



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
October 19, 2017
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- October 5, 2017

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Authorizing the Operation of Keno - Municipal General Ballot

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation
Agricultural Commission
2. Nominations
Cities for Climate Protection
Partner City Committee

C. COMMUNICATIONS

1. Steve Russo - Resignation - Partner City Committee

D. REPORTS - COUNCIL COMMITTEES

1. Departmental Presentation – Away Goes Trouble Down the Drain – Highway Division
2. Councilor’s Clark & Richards – Intended Use of Highway Funds Allocated to the City through SB 38
3. Donna Forte – Application for a Lodging House License – 57 Winchester Street
4. Acceptance of Donations to Library Renovation Project - Next Chapter Campaign
5. Acceptance of Grant for Water Monitoring Equipment - Public Works Department
6. Antioch Grant - Training Funding - Youth Services Department

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. CITY MANAGER COMMENTS

F. REPORTS - BOARDS AND COMMISSIONS

G. REPORTS - MORE TIME

1. Continued Discussion – An Ordinance for Disorderly Residences

2. Joe Schapiro/Keene Immigrant and Refugee Partnership - Encouraging the Consideration of a Resolution Aimed at Making Keene a Welcoming Environment for Immigrants

H. ORDINANCES FOR FIRST READING

1. Relating to No Parking Foundry Street
Ordinance O-2017-16
2. Relating to Specific Street Regulation - Speed Limits
Ordinance O-2017 -17

I. ORDINANCES FOR SECOND READING

1. Relating to Snow and Street Maintenance Periods
Ordinance O-2017-18
2. Relating to Accessory Dwelling Units
Ordinance O-2017-10-A
3. Relating to the Establishment of a Business Growth and Reuse District, a Neighborhood Business District and a Residential Preservation District
Ordinance O-2016-01-C
4. Relating to the Building Permit Fee Increase
Ordinance O-2017-09

J. RESOLUTIONS

1. Opposing ATVs on the Cheshire and Ashuelot Rail Trails
Resolution R-2017-30

K. TABLED ITEMS

1. Relating to Change of Zones - Marlboro Street Project Area and Parcels
Ordinance O-2016-02-A

Non Public Session
Adjournment

10/05/2017

A regular meeting of the Keene City Council was held Thursday, October 5, 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 Lamoureux led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the September 21, 2017 regular meeting was duly seconded. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS

The Chair encouraged the Council and the public to attend the Ashuelot Chapter National Society Daughters of the American Revolution ceremony honoring 15 Revolutionary War Patriots on Saturday, October 7, 2017 at 10:00 AM at 312 Washington Street. The Chair invited the Council and the public to attend the Keene Fire Department Fire Prevention Parade being held on Sunday, October 8, 2017 at 1:00 PM. He went on to also remind the Council that the Annual Inspections Dinner is on Thursday, October 12, 2017 at 6:00 PM in the Keene Fire Department Training Room. The start time for the Finance, Organization and Personnel Committee will be delayed until 7:30 PM. The Chair continued with the Steeple Celebration Day is scheduled for Sunday, October 22, 2017 at 3:00 PM. The Chair announced the Keene Veterans Council is extending its annual welcome for the Council and public to participate in the Veterans Day ceremony. It will be on Saturday, November 11, 2017 at 11:00 AM. Services will be held at the Veterans Monument at the Keene Parks and Recreation Center.

PROCLAMATION – HALLOWEEN TRICK OR TREAT

The Mayor invited the Parks, Recreation and Facilities Director to come forward to receive a proclamation for Halloween Trick-or-Treat. The Mayor designated Tuesday, October 31st from 5:30 PM and 7:30 PM as Trick or Treat Day in the City of Keene. Mr. Bohannon wished everyone a Happy Halloween and for children to wear bright clothes and bring flashlights.

PROCLAMATION – LIBRARY BOOK SALE – FRIENDS OF THE PUBLIC LIBRARY

The Mayor invited Library Trustee Pam Knight to come forward to receive a proclamation designating October 13th to October 15th as Friends of the Keene Public Library Day. Ms. Knight extended an invitation for everyone to come to the fall book sale in the Delegation Hall at the County Court House.

PUBLIC HEARING – RELATING TO ACCESSORY DWELLING UNITS – ORDINANCE O-2017-10-A

At 7:08 PM, the Mayor declared the public hearing to order. The notice of hearing and certificate of publication was read. Mayor Lane recognized John Rogers, Acting Health and Code Director, and Tara Kessler, City Planner.

Mr. Rogers said the City has an ADU Ordinance in the Zoning Code for many years; however, changes to state law demand changes to the City Ordinance's in order to be compliant. The significant changes are:

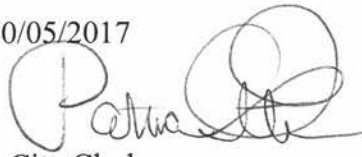
- Currently ADUs are only allowed in Low Density and Low Density-1 Districts. This change expands ADU allowance to almost all zones that allow a single-family dwelling unit.
- Currently there is no distinction between attached and detached ADUs in the City Code. RSA 674:72 does allow for distinguishing between attached and detached ADUs in some zones. Attached is allowed in higher-density zones and detached allowed in the rural and agricultural zones.
- Currently ADU size is based on a percentage of square footage; with a minimum of 400sf. Changes are now in line with the RSA, which say less than 750sf cannot be restricted.
- The RSA does not allow lot dimensions for ADUs, as opposed to the current Ordinance, which does require additional lot size for an ADU to be installed.

Ms. Kessler spoke on how they reached these ADU criteria and provided details on where in the City this will be allowed. She said overall, this change will not affect a significant square footage of the City. Currently attached and detached ADUs are allowed in three zoning districts: Low Density, Low Density-1, and Rural. Still, these ADUs account for 70% of the land area within the City. This Ordinance increases the number of zoning districts that allow attached ADUs from three to eight; but only an additional 8% of land area will be impacted because the Ordinance specifically allows for attached ADUs in mostly residential zones with a threshold of 800sf. This 800sf maximum represents 50% of the average size homes in those districts to ensure the units remain accessory dwellings. The Planning Department thinks this is a good idea in the Rural and Agriculture Districts because of the large minimum lot size and size restriction on attached units. This also increases flexibility and options for landowners who want to convert barns and garages into smaller units. In the Medium Density, High Density, and Office Districts there is currently an option for a second dwelling unit, but a minimum lot size is required. She added there are no changes to this portion of the Ordinance. This proposed Ordinance changes the allowable use (attached and detached) limits to attached only in the Low Density and Low Density-1 Districts to maintain the intent of those districts to be single-family residences. Staff believes the proposed Ordinance is in accordance with RSA 674:72, the intent of the current Zoning Districts, and the City Master Plan, which encourages more diverse housing options that are affordable to a wider population.

Mr. Rogers added that the current Ordinance requires a Conditional Use Permit for ADUs; that requirement has been lifted and instead a Building Permit is required, making it an easier and quicker process. Councilor Jones and Mayor Lane agreed ADUs essentially serve the same purpose of a home-occupied duplex.

With no public comment, Mayor Lane closed the public hearing at 7:13 PM. Written and signed comments will be accepted in the City Clerk's office until Tuesday, October 10 at 1:00 PM. The Ordinance is currently before the Planning, Licenses and Development (PLD) Committee.

10/05/2017


City Clerk

A true record, attest:

PUBLIC HEARING – RELATING TO THE ESTABLISHMENT OF A BUSINESS GROWTH AND REUSE DISTRICT, A NEIGHBORHOOD BUSINESS DISTRICT AND A RESIDENTIAL PRESERVATION DISTRICT – ORDINANCE O-2016-01-C

The Mayor called the Public Hearing to order at 7:14 PM. The notice of hearing and certification of publication were read.

Mayor Lane recognized Michelle Chalice, City Planner. Ms. Chalice noted this project had an initial public hearing on June 15 with a full slide presentation and explanation of the project. After the hearing, the Ordinance was returned back to the joint committee to consider potential minor adjustments to the intention statements of each of the three proposed zoning districts. These changes could increase economic development opportunities in the project area in the event that the City decides to enact a temporary property tax relief program, which is currently being discussed by members of the PLD Committee. She displayed a single image of a map of the project area and provided a handout to the Council with line-edit changes to the Ordinance; these changes were reviewed and approved by the Joint Committee on August 14, in particular the intention statement language changes. Ms. Chalice reviewed other minor amendments and corrections of a Scribner error in the document.

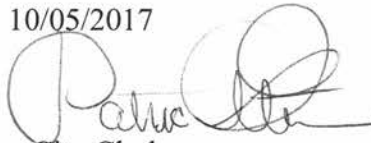
Councilor Sutherland asked about adding a Downtown zoning district to the Residential Preservation District (RP); he asked if any of these changes will impact the on-site parking requirements and if this Ordinance will enable the City to expand the TIF District into this neighborhood. Ms. Chalice replied this Ordinance allows the City to use RSA 79E, but she was unaware of potential parking impacts. There are no parking requirements in the Commerce District and the parking requirements for the RP District would remain in place. Mayor Lane said the Central Business Zone does not require on-site parking but all other zones in the City, including these proposed, do require on-site parking. This would have no effect on the current Central Business Zone requirements.

Councilor Hansel said he was pleased to see this coming forward and moving in the right direction; he thanked staff for building these changes into the Ordinance. This will allow the City to use development incentives outlined in RSA 79E and included in the Comprehensive Economic Development Plan. Another benefit of moving forward with these zoning changes is that it will help the City prepare for the larger Land Use Code Update, which could affect the entire City. Ms. Chalice agreed the City has been working on this project since 2014. Councilor Jones noted it was originally introduced in 2004 and money for consulting was placed in the CIP, but it was not recovered until 2013 after being allocated during the recession. He said sometimes the government works slowly but for a good reason and something good has come out of it.

With no public comments, Mayor Lane closed the public hearing at 7:27 PM. Written and signed comments will be accepted in the City Clerk's office until Tuesday, October 10 at 1:00 PM. The Ordinance is currently before the PLD Committee.

10/05/2017

A true record, attest:


City Clerk

NOMINATION

The following nomination was received from the Mayor for the Agricultural Commission: Catherine M. Souther to serve as a regular member with a term to expire December 31, 2019. The nomination was tabled until the next regular meeting.

COMMUNICATION – DEAN EATON – RESIGNATION – COLLEGE-CITY COMMISSION

A communication was received from Dean Eaton resigning from the College-City Commission. A motion by Councilor Greenwald to accept the resignation with regret and appreciation for service was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – DONNA FORTE – APPLICATION FOR A LODGING HOUSE LICENSE – 57 WINCHESTER STREET

A communication was received from Donna Forte, requesting a lodging house license. The communication was referred to the Planning, License and Development Committee.

COMMUNICATION - JOE SCHAPIRO/KEENE IMMIGRANT AND REFUGEE PARTNERSHIP – ENCOURAGING THE CONSIDERATION OF A RESOLUTION AIMED AT MAKING KEENE A WELCOMING ENVIRONMENT FOR IMMIGRANTS

A communication was received from Joe Schapiro, from the Keene Immigrant and Refugee Partnership, requesting that the City Council consider adopting a Resolution aimed at making Keene a safe and welcoming environment for immigrants. The communication was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – COUNCILORS CLARK AND RICHARDS – INTENDED USE OF HIGHWAY FUNDS ALLOCATED TO THE CITY THROUGH SB 38

A communication was received from Councilors Clark and Richards, regarding the SB 38, which appropriated \$30 million to the State Department of Transportation for local highway projects and aid for municipal bridges. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

MSFI REPORT – DEPARTMENTAL PRESENTATION – GENERAL ASSISTANCE AND WORKFARE PROGRAM

Municipal Services, Facilities and Infrastructure Committee report read recommending acceptance of the presentation on General Assistance and the Workfare program as informational. The Chair filed the report into the record as informational.

MSFI REPORT – CECILE CHICKERING – REQUEST FOR NO PARKING – FOUNDRY STREET

Municipal Services, Facilities and Infrastructure Committee report read recommending the staff be directed to bring an ordinance forward for no parking on Foundry Street. A motion by Councilor Manwaring to accept the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – HOLIDAY FAMILY SPONSORSHIP – HUMAN SERVICES DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to accept donations associated with the City's 2017 Holiday Family Sponsorship Program. 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 – SAFE ROUTES TO SCHOOL NON-INFRASTRUCTURE GRANT – PLANNING DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to apply for, accept and execute a "Non-Infrastructure" grant from the New Hampshire Department of Transportation to continue to supervise and coordinate the Safe Routes to School, "Walk & Roll" program at the Symonds Elementary School. This program endeavors to increase the number of children walking and biking to school. 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 – MAIN STREET BRIDGE REPLACEMENT PROJECT – PUBLIC WORKS DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Council allocate \$16,989.20 from the Bridge Capital Reserve to the Main Street Bridge Replacement Project. 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 – PROFESSIONAL SERVICES CONTRACT – FLOOD MANAGEMENT – PUBLIC WORKS DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with McFarland Johnson, Inc. for engineering and technical services for the Ralston Street / Winchester Street Flood Management Project for an amount not to exceed \$135,000 with funding from Project Cost Center 90298. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

CITY MANAGER COMMENTS

The City Manager expressed she was excited to be in Keene. She has spent time with department heads and had been able to get to know the great professional staff and charter employees as well as the former City Manager. She is looking forward to the CIP process. The City Manager is also looking for ways to streamline many of the committee processes for the public.

MORE TIME

More time was granted by the Chair for: Mayor Lane – Requesting that the Council Consider Adopting an Ordinance for Disorderly Residences.

ORDINANCE O-2017-18: RELATING TO SNOW AND STREET MAINTENANCE PERIODS

A memorandum was received from the City Engineer along with Ordinance O-2017-18. The memorandum was filed into the record. Ordinance O-2017-18 referred by the Chair to the Municipal Services, Facilities and Infrastructure Committee.

MSFI REPORT AND ORDINANCE O-2017-15: RELATING TO DRIVEWAY PERMITS AND STANDARDS

Municipal Services, Facilities and Infrastructure Committee report read recommending the adoption of Ordinance O-2017-15. The report was filed as informational. Ordinance O-2017-15 was read for the second time. A motion by Councilor Powers 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-2017-15 declared adopted. Councilor Jacobs was absent.

