Tree Revenue - Airport Department
4. Contract for Purchase and Installation of Mobile Compact Shelving - City Clerk's Office
5. Departmental Presentation - Records Management - City Clerk's Office

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. CITY MANAGER COMMENTS

F. REPORTS - BOARDS AND COMMISSIONS

1. Land Use Code Update Phase II - Planning Board/Planning, Licenses and Development Committee

G. REPORTS - MORE TIME

1. Thomas Cook, Cheshire Television - Expenses Associated with Interim Relocation of Cheshire TV

H. ORDINANCES FOR FIRST READING

1. Relating to Chapter 62 - Personnel - Performance Bonus
Ordinance O-2017-12

I. ORDINANCES FOR SECOND READING

1. Relating to the Creation of a Residential Preservation District, a Business Growth and Re-Use District and a Neighborhood Business District
Ordinance O-2016-01-B
2. Relating to Change of Zones - Marlboro Street Project Area and Parcels
Ordinance O-2016-02-A

J. RESOLUTIONS

1. In Support of the Paris Agreement
Resolution R-2017-24-A
2. Reallocation of Bond Proceeds - Capital Purchase Asphalt Reclaimer
Resolution R-2017-25

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, June 15, 2017. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Janis O. Manwaring, Robert J. O'Connor, Terry M. Clark, Bartolmiej K. Sapeta, Randy L. Filiault, Thomas F. Powers, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Carl B. Jacobs was absent. Councilor Greenwald led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the June 1, 2017 meeting was duly seconded. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS

The Mayor announced upcoming workshops and presentations as follows: on July 6, 2017 there will be a presentation before Council on the Goose Pond Dam Project; on July 18, 2017 a Council Workshop will be held on Road Rehabilitation and Capital Spending; on July 25, 2017 a Council Workshop will be held on Fiscal Policies; and, on August 1, 2017 a Council Workshop will be held on Council Goals.

The Mayor went on to announce the Council summer vacation schedule noting the last Council meeting before the Council summer break will be August 3, 2017. Standing Committees will be cancelled for August 9 and 10, 2017 along with the City Council meeting scheduled for August 17, 2017. He continued the second cycle of Committee meetings for the end of August will be rescheduled to the fifth week, taking place on August 30 and 31, 2017. The Council will resume its normal meeting schedule with the first meeting in September.

Mayor Lane stated the City Manager Recruitment schedule has been placed on Councilor's desks. The interviews will take place on Monday and Tuesday of next week. Monday's interviews will be with the full City Council. Tuesday interviews will be conducted by each of the Standing Committees. The full City Council will meet starting at 2:15 PM on Tuesday to interview the finalists.

PUBLIC HEARING – CREATION OF A RESIDENTIAL PRESERVATION DISTRICT, A BUSINESS GROWTH AND RE-USE DISTRICT AND A NEIGHBORHOOD BUSINESS DISTRICT (O-2016-01-A) AND RELATING TO CHANGE OF ZONE – MARLBORO STREET PROJECT AREA AND ITS PARCELS (O-2016-02-A)

The Mayor opened the Public Hearing at 7:04 PM. The Notice of Hearing and Certificate of Publication were read. The Mayor recognized Assistant City Manager/Planning Director Rhett Lamb for opening remarks. Mr. Lamb stated that this evening's hearing is related to Ordinance O-2016-01A for the Creation of a Residential Preservation District, a Business Growth and Re-Use District and a Neighborhood Business District, as well as Ordinance O-2016-02-A Relating to Change of Zone - Marlboro Street Project Area and its Parcels. He noted this is the culmination of a long and careful process, adding that this proposed zoning amendment upholds the priorities of the 2010 Comprehensive Master Plan. It is something staff is very proud to see coming to fruition. Many have been involved in this process over a two and half year period including the Joint Committee and neighborhood groups. At this point he turned the presentation over to City Planner Michele Chalice for further details on the proposed changes.

Ms. Chalice began by stating she is here this evening to provide a brief overview of the three proposed zoning districts that are part of the broader Marlboro Street rezoning project. With the aid of a PowerPoint, Ms. Chalice went to explain the history of the Marlboro Street corridor as a gateway into the City. She noted the train activity and the business activities including industrial factories and neighborhoods. This former vibrant gateway has unfortunately languished. She went on to discuss the reasons the proposed zoning changes are being suggested noting the intent is to revitalize this former gateway into the City's downtown. The specific purpose of the project is to promote reuse and redevelopment of underutilized properties, preserve residential neighborhoods, and strengthen the area as a vibrant, walkable, mixed use district, and to improve storm water management practices as well as increase access to public green spaces.

Ms. Chalice noted the project began in 2013, with the award of a NH Community Planning Grant of \$50,000 and CIP funding. A Steering Committee was established that included residents of the neighborhood, who met over 24 times. Four public information sessions were held as well. A subsequent community workshop took place to review staff's recommended amendments to the zoning, and the better part of the last year was spent holding a series of workshops refining the Ordinance. This evening the hearing will focus on the zoning recommendations coming out of this process.

Ms. Chalice explained that zoning is meant to reflect the goals of a community for the future of an area as well as separating uses into distinct areas. Zoning is also used to guide the building types that can be built in a particular district and to guide the uses that will be allowed on a property in a particular district. Ms. Chalice stated that zoning does not force new buildings to be built or require that existing buildings be changed if they no longer match the new zone. She added that zoning doesn't typically cover aesthetics either. Ms. Chalice displayed the current zoning designations along the Marlboro Street corridor and explained the extent of the industrial zone in that area, noting the uses permitted in the current industrial zone. She indicated the location of the commerce district and provided the allowed uses. There are also low density and high density areas along this corridor as well. She went on to display the proposed changes to zoning which includes a neighborhood business zoning district where small businesses would be permitted. This district would start at Wheelock School and extend to the brook, with a second area starting at Baker and going to Optical Avenue. Three clusters of Residential Preservation Zoning would be established in the following locations: north of Marlboro Street and extending to Water Street, west of Wheelock School extending to Main Street, and an area starting north of Baker Street to southwest of Marlboro Street. No new lodging houses or fraternity homes, institution uses, etc. would be permitted in these areas, however duplexes would be permitted. The final area would be a Business Growth and Re-Use zone, which would diversify uses north of Marlboro Street in the former industrial areas. Ms. Chalice noted the locations of certain buildings to orient the public, pointing out the former Kingsbury property and the City's Municipal Complex as well as the businesses in the Victoria Street neighborhood. She noted the primary change would be that smoke stack factories would no longer be permitted. In addition, the storing of flammable materials would be prohibited. The zone would accommodate only clean manufacturing businesses and would limit the size of the facility to 30,000 square feet, looking to develop a stronger balance of businesses in the area. Something larger could be accommodated with a special exception.

Ms. Chalice went on to note various updates or amendments to zoning definitions that would not only impact the Marlboro Street area, but also would apply citywide. Ms. Chalice ended by explaining some other areas adjacent to the Marlboro Street corridor where zoning would change primarily from industrial to central business, more in keeping with the activities actually occurring in those areas, and proximity to adjacent uses. Ms. Chalice stated there will be one minor correction to the Ordinance that will be before the Planning, Licenses and Development Committee relative to the definition of a repair garage facility, which will result in a "B" version.

Councilor Greenwald asked about the changes in definitions that impact the entire City. He asked Ms. Chalice to review those changes related to dwelling units. Ms. Chalice read the definition that is proposed for a single family dwelling unit which specifies that it is a detached dwelling unit on its own lot, designed for or intended to be occupied by one family. She went on to read the definition for duplex or two-family dwelling ,which means one building designed, occupied or intended for occupancy for 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 supply complete internal access to all rooms in the unit. There were subtle wording changes that needed to be made to these definitions.

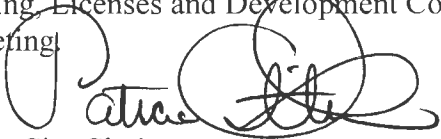
At this time the Mayor requested public comments.

Katherine Harper, 279 Marlboro Street indicated she has lived on Marlboro Street for the last 20 years, and her son went to Wheelock School. She has been a part of this entire process and is glad they are finally here. She is hopeful there will be an investment in Marlboro Street in terms of new sidewalks, new trees, etc She believes if they make the street look better it will be more likely to encourage new businesses to come to the area. She thanked the Mayor and others for working on this and making it a priority. The Mayor thanked her for her involvement as well.

Peter Bradshaw, 45 Greenbriar Road, stated he spoke to the Planning Director about how this would impact his rental properties on Elliot Street and it appears he will be unaffected. He noted that there is a provision regarding a duplex having to be owner occupied and questioned whether the City can mandate that. Other than that issue, he supports the spirit of this and noted there are a lot of positives here. It will be nice to give Marlboro Street some streetscape and hopefully spur some future development. Mayor Lane noted they are aware there are some issues with the language relative to owner occupied duplexes that will be addressed.

As there were no further public comments, the Mayor closed the public hearing for oral testimony at 7:27 PM. He noted the hearing will remain open for written public comments until Tuesday, June 20, 2017 at 1:00 PM. Written public comments must be signed and submitted to the City Clerk by that date and time to be included in the record. He went on to note the Ordinances are currently pending before the Planning, Licenses and Development Committee, and they will be considering them at their next meeting!

A true record, attest:


City Clerk

CONFIRMATION

A motion was made by Councilor Greenwald and duly seconded to confirm the following nomination to the Partner City Committee: Daniel Brown to serve as an alternate member with a term to expire December 31, 2019. On a roll call vote, with 14 Councilors present and voting in favor the motion carried. Carl B. Jacobs was absent.

NOMINATION

The following nomination was received from the Mayor for the Zoning Board of Adjustment: Stephanie H. Gaiser to serve as an alternate member with a term to expire December 31, 2020. The nomination was tabled until the next regular meeting.

COMMUNICATION – ELENA BRANDER – RESIGNATION – ZONING BOARD OF ADJUSTMENT

A communication was received from Elena Brander resigning from the Zoning Board of Adjustment. A motion by Councilor Greenwald to accept the resignation with regret and appreciation for years of service was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – JONATHAN T. FOSKETT – RESIGNATION – HERITAGE COMMISSION

A communication was received from Jonathan T. Foskett resigning from the Heritage Commission. A motion by Councilor Greenwald to accept the resignation with regret and appreciation for years of service was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – THOMAS COOK – CHESHIRE TV – EXPENSES ASSOCIATED WITH INTERIM RELOCATION OF CHESHIRE TV

A communication was received from Thomas Cook, President of the Cheshire Television Board of Directors, relative to expenses associated with the interim relocation of Cheshire Television during the Heberton Hall Renovations. The communication was referred to the Finance, Organization and Personnel Committee.

