



City of Keene  
*New Hampshire*

**PLANNING, LICENSES AND  
DEVELOPMENT COMMITTEE  
AGENDA  
Council Chambers A  
April 24, 2019  
7:00 PM**

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

1. Keene Swampbats - Request to Discharge Fireworks
2. Pathways for Keene - Request to Use City Property - 4 on the 4th Road Race
3. Roger Weinreich - Request to Use City Property - Block Party - Main Street
4. Greater Goose Pond Forest Stewardship Plan
5. Relating to Licenses and Permits  
Ordinance O-2019-04
6. Relating to Vendors in Parking Spaces or Parking Lots  
Ordinance O-2019-05

**MORE TIME ITEMS:**

- A. Daron Friedman - Request to Acquire Property - Washington Street

Non Public Session  
Adjournment



*Transmittal Form*

April 15, 2019

**TO:** Mayor and Keene City Council

**FROM:** Kevin Watterson, President Keene Swampbats

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

**ITEM:** 1.

**SUBJECT:** Keene Swampbats - Request to Discharge Fireworks

**COUNCIL ACTION:**

In City Council April 18, 2019.

Referred to the Planning, Licenses and Development Committee.

**ATTACHMENTS:**

Description

Communication\_Watterson

**BACKGROUND:**

This is the annual request from the Keene Swampbats for two Class B fireworks displays on Alumni Field, one to be held on July 3rd as part of their Independence Eve Celebration and the other to be held on July 20th.



www.swampbats.com  
303 Park Ave. • Keene, NH 03431 • (603) 357-5464

April 12, 2019

City OF Keene  
Keene City Council  
3 Washington St.  
Keene, NH 03431

City Council Members:

Per this letter, the Keene SwampBats request your approval to host a Class B Fireworks Display on two separate dates:

Weds., July 3rd

Sat., July 20th

These events would take place at Keene's Alumni Field on Arch St., immediately following the regularly scheduled SwampBats game on those nights, at approximately 9:45 pm. We will supply a letter of approval from SAU 29 and an insurance rider naming the city of Keene as a co-insured. Thank you in advance for your consideration.

Sincerely,

Kevin D. Watterson, Pres.  
Keene SwampBats

In City Council April 18, 2019.  
Referred to the Planning, Licenses  
and Development Committee.

City Clerk



*Transmittal Form*

April 16, 2019

**TO:** Mayor and Keene City Council

**FROM:** Roger Weinreich

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

**ITEM:** 3.

**SUBJECT:** Roger Weinreich - Request to Use City Property - Block Party - Main Street

**COUNCIL ACTION:**

In City Council April 18, 2019.

Referred to the Planning, Licenses and Development Committee.

**ATTACHMENTS:**

Description

Communication\_Weinreich

**BACKGROUND:**

Roger Weinreich is requesting permission to use City property for a block party that would close a portion of Main Street on Saturday, June 1 in front of their store, Good Fortune Jewelry.

# GOOD FORTUNE JEWELRY

April 15, 2019

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

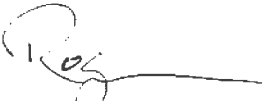
Dear Honorable Mayor and City Council,

We writing to ask permission to host a block party on Saturday, June 1st in front of our store on Main Street. This family oriented event will take place in conjunction with Art Walk and will feature live music, local food vendors, participatory games and art activities. We will arrange small tents (10' x 10') on the street and may invite several local bands to perform in the afternoon.

The block party will run from 10 am until 8 pm and involves closing the northbound section of Main Street from Eagle Court to Cypress Street. A temporary banner describing the event will be displayed at each end of the closed street and northbound traffic will be routed onto Eagle Court. The event will be very similar to the block party that we produced last year.

Our goal is to create a small event that serves to increase the vitality of our downtown community. We look forward to working with city staff in protocol meetings to create a safe and enjoyable experience for everyone.

Sincerely,



Roger Weinreich  
President, Good Fortune Jewelry & Pawn

In City Council April 18, 2019.  
Referred to the Planning, Licenses  
and Development Committee.



