



City of Keene  
*New Hampshire*

**PLANNING, LICENSES AND  
DEVELOPMENT COMMITTEE  
AGENDA  
Council Chambers A  
February 27, 2019  
7:00 PM**

David C. Richards  
Philip M. Jones  
George S. Hansel  
Bartlomiej K. Sapeta  
Margaret M. Rice

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1. Periodic Report from Standing Boards and Commissions: Conservation Commission
  2. Austin Reida/Street & Savory, LLC - Request to Vending on Gilbo Avenue While Changes to Vending Ordinances are Being Considered
  3. Relating to Vendors - Time Limitations for Certain Activities  
Ordinance O-2019-03

**MORE TIME ITEMS:**

- A. Tim Zinn/Let it Shine - Request to Use City Property - 2019 Pumpkin Festival
- B. Pathways for Keene - Request to Use City Property - 4 on the 4th Road Race
- C. Councilor Filiault - Hours of Operation - Hawkers or Peddler's
- D. Daron Friedman - Request to Acquire Property - Washington Street

Non Public Session  
Adjournment



External Communication  
*Transmittal Form*

February 25, 2019

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

**FROM:** Austin Reida, Co-Owner Street & Savory Food Truck

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

**ITEM:** 2.

**SUBJECT:** Austin Reida/Street & Savory, LLC - Request to Vend on Gilbo Avenue While Changes to Vending Ordinances are Being Considered

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**ATTACHMENTS:**

Description

Commuication\_Street & Savory

**BACKGROUND:**

Mr. Reida would like to be given the opportunity to vend on Gilbo Avenue while the City Council considers amendments to Chapter 46 relative to mobile food vendors. In addition, Mr. Reida is also seeking an extension of the vending hours until 10:00 PM until such time as Ordinance O-2019-03 is adopted.

# Street & Savory, LLC

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548A Alstead Center Road  
Alstead, NH, 03602  
(603)400-3072  
[NomNom@StreetSavory.com](mailto:NomNom@StreetSavory.com)  
StreetSavory.com

February 25, 2019

To the Honorable Mayor and Members of the City Council,

Please accept this letter as my request to be granted the privilege of vending on Gilbo Ave while changes to existing ordinances are pending, with our food truck, Street & Savory, LLC. Additionally, I'd like to request an extension of our operating hours to allow us to sell until 10:00 pm at the sites that where we are approved to vend.

Allowing us these privileges will have a significant positive impact on our ability to successfully operate our business, and we are very grateful for your consideration.

Respectfully,

Austin Reida, Co-Owner Street & Savory Food Truck





*Transmittal Form*

February 19, 2019

**TO:** Mayor and Keene City Council

**FROM:** Patricia Little, City Clerk, and John Rogers, Building and Health Official

**ITEM:** 3.

**SUBJECT:** Relating to Vendors - Time Limitations for Certain Activities

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**COUNCIL ACTION:**

In City Council February 21, 2019.

Referred to the Planning, Licenses and Development Committee.

**RECOMMENDATION:**

Move to refer Ordinance O-2019-03, to the Planning, Licenses and Development Committee for their review and recommendation.

**ATTACHMENTS:**

Description

Ordinance O-2019-03

**BACKGROUND:**

Recently the City Manager hosted a meeting of the licensed mobile vendors (aka hawkers and peddlers) to gain a better understanding of their business models and any issues that they were facing in terms of City regulations that were a concern to them. This meeting was in response to the communication from Councilor Filiault suggesting an elimination of the hours of operation for this activity. The Councilor referred to complaints from competing vendors as the impetus of his communication. In attendance at this meeting were representatives from the City Clerk's Office and the Community Development Department.

Austin Reida, the proprietor of Street & Savory, stated that although he is fairly new to the business of street vending, he had visited many parts of the country where this activity was a vibrant part of a community's quality of life. He added that he has spoken to many existing street vendors to educate himself on the issues involved with the business.

He described his business model as having the ability to vend from an established location on private property, as well as the ability to co-sponsor special events for the benefit of the general public. Mr. Reida noted his food truck would go to another commercial establishment. Both businesses would utilize social media to promote their co-sponsored special event. In addition, Street & Savory would also like to participate in larger festivals and be able to accept invitations from individuals for private parties - similar to how a "cash bar" works, or participate in "block parties" where the public ways are closed for neighborhood gatherings. Finally, Mr. Reida stated that he has seen many communities allow food truck vending from parking spaces on public ways or public parking lots. Mr. Reida confirmed that the City's existing hours of operation were a hindrance to his business because he could not reasonably offer a dinner service knowing that he had to close at 7:00 PM.