PETITION — IN SUPPORT OF PARIS AGREEMENT

A petition signed by eight City Councilors and the Chair of the Cities for Climate Protection Committee was submitted in support of the drafting of a Resolution affirming Keene's support for the Paris Accord on Climate Change. The communication was accepted and filed as informational.

MSFI REPORT – DEPARTMENTAL PRESENTATION – COMPLEX TASK SHOWCASES EMPLOYEE SKILLS – PUBLIC WORKS DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending the acceptance of the departmental presentation as informational. The report was filed as informational.

PLD REPORT – REQUEST TO USE CITY PROPERTY – WHITCOMB’S MILL ROAD – FILMING

Planning, Licenses and Development Committee report read, recommending that film student Robert Kerr be granted permission to use City property on the Whitcomb’s Mill Road on June 16 and 17, 2017 for filming with the use of a vehicle mounted camera; with rain dates subject to coordination with City staff. Said permission is conditional upon compliance with the customary licensing requirements of the City Council, and compliance with any recommendations of City staff. 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 – ADOPTION OF THE AIRPORT MASTER PLAN UPDATE – AIRPORT DEPARTMENT

Planning, Licenses and Development Committee report read recommending the adoption of the Airport Master Plan Update. 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.

FOP REPORT – ALPS BUILDING CHRISTIAN FELLOWSHIP LEASE – AIRPORT DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to enter into a lease of the former Alps/Hillside Pizza building with the Christian Life Fellowship Church. 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 – DEPARTMENTAL PRESENTATION – ADMINISTRATIVE SUPPORT FOR BOARDS AND COMMISSIONS – CITY CLERK’S OFFICE

Finance, Organization and Personnel Committee report read recommending the acceptance of the Departmental Presentation on administrative support for boards and commissions as informational. The report was filed as informational.

CITY MANAGER COMMENTS

The City Manager stated he had a few announcements. He began that Mike Hagan has been accepted to be a member of the NH Building Code Review Board as the representative from the NH Building Officials Association. This is a board contained in the Department of Safety and one of their roles is to suggest changes to the State legislature. He went on to announce that the Safe Routes to School Project is slated to be completed today. This project included pedestrian

and bicyclist safety improvements within the Maple Acres subdivision. The City Manager continued that they have had the following individuals successfully complete the Underground Storage Tank (UST) Operator Training Course through the N.H. Department of Environmental Services: Scott Martin, Dan McLaughlin and Brian Fontaine from Facilities, Jim Mountford, Chad Guyette and Mike August from Fleet Services, and Chris Tarr, Matt Niven, Neil Goodell, Morgan Bartley and Tom Moran from the Waste Water Treatment Facility. He ended his comments by stating that this week Keene is the host community for the annual Municipal Managers of New Hampshire's annual conference. This is the professional association for NH City and Town Managers and Administrators. The conference was organized this year by The Group's first Vice President Beth Fox, and other city staff including Helen Mattson and Yves Gakunde. The program focuses on community and economic development, communication in a time of change and solar arrays in NH. The first session highlighting economic development and innovation in our region and the added value that results from effective collaboration featured ACM/Planning Director Rhett Lamb, who will be participating in a panel sharing Keene's work in this area and new directions being set to respond to today's challenges. An evening event was held at the Dillant Hopkins Airport Flight Deck Restaurant.

MEMORANDUM – WARRANT FOR UNLICENSED DOGS – CITY CLERK'S OFFICE

A memorandum was received from the City Clerk recommending that the City Council issue a warrant for unlicensed dog pursuant to NHRSA 466:14 and that the Animal Control Officer be directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2017. The memorandum was referred to the Municipal Services, Facilities and Infrastructure Committee.

MEMORANDUM – COUNCIL GOALS AND OBJECTIVES – CITY COUNCIL GOALS SETTING SPECIAL COMMITTEE

A memorandum was received from the Chair of the City Council Goals Setting Special Committee recommending acceptance of the City Manager's memorandum dated June 7, 2017 and, with that acceptance, the Special Committee believes they have met their charge and does not see a need to meet further unless additional tasks are assigned by the Mayor or City Council. The memorandum was filed as informational.

COMMUNICATION – IN SUPPORT OF CHESHIRE TELEVISION'S LEASING OF THE KAY FOXROOM AND THE NEGOTIATIONS OF A LEASE – LIBRARY BOARD OF TRUSTEES

A memorandum was received from the President of the Library Board of Trustees in support of the leasing by Cheshire Television of the Kay Fox Room during the Library renovations project. The communication was filed as informational.

FOP REPORT AND ORDINANCE O-2017-11-A: RELATING TO PURCHASING

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2017-11-A, as amended. The report was filed as informational. Ordinance O-2017-11-A: Relating to Purchasing 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 14 Councilors present and voting in favor, the motion carried. Ordinance O-2017-11-A declared adopted. Councilor Jacobs was absent.

MSFI REPORT AND RESOLUTION R-2017-17-A: RELATING TO THE ABSOLUTE DISCONTINUANCE OF A PORTION OF PRODUCTION AVENUE. EXTINGUISH A DRAINAGE EASEMENT AND A WATER EASEMENT, LAYOUT OF REVISED PORTION OF PRODUCTION AVENUE (TURNAROUND) AND TO ESTABLISH AN ACCESS EASEMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending in the first paragraph the City Manager be authorized to: 1) provide a deed for an area of land previously laid out at Production Avenue to Liberty Utilities, 2) accept a deed for access easement from Liberty Utilities, 3) accept a deed for land to be laid out as an amendment to the layout of Production Avenue for a proposed turnaround area, 4) release the City's interest in easements for drainage and utility lines across the property of Liberty Utilities, 5) accept documentation to amend a portion of the layout of Production Avenue, and 6) discontinuance upon successful construction of the turnaround. The report further recommended the adoption of Resolution R-2017-17-A, as amended. The Chair divided the questions. It was noted that the following Councilors were not present at the recent site visit on this item and therefor would not be participating in the vote this evening: Janis O. Manwaring, Mitchell H. Greenwald, Bettina A. Chadbourne, David C. Richards and Randy L. Filiault. A motion by Councilor Lamoureux to carry out the intent of paragraph one of the report was duly seconded. The motion passed with five in favor, five abstaining and Councilors Hooper, Sutherland, Clark, and Sepeta opposed. Councilor Jacobs was absent. The remaining recommendation was filed as informational. A motion by Councilor Lamoureux for the adoption of Resolution R-2017-17-A: Relating to the Discontinuance of a Portion of Production Avenue was duly seconded. Discussion ensued. On showing of hands, with five in favor, five abstaining and Councilors Hooper, Sutherland, Clark and Sepeta opposed the motion for adoption carried. Resolution R-2017-17-A declared adopted.

RESOLUTION R-2017-23: IN APPRECIATION OF JENNIFER M. BONE UPON HER RETIREMENT

Resolution R-2017-23: In Appreciation of Jennifer M. Bone Upon Her Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion carried with a unanimous vote in favor.

RESOLUTION R-2017-24: IN SUPPORT OF THE PARIS AGREEMENT

Resolution R-2017-24: In Support of the Paris Agreement was read for the first time. The Mayor indicated his intent to refer the Resolution to the Planning, Licenses and Development

Committee. A motion by Councilor Clark to suspend the Rules of Order to act on the Resolution this evening was duly seconded. Discussion followed. After several comments from Councilors indicating their constituents would like the opportunity to speak to the matter, the motion and second to suspend the Rules to act on the Resolution was withdrawn. The Resolution was referred to the Planning, Licenses and Development Committee.

NON-PUBLIC SESSION

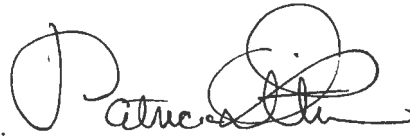
At 8:17 PM Councilor Greenwald moved to go into non-public session to discuss consideration of pending claim and litigation under NHRSA 91-A:3 II (e). On roll call vote, 14 Councilors were present and voting in favor. Councilor Jacobs was absent. A brief recess was called. The session commenced at 8:23 PM. Discussion was limited to the subject matter. The session concluded at 8:30 PM. Councilor Greenwald moved to keep the minutes of the non-public session non-public. On roll call vote, 14 Councilors were present and voting in favor. Councilor Jacobs was absent.

HAZARDOUS BUILDING – 54 BEECH STREET

Councilor Greenwald moved to suspend the Rules of Order to consider and act upon a removal of a hazardous building in accordance with NHRSA 155-B. On roll call vote, 14 Councilors were present and voting in favor. Councilor Jacobs was absent. A motion by Councilor Greenwald to have the City Council recommend that the building located at 54 Beech Street, Keene, is determined to be a hazardous building as defined under RSA 155-B, and authorize the City staff to take all necessary actions pursuant to RSA 155-B, including but not limited to authorizing the City Manager to order the owner to raze and remove the building and fill in the cellar hole was unanimously adopted.

The Mayor adjourned the session at 8:31 PM.

A true record, attest:



City Clerk

06/19/2017

A special meeting of the Keene City Council was held Monday, June 19, 2017 for the purpose of holding a non-public session to discuss a personnel matter under NHRSA 91-A (II) b. The Honorable Mayor Kendall W. Lane called the meeting to order at 8:30 AM. Roll called: Carl. B. Jacobs, Janis O. Manwaring, Terry M. Clark, Bartolmiej K. Sapeta, Thomas F. Powers, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Robert J. O'Connor arrived at 9:15 AM. Robert B. Sutherland arrived at 10:30 AM. Randy L. Filiault was absent.

NON-PUBLIC SESSION

Councilor Greenwald moved to go into non-public session to discuss a personnel matter under RSA 91-A (II) b. On roll call vote 12 Councilors were present and voting in favor. Councilors O'Connor, Filiault, and Sutherland were absent.

The session concluded at 5:32 PM.

Councilor Greenwald moved to keep the minutes of the non-public session, non-public. On roll call vote, 14 Councilors were present and voting in favor. Councilor Filiault was absent.

A true record, attest: 
City Clerk

6/20/2017

A special meeting of the Keene City Council was held Tuesday, June 20, 2017 for the purpose of holding a non-public session to discuss a personnel matter under NHRSA 91-A (II) b. The Honorable Mayor Kendall W. Lane called the meeting to order at 2:15 PM. Roll called: Carl. B. Jacobs, Janis O. Manwaring, Terry M. Clark, Bartolmiej K. Sapeta, Thomas F. Powers, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Robert J. O'Connor arrived at 2:20 PM. Robert B. Sutherland and Randy L. Filiault was absent.

NON-PUBLIC SESSION

Councilor Greenwald moved to go into non-public session to discuss a personnel matter under RSA 91-A (II) b. On roll call vote 12 Councilors were present and voting in favor. Councilors O'Connor, Filiault, and Sutherland were absent.