Patricia Castle  
City Clerk

110 Main Street • Keene • New Hampshire 03431 • (603) 357-7500

[www.GoodFortuneJewelry.com](http://www.GoodFortuneJewelry.com)



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

April 19, 2019

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

**FROM:** Tara Kessler, Senior Planner

**THROUGH:** Elizabeth Dragon, City Manager

**ITEM:** 4.

**SUBJECT:** Greater Goose Pond Forest Stewardship Plan

**RECOMMENDATION:**

That the City Council adopt the Greater Goose Pond Forest Stewardship Plan prepared by Moosewood Ecological LLC for the City of Keene.

**ATTACHMENTS:**

Description

Executive Summary of the Greater Goose Pond Forest Stewardship Plan

**BACKGROUND:**

Attached to this memorandum is the Executive Summary from the Greater Goose Pond Forest Stewardship Plan, which was drafted by Moosewood Ecological LLC, in collaboration with an ad-hoc committee, the City's Conservation Commission, and City staff. This Plan is the result of a multi-year effort initiated by the Conservation Commission in 2017 to establish a long-term stewardship plan for the forest. This plan would be used to guide management activities in the forest area, and to establish recommendations for protecting the forest's ecological health and diversity while still allowing for recreation and public use. The Conservation Easement placed on the property's 1,044 acres in 2009 requires that all land uses and management activities be conducted in accordance with a written wildlife habitat and land management plan. This Plan will serve as this management plan for the forest area.

The full version of the Plan and its supporting appendices is available for review and download at the project webpage on the City's website: <https://ci.keene.nh.us/ggpf>

**DRAFT 4**

# **GREATER GOOSE POND FOREST LAND STEWARDSHIP PLAN**

Prepared for:  
**City of Keene, NH  
Conservation Commission**



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Respectfully Submitted By:

Moosewood Ecological LLC  
PO Box 9  
Chesterfield, NH 03443-0009  
(603) 831-1980  
[jeff@moosewoodecological.com](mailto:jeff@moosewoodecological.com)  
[www.moosewoodecological.com](http://www.moosewoodecological.com)

## **EXECUTIVE SUMMARY**

The Greater Goose Pond Forest provides significant ecological and social benefits locally and regionally. Well known areas like Goose Pond and Drummer Hill attract many visitors throughout the year. However, there's more to the Greater Goose Pond Forest than one might think. It actually covers 1,044 acres of mostly forested habitat in a fairly rural part of Keene, NH. This rural setting provides trail users with various types of outdoor experiences within a short drive from the downtown area. It offers clean water and various habitats to support many wildlife species, while providing ample opportunities for recreation and outdoor education. The City of Keene has recognized the need to develop a Land Stewardship Plan to properly and responsibly manage this gem of open space for future generations to come.

Now more than ever, it is important to plan how the forests, wildlife habitats, and animals of the Greater Goose Pond Forest will remain healthy into the future, and how trail maintenance should proceed to ensure safe and enjoyable experiences for all users. This is particularly relevant in light of a changing climate, increase in non-native plants and insects, growing popularity of trails, and presence of many species of conservation concern that would greatly benefit from responsible wildlife habitat and forest management. Therefore, land stewardship requires an integral and well-designed approach.

This Land Stewardship Plan was developed by a team of natural resources professionals with experience in ecology, silviculture, conservation, land stewardship management, recreational trail design and maintenance, and environmental education. Their expertise was selected to partner with the City of Keene Community Development Department, Keene Parks and Recreation, and Keene Conservation Commission to help craft the Plan. In addition, a special Ad Hoc Committee was organized to help provide additional project oversight and support throughout the planning process.

This Plan was created with public input in mind. It sought comments and thoughts from a broad range of stakeholders, including citizens, educators, passionate trail users, City of Keene planners and conservation commission members, and natural resources professionals. A community forum and public presentation provided avenues for community participation. Other community outreach efforts included a series of walking tours at the Greater Goose Pond Forest. These walks included topics on winter wildlife tracking, vernal pool ecology, interpreting past land use histories (such as agricultural use by early colonists), and wildlife habitat and forest stewardship.

In addition to the City's long-standing management planning, a variety of natural resource studies have been previously conducted on the property. These studies have helped to develop a better sense of ecologically significant areas, habitats, wildlife, and species of conservation concern. However, this did not provide a complete picture needed to produce a well-rounded and informed Land Stewardship Plan.