FOP REPORT AND RESOLUTION R-2017-33: RELATING TO AN APPROPRIATION FOR THE POLICE COMMUNICATIONS SYSTEM REPLACEMENT

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-33. The report was filed as informational. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a show of hands vote, with 14 Councilors present and voting in favor, the motion carried. Councilor Jacobs was absent. Resolution R-2017-33 declared adopted.

FOP REPORT AND RESOLUTION R-2017-34: RELATING TO AN APPROPRIATION FOR THE POLICE COMMUNICATIONS SYSTEM REPLACEMENT

Finance, Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to negotiate and execute a contract with DNC Concrete and Tank Services for an amount not to exceed \$83,385 for emergency repairs to the Black Brook Water Storage Tank subject to approval of funding. A motion by Councilor Greenwald to carry out the intent of the recommendation was duly seconded. The motion passed unanimously.

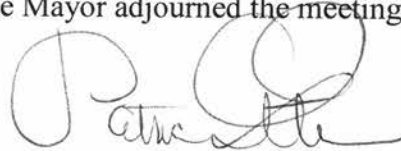
10/05/2017

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-34. The report was filed as informational. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a show of hands vote, with 14 Councilors present and voting in favor, the motion carried. Councilor Jacobs was absent. Resolution R-2017-34 declared adopted.

ADJOURNMENT

At 8:01 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

A handwritten signature in black ink, appearing to read "Patricia", written over a faint, larger signature that is partially obscured.

City Clerk



PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Keene City Council relative to a request from the NH Lottery Commission to place a question on the 2017 Municipal General Ballot that would allow the operation of "keno" in the City of Keene. That request was granted by the Keene City Council on September 7, 2017. "Keno" is any game where a player purchases a ticket from a field of 80 numbers and selects a specific amount of numbers. A random number generator employed by the NH Lottery Commission chooses 20 numbers at random and the player is paid out against his or her original wager.

All net proceeds collected by the Lottery Commission under RSA 284:47 shall be deposited into the education trust fund established by RSA 198:39 for the purpose of providing grants to public schools, and to chartered public schools, toward the cost of operation of an approved full day kindergarten program.

This request is in response to the passage of SB 191, effective July 1, 2017, which provides a local option for a municipality to authorize keno by placing the question on a regular municipal election ballot.

Hearing Date: October 19, 2017

Hearing Time: 7:00 PM

Hearing Place: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this seventh day of September, two thousand and seventeen.

Attest:


City Clerk



City of Keene, N.H.
Transmittal Form

October 3, 2017

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: B.1.

SUBJECT: Confirmation

COUNCIL ACTION:

In City Council October 5, 2017.
Tabled to the next regular meeting.

RECOMMENDATION:

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

AGRICULTURAL COMMISSION

Catherine M. Souther, slot 5
Keene, NH 03431

Term expires, December 31, 2019

BACKGROUND:



City of Keene, N.H.
Transmittal Form

October 13, 2017

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: B.2.

SUBJECT: Nominations

RECOMMENDATION:

I hereby nominate the following individuals to serve on the following Boards or Commissions.

ATTACHMENTS:

Description

Background Jbaum

BACKGROUND:

CITIES FOR CLIMATE PROTECTION

Jessica Baum, slot 7 Term expires, December 31, 2018
Keene, NH 03431

PARTNER CITY COMMITTEE

Kürt Blomquist, slot 3 Term expires, December 31, 2017
Keene, NH 03447

Jessica Baum

57 Woodburn St. Apt 2

Keene, NH

03431

September 6, 2017

Mayor Lane,

I am writing to express my interest in joining Keene's Cities for Climate Protection Committee, replacing Megan Straughen who has sadly left the region. I have been a resident of Keene for just over 4 years, having moved here to complete my M.S. in Environmental Studies. I fell in love with Keene and the beautiful community I'd built here and sought employment at the W.S. Badger Company upon completion of my degree.

I work at Badger in Marketing and as the Sustainability Coordinator, and am responsible for measuring, reporting on and suggesting goals surrounding our environmental impact. I am a committed and civic-minded individual with a strong sense of justice (both social and environmental), an innovative perspective, a can-do attitude and an engaged, passionate heart. I would very much love the opportunity to lend my voice and experience to the CCP committee, working communally to help build a greener Keene.

Best,

Jess Baum

Jessica Baum

27 Woodburn St Apt. 2 Keene, NH 03433
Phone: (603) 286-1512 E-Mail: jbaum@antioch.edu

Objective

To be an agent of positive change in the world as a champion for the environment through the education, empowerment and excitement of others; to fulfill and engage my passions for the natural world through participation in an organization or business that shares in my vision for a cooperative world, rather than one of competition.

Education

Antioch University New England M.S. in Environmental Studies with a concentration in Environmental Education Professional Science Masters Candidate	2013-2015
Kenyon College B.A. in Political Science	2002-2006
Ramapo High School Franklin Lakes, NJ	1998-2002

Experience

Marketing Project Coordinator/Sustainability Coordinator W.S. Badger Company, Gilsum, NH	May 2015- Present
Wellness Clerk and Customer Service/Cashier Monadnock Food Co Op, Keene, NH	July 2014-present
Soil Ecology Teaching Associate Antioch University New England	December 2014-May 2015
Logistics Coordinator, Field Study Trip to Alaska Antioch University New England	September 2013-June 2014
Garden Educator Intern C&S Workplace Organic Gardens, Keene, NH	May 2014-November 2014
Teacher Nature's Classroom, Various sites throughout CT and MA	2006-2008; 2013

- Taught Environmental Education and experiential science to elementary and middle-school aged students and their parents and teachers, also responsible for cleaning, dishes and creating community with co-workers
- Engaged students in community-building through team-building challenges and initiatives

Store Manager and Educator

2009-2012

Beads Galore, Grass Valley, CA

- Responsible for overseeing customer service and ordering and keeping items in stock, involved in interview and hiring process as well as employee evaluations, created the work schedule and class schedule
- Created and taught jewelry-making classes, instructed others in teaching classes, created jewelry for store decoration and customer inspiration

Community member; Intern; Internship Coordinator

January-July 2009

Pangaia Permaculture Community, Pahoia, HI

- As a community member, I worked in the garden and created lunch daily, cared for compost and fruit trees, attended regular community meetings, cleaning of common areas, and working in the community store. I started as an intern, and then took over as intern coordinator, which entailed interviewing applications and interviews and creating and organizing educational programs, experiences and opportunities for incoming interns.
- Living in community helped me develop and understand what it means to work in harmony with others. I honed my ability to speak openly and honestly with others, and learned the importance of practicing both leadership and followership, and when to engage in one over the other.

Lead Instructor

Summer of 2008

IslandWood, Bainbridge Island, WA

- Created and led week-long experiential environmental education programs for children aged 4-12 focused on place-based experiential education, marine, forest and freshwater ecology
- Lived in community with other teachers

Skills

- Managing for Sustainability
- B Corp expertise
- Program evaluation
- Certified Herbalist
- Curriculum design
- Experience in sustainability and greenhouse gas audits
- Extensive group work experience
- Reiki II certified
- Extensive gardening experience
- MS Word, Excel, Powerpoint
- Involved locally in The Community Kitchen Gleaning program, as well as AVEO's Salamander Brigade

Publications

Baum, J. & Thiet, R. (2015). Soil Organism: An Exploration in Form and Function. In "Learner Centered Teaching Activities for Environmental and Sustainability Studies.



City of Keene, N.H.
Transmittal Form

October 16, 2017

TO: Mayor and Keene City Council

FROM: Steve Russo, Police Chief

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Steve Russo - Resignation - Partner City Committee

RECOMMENDATION:

ATTACHMENTS:

Description

Russo Communication

BACKGROUND:

Steve Russo is submitting his resignation from the Partner City Committee. Steve has been a member since July of 2015.



RECEIVED SEP 27 2017
City of Keene

Police Department 11 Washington Street New Hampshire 03431-3188

September 26, 2017

For CC: 10/5/2017

Honorable Mayor,

With this letter I submit my resignation from the Partner City Committee. I have been a member of this committee for several years now and feel I have contributed what I could. Current schedules challenge my ability to assist further.

Thank You,

Steven Russo
Police Chief

**Area Code 603
Phone**

Mayor 357-9804 • Manager 357-9804 • Accounting 352-1013 • Airport 357-9835 • Assessment 352-2125 • Attorney 357-9806
Building Maintenance 357-9844 • City Clerk 352-0133 • Fleet Services 357-9831 • Fire 357-9861 • Health 352-5440 • Human Resources 357-9858
Human Services 357-9809 • Information Management Services 357-9802 • Inspections 352-5440 • Library 352-0157 • Parks, Recreation & Facilities 357-9829
Planning 352-5474 • Police 357-9815 • Public Works 352-6550 • Purchasing 357-9800 • Recycle Center/Transfer Station 352-5739 • Revenue Collection 357-9801
Wastewater Treatment Plant 357-9836 • Water & Sewer 352-3239 • Water Treatment Facility 357-8483 • Youth Services 357-9810

FAX

Airport 357-9853 • Assessment 357-9857 • City Hall 357-9847 • Fire 358-3420 • Library 352-1101 • Parks, Recreation & Facilities 357-9859
Police 357-9823 • Public Works 357-9848 • Recycle Center/Transfer Station 352-8325 • Wastewater Treatment Plant 357-9854 • Water Treatment Facility 358-1008

Website

www.ci.keene.nh.us



City of Keene, N.H.
Transmittal Form

October 11, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.1.

SUBJECT: Departmental Presentation – Away Goes Trouble Down the Drain – Highway Division

RECOMMENDATION:

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the Highway Division presentation as informational.

BACKGROUND:

Vice Chair Filiault welcomed Bill Byrne, Highway Division Superintendent, who introduced Charles Nichols and William Dourdounas to share a presentation on the work of the Highway Division.

Mr. Dourdounas thanked the Committee for this opportunity to represent their division with pride and enthusiasm. He began by sharing some things the public might not know about their division/work:

- 23 employees
- 64 pieces of light and heavy duty equipment
- Maintain:
 - o 126 miles of roads
 - o 52+ miles of sidewalks
 - o 32 bridges
 - o 2 parking structures
 - o 6 surface parking lots
 - o 80 miles of drain line
 - o Approximately 4,300 catch basins
 - o Several miles of multi-use trails and bridges
 - o Various rivers, brooks, and tax ditches
- The Work:
 - o Sidewalk construction and repair
 - o Pave and repair road surfaces
 - o Perform regular road inspections
 - o Plow and treat streets
 - o Plow and treat sidewalks
 - o Downtown maintenance
 - o Downtown trash
 - o Prune trees and perform seasonal roadside mowing
 - o Regularly inspect waterways
 - o Emergency response
 - o Assist other City departments

- Clerk's Office:
 - Voting booths
- Fire Department:
 - Clearing snow around hydrants
- Airport:
 - Winter maintenance and snow removal
- Code & Health:
 - Trash-out's, locking vacant properties
- Youth Services:
 - With additional personnel if a child needs community service
- Police Department:
 - Traffic control
- Parks and Recreation:
 - Ensuring cemeteries are in pristine condition for Memorial Day

Mr. Dourdounas continued that a catchphrase of the Highway Division is as “A universal donor of the City.” They try to help other departments as much as possible and remain flexible and organized to deploy equipment quickly when needed. He shared photos of the Highway Division work shop, standard sidewalk installation work, and ancillary services such as facilitating installation of the Central Square Christmas tree.

Mr. Nichols continued explaining the work the Highway Division does regarding drainage in the City. He said there is no way he could present on all of the work the Highway Division does throughout the year; it is a diverse set of work responsibilities conducted by employees from all walks of life and experiences. Drainage, of all their work, is a year-round job. He continued explaining Highway Division year-round drainage work:

- Prevention & Maintenance:
 - o Regularly check bridges and inlets for obstructions
 - o Contracted basin cleaning on a three-year rotation, closely monitored by City staff (a contractor has been hired for five years)
 - o Paint fish used to identify location of basins (reminds citizens that water drains through streams and to make basins easier to find in winter)
 - o Cut brush, mow, and maintain ditches
- During an Event: (mostly monitoring during floods)
 - o Clear obstructions
 - o Sand bags (stored at 580 Main Street along with a sand pile)
 - o Emergency response trailers
 - o Place barricades and signage where needed
 - o Rule out an obstructed drain
 - o Monitor back roads
- Repairs After an Event:
 - o Clean-up debris
 - o Repair roadside washouts
- Waterways that Run through the City:
 - o Ashuelot River
 - o Beaver Brook
 - o Black Brook
 - o Ash Swamp
 - o 2 Mile Dam
 - o White Brook
 - o Tannery Brook
 - o Various Tax Ditches
- Work Examples:
 - o Fallen trees in waterways

- o Beaver dams
- o Log jams
- o Litter/trash
- o Bank erosion clean-up and stabilization
- o Overrun banks and slow draining basins during storms
- o Obstructions to water flows
- o Flooded roadways
- o Root systems clogging pipes
- o Dredging to help water flow through the City
- o Replacing corroded drain lines

In summary, Mr. Nichols said the Highway Division does a lot throughout the year with the goal of providing the best service possible to all customers – travelers, taxpayers, business owners, and emergency response providers.

Councilor Hooper said he thinks many people have the perception that pipes are too small or do not work; in reality they are clogged and must be cleaned and maintained from there. Mr. Nichols replied yes, cleaning is always the first step. Most problems are with the old clay pipes (since the 1800s) that root systems can easily infiltrate the pipe joints and catch debris. The Highway Division works to keep the pipes functioning to the best of their ability. Councilor Hooper asked if it saves money to regularly clean the pipes versus replacing them. Mr. Nichols replied yes, and that regular maintenance is necessary.

Councilor Lamoureux made the following motion, which was seconded by Councilor Hooper.

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the Highway Division presentation as informational.



City of Keene, N.H.
Transmittal Form

October 11, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.2.

SUBJECT: Councilor's Clark & Richards – Intended Use of Highway Funds Allocated to the City through SB 38

RECOMMENDATION:

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends the communication from Councilors Clark and Richards be accepted as informational.

BACKGROUND:

Vice Chair Filiault said this item has been placed on the agenda for the October 25th MSFI meeting and will be brought forward by staff for discussion at that time.

Vice Chair Filiault made the following motion, which was seconded by Councilor Lamoureux.