The City Clerk shared the City Code provisions where the activity of mobile vending was regulated. Chapter 46, which licenses the activity through the City Clerk's Office, Chapter 94, which restricts mobile vending from public ways or public parking spaces (there is language providing an exception for the Farmer's Market), and Chapter 102, which restricted the activity to certain zones for operations continuing more than one hour. The City Clerk's Office also provided sample definitions from other communities which make the distinction between mobile vendors, which have the ability to be mobile but are not, and mobile vendors which are actually mobile.

The City Manager instructed staff to address these issues with the introduction of separate ordinances. The first ordinance would provide better definitions in Chapter 46 for the mobile vending definitions and address the hours of operation. With respect to the hours of operation staff was supportive of a set operating schedule that would extend until 10:00 PM on the weekdays and provide for an 11:00 PM close for the weekend. There was also agreement that any extensions to the hours of operation should continue to remain with the City Council.

After this Ordinance is considered and acted upon, staff was requested to introduce a 2nd Ordinance that would permit street vending, on a first come first serve basis, in designated areas that facilitated vending from an adjacent sidewalk. One of the geographical areas that staff identified was Gilbo Avenue, which has existing parallel parking. Spaces in the Commercial Street lot or the Gilbo East Parking Lot as well as an underutilized loading zone (too small for delivery trucks) on Railroad Street were also identified.

The final ordinance would address the language in Chapter 102 and the one hour duration limit that would trigger any site plan reviews of the location. Mr. Reida had suggested that the one hour threshold be extended to two hours.



# CITY OF KEENE

O-2019-03

In the Year of Our Lord Two Thousand and .....**Nineteen**.....

AN ORDINANCE .....**Relating to Vendors - Time Limitations for Certain Activities**.....

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

That the Ordinances of the City of Keene, as amended, be and are hereby further amended by adding the bolded underlined text and deleting the stricken text in the following sections: In Article I. "In General" - Section 46-1 "Definitions"; and, in Article II. "Licensing Generally" - Section 46-121. "Time Limitations for Certain Activities", as follows:

## ARTICLE I. - IN GENERAL

Sec. 46-1. - Definitions.

**Mobile Food Vendor** means a self-contained food service operation, located in a licensed readily movable motorized wheeled or towed vehicle, used to store, prepare, and sell food items to the general public that operates on a temporary basis at various locations on private property with property owner consent, or at locations designated by the city.

**Fixed Location Food Vendor** means a self-contained food service operation, located in an approved cart, movable motorized wheeled or towed vehicle, used to store, prepare and sell food items to the general public that operates from a fixed location on private property with consent of the property owner, or on city property designated by the city.

**Frozen Confections Vendor** means a self-contained food service operation, located in a licensed readily movable motorized wheeled or towed vehicle, used for the sale of frozen confections to the general public that operates on a temporary basis at various locations on private property with property owner consent, or at locations designated by the city.

PASSED

## ARTICLE II. - LICENSING GENERALLY

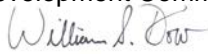
Sec. 46-121. - Time limitations for certain activities.

- (c) With respect to any license issued under division 2, of article VIII, of this chapter pertaining to frozen confections vendors, activities shall not commence prior to 9:00 a.m. nor continue after 9:00 p.m. during Daylight Saving Time or 7:00 p.m. Eastern Standard Time.
- ~~(e)~~ (d) With respect to any license issued under division 2, of article VIII, of this chapter pertaining to mobile food vendors, and fixed location food vendors, activities shall not commence prior to ~~9:00~~ 7:00 a.m. nor continue after ~~9:00~~ 10:00 p.m. ~~during Daylight Saving Time~~ Sunday through Wednesday or ~~7:00~~ 11:00 p.m. ~~Eastern Standard Time~~ Thursday through Saturday unless otherwise authorized by city council in accordance with subsection ~~(d)~~ (e) below.
- ~~(d)~~ (e) Any mobile food vendor or fixed location food vendor requesting permission to commence activities prior to ~~9:00~~ 7:00 a.m. or after ~~9:00~~ 10:00 p.m. ~~during Daylight Saving Time~~ Sunday through Wednesday or ~~7:00~~ 11:00 p.m. ~~Eastern Standard Time~~ Thursday through Saturday shall do so in writing to the city council. City council may grant said permission with reasonable conditions and terms deemed necessary for public convenience and safety.

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Kendall W. Lane, Mayor

In City Council February 21, 2019.  
Referred to the Planning, Licenses  
and Development Committee.

  
Deputy City Clerk