## DRAFT 4

Until now, there has not been a single document that incorporates natural resources investigations into a stewardship plan of how best to manage the property. This project sought to collect additional data on wildlife, rare species, natural communities, sensitive habitats, and invasive plants, as well as trail use and conditions. Also, there was a lack of adequate information on the current state of the forest resources. How old are the forests, and what types of habitats do they provide? How has past land uses affected the Greater Goose Pond Forest? Are the forests healthy, and if not, why? What will the forests look like in light of a changing climate, increase in invasive species and pathogens, and will they be resilient in the future? Previous management plans have addressed the important need to collect more information on forest resources so it can be incorporated into responsible land stewardship.

This Land Stewardship Plan was developed as a tool to guide the long-term management of the Greater Goose Pond Forest. It was conceived based on our current understanding of the property and surrounding landscape. The Plan is intended to manage for the health and diversity of wildlife and habitats, forest resources, recreation, and community education.

Stewardship of the Greater Goose Pond Forest by the City of Keene is an ethic that embodies the careful and responsible management and supervision of the property, whereby safeguarding its natural resources. The purpose of this Land Stewardship Plan is to maintain the natural beauty of the Greater Goose Pond Forest while encouraging public use. The area should provide the citizens of Keene a large woodland area accessible only on foot, ski, peddle bike, or snowshoe from various points and laced with clearly marked trails and woods roads which leads to ponds, nature walks, and scenic vistas. The objective of this Plan was to assess the current conditions of the property and site capabilities for habitat management, and to guide the implementation of stewardship activities to benefit the following goals.

### **Stewardship Goals**

**Goal 1:** Maintenance of the natural beauty of the Property while encouraging public use.

**Goal 2:** The area should provide the citizens of Keene a large woodland area accessible only on foot, ski, peddle bike, horseback, or snowshoe from various points and laced with clearly marked trails and woods roads which lead to the ponds, nature walks and scenic vistas.

**Goal 3:** Protection of fragile or highly erodible soils and maintenance of soil productivity;

**Goal 4:** Protection of water quality, aquatic habitat, vernal pools and the ecological integrity of wetlands and riparian zones;

**Goal 5:** Maintenance or enhancement of native biological diversity and natural habitat features found on the Property and representative of the region;

**Goal 6:** Identification, protection, and conservation of exemplary natural communities, unique or fragile natural areas, and rare plant and animal species on the Property, particularly those identified by the Nongame and Endangered Wildlife Program, the New Hampshire Natural Heritage Bureau, or their successor entities;

**Goal 7:** Protection of unique historic and cultural features;

**Goal 8:** Conservation of scenic quality as seen from public roads, trails and waters; and

**Goal 9:** Encourage the use of the Greater Goose Pond Forest for public education.

### **Key Recommendations**

The following provides some of the key recommendations for land stewardship. These were based on a well-rounded understanding of the property's current ecological, cultural, and recreational conditions. A complete list of short and long-term recommendations can be found in Section 5. These should be revisited every 10 years, and it should be based on the outcomes of past management activities while incorporating newly acquired natural resources information in consideration of land stewardship planning.

Recommendations for land stewardship include a variety of ideas for community outreach and education, as well as for recreation and trail maintenance. It includes several objectives to accomplish the goals outlined above for wildlife habitat and forest stewardship. Tools include establishing buffers and an ecological reserve to protect sensitive natural resources, setting up an endowment to provide funding for future projects, and the use of silviculture. Silviculture is the science and art of managing a forest. This particular stewardship tool uses responsible timber harvesting to support biodiversity, enhance habitat for species of conservation concern, and promote forest health. Stewardship planning takes many tools to accomplish its goals and to manage the Greater Goose Pond Forest responsibly to promote positive results.

#### *Community Outreach and Education*

- Develop an Outdoor Education and Recreation Community to organize and coordinate various activities.
- Promote community outreach and education through:
  - hikes to explore the wildlife ecology and forest resources;
  - engagement of primary and secondary schools in the region to use it as an outdoor classroom;
  - activities that foster exercise activities for a wide range of age classes; and
  - development of a demonstration site(s) to educate the community about how timber harvesting can enhance wildlife habitat and forest health.