The session concluded at 6:27 PM.

Councilor Greenwald moved to keep the minutes of the non-public session, non-public. On roll call vote, 13 Councilors were present and voting in favor. Councilors Filiault and Sutherland were absent.

A true record, attest: 
City Clerk



City of Keene, N.H.
Transmittal Form

June 13, 2017

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: B.1.

SUBJECT: Confirmation

COUNCIL ACTION:

In City Council June 15, 2017.
Tabled until the next regular meeting.

RECOMMENDATION:

I hereby nominate the following individual to serve on the following Board or Commission.

BACKGROUND:

ZONING BOARD OF ADJUSTMENT

Stephanie H. Gaiser, alternate, Slot 6
Keene NH 03431

Term to expire Dec 31, 2020



External Communication
Transmittal Form

July 3, 2017

TO: Mayor and Keene City Council

FROM: Leaf Seligman

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Leaf Seligman - Resignation - Juvenile Conference Committee

ATTACHMENTS:

Description

Communication - Seligman

BACKGROUND:

Leaf Seligman is resigning her membership on the Juvenile Conference Committee.

June 26, 2017

Honorable Mayor and City Council
City Clerk
3 Washington St.
Keene, NH 03431

I have notified Elizabeth Brown and am now submitting my resignation from Juvenile Conference Committee to you.

It's been a pleasure to serve the City in this capacity and now that I have been hired as a part-time caseworker/coordinator of the JCC, I need to resign as a member of said committee. I am delighted to be able to continue to serve the City in my new role.

Thank you.



Leaf Seligman
JCC Coordinator
Youth Services



City of Keene, N.H.
Transmittal Form

July 3, 2017

TO: Mayor and Keene City Council

FROM: Kevin Dremel

THROUGH: Patricia A. Little

ITEM: C.2.

SUBJECT: Kevin Dremel - Resignation - Keene Heritage Commission

ATTACHMENTS:

Description

Communication - Dremel

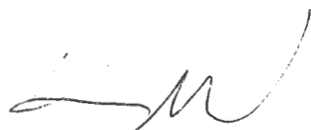
BACKGROUND:

Mr. Dremel is resigning his membership on the Keene Heritage Commission. he has been a member since January 2016.

June 15, 2017

TO: Mayor Kendall W. Lane

Please accept this as notice of my desire to resign my seat from the Keene Heritage Commission.

A handwritten signature in black ink, appearing to read "Kevin M. Dreme". The signature is stylized with a large, sweeping initial "K" and a long horizontal stroke.

Kevin M. Dreme



City of Keene, N.H.
Transmittal Form

July 3, 2017

TO: Mayor and Keene City Council

FROM: Kevin Dremel

THROUGH: Patricia A. Little, City Clerk

ITEM: C.3.

SUBJECT: Kevin Dremel - Request to Use City Property - Keene Music Festival

ATTACHMENTS:

Description

Communication - Dremel

BACKGROUND:

Mr. Dremel is requesting use of City property for the 17th annual Keene Music Festival. The festival will be held on September 2, 2017. The Music Festival has been designated as a "community event."



RECEIVED
CITY OF KEENE

JUN 15 2017

OFFICE OF
CITY CLERK

63 Emerald St, # 363

Keene, NH 03431

<http://www.keenemusicfestival.org>

June 15, 2017

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

Re: 17th Annual Keene Music Festival

The Keene Music Festival, in association with the Keene Downtown Group wishes to sponsor the 17th Annual Keene Music Festival on Saturday, September 2nd, 2017. The scheduled hours for performances and other activities are 9:00 AM until 10:30 AM.

As with the fourteen previous events, we are seeking permission to use the common area and bandstand in Central Square, Railroad Square and those sections of the following sidewalks that are located within the Downtown area: Main Street, Washington Street, Lamson Street and Gilbo Avenue. Musicians, merchants and city permitted restaurants will use the sidewalks. In no instance will a sidewalk be blocked in a manner that restricts pedestrian traffic. In addition to these locations, City Tire Company (124 Main Street), Lindy's Diner, as well as other possible downtown businesses, will also be designated as performance venues. We would like to request and reserve the use of parking metered spaces #'s 164, 166, 168, 170, 172, and 174 on Main Street in front of the City Tire Company. The Main Street metered spaces are being requested to serve as a staging area to allow the sound crew to prepare equipment to be set up in the City Tire Company parking lot; and could be opened for use later in the day.

While we do not request that Railroad Street, from Main Street to the parking garage, be officially closed, we are asking that the Public Works Department please provide us with adequate barriers for that eventuality. If the Keene Police Department determines that

there is a safety issue, we will close the street with the barricades. We are also requesting to place a stage at Lamson Street; in the area between Main Street and the sidewalk. We would request access to portable safety barriers to place at the entrance to Lamson Street to serve as a buffer between Main Street and the performers. The performance area would be designed to fit within the area between Main Street and the sidewalk adjacent to Lamson Street.

As with prior years, and in a manner consistent with community event protocol, we ask that the City please give due consideration to absorbing any additional cost of Police Officers and Fire Department Medical Personnel for the day. We are requesting that Police and Fire Department Personnel be detailed to the event between the hours of 11:00 AM and 10:30 PM.

As required, we will provide a \$1Million certificate of insurance to the City, and work closely with City staff to ensure that this is a safe and enjoyable event.

Our previous Music Festivals have always been a great success. There have been no public issues; the performances have been amazing, and the crowds' orderly. As in previous years, Keene Music Festival does not consider or accept outside vendor applications. We prefer to encourage our guests to explore local businesses and shops as they enjoy the music. Events such as this add to the vibrancy of our Downtown area and the City in general and help Keene to be the exceptional place that it is. We thank you in advance for your continued consideration and support.

Sincerely, |



Kevin M. Dremel
Music Festival Director



City of Keene, N.H.
Transmittal Form

June 23, 2017

TO: Mayor and Keene City Council

FROM: Paula Sousa

THROUGH: Patricia A. Little, City Clerk

ITEM: C.4.

SUBJECT: Paula Sousa - Overnight Parking on Middle Street

ATTACHMENTS:

Description

Sousa Communication

BACKGROUND:

Paula Sousa owns a duplex at 22 Middle Street and she is requesting that her tenants with overnight parking permits be able to park overnight at the three metered parking spaces on Middle Street during the overnight parking season (May - Oct.)

June 23, 2017

To the Honorable Mayor Kendall and Keene City Council Members,

Hello. My name is Paula Sousa and I own a duplex at 22 Middle Street. This letter is a request to amend the city code relating to the overnight parking restriction on Middle Street. My request is to allow residents with current overnight parking permits to be able to park overnight at the three metered parking spaces on Middle Street (specifically, during the overnight parking season, May-Oct). Currently, Middle Street is considered part of the Downtown Business District, which does not allow overnight parking between the hours of 2 am and 6 am. Our original permitted parking spaces were in the Elm Street Lot but we lost those spaces when the lot was developed for the new Fire Station; we were moved to the Commercial Street Lot (behind the Colonial Theater), a significantly longer distance from our house.

I'm available to speak further to this matter and would be happy to attend any council meetings to answer any questions. Thank you.

With regards,

Paula Sousa

A handwritten signature in cursive script that reads "Paula Sousa".

22 Middle Street Keene, NH 03431

603-357-4797



City of Keene, N.H.
Transmittal Form

June 27, 2017

TO: Mayor and Keene City Council

FROM: Peg Bruce, Keene Kiwanis Club

THROUGH: Patricia A. Little, City Clerk

ITEM: C.5.

SUBJECT: Peg Bruce/Kiwanis Club of Keene - Requesting Permission to Decorate Light Poles on the Center Median of Main Street

ATTACHMENTS:

Description

Kiwanis Communication

BACKGROUND:

The Kiwanis Club is requesting permission to decorate the light poles on the center median of Main Street. The lights would be installed from mid-October until early April.



Kiwaniis[®]

CLUB OF KEENE

63 Emerald Street
PMB 451
Keene, NH 03431
keenekiwanis.org

June 19, 2017

Mayor Lane and the Keene City Council
3 Washington Street
Keene, NH 03431

OFFICERS:

Paul Bothwell
President

Dave Ganio
Vice President

Peg Bruce
Past President

Janet Genatt
Treasurer

Sue Farrell
Co-Treasurer

Peg Bruce
Secretary

Phyllis Custer
Co-Secretary

DIRECTORS:

Carl Allen

Phyllis Custer

James Faux

Pamela Little

Eli Rivera

Arthur Trombly

PAST PRESIDENTS:

Peg Bruce 2015-16

David Ganio 2014-15

Beth Healy 2013-14

Gary Grashow 2012-13

Carl Allen 2011-12

Michael Haines 2010-11

Jodi Turner 2009-10

Judy Kalich 2008-09

Art Trombly 2007-08

Michael Ward 2005-07

Re: Decorating the light poles on the center median of Main Street

Dear Mayor Lane and the Keene City Council:

The Keene Kiwanis Club requests a license to once again decorate the light poles on Main Street starting at the flagpole and ending with the light pole on the south side of the roundabout at the intersection of Marlboro Street and Winchester Street.

We are separating this decorating from the other decorations we put up with the Tree Lighting event. The Club would like to have the lights stay on the poles longer than the Holiday season. We have received comments that they should stay on year round. However, when I discussed this with Kurt Bloomquist of the Public Works Department, he made me aware that having lights on year round in the past was not well accepted by all of the residents of Keene.

Our request at this time would be to put these lights up the middle of October and then take them down the beginning of April which would roughly line up with when we change the clocks and would let us do it during better weather.

This will be the third year we are decorating the light poles. It is the first time we are asking to have it considered on its own merit. We appreciate the Mayor and the Council members considering our request.

Feel free to contact me should there be any questions as I will once again be involved in doing this decorating. I can be reached at 603-762-7276 or at

Sincerely,

Peg Bruce, Secretary
Kiwaniis Club of Keene

603-762-7276



City of Keene, N.H.
Transmittal Form

July 3, 2017

TO: Mayor and Keene City Council

FROM: Councilors Terry M. Clark and Randy L. Filiault

THROUGH: Patricia A. Little, City Clerk

ITEM: C.6.

SUBJECT: Councilors Clark and Filiault - Release of Voter Information to the Presidential Advisory Commission on Election Integrity

ATTACHMENTS:

Description

Communication - Voter Information

BACKGROUND:

Councilors Clark and Filiault are requesting that the City Council adopt a resolution that would be forwarded to the New Hampshire Secretary of State, stating their objection to releasing voter information in response to a request by the Presidential Advisory Commission on Election Integrity.