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends the communication from Councilors Clark and Richards be accepted as informational.



City of Keene, N.H.
Transmittal Form

October 11, 2017

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.3.

SUBJECT: Donna Forte – Application for a Lodging House License – 57 Winchester Street

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Donna Forte be granted a lodging house license on property located at 57 Winchester Street for a period of one year from the date of issuance. Said license is conditional upon the following:

- 1) Compliance with all applicable laws, ordinances, codes and rules and regulations;
- 2) No more than 16 persons may reside on the premises;
- 3) No less than 8 vehicular parking spaces must be provided on the premises;
- 4) The names, home addresses, and motor vehicle registrations of the residents of the licensed premises shall be available on the premises at all times for inspection upon request by the Police, Code Enforcement or Fire Departments;
- 5) Continued violation of the City parking ordinances by residents of the premises or their guests, as determined by the Police or the Code Enforcement Department may be grounds for suspension or revocation of the license;
- 6) No alcoholic beverages may be sold on the premises except by written permission of the New Hampshire Liquor Commission;
- 7) Loud noises or other disturbances after 10:00 PM that continue after warning by the Police Department may be grounds for suspension or revocation of the license;
- 8) Access to the common areas of the licensed premises shall be granted to the Police, Code Enforcement, Fire and Health Departments of the City of Keene at all reasonable times;
- 9) The cellar space does not meet the qualifications for public assembly and therefore cannot be used as a gathering space;
- 10) The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City;
- 11) Compliance with any recommendations of City staff; and
- 12) Owner shall notify City staff of any change in building operator; failure to do so may be grounds for suspension or revocation of this license.

This license expires on the 20th day of October, 2018 and may be revoked by the City Council in accordance with Sec. 46-590 “Suspension or Revocation”.

BACKGROUND:

Donna Forte and Tracy Parkhurst, of 319 Sugar Hill Road, Hopkinton, introduced themselves as the new owners of the property.

John Rogers, Acting Health Director, reported inspections were conducted yesterday as this is a new license. The new owners are taking care of the few minor issues that were noted. Mr. Rogers said the Code Enforcement Department has no problems moving forward with this license.

Mark Howard, Keene Fire Chief, also reported inspections were conducted yesterday with only a couple of housekeeping issues needing to be taken care of. There were a couple of missing fire extinguishers which have been replaced already. The annual fire alarm needs to be tested but we need to allow the new owners' time to have this done.

Chair Richards noted he appreciates people coming forward and asking for license. He then asked for Committee questions/comments.

Councilor Sapeta commented he sees this property every day. He noted improvements made by the previous owner and that this is an opportunity for the new owners to make additional improvements. Mr. Parkhurst shared their experience noting they have 54 buildings in Keene for rent. Mr. Parkhurst also indicated they want to clean up the corner.

Councilor Jones said he requested condition #12 be added and mentioned this is the second time the property has changed ownership. Ms. Forte noted her daughter will be operating the property and she has been with the company for 12 years.

Chair Richards said some lodging house licenses have more restrictions; these additional restrictions were brought on by issues. He continued as long as there are no issues additional conditions will not be added. There being no further comments from the Committee or public Chair Richards asked for a motion.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Donna Forte be granted a lodging house license on property located at 57 Winchester Street for a period of one year from the date of issuance. Said license is conditional upon the following:

- 1) Compliance with all applicable laws, ordinances, codes and rules and regulations;
- 2) No more than 16 persons may reside on the premises;
- 3) No less than 8 vehicular parking spaces must be provided on the premises;
- 4) The names, home addresses, and motor vehicle registrations of the residents of the licensed premises shall be available on the premises at all times for inspection upon request by the Police, Code Enforcement or Fire Departments;
- 5) Continued violation of the City parking ordinances by residents of the premises or their guests, as determined by the Police or the Code Enforcement Department may be grounds for suspension or revocation of the license;
- 6) No alcoholic beverages may be sold on the premises except by written permission of the New Hampshire Liquor Commission;
- 7) Loud noises or other disturbances after 10:00 PM that continue after warning by the Police Department may be grounds for suspension or revocation of the license;
- 8) Access to the common areas of the licensed premises shall be granted to the Police, Code Enforcement, Fire and Health Departments of the City of Keene at all reasonable times;
- 9) The cellar space does not meet the qualifications for public assembly and therefore cannot be used as a gathering space;
- 10) The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City;
- 11) Compliance with any recommendations of City staff; and
- 12) Owner shall notify City staff of any change in building operator; failure to do so may be grounds for suspension or revocation of this license.

This license expires on the 20th day of October, 2018 and may be revoked by the City Council in accordance with Sec. 46-590 “Suspension or Revocation”.



City of Keene, N.H.
Transmittal Form

October 12, 2017

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

SUBJECT: Acceptance of Donations to Library Renovation Project - Next Chapter Campaign

RECOMMENDATION:

On a 5-0 vote, Finance, Organization and Personnel Committee recommends that the City Council accepts donations of \$30,934.82 as listed in the August Cambridge Trust Statement and the August 24th - September 30th Donor List to be deposited the Library Renovation Temporarily Restricted City Trust as part of the Next Campaign Drive.

BACKGROUND:

Judy Putnam of 168 Court Street addressed the Committee as the Co-Chair of the Library Capital Campaign. Ms. Putnam stated she was before the Committee to ask the Committee to accept funds that have been donated to the Library Renovation Trust fund between the period of August 24th and September 30th in the amount of \$30,934.82. The fundraising will continue with an anticipation of a closing date on the project as of mid-November and will be accepting funds on a more frequent basis using Cambridge Trust's monthly report.

Chair Greenwald noted to the large variety of donations. He asked for the total raised to date. Ms. Putnam stated they are between 98% to 99%.

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

On a 5-0 vote, Finance, Organization and Personnel Committee recommends that the City Council accepts donations of \$30,934.82 as listed in the August Cambridge Trust Statement and the August 24th - September 30th Donor List to be deposited the Library Renovation Temporarily Restricted City Trust as part of the Next Campaign Drive.



City of Keene, N.H.
Transmittal Form

October 12, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.5.

SUBJECT: Acceptance of Grant for Water Monitoring Equipment - Public Works Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept and execute a Cyanotoxin Monitoring Equipment and Training grant from the New Hampshire Department of Environmental Services in the amount of six thousand one hundred forty six dollars (\$6,146) for the purchase of equipment to sample and monitor water quality in Babbage and Woodward reservoirs.

BACKGROUND:

Assistant Public Works Director Donna Hanscom was the next speaker. Ms. Hanscom stated this matter is regarding funding from the state for equipment. She explained the city depends on its reservoirs for half of the city's water supply. These reservoirs have not had a problem with algae growth in the past; she noted staff is currently doing a watershed management plan and felt it would be a good idea to start keeping track of a baseline for water quality parameters.

The State has offered a grant opportunity to many of its drinking water suppliers. The city is looking to purchase equipment to check for blue green algae (Cyano Bacteria) which can produce toxins in large amounts. This funding will provide for testing throughout the year at both reservoirs.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept and execute a Cyanotoxin Monitoring Equipment and Training grant from the New Hampshire Department of Environmental Services in the amount of six thousand one hundred forty six dollars (\$6,146) for the purchase of equipment to sample and monitor water quality in Babbage and Woodward reservoirs.



City of Keene, N.H.
Transmittal Form

October 12, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.6.

SUBJECT: Antioch Grant - Training Funding - Youth Services Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a grant from Antioch of New England in the amount of \$1,000.00 for use by Youth Services.

BACKGROUND:

Youth Services Manager Elisabeth Brown stated this is a grant opportunity from Antioch University New England Graduate School. The University is offering the city \$1,000 for the city's site supervisor to attend four trainings. This is in appreciation of the city being a graduate training site and added it is a great collaboration.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a grant from Antioch of New England in the amount of \$1,000.00 for use by Youth Services.



City of Keene, N.H.
Transmittal Form

October 11, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: G.1.

SUBJECT: Continued Discussion – An Ordinance for Disorderly Residences

RECOMMENDATION:

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends the discussion of an Ordinance for Disorderly Residences be placed on more time.

BACKGROUND:

Mayor Lane said he brought this request to draft an Ordinance forward to try to spark discussion he thinks is appropriate to have about certain residences in the City. He said there are three to four homes, at most, where anti-social behavior and activities are occurring that require police presence on a regular basis. He said as a result, the police and therefore the taxpayers are in effect managing those properties. He thinks the citizens would rather see the police downtown address other issues such as drug dealers and panhandlers. The Mayor continued the downtown is of critical importance to the City and it is unfortunate the Keene Police Department spends excessive time attending to problems on just a few properties in the City. He said the City Council needs to decide if they consider this a significant enough issue to ask the City Attorney to draft an Ordinance to bring back to Council for review.

Mayor Lane continued that if the Council wants to move forward, they should refer back to 2013 when this issue was last considered. At that time Council decided not to move forward after several months of discussion and staff work. The Council thought an agreement was reached between the landlords and City; landlords agreed to establish an association to begin dealing with these tenant behavior issues. Mayor Lane said he was unsure a landlord's association still exists but the behavior issues do. He showed a graph displaying growth in behavioral issues in neighborhoods over the last five years; he said issues have grown in neighborhoods and it is an increasingly significant problem to get a handle on. As the City looks toward creating investments in neighborhoods around downtown, the behavioral activities in these neighborhoods are critical if we want families to live there and to upgrade and improve the City. He said we have to pay attention to behavior and activities such as: large gatherings "with 1,500 people in the backyard", fighting, public drunkenness, drug use, etc. He said all of these behaviors warrant repeated complaints to the KPD. Mayor Lane noted that he hopes the MSFI Committee will seriously consider paying attention to this issue, and he asked the Committee to recommend the City Attorney draft an Ordinance.

Mayor Lane listed a few other issues regarding this Ordinance:

- The system currently used by the KPD to record incidences is too complex and difficult; it needs to be simplified to provide consistent statistics that demonstrate how many times the KPD responds to a particular problem.

- Any Ordinance drafted should not deter people from reporting domestic violence; domestic violence will not be tolerated and those reporting it will not be a part of this system.
- Many landlords are concerned about being notified about incidents on their properties. There is a presumption in the law that property owners know what is going on with tenants at their properties. They have an obligation to track and monitor their properties.

Mayor Lane concluded asking the MSFI Committee to recommend the City Attorney review issues related to this to determine if an Ordinance should be adopted.

Vice Chair Filiault said the last attempt at resolving this issue was, “like killing an ant with a sledge hammer.” He asked the change of direction Mayor Lane thinks the City can get the landlords on board with. Mayor Lane replied the last Ordinance attempt was overly complex and broad; it dealt with code enforcement, fire codes, and many other issues combined into one system. He suggested an Ordinance that just deals with police calls and a focus on anti-social behaviors that affect and degrade entire neighborhoods. He said he is not discussing a code or fire enforcement issue; he is concerned with the KPD being required to respond to homes many times throughout the year for the same reasons.

The City Attorney said if the Council wants to move forward drafting an Ordinance, the problems must be clearly defined. He has researched other communities with regard to this kind of Ordinance and a few principles were clearly apparent:

- The City must be very careful to not trigger areas where people have the expectation and right to contact the KPD without fear of interference in their living arrangement. Similarly, domestic violence cannot be triggered by this Ordinance.
- An Ordinance’s should not inserted the City into the relationship between landlords and tenants. This is a non-starter statutorily and he does not think the City should be involved in evictions, etc.
- The behaviors regulated and their consequences must be clearly defined and very specific.
- There are potential issues with federal statutes regarding discrimination based on home occupancy. Studies show challenges across the nation where Ordinances are imposed in highly diverse areas making some people more subject to the regulations than others.
- How the KPD collects and uses data is important. The KPD would have to be very involved in drafting this Ordinance to make sure it can be technically achieved.
- Privacy is an issue. Some similar Ordinance’s require landlords to reveal details of who occupies their property to the City.

Mayor Lane said drafting this Ordinance is not intended to solve any problems; it is simply intended to be an additional tool available to the KPD and City to address behavioral issues. He said it is not a solution in and of itself. In similar communities these ordinances are never utilized; just the fact it exists is enough to warrant a change in landlord perspective. He said it is a negotiating tool as much as anything else.

Councilor Lamoureux asked the City Attorney if he found any case law in his research. The City Attorney replied yes, there was case law nationwide and the issues he highlighted came from those cases. He said there appears to be a problem in drafting these Ordinances and determining what to include. In some cases, when government enacts a penalty process like this there is no due process involved in the Ordinance (prior notification, opportunity to object, appeal rights); due process is important as government actors.

Councilor Hooper said after review the initial information he personally thinks there needs to be more discussion and information presented. He said the Committee needs to hear all sides of the issue and be very careful before moving in any direction. Vice Chair Filiault agreed because there is no Ordinance before the Committee at this time; a vote would be on the concept of a potential Ordinance.

Vice Chair Filiault welcomed comments and questions from the public, noting that transparency is important.

Councilor Philip Jones said some of the issues mentioned by Mayor Lane have been issues for more than 20 years. He said a reactive Ordinance was created in 2001 regarding noise, public urination, and lawn parking. As time went on the City began working with people instead of creating ordinances against them. When the first attempt at this Ordinance was before the Planning, Licenses and Development Committee in 2013 it was more focused on bringing landlords together; that goal was accomplished at that time. He said this proposed Ordinance is different because it is directed at any residence in the City, including single family, owner occupied residences. Mayor Lane agreed this Ordinance would be City-wide and would affect any property owner in the City including individual homeowners and landlords. Councilor Jones said it is less about picking on landlords and more about addressing issues before the KPD.

Councilor Bart Sapeta thanked Mayor Lane for bringing this up; he said if this is the third time this is being debated there is clearly a problem. He thinks the problem needs to be defined very well before making a decision that an Ordinance is needed. He is Chair of the College-City Committee, which is looking into some of these issues; he suggested a working group from that Committee to help define the problem and get feedback from stakeholders to determine if an Ordinance is necessary. He asked if the decision at this meeting should be a recommendation for a specific type of Ordinance or a broader recommendation to provide more time to discuss and investigate the problems. He said obviously a multifaceted problem exists.