*Wildlife Habitat and Forest Stewardship*

- Create a Stewardship Committee to oversee the stewardship activities of the property.
- Establish an endowment fund for managing the property into the future. This endowment could provide the adequate funding needed for responsible management without the use of tax dollars. The endowment could be funded through proceeds from responsible timber harvesting that create positive outcomes to enhance wildlife habitats and forest health.
- Clearly mark all boundaries of the Greater Goose Pond Forest so trail users and adjacent landowners are aware of the property boundaries. This will also inform stewardship activities.
- Establish permanent vegetative buffers dominated by woody plants around ecologically significant areas, such as Goose Pond, wetlands, streams, and vernal pools.
- Designate areas as Ecological Reserves to protect water quality, ecologically significant areas, and unique natural areas.
- Establish ecological and invasive species monitoring programs.
- Protect fragile soils and maintain forest productivity.
- For water quality protection meet or exceed Best Management Practices (BMPs) for Forestry: Protecting New Hampshire's Water Quality (Moesswilde 2005) and Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for New Hampshire (Bennett 2010).
- Utilize the various publications produced as part of the Forestry for the Birds project described in this Plan to promote sustainable and responsible forestry practices while stewarding multiple species of conservation concern. These documents were developed by the State of Vermont and Vermont Audubon to serve as a guide that uses various silvicultural techniques to enhance habitats for many birds of conservation concern.
- Use various silvicultural techniques for responsible and sustainable timber harvesting projects to:
  - Promote diverse, healthy, and resilient forests
  - Enhance wildlife habitat to provide long-term stewardship for species of greatest conservation need;
  - Improve genetic quality of the forest;
  - Improve understory habitat; and
  - Provide cover and browse for wildlife.
- Forest management activities should be conducted from mid-August through March to reduce disruption and mortality of wildlife during the height of the breeding season. This is a responsible measure to protect wildlife.
- When using timber harvesting to promote wildlife habitat and forest stewardship activities consult with a qualified wildlife ecologist to identify site-specific ecologically significant areas (i.e., vernal pools) and to mark the appropriate buffers.
- Continue to encourage trail users with pets to keep them leashed at all times and to pick up their waste and pack it out of the property. These efforts will help minimize wildlife disturbance and help improve water and soil quality.

*Recreational Trails Stewardship*

- Trails should be clearly marked with appropriate signage.
  - Caution should be exercised when blazing the trail system. The first priority for trail blazing should focus on the main trails and installing signs at trail junctions.
  - Install signs to inform trail users when they are leaving the property and entering private property.
  - Rename the City trails that currently have color-coded names, leaving the current names identified on the New England Mountain Biking Association trail map.
- Replace the kiosk at the main parking lot on East Surry Road, and install a kiosk at the new parking lot south of the main parking lot on East Surry Road (previously known as the service road with the yellow iron gate).
- Install an accessible trail from the new parking lot to the old beaver pond to allow access for all members of the community, including wheelchairs.
- Close the main trail entrance located at the northern side of the East Surry Road parking lot, rerouting a new trail leading from the southern side of this parking lot. An informal trail currently exists. This change would allow for greater environmental sensitivity to reduce/eliminate the current soil erosion taking place.
- Improve the current conditions to the Goose Pond loop. This would help eliminate/reduce soil erosion and enhance the trail users experience since extensive roots are exposed and can be hazardous.
- Replace the bridge on Rope Tow trail as indicated in the trail assessment map and design plan.

The stewardship activities of lands in the City of Keene should not be considered lightly. It should embrace a process that includes input from various stakeholders, including citizens and property users, as well as natural resource professionals, educators, and City officials. It should encapsulate the various state, regional, and federal planning guides designed for stewardship planning to provide context of land conservation on multiple scales. The findings of well-rounded ecological and cultural assessments and current conditions are vital components as well.

The Greater Goose Pond Forest provides an excellent source for outdoor enthusiasts interested in an easy walk or extended hiking and biking, as well as nature exploration, inspiration, or just relaxation. While maintenance of the recreational trails occurs on an annual basis by the New England Mountain Bike Association there has been little overall land management since the 1980s. This Land Stewardship Plan provides the City of Keene with a thoughtful and well-balanced approach for responsible management of the Greater Goose Pond Forest.