July 3, 2017

To: The Honorable Mayor and Keene City Council

With the current administration in Washington requesting voter information, it is our opinion this request is for voter suppression and nothing more.

We all know historically, the City of Keene, through the City Clerk's Office, has run probably the tightest, most ethical and transparent elections in the entire State of New Hampshire.

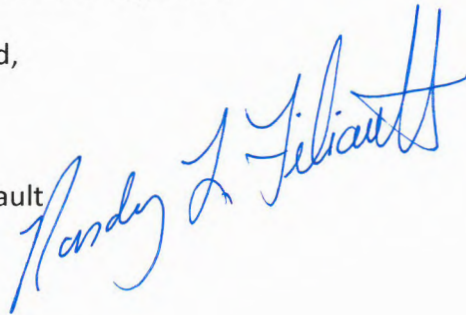
With that said, we find no reason that our City Clerk's Office should turn over any voter information, beyond the scope of law. And, if such information is requested within that scope, then payment shall be received, as we would require any citizen.

We respectfully request the full City Council agree to a resolution on the above stated information and forward such resolution to the State of New Hampshire Secretary of State, William Gardner stating our objection of releasing voter information, as the governors of at least 20 other states have already done.

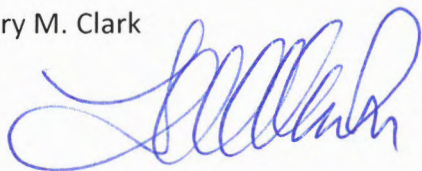
Respectfully Submitted,

Councilor Randy L. Filiault

And



Councilor Terry M. Clark





City of Keene, N.H.
Transmittal Form

June 21, 2017

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.1.

SUBJECT: In Support of the Paris Climate Agreement - "We are Still In" Letter of Support

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the Mayor be authorized to sign onto the "We Are Still In" initiative on behalf of the City of Keene.

BACKGROUND:

Michele Chalice, Planner stated she is here as the voice for the CCP Committee' request for their support of the Paris Climate Agreement. She reported two motions were made at their June 7, 2017 meeting. One recommendation dealt with support of the Resolution R-2017-24, which the Committee just acted upon. The second recommendation from the CCP Committee dealt with the Mayor signing onto the "We are Still In" initiative on behalf of the City of Keene. Ms. Chalice added this is the initiative referred to in Dr. Shedd's remarks and it is the document that many nations and businesses have signed onto.

Ms. Shedd commented this is an open letter addressed to the international community which is the main difference from the Resolution just passed. It was brought forth by Peter Hansel.

Councilor Hansel commented it seems the letter mainly addresses Mayors, Governors, and businesses etcetera. He noted his confusion and inquired whether the Mayor could not sign the initiative if he wanted to. Ms. Chalice replied the Mayor cannot sign without City Council's approval. The City Attorney clarified the Mayor does have independent authority to sign a letter on behalf of City Council and suggested this is a question for the Mayor. The City Attorney also noted in the past the Mayor has asked for Council approval. Councilor Hansel noted he is unsure if it calling for the Mayor to sign on behalf of the City Council as it is calling for Governors and Mayors, etcetera. Councilor Jones commented if you read the letter it says it has to come from the entity; not the CEO or an individual. The Mayor would sign but the Council would be the entity. The City Attorney concurred.

Ms. Shedd outlined the request process which Chair Richards confirmed. Chair Richards also commented he is willing to act on this as he has never seen the Mayor or any prior Mayor sign a letter without first getting Council support.

Chair Richards asked for public comments.

Jeff Daley, spoke for the second time commenting what was read is taken from the European version. He explained that European Mayors have greater authority than American Mayors on behalf of the town, city, or county.

Peter Hansel, of 61 Bradford Road suggested overseas has no bearing on the letter; it has been signed by many in response to President Trump's proclamation. Mr. Hansel reiterated Ms. Shedd's earlier comments on the broader scope of this letter compared to the Resolution. Councilor Jones commented the rules state the letter cannot be edited. He suggested the Mayor may put this on City letterhead and sign it. The City Attorney noted this has not been the Mayor's practice in the past.

Councilor Sutherland clarified this is a statement saying we are already committed in the things we are already doing from a different organization than the Resolution we just passed. Chair Richards reiterated the difference between this document and the Resolution just passed.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the Mayor be authorized to sign onto the "We Are Still In" initiative on behalf of the City of Keene.



City of Keene, N.H.
Transmittal Form

June 22, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.2.

SUBJECT: Relating to Acceptance of a Monetary Donation - Police Department

RECOMMENDATION:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a \$40 donation to the Keene Police Department.

BACKGROUND:

Police Chief, Steve Russo stated the Department is in receipt of a donation from Hilary Richardson in the amount of \$40 cash in appreciation of motor vehicle law enforcement.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a \$40 donation to the Keene Police Department.



City of Keene, N.H.
Transmittal Form

June 22, 2017

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

SUBJECT: Appropriation of Unanticipated Tree Revenue - Airport Department

RECOMMENDATION:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to create a capital account to receive and expend up to \$16,000 from previous tree clearing activities to be used for the removal of additional trees within the airspace at the airport. The tree revenue will be deposited in an account to be created in the capital projects fund.

BACKGROUND:

Airport Manager, Jack Wozmak stated that he is before the Committee to request that he be permitted to spend the revenue the airport made which was unanticipated revenue from tree cutting so this project can be advanced. No tax dollars were used for this work. Councilor Chadbourne referred to language which talks about the pine trees being requested by the neighborhood to be taken down and asked whether these trees need to come down. Mr. Wozmak stated the only ones he can have taken down are the ones that are invading the flight path.

Councilor Jacobs asked for explanation as to how the airport ended up with these funds. Mr. Wozmak stated the airport received revenue because of the timber operation just as it used to when trees were taken down at the County Farm. The Councilor asked why that same process could not work for these trees as well going forward. Mr. Wozmak stated because there are not enough trees; the \$16,000 of unanticipated revenue came as a result of culling 187,000 board feet. In this instance, the specific obstruction within the Edgewood neighborhood is about 100 trees, there is not the volume here.

The City Manager recognized Mr. Wozmak's creativity in this process. The original idea was to use federal funds to remove trees with matching funds. The city may still have to do that for some properties but not having to use federal funds reduces the need to create navigation easements etc. In addition to saving money, it has left an active area for bio diversity.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to create a capital account to receive and expend up to \$16,000 from previous tree clearing activities to be used for the removal of additional trees within the airspace at the airport. The tree revenue will be deposited in an account to be created in the capital projects fund.



City of Keene, N.H.
Transmittal Form

June 22, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.4.

SUBJECT: Contract for Purchase and Installation of Mobile Compact Shelving - City Clerk's Office

RECOMMENDATION:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a contract with Red Thread for the purpose of providing and installing mobile compact shelving and should those negotiations prove unsuccessful, to negotiate with the next successive mobile compact shelving vendor.

BACKGROUND:

Deputy City Clerk/Records Manager Bill Dow was the next speaker. Mr. Dow stated he was here to talk about mobile compact shelving in the records storage facility in the archive room. The Council approved expenditure of funds through the CIP and in April 2017 issued an RFP for this work, a committee consisting of city staff looked at the proposals and recommend Red Thread for this work.

Chair Greenwald asked why we need mobile compact shelving. Mr. Dow explained that this shelving is collapsible shelving to make shelving denser to accommodate additional records.

Councilor Chadbourne asked whether staff feels negotiation would not be successful. Mr. Dow answered in the negative and added the reason it is outlined in this manner is so that staff did not have to keep coming back before Council. The Councilor stated she is concerned about the cost of the third contract should the first two fail. Mr. Dow stated all of them are within the budget that has been established.

Councilor Powers asked why this item is included on this agenda as this is an item that is already in the budget. Mr. Dow stated the RFP process required staff to come before the Committee.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a contract with Red Thread for the purpose of providing and installing mobile compact shelving and should those negotiations prove unsuccessful, to negotiate with the next successive mobile compact shelving vendor.



City of Keene, N.H.
Transmittal Form

June 22, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.5.

SUBJECT: Departmental Presentation - Records Management - City Clerk's Office

RECOMMENDATION:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends the acceptance of the presentation of the City's records management initiative as informational.

BACKGROUND:

City Clerk, Patty Little began by introducing Mr. Dow – she indicated Mr. Dow comes with a background in records management and is also a certified records manager. Ms. Little stated Mr. Dow is here to talk about the implications records have on city business and their historical value.

Mr. Dow stated the Council has been supportive of the records management initiative which has allowed staff to obtain the necessary training and equipment. He noted the city built its records storage facility in 2003 at a cost of \$250,000. In 2005, the city sought passage of state legislation to allow for the storage and management of records for other municipalities. Currently the city has four counties, three municipalities and one non-profit as customers bringing in \$25,000 in revenue for the general fund.

Mr. Dow went on to say the City Clerk is the keeper of the records and by state law is the steward of all governmental records which burden on the Clerk encouraged the city to create the records division they currently have.

Mr. Dow then talked about the records division which consists of Mr. Dow and Mr. Matt O'Brien, Records Clerk. Matt O'Brien has been with the city since 2003 and does a lot of work behind the scenes. This is a permanent part-time position and his duties go far beyond records. Some of his many duties are hanging signs, repairing, painting, shoveling, cutting grass, and he is always willing to help the department in many ways and the department appreciates everything he does.

Mr. Dow stated the records division services routine requests between city staff and customers. During the last year staff completed almost 850 minutes of research, completed 300 new deposits, and plan to complete about 800 – 1,000 retrievals and returns this year. He noted staff does not only deliver records but also delivers newspapers to the library from Corner News and transport of books from the library to Keene State College and back as well as monthly transport of motor vehicle mailings to the Post Office as well as property tax mailings. Staff also transported records up to the recycling center and purged about 250 boxes of records.

Currently, the department is managing close to 4,773 City of Keene boxes, and of those, 65% are required to be retained permanently; these boxes contain over 6,000 linear feet of records which if stacked would extend

over a mile high. Storage material contains paper, ledger books, photographs, artifacts etc. At the present time the site is close to 70% of storage capacity – 28% of the occupied space is rented space. To manage the stored items specialized storage software is utilized.

In closing, Mr. Dow stated records management is a necessity to provide effective access to governmental records.

Chair Greenwald clarified now that the Council has switched to technology to view their packets, whether staff is still retaining paper copies. Mr. Dow stated they do continue to maintain paper because these are considered permanent copies. The Chair asked whether records that date back many years have been digitized. Ms. Little stated they are available on microfilm but are not digitized. Mr. Dow stated the City's blue prints are also available.

Councilor Powers clarified the need for each department to maintain records does not exist anymore as they are now stored in the records facility. Mr. Dow agreed, but there is no policy that indicates how soon departments have to relinquish their records.