Toby Tousley, 499 Washington Street, said he has been a landlord for 36 years and is familiar with these situations. He is familiar with evictions as he does his own without a lawyer; he knows how to get tenants in and out. His big issue with an Ordinance is that there are so many unknowns. He asked what this Ordinance is actually meant to achieve; he asked what defines a disorderly house. He asked how an Ordinance can be drafted if the problem and solution are not clear. He said this is why most landlords are frustrated. He noted the Mayor said this is about three or four disorderly residences; he asked if it is common practice to draft Ordinance's for a problem with so few homes. He suggested talking to those property owners. He said it seems this is mostly geared toward students and he is unsure if that was the intent. As he stated in his letter to the editor of The Keene Sentinel, he thinks there are many more issues than just the students; for example, 20% of his tenants have mental health disorders and may have more drama in their lives that requires the KPDs attention. He said an Ordinance such as this places those tenants at risk of homelessness. He asked why the City should head down this path. He said the idea of fining property owners after three calls to their property does not make sense either, especially considering the different sizes and occupancies of buildings throughout the City. He said the assertion that he should know what is happening with all 140 of his tenants at the same time is absurd and it would be different if the KPD were letting him know when things happen in the middle of the night, for example. He said he gets no feedback from the KPD and issues like this require 30 days-notice for evictions; per landlord-tenant laws, the tenant must be given the opportunity to make the situation right. With the lack of information from the KPD, there is additional time before legal action can even begin to start an eviction. Cops could be called frequently during that time and a landlord has no options to rectify the situation. He said if the City decides to go in this direction it is ridiculous; landlords should have the same opportunity to rectify the situation, just as tenants do per state law, before they are fined. He said there are too many pieces to this puzzle.

Bill Beauregard noted that although lives in Chesterfield he has rental properties in Keene. He referenced the last attempt at this Ordinance, for which he said there were also only a few problem properties. He asked, if there are again only three or four residences, where are they, what are their infractions, and have actions been taken against them. He asked what rationale there is for this exercise if there are only three or four disruptive properties; he said there were likely six times as many landlords present at the meeting. He said the question of if the KPD is issuing summons is critical; he asked if just a knock on the door will constitute a police visit. He also noted the issue of due process and said if a landlord will be fined they should have some sort of notice; he said the KPD used to notify landlords and he does not understand why they cannot with today's technology. He said if a residence has three violations they should be able to send some kind of electronic email notification so the landlord has an opportunity to correct the situation. He said landlords are not at their properties 24/7 and cannot handle behavioral issues without notification. He continued most landlords are at their properties

multiple times per week but if there is an issue in the middle of the night they may not know and should not suddenly be fined. He said if drafting an Ordinance, the City should have the support of people the Ordinance will affect. He said the problems still need to be more clearly defined.

Vice Chair Filiault asked Police Chief Russo if policy states the KPD cannot notify landlords. Chief Russo replied there is no policy written. He said the City has been through this before and as far as he knows the KPD was notifying landlords to the best of their ability many years ago via letters. At some point Code Enforcement was also notifying landlords; Chief Russo was unaware of when that stopped. The KPD does not notify landlords as a standard. He said yes the technology exists, but even if he worked with Assessing to obtain the address and name of every rental business, the information might not even lead to the landlord. He said the first step would be finding a good mechanism to get a list of landlord contact information. He said if that list were acquired, it would then have to be decided who would notify, how they would be notified, and if the City actually wants that as a procedure. He also cited the complications with domestic violence. He said until he knows what the Ordinance will look like and what current statutes and Ordinance's will be included he cannot even provide data. He said what a repeat offender is also needs to be defined; he could list some residences the KPD might visit three times per week but they do not always issue a summons because when they arrive there is no violation. He assumes visits in this Ordinance would only count if a summons is issued and also assumes when that happens there would be a due process for the landlords where they can speak with himself or the City Manager; this all depends on how the Ordinance is written and he does not know those details.

Fred Haas, 70 Prospect Street, asked what percentages of apartments in Keene were owned by landlords at the meeting. He asked if any of the landlords in the room were a part of the problem. He said he does not have a problem with the KPD; he has owned rental properties for 26 years and thinks he has only been contact for problems twice. He does not want to be responsible for the actions of others. He will provide his contact information and if he is notified about a problem he will take actions he is allowed under the law. He agreed with the Mayor that nicer neighborhoods are desirable as residents, but he thinks there are far greater hindrances to that than a few disruptive apartments, like panhandlers and drug dealers, for example. He would like to know which residences are the problems. He said he also has tenants with mental health disorders and does not want to be responsible for an anonymous call someone makes about them. He said public urination, public drunkenness, and disturbing the peace are already against the law. He said he pays his taxes so the KPD can handle those situations as a part of their job. He said if it is only four homes then the KPD is not doing the jobs of landlords, they are enforcing laws that landlords cannot. He wants to be notified so he can be proactive and address problems. He said landlords do what they can and are concerned, which is why they were present at the meeting. He said if there has to be an Ordinance that is fine, but he wants to know what it is and he does not want to be accountable for the actions of others.

Trevor Grauer, 25 Winchester Court, echoed what others saying and added that landlords care about their properties and want a better City. He has serious concern about an Ordinance asserting that a landlord can control how another person behaves. Landlords abide by strict landlord-tenant laws which prevent certain actions. He noted when he has had complaints about students, he sits down with them and their parents, and yet when the cops were called he was notified by the college and not the KPD. When he tried to call the KPD to get information about the incident he was only told the date and time of the incident and that there was no report of police activity at the property since the most recent police log was October 4. He said he is an active manager of his property and is trying his best, but it is difficult to get information with the system as it is. He said it is unfair to fine property managers who are doing everything in their ability to manage their properties. He asked if an Ordinance is necessary when it is only a problem of a few residences. He asked if the Ordinance is adopted, if there will be a provision to determine if an owner is actively involved and doing everything they can.

Regina Wright, 19 Chase Place, said she has been renting for 15 years and is very involved with her tenants. She said one of her concerns is defining what the problem actually is. She said the graph Mayor Lane displayed only shows an increase in phone calls, not actual data. She hears from friends that many police calls for disturbance are over custody or parenting issues. She said the population of Keene is very different than it was

15 years ago; there is an abundance of mental health disorders, homelessness, and drug addiction. She said approximately 58% of the City is rentals and there should be a lot more issues than there are in reality. She said if student parties are the major issue, draft an Ordinance on unruly gatherings and stipulate the number of people and alcohol regulations, etc. She said we need to know what the increased police calls are actually for. She said if it is only four homes, send them a letter. She said she cannot do anything about what happens in her rentals; the spaces are rented with the stipulation they will be kept in good condition and all landlords can do is hope for good tenants.

John Therriault, 76 Bradford Road, said he does not have rental properties in Keene but is concerned about good government. He thinks everyone should consider that when the government passes ordinances there are always unintended consequences that are often adverse. He thinks this Committee should consider if it is really worth the potential unintended consequences before voting. He does not think this is a large enough problem worth the Council's time.

Andy Mackey, 23 Ellis Court, has owned one duplex since 2006 and the market for tenants was really good until the 2014 Pumpkin Festival. As the market has changed, he has also seen an increase in tenants with mental health disorders. He said he would rather see an end-of-semester college party as opposed to a mentally ill tenant who is constantly disruptive; he sees more of the latter now. He only has one building and does not know how people with multiple properties keep track of them all the time. He wants to know what the consequences will be for landlords and where their responsibility ends. He feels like there are too many questions, that landlords have been made out as the bad guys in this, and that he is worried.

Mr. Beauregard said the problems have still not be defined and clarified. He thinks the problems should be the genesis of the Ordinance and the Committee should ask what neighborhoods, what problems, have summons been issued, etc.

Mr. Tousley said similar things have been discussed for many years and the discussion is always centered on students. He said while the college did not account for these issues in the past, they have lately and are working hard. He said it seems things are already moving in the right direction, many things have been enacted, and the college is now invested in the City. He does not understand why the City is still pursuing this after 20 years.

Mayor Lane said his last comment was to simply state this is not intended to be a solution to what is an unfortunate problem that has existed in the City for a long time. He only intends this Ordinance to be an additional tool for the City. He said it should not be the responsibility of the KPD to manage these properties, especially those of out-of-town landlords; he said the majority of properties affected have an out-of-town landlord and no one knows who they are. He is not suggesting beginning to punish landlords for the activities of tenants; this is just a mechanism to begin discussions with landlords, particularly those with a high number of citations on their properties, about how those properties can be better managed. He said this is not a draconian effort to attack landlords.

Councilor Lamoureux thanked everyone for coming to the meeting and sharing. He thinks it is important to understand that something has been identified as a problem and a solution is needed. He said the Mayor brought this forward to at least initiate a discussion again and maybe new ways to work with landlords can be discovered. He is not looking for an Ordinance, but possibly to start building a better relationship with landlords and communication about problems. He hopes the Council will not just adopt an Ordinance but instead discuss ideas and solutions with landlords to try to make the City better for everyone. He said more discussion is needed and he hoped the people in the room would be a part of that discussion.

Councilor Hooper echoed Councilor Lamoureux and thanked everyone for coming to the meeting. He said this idea of an Ordinance for disorderly residences stimulated the conversation and he thinks it is a good start. He heard a lot of great ideas and good communication will be pivotal to resolving these problems. He does not think it is a good idea to do anything with an Ordinance at this point but rather to discuss, define the problem,

share ideas, and determine how to better enforce these issues. He endorsed continuing the conversation before talking about an Ordinance.

Vice Chair Filiault agreed with the other councilors and thanked the audience for a civil and polite conversation. He agreed more time is needed to review this issue and there was no Ordinance before the Committee to vote on. He said there are more questions than answers and his initial feeling is an Ordinance is unnecessary. Maybe all that is needed to solve this problem is better policies, guidelines, and conversations. He encouraged the Mayor and landlords to have open dialogue and try to solve this without an Ordinance.

Councilor Hooper made the following motion, which was seconded by Councilor Lamoureux.

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends the discussion of an Ordinance for Disorderly Residences be placed on more time.

Vice Chair Filiault suggested landlords reach out to their Councilor's and the Mayor to continue dialogue before the discussion comes back to this Committee. Mayor Lane said he intends to speak with the City Attorney about a framework for an Ordinance to decide how to move forward.



City of Keene, N.H.
Transmittal Form

October 12, 2017

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

SUBJECT: Joe Schapiro/Keene Immigrant and Refugee Partnership - Encouraging the Consideration of a Resolution Aimed at Making Keene a Welcoming Environment for Immigrants

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends this item be placed on more time so staff can work with the Keene Immigrant Refugee Partnership so language can be refined and be brought back to the council for consideration.

BACKGROUND:

Chair Greenwald explained this is an item that is not within the normal scope of the Finance Committee's purview. He asked those who address the committee to be concise and went over certain parameters he would like presenters to keep in mind. He noted this was just an information gathering meeting.

The Chair went on to say several weeks ago he forwarded a draft Resolution to the City Council regarding taking a position and speaking out against hate, intolerance and intimidation. He referred to language from this Resolution R-2017-35:

WHEREAS, the United States was founded by immigrants many feeling persecution, who threw off the yoke of tyranny, and who enshrined justice and freedom into the nation's fundamental legal and ethical principles;...

1. The City of Keene strongly and unequivocally reaffirms its commitment to be an inclusive, tolerant, respectful and just City that is proud of its mosaic of people of diverse cultures, faiths, beliefs and identities.
2. The City of Keene I committed to making Keene an inviting, equitable, just, and safe community for everyone, and to celebrate both our individuality and out commonality.
3. The City of Keene condemns, in the strongest possible language, the totalitarian impulses, violent terrorism, xenophobic biases, and bigoted ideologies that are promoted and acted upon by hate groups.
4. The City of Keene calls upon leadership at the local, state, and federal levels to act in a manner that provides no quarter, no endorsement, and no safe haven for groups that are antithetical to the principles upon which this Great Nation was founded, and who besmirch the lives of those who have sacrificed all to protect those principles.

The Chair stated this Resolution was accepted unanimously by the Council and adopted by the Council.

With that the Chair recognized the City Manager for her comments. City Manager Elizabeth Dragon was the next speaker. Ms. Dragon stated staff has had an opportunity to review the proposed Resolution for this evening and noted some of the words in the Resolution are somewhat problematic with reference to directing the Police Department, specifically police officers to certain activities. State Law RSA 105 directs the City that

police activity cannot be directed in such a way. Because this is a complex subject, and refers to US Immigration Law, staff is concerned there could be some unintended consequences should this Resolution move forward.

The Chair then recognized Mr. Joe Shapiro of 288 Church Street and Ms. Susan Hay of 33 Pine Avenue addressed next. Mr. Shapiro began by reading the following statement for the record:

I am a member of Keene Immigration and Refugee Partnership, otherwise known as KIRP. We are a small group of residents who joined together in response to the increase in hostile rhetoric aimed at immigrants subsequent to the last presidential election. We view the demonizing of people who look different, speak a different language, or practice a different religion as extremely dangerous for our country.

KIRP's mission is to create a safe and welcoming community for immigrants and, eventually, to work toward increasing the number of immigrants in our community.

Toward these ends we have:

- Created a public awareness campaign consisting of lawn signs and posters, some of which you see here tonight.
- Worked to learn about the immigrants that live in our area currently and to assess how we might be helpful in supporting them.
- We have hosted an immigrant get-together and we have provided rides to students in the Community Ed English Language Learners program.
- We have put on a public forum for community leaders, which some of you attended.
- Finally, we have brought this resolution that you have before you.

Let me start with a cautionary tale. On August 4 Eleazar Lopez Ayala, a 40 year old Manchester resident of Honduran decent left his work place with a coworker to get a cold drink. They were heading for a store in Deerfield when they got a flat tire.

Lacking cell service they knocked on the door of a nearby home to make a call. The resident called the police. The police brought them to the station. ICE was called and today Mr. Ayala remains in detention awaiting a hearing and probable deportation.

Mr. Ayala came to this country 20 years ago as a 17 year old. His only police record is one instance of driving without a license. He is married with four children; all of them born in this country. Mr. Ayala was working to support his family. Now they are separated from him and without his critical financial support.

This would not have occurred in Manchester where police department policy precludes asking about immigration status. This will no longer happen in Deerfield, where just weeks after this incident the police chief proposed a similar policy, which was quickly approved by the Board of Selectmen. But this could happen in Keene where the police department is without a specific policy dealing with undocumented immigrants. This is what we seek to prevent.