*Transmittal Form*

April 11, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** 5.

**SUBJECT:** Relating to Licenses and Permits

**COUNCIL ACTION:**

In City Council April 18, 2019.

Referred to the Planning, Licenses and Development Committee.

**RECOMMENDATION:**

That Ordinance O-2019-04 be referred to the Planning, Licenses and Development Committee for their review and recommendation.

**ATTACHMENTS:**

Description

Ordinance O-2019-04

**BACKGROUND:**

In February staff was before the FOP Committee to discuss the fees charged by the City for various licensed activities. The discussion was prompted by a communication to the Council from Councilor Manwaring in which she raised the issue of whether license fees should account for the staff resources that attend protocol meetings. As this was contemplated, the discussion broadened into a review of all fees charged for activities licensed under Chapter 46 of the Code, and several inconsistencies were noted in terms of applying a fee to the various types of event licenses that are issued.

Staff spent a great deal of time reviewing current license fees and charges, and researching pertinent provisions under State Law, City Ordinances, City Council Policies and Administrative Directives. During this review it became clear that State law stipulates that fees or charges for licenses and permits shall not exceed an amount reasonably calculated to cover the regulatory, administrative, and enforcement costs of the activity. In addition, the City's fiscal policy provides that fees and charges shall be set at something less than full cost recovery when there is no intended relationship between the amount paid and the benefit received. All of the various licensed events are typically activities that benefit the community at large and are generally sponsored by nonprofit organizations for charitable purposes.

Referring back to State Law for guidance, the only administrative activity that may be contemplated in the license fee is the efforts of staff from the City Clerk's Office to facilitate the issuance of the license. With that in mind, staff has drafted Ordinance O-2019-04 Relating to Licenses and Permits, which seeks to establish fees for licenses that have had no fee associated with them in the past (General Use of City Property, Street Fairs or Community Events, Outdoor Periodic Events), and to acknowledge the complexity of licenses for activities like Community Sponsored Events, Footraces, or Parades, requiring protocol reviews. The Ordinance also

provides definitions for the various activities licensed in the Chapter, and takes care of some housekeeping issues to standardize language in each section.

Staff is hopeful this Ordinance will provide parity among the various licensed events in terms of the fees they are paying and the benefits they are receiving.



# CITY OF KEENE

O-2019-04

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

AN ORDINANCE ..... **Relating to Licenses and Permits** .....

*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, deleting the stricken text and renumbering as needed in the following sections: In Article I. "In General" - Section 46-1; in Article II. "Licensing Generally" – Sections 46-92 and 46-123; in Article XI. "Outdoor Events" – Section 46-642; in Article XII. "Parades, Bicycle and Foot Races" – Section 46-691; in Article XVIII. "Street Fairs and Community Events" – Section 46-1010; in Article XX. "Walkathons" – Sections 46-1106, 46-1108 and 46-1111; Article XXIII. "General Use of City Property" – Section 46-2023 and 46-2025; and by deleting the stricken text and inserting the bolded text in Appendix B – Fee Schedule § 46-642, § 46-695, § 46-1010, § 46-1111 and § 46-2025 as follows:

## ARTICLE I. - IN GENERAL

Sec. 46-1. - Definitions.

**Bicycle race means a race with contestants using bicycles propelled manually by foot pedals that may impact vehicular traffic and may be timed and competitive.**

**Footrace means a race run by contestants on foot that may impact vehicular traffic and may be timed and competitive.**

**Parade means a public procession, especially one celebrating a special day or event, which may impact vehicular traffic and/or include marching bands or floats.**

**Walkathon means a community or school event or fundraiser in which participants raise awareness to a cause, or collect monetary donations or pledges for walking a predetermined distance or course. Participants remain on sidewalks or off the traveled portion of any public right of way, and have no impact on vehicular traffic.**

## ARTICLE II. – LICENSING GENERALLY

Sec. 46-92. - Review process.