Councilor Clark asked whether there is an ongoing effort to archive records onto the City's website. Mr. Dow stated as items are researched they are also digitized and this is how staff is updating the digital collection but staff does not have a systematic manner in which older records are digitized absent grant funding and bringing dedicated staff to do this work. Councilor Clark suggested college interns. Mr. Dow stated interns have been used in the past but this is not the most challenging task for an intern.

Councilor Jacobs asked how responsible the city is for the records it archives for its customers should there be some sort of natural disaster. Mr. Dow stated the city is held harmless because of the manner in which their contract is drafted. The Councilor clarified the fee the customer pays for the work staff performs covers what they do. Mr. Dow agreed and stated there are different fees for the tasks staff performs, such as delivery fees, storage fees etc.

Councilor Chadbourne asked whether there are backup areas where some of these records are stored should there be some sort of disaster that destroys these records. Mr. Dow stated some of the "mission critical" documents are handled by the IT Department. He added one of the items the Clerk's Office is responsible for is the city seal and this is stored in different places. He added the records room is a state of the art facility and has all the pertinent temperature controls.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends the acceptance of the presentation of the City's records management initiative as informational.



City of Keene, N.H.
Transmittal Form

June 29, 2017

TO: Mayor and Keene City Council

FROM: Tara Kessler, Planner

THROUGH: City Manager

ITEM: F.1.

SUBJECT: Land Use Code Update Phase II - Planning Board/Planning, Licenses and Development Committee

RECOMMENDATION:

At the June 12, 2017 Joint Committee meeting, Mayor Kendall Lane made a motion that the City move forward with phase 2 of the Land Use Code Update including an RFQ for the creation of a Unified Development Ordinance and the development of a Form-Based Zoning District in the downtown. The motion was seconded by Councilor George Hansel and was unanimously approved.

BACKGROUND:

An excerpt from the minutes of the June 12, 2017 Joint Committee meeting related to the topic of the Land Use Code Update are included below.

“3. Land Use Code Update Phase 1 – Continued Discussion Planning Director Rhett Lamb and Planner Tara Kessler addressed the Committee. Ms. Kessler began by noting this project was one of the top implementation strategies of the Comprehensive Master Plan and in 2012 the City allocated \$200,000 in funding in its CIP for this effort. Last year about \$66,000 was expended to implement Phase 1.

Ms. Kessler stated there are three different options for pursuing Phase 2 of the Land Use Code Update project:

1. At a minimum the City could conduct an update of the regulations to address any inconsistencies. At the last meeting, the Committee discussed how this option would not address the goals of this project, which include creating a more user friendly and business friendly environment and streamlining the regulatory process.
2. Creation of a Unified Development Ordinance (UDO)
3. Creation of a UDO and the development of Form-Based Zoning for the Downtown

Ms. Kessler stated at last month's meeting staff did not provide cost estimates for the proposed strategies. Since this meeting, staff has reached out to Planning Firms to solicit cost estimates on a draft Scope of Work for Phase II that involves the formation of a UDO and Form Based Zoning. She indicated that staff feel Option 3 could be pursued with the funding the City has available for this project. One estimate came back at about \$160,000. Staff feel a potential scope of work could be negotiated that would be within the limits of funding the City has available. Another estimate came in at about \$300,000. However, the firm that has submitted this estimate does not have experience developing UDOS. The firm which sent in the lower estimate is nationally known, they have done Unified Development Ordinances and Form-Based Codes for number of cities.

Ms. Kessler stated at last month's meeting there was consensus that a UDO or an approach similar to developing a UDO best meets the goals set out for this project. The question on the table is whether Form-Based Zoning should be taken on or not.

Chair Jones asked if by choosing Option 3 there are any services the City might be missing out on. Ms. Kessler noted that Option 3 contains most of the services that we have discussed as options to date. The Chairman asked whether the recommendation from the Committee today would go to Council. Ms. Kessler agreed but added the Committee is yet to decide which option they would like to recommend City Council move forward on. Mr. Lamb added that with the proposed motion the Committee will be confirming the City will be moving forward with a UDO plus a Form-Based Code. This will give staff the opportunity to finalize an RFQ and bring the contracting services at whatever level that is permitted.

Mayor Lane noted City Council has already approved this project when they approved the CIP and felt the process was beyond Council at this point. The Mayor felt the next step would be for him to appoint a Committee for Phase 2 assuming the Planning Board decides to go forward with Phase 2. The Mayor asked whether or not the funding was approved over a two year period with funding to happen in each year. Mr. Lamb stated \$200,000 was available in 2012 over a two year period. He added the plan is to assign, in the RFQ, some of the scope of work back to staff so that the estimate could be reduced to go along with the available funds. Mayor Lane cautioned staff to keep in mind the other tasks staff has to take on as well as there being a limit as to what staff can do. Mr. Lamb agreed and added this has been built into their program for the next 18 months and they are anticipating doing much of this work.

Councilor Hansel stated one of the aspects he raised last month was Form-Based Code being implemented downtown but there was no determination what that downtown area was going to be. Perhaps expanding it to an area where there was going to be more development pressure in the short-term so the effects of implementing Form-Based Code in the short-term could be seen. He asked whether staff had given any thought to this. Ms. Kessler stated there is an effort happening right now to define the downtown with a consultant and at the present time the boundaries extend past the Central Business District. Determination of this work would make sense for Phase 2. Councilor Hansel stated what he was looking for was perhaps extending into Marlboro Street and including this area as part of the Form-Base Code. Mr. Lamb stated as the RFQ is being drafted, the City can be more precise as to what it is looking for.

Mayor Lane stated the definition of downtown the City is currently looking at extends between Island Street on the west and Carpenter Field on the east and extending north to Mechanic Street and south to the bypass. Mr. Lamb felt this was a definable planning area and is similar to the primary growth area established for the purposes of the Comprehensive Master Plan.

Vice-Chair Barrett asked whether there was a definition of downtown given to the consultant to obtain cost estimates. Ms. Kessler referred to Task 3B.1. where it talks about working in consultation with City staff and Advisory Committee to determine the geographic extent of the downtown rezoning effort.

Mr. Stout asked whether there was a big difference in price between the two parties that submitted the bids. Ms. Kessler stated the one who provided the \$163,000 estimate has much more experience in developing UDOs and the \$300,000 estimate firm has more experience in Form-Based Zoning. Both have experience in Form-Based Zoning but one has more experience in UDO. Mr. Lamb added the higher bidder does not have experience writing a UDO. Ms. Kessler also noted developing a UDO and Form-Based Zoning is an integrated strategy and it would be much more expensive to take on Form-Based Zoning as a separate piece rather than integrating it into the UDO.

Mr. Lamb stated the key question is whether to pursue Form-Based Zoning or not. The language is new around a Form-Based Code or Character Based Code. This is still zoning but adds an element that traditional zoning

does not. He indicated staff is comfortable with the idea and feel applying it to the downtown would be the best location at the moment.

Chair Jones stated this would be the time in the meeting to open the session up for public comment but there was no public present today. Mr. Lamb stated before any ordinances are written or the City Code is changed there will be public participation.

A motion was made by Mayor Kendall Lane that the City move forward with phase 2 of the Land Use Code Update including an RFQ for the creation of a Unified Development Ordinance and the development of a Form-Based Zoning District in the downtown. The motion was seconded by Councilor George Hansel.

The Chair noted this is a vote of both bodies.

Councilor Sapeta clarified that Task 1 would be the UDO and Task 2 would be adding on Form-Based Zoning. Ms. Kessler stated during Phase 1 of this project one of the tasks was to look at the existing regulations. In Phase 2 the work done in Phase 1 will be revisited but they will go “deeper” than the review conducted in Phase 1.

The Councilor clarified that tasks 1 through 3 of the draft Scope of Work will be completed as one package. Ms. Kessler agreed they would be.

With nothing further, the motion made by the Mayor carried on a unanimous vote.”

For more information on previous discussions held by the Joint Committee on this topic prior to the June 12th meeting please review the minutes from the following meeting dates:

-February 13, 2017

-March 13, 2017

-April 10, 2017

-May 2, 2017

These minutes are available at: <https://ci.keene.nh.us/joint-planning-board-planning-licenses-and-development-committee>



City of Keene, N.H.
Transmittal Form

June 22, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: G.1.

SUBJECT: Thomas Cook, Cheshire Television - Expenses Associated with Interim Relocation of Cheshire TV

RECOMMENDATION:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that this item to be placed on more time to allow staff to research funding options which are not to be derived from general funds.

BACKGROUND:

Mr. Thomas Cook Executive Director of Cheshire TV was the next speaker. Mr. Cook stated for the past few years they have been working with the library on the renovations for Heberton Hall and Cheshire TV's need to relocate to a different area in the library. The Kay Fox Room located in the basement has been suggested as a possible location. He indicated the City has asked Cheshire TV to request a modification to its lease for this interim period. Mr. Cook added he wasn't sure whether a request for storage of large equipment at 350 Marlboro Street (2nd floor) was covered in his letter, but this is something they are also looking for.

Mr. Cook went on to say Cheshire TV is looking at a cost of nearly \$20,000 for this relocation and they are looking at this as a cost thrust upon them and are looking for the City to alleviate some of those expenses.

Chair Greenwald stated in discussing this item with staff, staff is looking at some creative ways to make this work and felt it would be reasonable for Cheshire TV to work with staff. Mr. Cook stated they had initial funds to accommodate the move but are looking for reimbursement so they could invest more in their programming.

Councilor Jacobs asked what happens to the Kay Fox Room once Cheshire TV's use terminates; will there be a cost to the City to put it back? Mr. Cook stated those costs are included in the cost he has mentioned.

Councilor Powers asked for additional description of the storage area at 350 Marlboro Street. Mr. Cook stated the Trustees and the Library are waiting on funding and once that is settled there will be an expedited timeline. Mr. Cook stated what would benefit them is for the Council to approve a lease for Kay Fox Room so the contractor could start preparing the area.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that this item to be placed on more time to allow staff to research funding options which are not to be derived from general funds.



City of Keene, N.H.
Transmittal Form

June 30, 2017

TO: Mayor and Keene City Council

FROM: Elizabeth A. Fox, ACM/Human Resources Director

THROUGH: Medard Kopczynski, City Manager

ITEM: H.1.

SUBJECT: Relating to Chapter 62 - Personnel - Performance Bonus

RECOMMENDATION:

That the City Council refer Ordinance O-2017-12 to the Finance, Organization, and Personnel Committee.