Please understand that we are not saying that Keene is a toxic or hostile environment for immigrants. Nor are we accusing the KPD of wrongdoing. But clearly times are changing. We do not know what situations will arise, nor do we know what kind of requests or pressure will come from the federal government. Therefore, we must act proactively.

These policies will protect the privacy of residents, clarify the responsibilities of and limitations on the KPD's involvement in federal immigration enforcement, and prevent unwarranted detention beyond the norm for any given infraction. Toward this end we have spoken to many of you on the Council and have met with Chief

Russo and Mayor Lane as well. In fact, we have changed some of the wording in this resolution at the suggestion of certain Councilors. Please say yes to this resolution. It will move us one step closer to the goal of balancing adequate protection, justice and dignity for undocumented immigrants while, at the same time, maintaining public safety.

Thank you,

Ms. Hay was the next speaker. Ms. Hay began by thanking everyone with who they have had a conversation about this issue. She echoed what Mr. Shapiro said in that this is not a critique of the Police Department and thanked the Chief and his staff for being engaged and does understand the importance of solid police work.

Ms. Hay then talked about a certain legal immigrant and the unfortunate experience this person had and his feeling toward the police force because of the rhetoric that currently exists in this country. She felt this type of situation creates an unhealthy situation to do good police work. She felt if something happens to this individual it is unlikely that this person would contact the police or report a crime he has been a witness to.

Ms. Hay stated she understand the City Council cannot direct the police force but what they are asking is to take a stand for certain policies. She said all they are asking for is for the Council to create a safer and more humane environment for immigrants and refugees.

Ms. Sandra Neal Wallace stated she became a citizen in 2016 and she is also a daughter of a refugee; her grandparents were concentration camp survivors. She talked about her experiences with immigrants in this region and how hard some of them work and how much Keene benefits from these immigrants. She indicated she wants these immigrants to feel as safe as she does in this community and this Resolution would accomplish that.

Mr. Peter Majoy of 143 South Lincoln Street was the next speaker. Mr. Majoy thanked the Committee for all their work. Mr. Majoy read the following for the record:

The KIRP petition before you is an opportunity for the City of Keene, NH to continue to move forward with its respecting and honoring immigrants and refugees from around the world. I hope that when the time comes for your vote that this opportunity will get a positive response.

There would be no America without immigrants from the past, the present and in the future. The Family Search Blog has an article, The Melting Pot of America: Tracing Your Immigrant Ancestors, by Katy Barnes. The piece opens as follows: "Immigration, always a hot topic in the United States, has been a common part of the historical and political discourse since the founding of our nation, largely because immigrants make up such an enormous part of our history and heritage as Americans". I reference this just as a way of expressing the incredible role that immigrants have played in the forward motion of American life.

If you go to Citizen Path, you can read this quote from Robert F. Kennedy: "Our attitudes towards immigration reflects our faith in the American ideal. We have always believed it possible for men and women who start at the bottom to rise as far as the talent and energy allow. Neither race nor place of birth should affect their chances. Lastly I would like to read to you a short poem I wrote about the general meaning of and simple truth regarding what it means to honor immigrants from the past, present and the future with the hope that this KIRP petition will be positively added to the wonderful multicultural atmosphere evolving here in the City of Keene.

Thank you for all you do

Immigrant Foundation of America
Part Italian, part Irish and also part Spanish
Fills my memory giving a birth to a deep wish

That we understood all of our DNA ancestors
Who became our always eternal co-existers.
America the beautiful could not have been born
Had our elders not awakened each and every morn
Which became basic history that kept us so alive
Helping us dance to the music and also slap five.
Ancestral immigration to our land where we live
Gave us a home that we love and want to give
Our deepest respect and much thankfulness
That for show today's immigrants whom we bless.
Because of their settling into all parts of our land
We must always offer immigrants a helping hand.

Mr. Will Coley of 659 Marlboro Street addressed the Committee next. Mr. Coley stated he is the husband of an immigrant and stated he knows what it is like to be an outsider but talked about the warm welcome he has received in this community. He talked about the prejudices his family has experienced. He hoped this community would unlike other communities would stand up for his family.

Ms. Jane Shapiro of 140 Peg Shop Road stated as follows:

Thank you for the opportunity to speak. There are numerous reasons to welcoming immigrants to our area and making our community safe for them. The one I would like to address is economic. New York Times columnist David Brooks, states "one doesn't even have to make the humanitarian case that immigration reform would be a great victory for human dignity. The cold economic case by itself is so strong".

I offered three points for your consideration.

1. Demographics:

New Hampshire has a workforce shortage crisis because our population is aging-and aging faster than the rest of the country-coupled with the fact that young people are leaving the state. The shortage of young workers has serious impact on economic growth.

Experts predict that perhaps the most important component of National Broadcasting Company age population over the next two decades will be the arrival of immigrants.

2. Immigrants strengthen our economy:

Immigrant worker spend their wages in local businesses. And immigrants 30% more likely than the native born to start their own business. The end result is more jobs billions of dollars in tax revenue and consumer purchasing power.

3. The argument that immigrants take jobs away from native-born workers is a fallacy that research has disproven.

There is no direct correlation between immigration and unemployment.

Immigrants and native-born workers fill different kinds of jobs that require different skills. Immigrants and native on workers usually complement each other rather than compete.

Native-born workers are not directly competing for jobs with immigrants because they're in different parts of the labor market. It turns out that immigrant workers in some cases push the native born upwards into jobs that require more communication skills.

In conclusion I offer a quote from economist Giovanni Perry of the University of California, Davis

“immigrants expand the US economy’s productive capacity, stimulate investment, and promote specialization in the long run boost productivity and there is no evidence that these effects take place at the expense of jobs for workers born in the United States.

Mr. Larry Welkowitz of 37 Church Street stated from a practical point of view - he teaches at Keene State College and stated his concern is regarding agents from ICE, Custom Enforcement coming onto campuses which campuses have rules regarding FERPA and HEPA and this can get quite complicated. He stated through this Resolution what they are asking is to stop and think of what the implications can be.

From a personal point he talked about his daughter’s friend who happened to be an immigrant died unexpectedly but her family was not permitted entry into the country to bury their daughter

Mr. Mohamed Salay of 240 Darling Road addressed the Committee and stated he arrived in this country in 1988 as a green card holder and later became a naturalized citizen. He talked about the prejudices he has experienced in his own country, but noted to the acceptance he has experienced in this community. Mr. Salay talked about his two children who would be affected if this Resolution does not pass and felt his children could be subject to being questioned because of the color of their skin. He also noted to a prejudiced comment made to his daughter who happens to be a US citizen which affected his daughter very much.

Mr. Salay stated this Resolution would have a greater impact on many people’s lives; separating families and hoped the Council would support this Resolution.

Wendy Scott Keeney of Marlboro, NH was the next speaker. She began by saying that she is an immigrant from Canada and her mother is an immigrant from London, the father of her children is an immigrant from Pakistan and her daughter married an immigrant from Ghana and all these people have added to the greatness of this country. Ms. Scott Keeney then read the following email for the record:

Thank you for including me in this most admirable effort that I support. I am unavailable on the essential dates you provided and among them I will be in Atlanta and DC advocating for improved criminal justice policy in the US.

You may be aware that I wrote a letter to the editor of the Keene Sentinel in support of Sheriff Rivera's position on immigration as it relates to law-enforcement.

While I am not a resident of Keene, I understand that my role as the correction superintended in our community is relevant.

Our citizens and politicians do not seem to be clear on the criminal justice process in our community. I try to convey to everyone that if an illegal immigrant who was a dangerous criminal were detained by the police for a justifiable misdemeanor, the jail will process finger prints through the automated fingerprint identification system which will immediately identify the subject as an illegal alien and a detainer will be put in effect immediately. Immigration and customs enforcement will then process the individual soon thereafter. This all means that the resolution is presented will not increase harm in any way to our community or prevent law-enforcement from doing their job in anyway.

I apologize for not being available, but you can represent my support for the resolution. Please let me know if I can help further.

Kind regards

Rick Van Wickler
Superintendent, Cheshire County Department of Corrections

Mr. Ed Tomey of 472 Hurricane Road addressed the Committee next and stated he represents the millions of Syrian refugees who are scattered around the world except in this country and noted between 2011 to 2016 only 18,000 were allowed into this country.

Mr. Tomey talked about his maternal and paternal grandmothers who arrived in this country in 1898 and 1912, from Lebanon. He talked about how hard these women worked to raise their families. Mr. Tomey talked about his many contributions to various companies. He felt if today's national policies existed in 1898 and 1912 he would not be here today. He talked about his recent visit to Lebanon where he met his extended family.

Mr. Tomey went on to say his interaction with the local police and sheriff have been always very good and does not expect that to change with refugees. He stated the current federal laws are not friendly towards refugees and felt any guidance we can provide to the police would be beneficial and added he did not want law enforcement to have to choose between upholding federal law and doing the right thing. He asked if language needs to be cleaned up, it should be done.

Mr. Riley Hay stated he attended Keene High School, attended higher education in New York but still calls Keene his home. He noted many young people are leaving this community for many reasons and felt people coming from abroad is a good antidote for people like him leaving this community. He stated it takes two reasons to flee one's home; putting your child on a boat because it is safer to do so and to be brave to attempt such an action and if those two reasons are not good enough for people to live in this city, he didn't know where this city was going. He felt all this Resolution would do is send a message; this generation responds to messages and asked the Committee to pass this Resolution.

Ms. Tasha Nadeau of 5 Grant Street stated she attends Monadnock Waldorf High School and can relate to what the previous speaker said. She talked about an internship she attended at ACLU in Washington DC this summer and talked about the many different people she met where she learned a lot about social injustices and police brutality they had experienced. She felt the issue of immigration is much more important than what it seems and felt it affects people in much deeper level than you can understand.

Mr. Ian Freeman of 73 Leverett Street asked who the police should be protecting and felt it should be primarily the people who live in this community, not the federal government. Mr. Freeman stated it was nice to see a city council trying to do the right thing.

Councilor Phil Jones addressed the Committee next and began by thanking Mr. Shapiro for bringing this item forward. He stated he understands the Council can't dictate what the police is permitted to do in this community. The Councilor talked about a recent conversation he had with a constituent where he had addressed the different diversity groups that exist in this community and the close connection he has with the Spanish speaking people in the community. The Councilor circulated a copy of a page from the master plan and asked whether diversity is something that has been on the minds of the Council.

Mr. Shapiro stated he wanted to make one clarifying comment – the first City Councilor KIRP talked to advised them that the Council cannot dictate police policies and this Resolution was written with this understanding and the Resolution was written using the term "promote".

Councilor Bart Sapeta stated he is an immigrant and extended his appreciation for all the comments that were made this evening. He stated he would save his comments for the Council meeting.

Ms. Hay stated it was possible for the Council to send a message to the greater community and the police department and not violate any of the policies.

Mr. Leonard Weldon of 165 South Lincoln Street stated of his three children one comes from Peru and the other from China and felt if we don't travel the high road we are missing the point of really living.

Ms. Lindsay Bartlett of 342 Water Street was the next speaker. Ms. Bartlett stated she too is an immigrant from England but has white privilege and had been an illegal alien for many years. She felt every immigrant who comes to this community should have the same rights she did.

Councilor Chadbourne extended her appreciation for the respect that has been displayed tonight.

Councilor Jacobs stated this is what democracy looks like and hoped this matter can be moved forward with the language properly modified.

Councilor Clark stated it has been reminded Keene has a rich history of immigrants. He felt this community would not be as thriving without its immigrant population.

Councilor Jacobs made the following motion which was seconded by Chair Greenwald.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends this item be placed on more time so staff can work with the Keene Immigrant Refugee Partnership so language can be refined and be brought back to the council for consideration.



City of Keene, N.H.
Transmittal Form

September 29, 2017

TO: Mayor and Keene City Council

FROM: Steven Russo, Police Chief

THROUGH: Elizabeth Dragon, City Manager

ITEM: H.1.

SUBJECT: Relating to No Parking Foundry Street

RECOMMENDATION:

Recommend that Ordinance O-2017-16 be read for the first time and referred to Municipal Services, Facilities and Infrastructure Committee.

ATTACHMENTS:

Description

Ordinance O-2017-16

BACKGROUND:

Ms. Chickering, a property and business owner at 38 Foundry Street requested one side of Foundry Street be posted "No Parking", due to large trucks needing turning radius to enter her property. Municipal Services, Facilities and Infrastructure Committee directed staff to draft an Ordinance.



CITY OF KEENE

O-2017-16

Seventeen

In the Year of Our Lord Two Thousand and

AN ORDINANCE Relating to - No Parking - Specific Streets

AN ORDINANCE

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

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by adding the bolded Italic text to the following provisions of Article III, "Parking", of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows;

Article III, "Parking", Division 2, "Specific Streets", Section 94-93 "No Parking" by adding the following;

Sec. 94-93. No parking.

- (a) *Specific streets.* No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, in any of the following places:

Foundry Street, east side.

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

10/10/17

TO: Mayor and Keene City Council

FROM: Steven Russo, Police Chief

THROUGH: Elizabeth Dragon, City Manager

ITEM: H.2.

SUBJECT: Relating to Specific Street Regulation - Speed Limits

RECOMMENDATION:

Recommend that Ordinance O-2017-17 be read for the first time and referred to Municipal Services, Facilities and Infrastructure Committee.

ATTACHMENTS:

Description

Ordinance O-2017-17

BACKGROUND:

During recent reviews of Ordinances in the downtown area it was noted that speed limits within the downtown area are not uniform as to entry into the downtown area. This resolution will add a 25mph zone (reduced from 30pmh) on Main Street from Route 101 to the Winchester / Marlboro Street rotary and on Marlboro Street from Grove Street to the Main / Winchester / Marlboro Street rotary .

This will make speed limits at entry to the downtown area uniform at 25mph on Main Street from Route 101 to Central Square, and Marlboro Street from Grove Street, with Winchester Street, Marlboro Street, West Street, Roxbury Street, Court Street, and Washington Street, which are all currently 25mph zones for a distance to and from Main Street and Central Square.



CITY OF KEENE

O-2017-17

Seventeen

In the Year of Our Lord Two Thousand and

AN ORDINANCERelating to ~~Specific Street Regulation~~ Speed Limits.....