ATTACHMENTS:

Description

Ordinance O-2017-12

BACKGROUND:

The annual update of the Class Allocation and Salary Ordinance modifications (O-2017-07A) adopted in early June included salary grade adjustments for non-bargaining unit public safety leadership positions. Prior to consideration by the City Council additional information regarding compression and its impacts within the organization was provided. As part of that communication staff indicated that with favorable Council action on the O-2017-07A modifications to Chapter 62-195 relating to performance bonuses associated with these positions would be advanced.

This memo, accompanying O-2017-12, recommends that the change proposed by O-2017-12 be implemented on a pro-rated basis during FY18. The public safety positions impacted by this transition period have annual evaluation dates spanning the FY18 calendar. Award of any bonus is linked to these satisfactory evaluations and to navigate transitioning compensation from a bonus payment to base pay, a transition period is suggested. Under this method for the portion of an employee's evaluation period prior to July 1, 2017, the performance bonus calculation would consider the bonus amount in effect for that time period (\$4,000 annually).

Evaluations periods falling in FY18 would be based on the modified bonus amount (\$2,000). For example, for an employee receiving a satisfactory annual evaluation in September 2017 the amount due would be based on the ordinance in effect during 9 months falling in FY17 ($\$4,000/12 \times 9$) and 3 months in FY18 at the amended rate ($\$2,000/12 \times 3$). As we move through FY18 the impact of the salary grade adjustment for these positions adopted by City Council matures, and this pro-rating acknowledges the varying impact during implementation of this change. For future fiscal periods (following FY18) pro-rating would not be required.



CITY OF KEENE

O-2017-12

Seventeen

In the Year of Our Lord Two Thousand and

AN ORDINANCE Relating to Personnel Procedures – Performance Bonus

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

That the Ordinances of the City of Keene, as amended, hereby are further amended by inserting the boldface text in the following sections of Chapter 62, Personnel: *Sec. 62-195, Performance Bonus, as follows:*

Sec. 62-195. - Performance bonus.

Employees holding the following positions with the City of Keene and who receive a satisfactory performance evaluation shall be entitled to an annual performance bonus in the amounts specified. Such payment shall be made within the month of the anniversary date of hire or rehire, or at any other time as authorized by the city manager.

- (1) Fire chief and deputy fire chief: annually **\$2,000.00** ~~\$4,000.00~~
- (2) Police chief and police captain: annually **\$2,000.00** ~~\$4,000.00~~



City of Keene, N.H.
Transmittal Form

June 21, 2017

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: I.1.

SUBJECT: Relating to the Creation of a Residential Preservation District, a Business Growth and Re-Use District and a Neighborhood Business District

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2016-01-B.

ATTACHMENTS:

Description

Ordinance O-2016-01-B_redlined

Ordinance O-2016-01-B

BACKGROUND:

Chair Richards explained there would be no public input on this item as the public hearing on both O-2016-01-A and O-2016-02-A have been held.

Rhett Lamb, Planning Director reported all steps along the process have been completed. He added the Committee is eligible to vote on Ordinance O-2016-01-A tonight. Mr. Lamb then deferred to Michele Chalice, Planner, to answer questions that arose at the public hearing or any additional questions the Committee may have.

Ms. Chalice distributed a handout titled "Supplemental Staff Report-Ordinance O-2016-01 & O-2016-02", dated November 14, 2016 and pointed to the section Revised Terms & Definitions. Noting Councilor Greenwald had raised questions at the public hearing, Ms. Chalice referred to the handout noting the first couple of pages refer to the existing definitions, and the last two pages show the resulting definitions. She continued the existing terms for "Dwelling Units" were scattered throughout the section of definitions; and now the "Dwelling Unit" definitions are combined in one area and are more consistent with the Building Code's organization. The terms "attached" and "detached" have been dropped as they are not relevant to Keene's housing stock. These terms refer to row houses, which are not common in Keene. Ms. Chalice reported 57 terms were identified as needing revision and discussed over the last several years.

Chair Richards recommended focusing on the amendments needed today to move this forward. Councilor Jones asked if the Mayor's question on duplexes and the owner occupancy affidavit had been answered. Noting the question was raised at the public hearing, the City Attorney reported his assessment is the City does not have the authority to impose a requirement for owner occupancy in a duplex dwelling. Prior to the adoption of 674:72 it could be argued that there was no specific authority one way or the other, but since the adoption of the accessory dwelling unit statute, the only opportunity for owner occupancy is in reference to an accessory dwelling unit.

The City Attorney recommended deletion of this section at this time. Councilor Jones commented the public had hoped this would be in the ordinance; he added this might change things. The City Attorney agreed this changes things noting Councilor Jones' question is does the Ordinance have to go back through the process because of the change. The City Attorney explained the City did not have the authority to have that provision in the Ordinance in the first place, so taking it out does not really change anything. Councilor Jones suggested sending the Ordinance back through the process to allow public input.

Chair Richards and Councilor Hansel agreed with the City Attorney and noted they were not in favor of sending the Ordinance back through the process as there would be no solution to addressing this concern. Noting he would have liked to see this provision included, Chair Richards said there are many other good protections in the Ordinance for the neighborhood. Chair Richards recommended moving forward.

Councilor Sapeta clarified the two issues as 1) the definition of duplexes, and 2) whether duplexes are allowed within the Zoning Districts. He suggested perhaps a change could be made to the definition of duplexes to provide a solution. Ms. Chalice verified Councilor Sapeta is correct on the first two issues. She added there is a third issue being discussed at the moment. Ms. Chalice explained duplexes were added to encourage home ownership; they are less expensive to buy and the owner can live in half and rent out the other half. She continued this is not impacted by the fact that the City does not, under the State Statute, have the ability to require that the duplex is owner occupied. Ms. Chalice also noted duplexes are now allowed within this residential preservation zone; which provides a financial benefit to residents.

Chair Richards and Ms. Chalice clarified the recommendation from staff is to remove the affidavit requirement. Councilor Jones noted he was considering an amendment which would exclude the area around Elliot and Proctor Court from the affidavit requirement. Councilor Jones indicated he would not offer that amendment because of the proposed removal of the affidavit requirement from the Ordinance. Councilor Jones commented he feels the public was misinformed as they went through the process thinking it was going to be included. The first time the issue of not having owner occupancy in a duplex was raised was when the Mayor referred the Ordinance back to the Committee after the public hearing. Ms. Chalice continued there were discussions and concerns raised throughout the process about the ability to require owner occupancy. Mr. Lamb agreed the question of enforcement of owner occupancy was raised over time by staff.

Councilor Sutherland asked if they were to send the Ordinance back what is the expectation other than acknowledgement that this is not enforceable by law. He asked Councilor Jones what recourse he thinks the public would be looking for. Councilor Jones replied he thinks there would have been more public comments from the Southeast Neighborhood group if they knew there was no owner occupancy requirement.

Councilor Sapeta asked if there was a concern with duplexes that there would have been a concentration of students next to the College. Chair Richards explained the idea was to get the area back to a family neighborhood. Chair Richards said he shares Councilor Jones' concern because he also wanted the owner occupancy to be in the ordinance.

Councilor Jones commented this has been a very open and transparent process. Councilor Jones said because the Ordinance can always be changed in the future, he has changed his mind about sending it back through the process.

Councilor Sapeta asked how long it would take to go through the process if the Ordinance was sent back. Explanations of the process were provided by the Chair and City Attorney. Mr. Lamb added three months is the expected timeline for a simple ordinance change. Mr. Lamb explained the specific recommendations that staff is bringing forward for the Committee's consideration, which more accurately reflect the intent of the Joint Committee and corrects a Scribner's error in the drafting of the Ordinance.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that Ordinance O-2016-01-A be amended by deleting paragraph 2 from Sec. 102-770.2; by deleting from 102-771.1 the reference to “motor vehicle repair garage, paint shop” and the stated condition; and by inserting “repair garage; with the condition: all outside vehicles must be screened from view by a minimum six foot high, impervious fence or hedge;.

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2016-01-B.

Sixteen

Relating to the Creation of a Residential Preservation District, a Business Growth and Re-Use District and a Neighborhood Business District

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.
~~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.
Repair Garage	Condition: All outside vehicles must be screened from view by a minimum six-foot-high impervious fence or hedge
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 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. 102-772.4-9 – 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.

Kendall W. Lane, Mayor



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 ORDINANCEand 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:

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- (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;

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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.

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.
Repair Garage	Condition: All outside vehicles must be screened from view by a minimum six-foot-high impervious fence or hedge
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 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	
*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 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.

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

June 21, 2017

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: I.2.

SUBJECT: Relating to Change of Zones - Marlboro Street Project Area and Parcels

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2016-02-A.

ATTACHMENTS:

Description

Ordinance O-2016-02-A

BACKGROUND:

There being no 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 5-0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2016-02-A.

The City Manager commented he remembers this started as a discussion regarding the redevelopment of the Marlboro Street corridor in 2002. He added it has taken a while and a lot of work to get here. Chair Richards and the City Manager applauded the Planning Department for their work.



CITY OF KEENE

In the Year of Our Lord Two Thousand andSixteen.....

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



City of Keene, N.H.
Transmittal Form

June 21, 2017

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: J.1.
SUBJECT: In Support of the Paris Agreement

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the adoption of Resolution R-2017-24-A.

ATTACHMENTS:

Description

Resolution R-2017-24-A-Redlined

Resolution R-2017-24-A

BACKGROUND:

Councilor Filiault and Clark came forward to address the proposed Resolution. Councilor Filiault noted he met with Councilor Clark a few days ago to discuss the US withdrawing from the Paris Climate Accord. He continued Keene is very progressive when it comes to climate control and the environment. The City has always been ahead of the curve. Councilor Filiault noted he read a good portion of the Paris Climate Accord, but not every country's requirements. He concluded by saying the City of Keene could show the State and the country what leadership is all about through adoption of the Resolution.

Councilor Clark read the following statement into the record.

"The decision to pull out of the Paris Climate Accord undermines a key pillar in the fight against climate change and is a move which is out of step with what is happening in Keene, the United States and the world.

We all understand that the Paris Agreement is a blueprint for job creation, stability and global prosperity and that accelerating the United States' clean energy transition is an opportunity – not a liability – to create jobs, spur innovation, promote trade and ensure American competitiveness.

By declaring that "we are still in," we are putting the best interests of our constituents and communities first while assuring the rest of the world that American leadership on climate change extends well beyond the federal government.

Keene was the first city in New Hampshire to adopt a climate action plan and we've incorporated it's elements in our comprehensive master plan. We will continue to take every opportunity to lower our carbon footprint.

In the U.S., it's local and state governments, along with businesses, that are primarily responsible for the dramatic decrease in greenhouse gas emissions in recent years. Actions by each group will multiply and

accelerate in the years ahead, no matter what policies Washington may adopt. I ask my colleagues to join forces with the world and declare that we will continue to support climate action to meet the Paris Agreement.