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

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by deleting the stricken text and adding the bolded Italic text to the following provisions of Article IV, "Specific Street Regulations", of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows;

Article IV, "Specific Street Regulations", Division 7, "Speed Limits", Section 94-372 "Twenty-five miles per hour" by adding the following;

Sec. 94-372. - *Twenty-five miles per hour.*

It shall be unlawful for any person to operate a motor vehicle on the following public ways in the city at a speed greater than 25 miles per hour:

- American Avenue.
- Apollo Avenue.
- Autumn Hill Road.
- Butternut Drive.
- Castle Street Extension (Harper Acres) from Ashuelot Street to dead end.
- Clark Circle.
- Colonial Drive.
- Court Street from Central Square to Union Street.
- Dale Drive.
- Garrison Avenue.
- Gemini Drive.
- Kennedy Drive.
- Laura Lane.

Liberty Lane.

Main Street from Marlboro Street *Route 101* to Central Square.

Marlboro Street from Grove Street to Main Street.

Meetinghouse Road.

North Lincoln Street from George Street to Beaver Street.

Pako Avenue.

Railroad Street from Main to Church Street.

Roxbury Street from Central Square to Harrison Street.

Sesame Street.

Timberlane Drive.

Timberlane Drive Extension.

Ward Circle.

Washington Street from Central Square to Beaver Street.

West Street from Central Square to School Street.

Winchester Street from Ralston Street to Main Street.

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

October 11, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: I.1.

SUBJECT: Relating to Snow and Street Maintenance Periods

RECOMMENDATION:

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends the adoption of Ordinance O-2017-18 relating to snow and street maintenance periods.

ATTACHMENTS:

Description

Ordinance O-2017-18

BACKGROUND:

The Public Works Director noted this is a follow-up conversation regarding a request from residents for overnight summer parking. Currently Downtown and in areas immediately adjacent, overnight parking is restricted between 2-6 AM in the summer for regular City maintenance of those roadways. Staff from the Public Works and Police Departments looked at current activity to identify possible changes to recommend to Council. He showed a graphic displaying the original maintenance period as it is today and the streets effected; the current restrictions have been in effect for more than 30 years. Staff determined it best to divide the area into two primary maintenance areas: 1) Downtown, Business, and Commercial where access is needed seven days per week to maintain appearance; 2) Areas adjacent to Downtown where access is needed two days per week for maintenance. With this Ordinance, overnight parking will only be restricted in areas adjacent to Downtown on Wednesdays and Thursdays from 2-6 AM. This Ordinance amends this section of the City Code and creates two summer periods for the Downtown core and Downtown-adjacent. Summer maintenance is only from May 1- October 30.

Councilor Lamoureux thanked staff for addressing this issue; he asked how the signage will change. The Public Works Director replied that signs in the Downtown core will remain the same, but signs in the Downtown-adjacent areas will be changed.

Councilor Lamoureux made the following motion, which was seconded by Councilor Hooper.

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends the adoption of Ordinance O-2017-18 relating to snow and street maintenance periods.



CITY OF KEENE

O-2017-18

Seventeen

In the Year of Our Lord Two Thousand and

AN ORDINANCE Relating to Snow and Street Maintenance Periods

AN ORDINANCE

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

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by removing the stricken text and inserting the bolded text to the following provisions in Article III, "Parking", of Division 2, "Specific Streets", of Section 94-95 "Snow and Street Maintenance Period" in Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows;

Sec. 94-95. – Snow and Street Maintenance Period.

- (a) **Snow Maintenance Period.** No vehicle **or trailer** shall be left standing or **unoccupied** upon any of the public ways or bridges in the city and owners of all vehicles **or trailers** so standing between the hours of 1:00 a.m. **AM** and 6:00 a.m. **AM** shall be deemed in violation of RSA 262:31 et seq. and shall be towed as provided for in section 94-154 pertaining to enforcement practices. The prohibition described in this subsection shall **apply during the period each year from November 1 to April 30.** ~~not apply during the period each year from May 1 through October 31. "summer period", except in the Central Business District in the following streets:~~
- (b) **Summer Maintenance Period.** To provide for maintenance in the City's downtown, business, and commercial streets, no vehicle or trailer shall be left standing or unoccupied upon any of the public ways or bridges in the areas specified and owners of all vehicles or trailers so standing between the hours of 2:00 AM and 6:00 AM as specified shall be deemed in violation of RSA 262:31 et seq., and shall be towed as provided for in section 94-154 pertaining to enforcement practices. The prohibition described in this subsection shall apply during the period each year from May 1 to October 31:

(1) The Summer Maintenance Period shall apply to the following streets on Wednesday and Thursday of each week:

Center Street.

Central Square.

Church Street from Main Street to Roxbury Plaza **Wells Street.**

Commercial Street.

Court Street from Mechanic Street to Central Square.

Cypress Street.

Eagle Court.

Elm Street from Vernon Street to Mechanic Street.

~~Emerald Street from Main Street to School Street~~ **Ralston Street.**

Federal Street.

Gilbo Avenue.

Lamson Street.

Main Street from Marlboro Street **and Winchester Street Intersection to Central Square. NH Route 101.**

Marlboro Street from Main Street to Adams Street **Grove Street.**

Mechanic Street.

Middle Street.

Norway Avenue.

Railroad Street.

Ralston Street.

Roxbury Plaza.

Roxbury Street from Central Square to Norway Avenue.

St. James Street.

School Street **from West Street to Emerald Street.**

~~Spring Street from Washington Street to Town Street.~~

Summer Street.

Vernon Street.

Washington Street from Central Square to Mechanic Street.

Water Street from Main Street to Grove Street.

Wells Street.

West Street from Central Square to Ashuelot Street. NH Route 9/10/12.

Winchester Street from Main Street to NH Rt 101.

Winter Street.

93rd Street.

- (2) The Summer Maintenance Period shall apply to the following streets on Sunday through Saturday of each week:**

Central Square.

Main Street from Central Square to Marlboro Street and Winchester Street Intersection.

- (3) Nothing in this section will prohibit the Public Works Department from closing all or parts of any listed streets at any other time periods then listed for maintenance, as long as the public is notified of the closing at least three (3) calendar days prior to the closing.**

~~During the "summer period" only, the prohibition in the Central Business District shall be between the hours of 2:00 a.m. and 6:00 a.m.~~

~~(b)~~ **(c)** The prohibitions described in subsections (c) through (f) of this section shall not apply during the period from May 1 through October 31, except that no vehicle shall be left continuously in any city-owned parking lot for longer than five days. Any vehicle that is left in any city-owned parking lot and/or that is unregistered may be towed as stated in section 94-154 pertaining to enforcement practices. Nothing in this exception to parking prohibitions will prohibit the public works department from closing all or parts of any parking lot for maintenance, as long as the parking lot has been signed to notify users of the parking lot of the closing at least five days prior to the closing of the parking lot for maintenance.

~~(e)~~ **(d)** No vehicle shall be left standing on the city-owned Elm Street parking lot between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Tuesday, Thursday, and Saturday. Exceptions: This Elm Street lot prohibition shall not pertain to the spaces specifically designated for overnight permit parking.

~~(d)~~ **(e)** No vehicle shall be left standing on the city-owned Gilbo Avenue parking lot west of St. James Street and Commercial Street parking lot between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Monday, Wednesday, Friday, and Sunday; and no vehicle shall be left standing on the Gilbo Avenue parking lot east of St. James Street between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Tuesday, Thursday, and Saturday. Exception: This prohibition shall not pertain to the space rented to Vermont Transit or its successor organization or the spaces specifically designated for overnight permit parking. This exception shall terminate

automatically upon the termination of the monthly rental by Vermont Transit or its successor organization.

~~(e)~~ **(f)** No vehicle shall be left standing on the city-owned Wells Street parking structure between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Tuesday and Thursday, except in the spaces specifically designated for overnight permit parking.

~~(f)~~ **(g)** Except for authorized city vehicles and validly permitted vehicles, no vehicle shall be left standing on the upper deck of the city hall parking garage and the Library/Heberton Hall parking lots between the hours of 12:01 a.m. and 6:00 a.m.

~~(g)~~ **(h)** The prohibitions described in subsections ~~(h)~~ **(i)** through ~~(i)~~ **(j)** of this section shall apply throughout the year. Any vehicle that is left in any city-owned parking lot and/or that is unregistered may be towed as stated in section 94-154 pertaining to enforcement practices. Nothing in this exception to parking prohibitions will prohibit the public works department from closing all or parts of any parking lot for maintenance, as long as the parking lot has been signed to notify users of the parking lot of the closing at least five days prior to the closing of the parking lot for maintenance.

~~(h)~~ **(i)** *Reserved.*

~~(i)~~ **(j)** No vehicle shall be left standing on the public ways or bridges of the city in such a manner as to impede the plowing or removal of snow and ice or the application of sand and/or salt to the roads and the cleaning of the streets.

~~(j)~~ **(k)** Exceptions. Vehicles parked on the following city streets and rights-of-way listed shall be exempt from this section:

Elliot Street, south side, from a distance of 120 feet from Main Street.

Oak Street, east side.

The owner of the vehicle shall be a resident or guest at the property contiguous to the listed street and shall assume all responsibility for moving the vehicle should it become snowbound. The city will not plow a space or travel path for vehicles parked under this exception. The city council may add, by ordinance, additional streets or areas to this list when, in the opinion of the police and public works departments, such exceptions do not unreasonably affect street maintenance or public safety. In particular, the city council will use the following criteria when evaluating such requests:

- (1) One-way street configuration.
- (2) Limited number of driveway obstructions.
- (3) The right-of-way is of sufficient width to accommodate the parking.
- (4) The requesting parties agree that they will be responsible for snow removal if required.

Kendall W. Lane, Mayor

In City Council October 5, 2017.

Referred to the Municipal Services, Facilities and Infrastructure Committee.


Patricia Castle
City Clerk



City of Keene, N.H.
Transmittal Form

October 11, 2017

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: I.2.
SUBJECT: Relating to Accessory Dwelling Units

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2017-10-A Relating to Accessory Dwelling Units.

ATTACHMENTS:

Description

Ordinance O-2017-10-A

BACKGROUND:

Chair Richards clarified no public comments would be taken as a public hearing had already been held. Additionally he noted this ordinance is designed to match the City Ordinances with newly adopted RSA's. Mr. Rogers confirmed a change in the RSA with regards to Accessory Dwelling units.

Councilor Jones explained for the public's benefit what the state calls an accessory dwelling units is what realtors refer to as a mother-in-law apartment.

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 Sapeta.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2017-10-A Relating to Accessory Dwelling Units.



CITY OF KEENE

Seventeen

In the Year of Our Lord, Two Thousand and
Relating to Chapter 102 – Zoning Ordinance – Accessory Dwelling Unit

AN ORDINANCE

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 removing the stricken text and inserting the bolded text in Section 102-896 Accessory Dwelling Unit, Section 102-302 Permitted Uses, Section 102-332 Permitted Uses, Section 102-362 Permitted Uses, Section 102-372 Permitted Uses, Section 102-392 Permitted Uses, Section 102-422 Permitted Uses, Section 102-452 Permitted Uses and Section 102-602 Permitted Uses of Chapter 102, entitled “Zoning Ordinance” as follows:

Sec. 102-896. - Accessory dwelling unit.

Attached ~~A~~ accessory dwelling units are permitted **in within or attached to single family dwellings in the Agriculture**, the Rural, the Low density, ~~and the Low density-1,~~ **Medium density, High density, High density-1 and Office** districts. ~~as a conditional use permit~~ **Detached accessory dwelling units are permitted on single family dwellings lots in the agriculture and rural districts** subject to the following conditions:

- (1) Only one accessory dwelling unit shall be permitted per lot.
- (2) The record property owner shall occupy either the primary dwelling unit or the accessory dwelling unit as his or her primary residence (hereinafter "owner occupancy"). The property owner shall submit an affidavit in support of ~~conditional use a~~ **building** permit for **an** accessory dwelling unit to the ~~planning board~~ **code enforcement department** with his or her application ~~for conditional use permit,~~ stating under oath that he or she satisfies the owner occupancy requirement of this subsection. ~~In addition, within 90 days of a transfer of title to any property subject to the terms and conditions of a conditional use permit for an accessory dwelling unit, the successor property owner shall submit to the planning department an affidavit in support of conditional use permit for accessory dwelling unit, stating under oath that he or she satisfies the owner occupancy requirement of this subsection.~~

- a. The term "primary residence" for purposes of determining owner occupancy shall mean the location where the property owner is domiciled and has a place of abode, and the location where the property owner has, through all of his or her actions, demonstrated a current intent to designate said residence as his or her principal place of physical presence. Such an intent on the part of the property owner is evidenced by, among other things, his or her voter's registration, vehicle registration, driver's license, or the placement of his or her children in local public schools. Any temporary lapse of owner occupancy in the primary residence caused by the death of a property owner shall be permitted for a reasonable period of administration.
 - b. If the owner of the property is a trust, the term "property owner" shall mean the creator or beneficiary of the trust.
 - c. If the owner of the property is a corporation, the term "property owner" shall mean ~~the principal~~ **a stockholder of the corporation; if the owner of the property is a limited liability corporation, then the "property owner" shall mean a member of the limited liability company.**
- (3) There shall be no more than two bedrooms in an accessory dwelling unit.
- (4) **Floor area.**
- a. An **attached** accessory dwelling unit shall have a minimum floor area of 400 square feet but, in no case, shall the floor area ~~comprise more than 30 percent of the gross floor space of the primary single family dwelling~~ **be more than 800 square feet.**
 - b. A **detached dwelling unit shall have a minimum floor area of 400 square feet but, in no case, shall the floor area be more than 50 percent of the gross floor space of the primary single family dwelling or more than 1000 square feet.** An accessory dwelling unit shall comply with the city's housing and building codes.
- (5) Public water and sewer shall be required for all accessory dwelling units ~~located within the low density and low density 1 district. Accessory dwelling units created in the rural district~~ **or in the absence of public sewer**, shall have state septic system plan approval prior to the issuance of a building permit.
- (6) A scaled and dimensional plot plan of the property shall be submitted as part of the ~~conditional use~~ **building** permit application ~~to the planning board.~~ This shall show the location and number of required parking spaces, driveway and paving, buildings building setbacks, utilities, fences, buffer yard and any other relevant features of the site.
- (7) Parking at an accessory dwelling unit shall be restricted to the required parking spaces as shown on the plan. No more than two parking spaces shall be permitted

for an accessory dwelling unit, and all parking provided for the accessory dwelling unit shall in accordance with section 102-794 of the zoning ordinance.

- (8) Shared driveways for both the primary single-family dwelling unit preexisting conditions, no more than one driveway access is permitted to each residential lot as required by the City Code.
- ~~(9) All dimensional requirements for the respective zoning district shall be observed.~~
- ~~(10) The minimum lot size for creating an accessory dwelling unit in the low density district shall be 13,400 square feet. The minimum lot size for creating an accessory dwelling unit in the low density 1 district shall be calculated by increasing the minimum lot area as designated by section 102-791, table Basic rural dimensional requirements, by 30 percent. The minimum lot size for creating an accessory dwelling unit in the rural district shall remain five acres.~~
- ~~(11)~~**(9)**—Adequate notice in acceptable legal form for recording at the registry of deeds shall be duly executed by the owner of record identifying the property on which the accessory dwelling unit is located by source deed and stating the date and conditions of approval (if any) of the conditional use permit sufficient to notify successor owners that the accessory dwelling unit is subject to the city's zoning ordinance and the conditional use permit issued by the planning board. This notice shall be reviewed by the superintendent of code enforcement and the ~~planning director~~ **zoning administrator** for acceptable form, and upon signature, it shall be recorded at the registry by the property owner. Evidence of recording shall be submitted to the superintendent of code enforcement and the planning director prior to the issuance of a building permit.
- ~~(12) A finding by the planning board that the proposed accessory dwelling unit will not result in a decrease in value of surrounding properties.~~

- **Sec. 102-302. - Permitted uses.**

Permitted uses in the agriculture (A) district are as follows:

Permitted Use	Subject to the Following:
Accessory dwelling unit	Subject to conditions and limitations as specified in section 102-896.
Agricultural-related educational and recreational activity as a business limited to: riding trails; riding stable; day camp; picnic area; hayrides; sleigh rides; nature study area; animal husbandry displays and demonstrations; petting farm	Special exception. Subject to division 2 of article VI of this chapter pertaining to performance standards for agricultural-related educational and recreational activity

containing traditional state farm animals; museum related to agriculture, functions for nonprofit fundraising, farm products, and accessory agricultural and natural resource related uses	as a business, and <u>section 102-37</u> pertaining to special exceptions by the zoning board of adjustment.
Bed and breakfast inn	Special exception. Parking: must provide one off-street parking space for each room to be rented in addition to parking spaces required for residence.
Dwelling, single-family	Condition: ten-acre minimum lot.
Dwelling, single-family or dwelling, duplex	Special exception. Permitted as an accessory use to farming with occupancy restricted to farm owner, family, and/or employees.
Farming, including but not limited to such accessory uses as: storage of trucks and other farm vehicles; sale of garden supplies; bulk processing of feed, milk or other farm products, either for use on the premises or for sale; sawmill, blacksmith shop, bulk fuel storage	
Greenhouses or nurseries for raising of flowers and other horticultural products, including raising of such products for sale on the premises	
Harvesting of forestry products	
Historic site open to the public	
Home occupation incidental to the main residential use	Condition: See division 5 of article V of this chapter pertaining to home occupations.
Institutional use	Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional use.
Noncommercial greenhouses for raising of flowers and other horticultural products incidental to main use only	

Noncommercial outdoor/recreational activity	Traffic: Primary access must be via an arterial street, except by special exception. Noise: Cannot exceed 65 dBA measured at the property line. Fumes/odors: No dust, odors, and/or fumes may escape the boundaries of the property.
Noncommercial raising of animals and/or farm products	
Orchards and vineyards	
Outdoor recreational activity as a business	Subject to conditions outlined in division 3 of article VI of this chapter pertaining to outdoor recreation performance standards, and site plan review.
Raising and selling of farm animals and/or products	

- **Sec. 102-332. - Permitted uses.**

Permitted uses in the rural (R) district are as follows:

Permitted Use	Subject to the Following:
Accessory dwelling unit	CUP, sSubject to conditions and limitations as specified in section 102-896 .
Bed and breakfast inn	Special exception. Parking: Must provide one off-street parking space for each room to be rented in addition to parking spaces required for residence.
Cemetery	
Dwelling, single-family	
Gravel pits	Special exception. Traffic: Primary access must be via an arterial street. Fumes/odors: No dust, odors, and/or fumes may escape boundaries of property. Also see chapter 54 pertaining to natural resources protection.

Greenhouses or nurseries for raising of flowers and other horticultural products, including raising of such products for sale on the premises	
Group home	<p>Utilities: City sewer and water required.</p> <p>Buffer: A continuous 50-foot wide area measured from the property line in which no buildings, parking lots or roads are permitted, except for authorized curb cuts, and in which all utilities must be underground.</p> <p>Minimum setback: 75 feet rather than 50 feet for front, side and rear property lines.</p> <p>Parking: Minimum of one-half space per unit.</p>
Harvesting of forestry products	
Historic site open to the public	
Home occupation incidental to main residential use	Condition: See division 5 of article V of this chapter pertaining to home occupations.
Institutional use	Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional use.
Kennel	<p>Traffic: Primary access must be via an arterial street.</p> <p>Noise: Cannot exceed 65 dBA measured at the property line.</p> <p>Fumes/odors: No dust, odors, and/or fumes may escape boundaries of property.</p>
Manufactured housing park and manufactured housing subdivisions	
Noncommercial outdoor recreation activity	<p>Traffic: Primary access must be via an arterial street, except by special exception.</p> <p>Noise: Cannot exceed 65 dBA measured at the property line.</p> <p>Fumes/odors: No dust, odors, and/or fumes may escape the boundaries of the property.</p>
Orchards and vineyards	
Outdoor recreational activity as a business	Subject to conditions outlined in division 3 of article VI of this chapter pertaining to outdoor recreation performance standards, and site plan review.
Raising and selling of farm animals and/or	

products	
Towers for transmission, communication, and/or cellular telephone transmission	Special exception.
Veterinary establishment	Traffic: Primary access must be via an arterial street. Noise: Cannot exceed 65 dBA measured at the property line. Fumes/odors: No dust, odors, and/or fumes may escape boundaries of property.

- **Sec. 102-362. - Permitted uses.**

Permitted uses in the low density (LD) district are as follows:

Permitted Use	Subject to the Following:
Accessory dwelling unit	CUP, sSubject to conditions and limitations as specified in section 102-896.
Dwelling, single-family	
Group home	Special exception.
Harvesting of forestry products	Special exception.
Historic site open to the public	
Home occupation incidental to main residential use	Condition: See division 5 of article V of this chapter pertaining to home occupations.
Institutional use	Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional uses.
Noncommercial raising of farm animals	

- **Sec. 102-372. - Permitted uses.**

Permitted uses in the low density-1 (LD-1) district are as follows:

<i>Permitted use</i>	<i>Subject to the following:</i>
Accessory dwelling unit	€UP, sSubject to conditions and limitations as specified in section 102-896.
Dwelling, single-family, detached	
Group home	Special exception.
Harvesting of forest products	Special exception.
Historic site open to the public	
Home occupation incidental to the main use	Condition: See division 5 of article V of this chapter pertaining to home occupations.
Noncommercial raising of farm animals	

- **Sec. 102-392. - Permitted uses.**

Permitted uses in the medium density (MD) district are as follows:

Permitted Use	Subject to the Following:
Accessory dwelling unit	Subject to conditions and limitations as specified in section 102-896.
Dwelling, multifamily	Condition: Maximum of three dwelling units per lot.
Dwelling, single-family	
Dwelling, duplex	
Group home	Special exception.
Historic site open to the public	
Home occupation incidental to main residential use	Condition: See division 5 of article V of this chapter pertaining to home occupations.

Institutional use	Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional uses.
Noncommercial raising of farm animals	

• **Sec. 102-422. - Permitted uses.**

Permitted uses in the high density (HD) district are as follows:

Permitted Use	Subject to the Following:
Accessory dwelling unit	Subject to conditions and limitations as specified in section 102-896.
Bed and breakfast with meeting and dining facilities	Special exception.
	1. Access required from a street no more than one street removed from a state highway.
	2. Maximum of 60 people or eight times the number of bedrooms, whichever is less.
	3. Must provide on-site parking of two spaces for permanent resident, plus one space per guest bedroom, plus one space per 1.5 people using meeting and dining facilities.
	4. Attendance by registered guests, invited guests or participants in functions/meetings only. Dining facilities are not open to the public.
	5. A semiannual special license will be required for any activity involving more than 60 people. No more than 100 people will be allowed per special event during the period of the special license. Application for a special license is to be filed with the city clerk and shall require approval by the departments of police, fire and code enforcement. For each special license, the city shall determine hours of operation, parking requirements, traffic control and special requirements deemed necessary for public safety.
	6. Hours of operation for outside activities shall be restricted to 8:00 a.m. to 10:00 p.m.

	7. Five-acre minimum site required.
Bed and breakfast inn/tourist home	Special exception. Parking: Must provide one off-street parking space for each room to be rented in addition to parking spaces required for residence.
Boardinghouse/lodginghouse	Special exception.
Dwelling, duplex	
Dwelling, multifamily	
Dwelling, single-family	
Fraternity/sorority	Special exception.
Group home	
Historic site open to the public	
Home occupation incidental to main residential use	Condition: See division 5 of article V of this chapter pertaining to home occupations.
Institutional use	Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional uses.
Neighborhood grocery stores	Special exception.
Senior center	

- **Sec. 102-452. - Permitted uses.**

Permitted uses in the high density-1 (HD-1) district are as follows:

Permitted Use	Subject to the Following:
Accessory dwelling unit	Subject to conditions and limitations as specified in section 102-896.

Bed and breakfast with meeting and dining facilities	Special exception. See section 102-422 pertaining to performance standards, high density.
Dwelling, duplex	
Dwelling, multifamily	
Dwelling, single-family	
Group home	
Institutional use	Special exception. See division 12 of article V of this chapter pertaining to institutional uses.

- **Sec. 102-602. - Permitted uses.**

Permitted uses in the office (O) district are as follows:

Permitted Use	Subject to the Following:
	Condition: All development, redevelopment, additions, and renovations in this zone are to maintain the look and feel of a residential zone or area. This is to be accomplished by the following:
	1. All changes are subject to the city site plan regulations.
	2. Specifically prohibited are concrete block exteriors, flat roofs, and rooftop HVAC equipment.
	3. All dumpsters must be located at the rear of the building, be enclosed or screened and not visible from the street. Exempt from this requirement are dumpsters temporarily located on a site during construction when a building permit has been issued.
	4. No parking and/or paving, except driveways, is permitted in the front setback or the area from the front lot line to the building front, whichever is greater.
	5. When a site is altered, requiring submittal of a site plan, there is to be provided a four-foot-high fence and/or landscape screen between all

	paving/driveways/parking and directly abutting residential property.
Accessory dwelling unit	Subject to conditions and limitations as specified in section 102-896.
Bed and breakfast/inn, tourist home	
Dwelling, duplex	
Dwelling, multifamily	
Dwelling, single-family	
Funeral parlor	
Historic site open to the public	
Home occupation	See division 5 of article V of this chapter pertaining to home occupations.
Institutional use	Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional uses.
Nursery or child care facility	Special exception.
Office	
Parking area (lot)	Special exception.
Private club, lodge or fraternal activity where primary function is indoors	Special exception. Traffic: Primary access must be via an arterial street.
Senior center	

Kendall W. Lane, Mayor

In City Council September 7, 2017.
Public Hearing set October 5, 2017 at 7:00 PM.

A handwritten signature in cursive script that reads "William S. Dow".

Deputy City Clerk



City of Keene, N.H.
Transmittal Form

October 11, 2017

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: I.3.

SUBJECT: Relating to the Establishment of a Business Growth and Reuse District, a Neighborhood Business District and a Residential Preservation District

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2016-01-C Relating to the Establishment of a Business Growth and Reuse District, a Neighborhood Business District and a Residential Preservation District.

ATTACHMENTS:

Description

Ordinance O-2016-01-C

BACKGROUND:

Chair Richards commented the Committee is familiar with this ordinance and again no public comments would be heard. He asked Ms. Chalice if she had any specific comments she would like to make; she replied in the negative.

There being no 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 4-0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2016-01-C Relating to the Establishment of a Business Growth and Reuse District, a Neighborhood Business District and a Residential Preservation District.



CITY OF KEENE

O-2016-01-C

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:

- 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 create an additional downtown zoning district 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)	< 800 SF
Bed & Breakfast Inn/Tourist Home	
Bed & Breakfast w-Meeting/Dining Facilities	Special Exception
Single-Family Dwelling	
Noncommercial Raising of Farm Animals	
Nursery/Child Care Facility	< 2,500 SF

Sec. 102-770.3 – Density, Height, Dimensional Regulations – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

Sec. 102-770.4 -5 - Reserved

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

Sec. 102-771.0 – Intent

The intent of this section is to create an additional downtown zoning district 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 and 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.
Mixed-Use Development	
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, or
- (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 – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

- (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 Parking 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 of this section is to create an additional downtown zoning district that allows mixed-use development of 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:
Accessory Dwelling Unit (ADU)	< 800 SF
Bed and Breakfast Inn/Tourist Home	
Bed and Breakfast with Meeting/Dining Facilities	Special Exception
Duplex /Two Family Dwelling	
Funeral Parlor	< 3,750SF
Health & Fitness Center	< 2,500 SF
Historic Site	
Home Occupation/Live- Work	
Mixed-Use Development	
Multi-Dwelling Structure	
Neighborhood Grocery Store	< 3,500 SF
Nursery/Greenhouse	< 5,000 SF
Nursery/Child Care Facility	< 3,000SF
Office, Professional	<5,000 SF
Restaurant	<3,500 SF
Retail Sales/Service	<3,500 SF
Single Family Dwelling	

Sec. 102-772.2 – Density, Height, Dimensional Regulations – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

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.

4. 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.