Councilor Clark introduced Peter Hansel, Vice-Chair of the Cities for Climate Protection Committee.

Peter Hansel, of 61 Bradford Road noted the importance of sending this Resolution and said this is a good opportunity for Keene to continue as leaders. Addressing the Resolution, Mr. Hansel provided the following changes and pointed out a typographical error in the Ordinance with the GHG greenhouse gases abbreviation. In addition, Mr. Hansel recommended the whereas statement *“The State of New Hampshire has mandated statewide reduction of GMG emissions to 80% below the 1990 levels by 2050”* be replaced with the statement: *The State of New Hampshire’s Climate Action Plan says the State should “strive to achieve a long-term reduction in GHG emissions of 80 percent below 1990 levels by 2050”*, and Mr. Hansel recommended deleting the whereas statement: *“Responding to climate change provides communities an opportunity to access first mover advantage in the range of products, services and know how that transitioning to a climate-compatible future brings.* He also recommended the reference to *“Climate Mayor’s network in adopting and”* be removed because most people do not know what the Climate Mayor’s network is.

Chair Richards asked Councilor Hansel if this addressed his concerns; Councilor Hansel replied in the affirmative. Councilor Sutherland commented the City is ahead of the Climate Mayor’s Network already. Commenting on the City’s efforts thus far, Councilor Sutherland commented they can support the goals without being bound to anything in the Climate Mayor’s Network.

There being no further comments from the public or the Committee, Chair Richards asked for a motion. The City Attorney noted the need to move on the recommended amendments before recommending adoption.

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the following amendments to Resolution R-2017-24: to delete the

Whereas statement *“The State of New Hampshire has mandated statewide reduction of GMG emissions to 80% below the 1990 levels by 2050”* and replacing that statement with *“The State of New Hampshire’s Climate Action Plan says the State should strive to achieve a long-term reduction in GHG emissions of 80% below 1990 levels by 2050”* and to delete the Whereas statement: *Responding to climate change provides communities an opportunity to access first mover advantage in the range of products, services and know how that transitioning to a climate-compatible future brings”* and further to correct the typographical error by replacing GMG with GHG in the language of the Resolution and to delete the phrase *“in the Climate Mayor’s network in adopting and”* in the statement #2 which would now read *“Joins other US cities in supporting the goals of the Paris Agreement.”*

In response to an inquiry from Councilor Sepata, Mr. Lamb advised the City adopted a Climate Action Plan since 2004; he outlined the goals of that action plan. Mr. Lamb also reported the Cities for Climate Protection Committee will be coming out with an inventory of what has happened relative to those goals soon.

On a vote of 5 – 0, the amendments to the Resolution were unanimously approved.

After a unanimous vote to adopt the amendments, Chair Richards explained they now have Resolution R-2017-24-A and asked for public comment. Chair Richards asked those commenting to hold their time to 3-4 minutes and suggested they please not repeat what has already been said.

Jeff Daly, of 74 Walden Pond Drive, Nashua commended the City of Keene for pushing this program noting they will be joining nine other cities. Mr. Daley said he has read the Paris Accord and explained it is a guideline. He commented emissions are the key to surviving explaining the pipeline companies refuse to say what is in their deliverable product, and briefly discussed the 3,000 chemicals used in fracking. There are companies out there that have cameras that permit the escaping gases to be seen; he suggested contacting Flair/Fluke. Mr. Daley

provided Mr. Lamb with a handout for distribution. He also noted the City could reach out to the Sierra Club or 350.org for help if needed.

Ann Shedd, of 59 Greenwood Avenue read the following statement into the record.

“One of the tasks of the Cities for Climate Protection Committee, as defined by Sec 2-1089 of the City Code reads The CCP Committee shall serve as an advocate for the City’s interest at the state and national levels in climate change and energy policy.

On the basis of that charge to the CCP Committee, at its June 7 meeting the Committee voted to send 2 recommendations to Council. Both recommendations center on requests brought to the CCP for the City to publicly support the goals of the 2014 Paris Climate Accord, in the wake of the June 1 announcement that the US would withdraw its participation in that Accord. With US withdrawal, only 3 countries in the community of nations are non-participants: the US, Syria, and Nicaragua.

In a quest for a concise statement of support, one CCP member provided a statement from the “We’re Still In” consortium of mayors, governors, academic leaders, and business leaders. We also found a template statement in the form of a resolution, on the website of the non-profit group Climate Mayors – an organization that includes mayors of 270+ cities from major metropolitan centers to cities not much larger than Keene. The wording from that template was provided to Councilors Clark and Filiault at their request, with some specifics from the Keene CMP and CAAPs to fill in the blanks in the template.

These are the two items you have before you on this agenda. I would like to suggest a couple of potential amendments to the wording of the Resolution to clarify its relationship to Keene and NH Climate Action Plans.

What would be the impact of the City signing on to either of both statements? Clearly there would be symbolic significance to such public statements, but I would argue that they would also be timely refreshers of Keene’s commitment to climate action with significant relationship to Keene’s Planning and Development activities.

Keene has had regional and national recognition for its adoption of Climate Action and Adaptation Plans. The plans do relate to current projects examining Keene’s zoning, to municipal infrastructure and capital improvement projects such as dams and culvert upgrades, to code standards such as the energy code and existing building code. Our climate plans relate to Keene’s ability to recruit the kinds of “green businesses” described in the CMP, and certainly to the upcoming endeavors of the tristate EcoVation Hub. The young, trained and educated workforce that we hope to attract and retain is very likely to pay attention to how committed Keene is to their future, as they compare options in neighboring states and communities. Keene’s plans to minimize its greenhouse gas emissions which will help to reduce risks of extreme weather events such as our recent years of drought, or this week’s heavy rain with road washouts and property damage in the region, or the recent extreme heat linked to the deaths of 2 seniors in the region.

As Keene’s ability to implement its Climate Action and Adaptation Plans is in some measure contingent on State and Federal policy, it is important that we continue offering comment on specific policy proposals such as NH’s recent legislation on net metering caps. It is also important that we join our voices with those of other municipalities, states, academic leaders, and business leaders to convey that climate protection and economic sustainability can and do go hand in hand. At the international level - would it not be encouraging for leaders and citizens in our sister city of Einbeck, Germany to know that we are in accord with them working to respond to the challenges of global climate change?

At this time, Keene does not have a specific new goal for GHG reduction by a certain target date. All goals are aspirational and non-binding – whether the US Independent Nationally Determined Contribution of the 2014 Paris Climate Accord, the goals set in the 2009 NH Climate Action Plan, or Keene’s recently-completed 1995-2015 goals. We ask that, for now, Council recognize and support the goals of the Paris Accord. This does

not necessarily mean that Keene is adopting those goals as its own. Having had some success reaching our 2015 goals, CCP may come back to you suggesting goals that are even more ambitious.”

Peter Majoy, of 143 South Lincoln Street also read a statement for the record.

“For me and many other citizens who live in this wonderful city, Keene, the Council vote last week regarding Liberty Utilities was hard to understand given all the information and historical data regarding pipelines and fossil fuels that have damaged our environment and ruined a multitude of landscapes across America.

And now, the Council will discuss, hear input from folks, and move closer to a vote on whether or not the City of Keene should support the Paris Climate Agreement by joining the U.S. Climate Alliance since the current President withdrew America from it. While the Paris Climate Agreement is in need of creating stronger standards that will positively endorse a quick withdrawal from the environmental destructiveness of fossil fuels, the decision of the City Council to endorse and encourage the fossil fuel goals of Liberty Utilities does not reflect the intentions of the Paris Agreement. Thus, if the City Council votes in favor of joining the U.S. Climate Alliance, it would be hypocritical, to say the least, given the Council's vote favoring the goals of Liberty Utilities.

Please review the information that follows and then asks the question, should the City Council return to the Liberty Utilities decision and begin a process of re-thinking its vote and making a motion to reverse that decision.

ONE: As echoaction.org has stated, "Liberty Utilities has been exploiting opportunities to transition New Hampshire to 'natural' fracked gas by going after one region at a time, eventually connecting the dots, creating a false demand and the need for an unnecessary pipeline."

TWO: A Union Leader article for May 19, 2015 titled "Kinder Morgan deal with Liberty pipeline space comes under fire at PUC" received the following comment from a man named William Thomas: "Of course Liberty Utilities has signed up for the gas that would be pumped through the NED pipeline. Liberty is a wholly owned subsidiary of Algonquin Power & Utilities. Algonquin is not just a partner of Kinder-Morgan. Kinder-Morgan owns AlgonquinSo liberty claims to need more gas. Well, how about that? Along comes Kinder-Morgan with a plan to give them what they want. Surprise!"

THREE: In Texas, from 2003-2014, Kinder-Morgan had 36 horrific accidents causing fatalities, hospitalization, fires, explosions, and spills.

FOUR: Across the United States from 2003-2014 Kinder-Morgan and its subsidiaries had at least 180 spills, evacuations, explosions, fires, and fatalities in 24 states.

FIVE: Fraud, Scams, and Threats are part of the bigger picture of Kinder-Morgan. The FBI concluded that between 1997 and 2001 Kinder-Morgan scammed some customers including the TVA (Tennessee Valley Authority). In 2007, the US Attorney's office concluded a \$25 million civil settlement with Kinder-Morgan connected to its fraudulent re-selling of customer stockpiles of coal. In the same year, the EPA fined Kinder-Morgan \$613,000 for violation of the Clean Air Act because of contaminated fuel it created and sold. In 2010, Kinder-Morgan was fined \$1 million for more Clean Air Act violations for lying about controlling air pollution. In 2012, Kinder Morgan was under EPA investigation for violating the Renewable Fuels Standard.

SIX: Note the current President is connected at the hip with fossil fuel companies and is in the process of doing away with the Environmental Protection Agency (EPA).

SEVEN: Pipeline Accidents in the USA from 2000-2017:

The total of all these pipeline accidents for these 18 years is 440!!!!

EIGHT: If anyone is interested in finding a legal expert on this matter, contact the Community Environmental Legal Defense Fund (CELDF). Go to info@celdf.org or call (717) 498-0054. It helped Pittsburgh, Pa. become the first city to ban fracking and has successfully helped many other communities.”

Marjorie Shepardson, of 94 Pleasant Street, Marlborough noted she is also a State Representative and commented she is here to support tonight's discussion regarding the Paris Agreement. Ms. Shepardson encouraged the Committee to support this Resolution. She noted this is a parallel move to a petition being presented to Governor Sununu asking him to sign onto the US Climate Alliance. Ms. Shepardson applauded

Keene for being a leader in climate protection and renewable energy.