5. That the Ordinances of the City of Keene, Section 102-791. Basic Zone Dimensional Requirements Table is amended by adding the aforementioned zoning districts and dimensional requirements:

Proposed Addition to Keene's Basic Zone Dimensional Requirements; Table 1, Sec. 102-791, of Three, New Marlboro Street Zoning Districts

	Zones																					
	C	A	R	LD	LD-1	MD	HD	HD-1	CB	CBL	COM	CL	O	I	IP	IPL	CP	HC	RP	BGR	NB	
Maximum building height (in stories above grade not including habitable attics)	2	2	2	2	2	2	2	3	4 (b)	4	2 (b)	2	2	2 (b)	2 (b)	2	N/A	4	2	2	2	
Maximum building height (in feet)	35	35	35	35	35	35	35	50	55 (b), (l)	55	35 (b)	35	35	35 (b)	35 (b)	50	60	55				
Maximum building height w/ 1st floor parking only																				4	4	
Maximum building height for Incentive-Eligible Projects																					3	
Maximum building height for Incentive-Eligible Projects w/ 1st floor parking only																					5	
Minimum lot area	5 acres	10 acres (i)	5 acres (a), (e)	10,000 sf	1 acre(p)	8,000 sf	6,000 sf	2 acres	None	10,000 sf	15,000 sf	20,000 sf	8,000 sf	None	4 acres	5 acres	2 acres	2 acres	8,000 SF	8,000 SF	8,000 SF	
Minimum lot area for Incentive-Eligible Projects																					None	
Minimum lot area per dwelling unit	n/a	10 acres (i)	5 acres	10,000 sf	1 acre(p)	5,400 sf (k)	5,000 sf (k)	3,000 sf	n/a	n/a	n/a	n/a	5,400 sf (k)	n/a	n/a	n/a	n/a	n/a	n/a	5,400 SF		
Allowable Dwelling Units																				2		
Minimum lot width at building line (in feet)	200	200	200	70	75	60	50	150	None	None	None	100	60	None	None	200	200	50	60			
Minimum front setback (in feet)	50	50	50	15	15	15	15	50	None	20	20	100	15	20	50	200	40	50	15	5*/**	5*/**	
Maximum building setback from front property line																					10**	10**
Minimum rear setback (in feet)	50	50	50	20	20	15	15	15	None	20	20 (d)	20 (d)	15	20 (d)	50	75/100 (f)	50/75 (j)	20 (e)	20	20	20	
Three-story structures only								50														
Minimum side setback (in feet)	50	50	50	10	10	10	10	10	None	20	20	20	10	15	30	75/100 (f)	50/75 (j)	20 (e)	10	10	10	
Three-story structures only								50														
Maximum percentage of lot occupied by structures	10	10	10	35	30	45	55	55	100	60	80	40	50	80	25	25	30	55	35	55	55	
Maximum percentage of lot covered by impermeable material (includes structures)	20	20 (c)	20	45	35	60	75	75	100	80	80	70	70	80	70	50	n/a	75	45	65	65	
Minimum percentage of green/open space				55	65	40	25	25	None	20	20	30	30					25	55	35	35	

Proposed Addition to Keene's Basic Zone Dimensional Requirements; Table 1, Sec. 102-791, of Three, New Marlboro Street Zoning Districts

	Zones																					
	C	A	R	LD	LD-1	MD	HD	HD-1	CB	CBL	COM	CL	O	I	IP	IPL	CP	HC	RP	BGR	NB	
Minimum green space between residential structures and parking, all sides (in feet)								10														
Minimum buffer between structures and Impervious/Paved areas																					10	10
Minimum open space setback; structure from 100-year floodway line (all sides)																					20	
Minimum front setback of open space											20											
Minimum Landscape Buffer at Structures (all sides)																					10	10
Minimum front setback of paved and unpaved parking and travel surfaces (in feet)	None	None	None	None		None	None	10	None	(m)	(m)	(m)	5	None	None	50/10 (g)	20/30 (j)	10				
Minimum side setback of paved and unpaved parking and travel surfaces (in feet)	None	None	None	None		None	None	10	None	(m)	(m)	(m)	5	None	None	25/50 (f)	20/40 (j)	10 (c)				
Minimum rear setback of paved and unpaved parking and travel surfaces (in feet)	None	None	None	None		None	None	10	None	(m)	(m)	(m)	5	None	None	25/50 (f)	20/40 (j)	10 (c)				
Required frontage (in feet)	50	50	50	60	100(q)(r)	50	50	50	50	80	50	100	50	50	50	200 (h)	100	50				
Percentage of lot retained in vegetated/natural state	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	40	n/a				
Required depth (in feet)	None	None	None	None	None	None	n/a	None	None	None	None	None	None	None	None	150	None					
* The front building setback shall be 5' maximum from a Marlboro Street frontage.																						
** 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 projection, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.																						

Kendall W. Lane, Mayor

In City Council September 7, 2017.
Public Hearing set October 5, 2017 at 7:05 PM.

William S. Dow

Deputy City Clerk



City of Keene, N.H.
Transmittal Form

October 12, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: I.4.

SUBJECT: Relating to the Building Permit Fee Increase

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of O-2017-09, Relating to Building Permit Fee Increase.

ATTACHMENTS:

Description

Ordinance O-2017-09

BACKGROUND:

Acting Health Director John Rogers stated this item is in reference to an amendment to Appendix B, Fee Schedule for Building Permits and Plan Review. Based on Fiscal Policy for cost recovery there is a need to conduct ongoing review of permits and fees and the process itself. Since 2012, the number of permits issued has stayed consistent at about 400. The issue that stood out is the minimum fee permits. Currently there is a \$75 fee for valuation of work being done (minimum number being \$2,400), anything over that would be \$8 added to that based on \$1,000 per valuation. 50% of the fees are this minimum fee permit, but these too require the application to be processed, plans to be reviewed and inspections to occur. Staff is recommending that this fee be increased from \$75 to \$100 and the valuation to be increased from \$2,400 to \$5,000

Mr. Rogers went on to say there are also some incentives that have been added. Currently, if there is third party review that happens, there will be a 40% discount given. There is also an incentive for a residence to hire the services of a licensed architect (15% discount). If it's an owner-occupied house, a license electrician or plumber are not required – however, if a licensed plumber or electrician is hired there would be a 10% discount given.

Chair Greenwald asked why the architect discount is just for single-family and not for small commercial. Mr. Rogers stated small commercial is an item that already exists in the fee schedule.

Councilor Jacobs asked what third party review was. Mr. Rogers stated for larger jobs that are more than 5,000 square feet and are complex projects, the city sends it out to companies that perform plan reviews. The city has three approved such inspectors. Such large jobs would take staff a very long time to complete.

Councilor Chadbourne recognized how user friendly this process has become as this now is a step towards the goals outlined by City Council and had asked staff to implement same.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of O-2017-09, Relating to Building Permit Fee Increase.



CITY OF KEENE

Ordinance O-2017-09

Seventeen

In the Year of Our Lord Two Thousand and
Relating to the Building Permit Fees

AN ORDINANCE

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 in APPENDIX B - FEE SCHEDULE Chapter 18. Building Regulations Article II Technical Codes Division 7 Fee Schedule Permit fee schedule as follows:

Chapter 18 Building Regulations

Article II. Technical Codes

Division 7 Fee Schedule

Permit fee schedule.

In addition to the minimum fee as required under subsection (a) (1) hereof, a fee shall be assessed and paid at the rate of \$8.00 per thousand of improvement value rounded up to the nearest thousand **when over \$5,000 for permits issued under the scope of work as described in the International Residential Code as adopted under the State Building Code. Also in addition to the minimum fee as required under subsection (a) (1) hereof, a fee shall be assessed and paid at the rate of a fee of \$10.00 per thousand of when over \$5,000 for permits issued under the scope of work as described in the International Building Code as adopted under the State Building Code.** ~~If fire department plans review is required, an additional fee shall be assessed and paid at the rate of \$1.00 per thousand of improvement value.~~ A copy of a signed contract will be submitted to verify the value of the work to be performed by a contractor. Whenever during the time that the permit is active, and the scope changes, when that change increases the value the fee will be adjusted. For noncontract work, such as when a homeowner furnishes his own or has furnished free labor, but purchases the materials, the fee shall be based on the actual cost of all material with a multiplier of two applied. When there is a disagreement between the applicant and the department on the value of permit fees, the department may use any recognized method including but not limited to similar projects, nationally recognized construction value tables, or any other source relevant to determining improvement value.

- (a) Permit fees shall be in accordance with the following schedule:
 - (1) The minimum permit fee shall be ~~\$75.00~~ **100.00**
 - (2) Substantial modifications to active permits shall require a separate application and fee. Substantial modifications are changes that result in project cost increase greater than 25 percent, or the creation of additional square footage greater than 25 percent, whichever is less. When there is a substantial

modification to a permit application, a fee shall be estimated for the work completed in addition to the new work proposed in the modification.

- (3) The permit fee for a modular home installation shall be based on the cost to install the unit as determined by the department.
- ~~(4) The fee for a certificate of occupancy permit for a new use of existing buildings shall be \$100.00. Permit fees for alterations required to meet the codes shall be in accordance with the permit fee schedule.~~
- ~~(5) An educational surcharge of 1.5 percent shall be calculated from the permit fee. This surcharge shall be deposited into an educational fund established for the ongoing education of code enforcement department staff directly involved in decisions regarding permit and inspections.~~

(b) ~~Bureau of fire prevention permit fee schedule:~~

- ~~(1) Fire prevention permits for new construction or alterations such as fire detection systems, fire protection systems, special hazard systems, oil burner equipment installation, gas burner equipment installation, oil and LPG tank storage are all included in the \$1.00 fee per thousand improvement value as stated in [this fee schedule].~~

- (24) Applications for permits shall be issued from the code enforcement department. Completed applications together with all necessary supporting documentation shall be submitted to the Keene Fire Department Prevention Bureau which shall complete the permit, conduct inspection and issue final approvals.

(b) Additional fees:

Projects completed without a permit, projects begun prior to the issuance of a permit, failure to cure problems raised in plans examination critiques, failure to complete work prior to inspection, and work not done in compliance with permitted plans or in violation of the codes result in, increased cost, diminished efficiency and error. This cost and inefficiency have not been reflected in the fee schedule contained herein and therefore the following additional fees shall be assessed to defray said costs.

- ~~(a)(1)~~ Work commenced prior to permit issuance: 25 percent of the permit fee for the first violation, 50 percent of the permit fee for the second, and 100 percent of the permit fee for the third and all subsequent violations or \$100.00 whichever is greater.
- ~~(b)(2)~~ On individual projects: Permit plans rejected by the department three times: ~~Forfeiture of application fee, requiring a new application and fee required. Will incur a penalty of 10 percent of the original permit fee.~~
- ~~(e)(3)~~ Re-inspection fee: \$50.00 for each inspection of an element of construction after the second rejection.

(c) Incentives:

Permit application and plans, which are professionally prepared by licensed architects or engineers, require less effort by staff to review plans for permit. Therefore, the following incentives are created to facilitate the use of licensed architects or engineers.

Plan Reviews:

- (a)(1) Whenever requested by an owner or owners authorized representative, and **when required by the Code Enforcement Department on for all** plan reviews for projects larger than 5,000 square feet or any complex project shall be reviewed by a third party entity approved by the department and permit fees will be reduced by 40 percent. ~~Subsection (c) below does not apply for plans reviewed by third parties.~~
- (b)(2) The fee for any permit for a project shown on any plan prepared by a licensed architect or engineer where state law does not require such preparation shall be reduced by 15 percent.
- (3) **The fee for any permit for a project that has a licensed electrician and/or plumber where state law does not require such work to be performed by a licensed trade person shall be reduced by 10 percent per trade, maximum of 20 percent reduction allowed.**
- (c)(4) ~~Any plans review where the initial review is not completed in accord with the adopted department level of service standard as promulgated and amended from time to time by the department, shall receive a discount of one percent per day in excess of service level A. Incomplete applications shall be rejected.~~

Kendall W. Lane, Mayor

In City Council September 21, 2017.
Referred to the Finance, Organization and Personnel Committee.


City Clerk



City of Keene, N.H.
Transmittal Form

10/19/2017

TO: Mayor and Keene City Council

FROM: Will Schoefmann, Mapping Technician

THROUGH: Elizabeth Dragon, City Manager

ITEM: J.1.

SUBJECT: Opposing ATVs on the Cheshire and Ashuelot Rail Trails

RECOMMENDATION:

Recommend the City Council adopt R-2017-30, A Resolution Opposing ATVs on the Cheshire and Ashuelot Rail Trails.

ATTACHMENTS:

Description

Resolution R-2017-30

BACKGROUND:

At the City Council meeting on September 21, the Council voted to support the recommendation of the Municipal Services, Facilities and Infrastructure Committee to instruct staff to introduce a resolution on ATV use on the rail trails.

The Resolution is in response to recent actions of Senator Shaheen regarding the City of Claremont, NH, which sent a letter to the Federal Delegation of Senators and Congresswomen requesting that ATVs be allowed on rail trails throughout the State of NH and the country. Other NH towns have both added their support and opposition to this request.

Keene does not have a neglected rail bed; the improvement of the Cheshire and Ashuelot Rail Trails has been a multi-million dollar project over the last 20 years of mostly Federal money matched by City funds and private dollars. There are concerns with ATV's on the rail trails as allowing them would present a significant public safety conflict for those cycling, running, walking and horse back riding on the trails as well as erosion and trail deterioration, and the need to widen the restrictive use gates along them.



CITY OF KEENE

R-2017-30

Seventeen

In the Year of Our Lord Two Thousand and

A RESOLUTION Opposing ATVs on the Cheshire and Ashuelot Rail Trails

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

Whereas: the City of Keene, New Hampshire has improved over seven miles of rail trails within its borders including the Cheshire and Ashuelot Rail Trails that were improved with Federal Funds; and

Whereas: the trails are used for biking, running, walking, horseback riding, as well as Nordic skiing and snowmobiling in the winter; and

Whereas: the use of the Cheshire and Ashuelot Rail Trails by ATVs would destroy the thin cover of crushed stone dust and would make the trails unusable for these activities; and would potentially create safety conflicts; and would certainly be a detriment to the City's investment in these trails.

Now therefore be it resolved that the City of Keene is opposed to any modification in Federal Law that would allow ATVs on the Cheshire and Ashuelot Rail Trails; and

Be it further resolved that copies of this Resolution to be sent to each member of our congressional delegation.

Mayor Kendall W. Lane