Dee Robbins, of 11 Hancock Street noted her support for this Resolution. Noting she recently read the Climate Action Plan, the Climate Adaptation Plan, and sections of the Master Plan Ms. Robbins suggested a yes vote for this Resolution adds clout and resolution to the goals of those plans. She wonders how a no vote would show commitment to those goals/plans. Ms. Robbins shared four of the goals from the plans associated with reducing global temperature. Councilor Jones thanked Ms. Robbins for the information she provided and for staying on topic.

Jeff Scott, of 45 Crowningshield Road, Chesterfield cited the date in 1979 that President Carter placed 32 solar panels on the White House that President Reagan removed. He asked the Committee to think about where we might be today if we had followed President Carter's lesson. Mr. Scott encouraged the Committee to go forward like President Carter did.

Larry Welkowitz, of 37 Church Street read a text message from Nora Travis, a climate scientist at Keene State College noting her reasons for supporting the Resolution. Mr. Welkowitz shared Ms. Travis's accomplishments and the fact she has brought in over one million dollars for research to Keene. Ms. Travis recognized Keene as a pioneer in research for climate control and recommended this collaboration continue.

Andy Mackey, of 23 Ellis Court noted his support for the Resolution. He commented any progress the City makes will be erased by letting natural gas come into the City. Mr. Mackey recommends Keene take the lead to minimize the expansion of natural gas and the pipeline, in the county.

Kathy Conover, of 33 Shadowland Road, Alstead thanked those Councilors and the Cities for Climate Protection Committee for sponsoring this Resolution. Ms. Conover discussed Keene's goals over the past 20 years relative to climate change. She noted Keene's recognition for leading in climate preparedness. Ms. Conover made reference to the Climate Action Plan noting the disappointment when the City approved Liberty's gas facility last week. She suggested a permanent facility request along with the pipeline would probably be forthcoming. Ms. Conover asked how that decision complies with Keene's own documents promising a reduction in greenhouse gases. Ms. Conover cited progress with solar projects in other cities and asked Keene to join in. Ms. Conover recommended the Committee unanimously approve this Resolution.

Bradford Hutchinson, of 305 Marlboro Street noted his strong opposition to the Resolution. Mr. Hutchinson urged the Committee to not approve the Resolution as written. He asked what Climate Action Plan the City is being asked to commit to as he is unable to determine that from the information provided. Chair Richards explained corrections were just voted on. Mr. Hutchinson suggested there are too many unanswered questions at this time to move forward.

Stephanie Sharp, of 117 Route 119 East, Fitzwilliam noted her support for the Resolution and thanked Mr. Hutchinson for presenting an opposing position. Ms. Sharp said she wants to encourage people to put politics aside and have thoughtful discussions about climate. Ms. Sharp noted her involvement with Eco Action New Hampshire and 350.org. She shared her understanding that the Mayor has stated a pipeline will come to Keene. She acknowledged the Mayor does not have this authority and the strength of the pipeline companies. Ms. Sharp asked the Committee to look at Eco Actions webpage under pipeline education that shows the connection between Liberty Utilities and Kinder-Morgan. Other than gas Ms. Sharp suggested there are other considerations that are equally economically beneficial.

Elizabeth Lino, of 66 Phillips Road, Surry said she moved here from Oklahoma. Ms. Lino reported Oklahoma is now the most seismically active state, and the water contains arsenic from fracking. Ms. Lino suggested Keene get prepared as more people are coming up this way to escape the increasing temperatures in the south. Ms. Lino shared the reasons her family chose to move to New Hampshire. Ms. Lino suggested the City should jump over gas and move into renewable energy to heat homes. Ms. Lino noted her support for this Resolution.

Haley Mackay, of Westmoreland said she did not understand how seven Councilors were not there to vote for Liberty Gas and it still got passed. Chair Richards explained if you could not be at the site-visit you could not vote at the Council meeting. Ms. Mackay asked if the decision could be reversed and looked at again. The City Attorney confirmed Chair Richards comments regarding voting and attending the site-visit. The City Attorney added this is per state statute; he added Ms. Mackay's question is one for the Council to answer.

Susan Hay, of 33 Pond Avenue continued the discussion regarding the Council's decision on Liberty Gas. The City Attorney advised the discussion regarding Liberty Gas is not the agenda item. That topic was not duly noticed and Liberty Gas is not here to respond. Chair Richards outlined the procedure for placing items on the agenda. Councilor Jones pointed out this Committee did not deal with that issue; it was on the MSFI Committee agenda.

Jeff Scott, of Chesterfield addressed the Committee for the second time reporting on solar installations taking place in Chesterfield town buildings.

There being no additional public comments Chair Richards closed the public discussion.

Chair Richards noted his understanding that last year green energy production overtook fossil fuels. Chair Richards noted his support for this Resolution and pointed out solar panels are popping up everywhere. He said Keene will continue to lead and thanked Councilors Clark and Filiault for bringing this forward.

Councilor Sapeta noted his support for this Resolution. He acknowledged the City Attorney's advice not to discuss the Liberty Gas decision noting he feels there is a connection there with today's discussion. Councilor Sapeta challenged the Councilors that voted in favor of Liberty Gas to reconsider and reopen that discussion.

Councilor Hansel commented on the number of people present for this issue noting he wished we had this much energy and excitement for a lot of other issues the Committee deals with. Councilor Hansel thanked everyone for coming out this evening to voice their concerns.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the adoption of Resolution R-2017-24-A.

Seventeen

In Support For The Paris Agreement

WHEREAS: Consensus exists among the world's leading climate scientists that global warming caused by emissions of greenhouse gases from human activities is among the most significant problems facing the world today; and

WHEREAS: Documented impacts of global warming include but are not limited to increased occurrences of extreme weather events (e.g. droughts and floods), adverse impacts on ecosystems, demographic patterns and economic value chains; and

WHEREAS: The State of New ~~Hampshire~~ Hampshire's Climate Action Plan says the State should "strive to achieve a long-term reduction in GHG emissions of 80 percent below 1990 levels by 2050; and has mandated statewide reduction of GMG emissions to 80% below the 1990 levels by 2050; and

WHEREAS: The City of Keene has addressed the issue of climate change in several ways in its 2010 Comprehensive Master Plan calling specifically for the following climate change strategies:

1. Continued and consistent greenhouse gas emissions inventorying and reporting
2. Increased energy efficiency for new and existing residential and commercial buildings
3. Integrated renewable energy sources
4. The implementation strategies called for in Keene's 2007 Climate Change Adaption Plan

~~WHEREAS: Responding to climate change provides communities an opportunity to access first mover advantage in the range of products, services and know how that transitioning to a climate-compatible future brings; and~~

WHEREAS; the Paris Agreement resulted in a commitment from almost every nation to take action and enact programs to limit global temperature increase to less than 2 degrees Celsius, with an expectation that this goal would be reduced to 1.5 degrees in the future;

NOW, THEREFORE BE IT RESOLVED THAT THE CITY OF KEENE:

1. Indicates its commitment to reducing ~~GMG~~ GHG emissions through an implementation of a Climate Action Plan;
2. Joins other US cities in ~~the Climate Mayors network in adopting and~~ supporting the goals of the Paris Agreement; and
3. Commits to exploring the potential benefits and costs of adopting policies and programs that promote the long-term goal of GHG emissions reductions while maximizing economic and social co-benefits of such action.



CITY OF KEENE

R-2017-24-A

Seventeen

In the Year of Our Lord Two Thousand and

In Support For The Paris Agreement

A RESOLUTION

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

WHEREAS: Consensus exists among the world’s leading climate scientists that global warming caused by emissions of greenhouse gases from human activities is among the most significant problems facing the world today; and

WHEREAS: Documented impacts of global warming include but are not limited to increased occurrences of extreme weather events (e.g. droughts and floods), adverse impacts on ecosystems, demographic patterns and economic value chains; and

WHEREAS: The State of New Hampshire’s Climate Action Plan says the State should “strive to achieve a long-term reduction in GHG emissions of 80 percent below 1990 levels by 2050; and

WHEREAS: The City of Keene has addressed the issue of climate change in several ways in its 2010 Comprehensive Master Plan calling specifically for the following climate change strategies:

1. Continued and consistent greenhouse gas emissions inventorying and reporting
2. Increased energy efficiency for new and existing residential and commercial buildings
3. Integrated renewable energy sources
4. The implementation strategies called for in Keene’s 2007 Climate Change Adaption Plan

WHEREAS; the Paris Agreement resulted in a commitment from almost every nation to take action and enact programs to limit global temperature increase to less than 2 degrees Celsius, with an expectation that this goal would be reduced to 1.5 degrees in the future;

NOW, THEREFORE BE IT RESOLVED THAT THE CITY OF KEENE:

1. Indicates its commitment to reducing GHG emissions through an implementation of a Climate Action Plan;
2. Joins other US cities in supporting the goals of the Paris Agreement; and
3. Commits to exploring the potential benefits and costs of adopting policies and programs that promote the long-term goal of GHG emissions reductions while maximizing economic and social co-benefits of such action.

PASSED

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

June 23, 2017

TO: Mayor and Keene City Council

FROM: Kurt D. Blomquist, PE, Public Works Director/Emergency Management Director

THROUGH: Medard Kopczynski, City Manager

ITEM: J.2.

SUBJECT: Reallocation of Bond Proceeds - Capital Purchase Asphalt Reclaimer

COUNCIL ACTION:

RECOMMENDATION:

That Resolution R-2017-25, Relating to the Reallocation of Bond Proceeds from the FY15 Rehabilitation Project (90249), for the purchase of an Asphalt Reclaimer, be referred to the Finance, Organization and Personnel Committee for consideration with a recommendation back to City Council.

ATTACHMENTS:

Description

Resolution R-2017-25

BACKGROUND:

The Public Works Department proposed the purchase of an Asphalt Reclaimer for use in the maintenance and repair of City streets and roads. Funding for the purchase of the Reclaimer was to come from unspent funds in the Public Works Department FY17 Operating Budget and from reallocated bond proceeds from the completed FY15 Road Rehabilitation Project.

The City Council on June 1, 2017, approved the purchase of the Asphalt Reclaimer and the proposed funding. Attached for first reading and referral to the Finance, Organization, and Personnel Committee is Resolution R-2017-25, that would reallocate Sixty Thousand Dollars (\$60,000) from the project balance of the completed FY15 Road Rehabilitation Project for the purchase of the reclaimer.



CITY OF KEENE

R-2017-25

Seventeen

In the Year of Our Lord Two Thousand and
Relating to the Reallocation of Bond Proceeds from the FY15 Rehabilitation
A RESOLUTION Project (90249)

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

That the sum of sixty thousand dollars (\$60,000) in bond proceeds be allocated from the FY15 Road Rehabilitation Project Account (90249) for the purchase of an Asphalt Relaimer for the Public Works Department.

Kendall W. Lane, Mayor