Unless an extended time period is otherwise required by the city, all completed license applications received shall be acted upon within thirty days of receipt. The application shall **may** be reviewed by any **appropriate** city officials or departments ~~that may be appropriate,~~ **including but not limited to the fire department, police department, public works department, community development, parking services and Emergency Management Director,** in determining whether or not the license should be granted under this chapter, ~~and in determining any conditions or restrictions which may be appropriate to the operation of the activity proposed to be licensed.~~ **Based upon this review, the designated licensing official may require additional licensing stipulations which are deemed necessary to ensure public health, safety and welfare in connection with the licensed activity.** The city staff shall confer with the applicant if there are questions or concerns regarding the proposed activity or if discussion or additional information is needed in order to properly review the application. Licenses shall be granted only if the proposed activity can be carried out in accordance with the applicable laws, safely, **in compliance with stipulations,** and without posing hazard or inconvenience to the public. At the discretion of the city clerk any application received may be referred to the city council **for decision.**

**Sec. 46-123. Liability for City Charges.**

**Unless a waiver of all or a portion of the cost of city services has been extended by the City Council, those persons licensed to engage in activity under this chapter shall be liable for such charges as are required by the city for services provided in support of their license, including but not limited to: security, emergency services, set-up, clean-up, use of city equipment, facilities, parking spaces or electricity.**

ARTICLE XI. – OUTDOOR EVENTS

Sec. 46-642. - Fee.

The fee for a license granted under this division shall be as set forth in the schedule of fees in appendix B to this Code. ~~for the duration as specified on the license for activities of a commercial nature. However, no fee shall be required for activities conducted by charitable organizations, by governmental agencies, by neighborhood groups, or by religious organizations, unless such activity is generally considered to be a commercial enterprise.~~

ARTICLE XII. - PARADES, BICYCLE **RACES** **OR** **AND** FOOTRACES

Sec. 46-691. - Required.

No parade, bike race or footrace shall be held on any city right-of-way unless a special license therefor shall first be obtained from the city clerk. **If the license is approved, a revocable license and indemnification agreement shall be required. Parades that**



**remain on sidewalks, have no impact on vehicular traffic and do not include marching bands or floats shall be considered a walkathon and licensed under the Walkathons section of this Code.**

#### ARTICLE XVIII. – STREET FAIRS OR COMMUNITY EVENTS

##### **Sec. 46-1010. - Fee.**

**The fee for a license granted under this division shall be as set forth in the schedule of fees in appendix B to this Code.**

#### ARTICLE XX. - WALK-A-THONS

##### Sec. 46-1106. - Required; application.

No walk-a-thon shall be held on any city street or on any city sidewalk until a permit is issued by the city clerk. ~~The application shall be made three weeks in advance of the event.~~

##### ~~Sec. 46-1108. – Liability for city charges.~~

~~The applicant for a walk-a-thon permit shall be liable for such charges as are imposed by the city for electricity, cleanup, police services, or traffic control.~~

##### Sec. 46-1111. - Fee.

**The fee for a license granted under this division shall be as set forth in the schedule of fees in appendix B to this Code.** ~~A fee as set forth in the schedule of fees in appendix B of this Code shall be required to cover the administrative review of the application for a walk-a-thon permit.~~

#### ARTICLE XXIII. – GENERAL USE OF CITY PROPERTY

##### Sec. 46-2023. - General license for use of city property.

Unless otherwise specified by state law or city ordinance, permission to use city property for a specified duration, including but not limited to city parking spaces, city sidewalks or rights-of-way shall require specific permission in the form of a revocable license from the city clerk. ~~The city clerk shall impose any other licensing stipulations that may be deemed necessary to ensure public safety.~~ If the license is approved, a revocable license and indemnification agreement shall be required in addition to liability insurance listing the city as an additional insured in an amount specified by the city clerk. At least 15 days prior to the expiration date of the insurance coverage, the licensee agrees to deliver to the city clerk a certificate indicating that a binder certificate

indicating that the insurance coverage will continue during the licensing period and naming the City of Keene as an additional insured.

**Sec. 46-2025. - Fee.**

**The fee for a license granted under this division shall be as set forth in the schedule of fees in appendix B to this Code.**

APPENDIX B – FEE SCHEDULE

§ 46-642. Outdoor periodic event license fee, per day .....	<del>150.00</del>	<b><u>30.00</u></b>
§ 46-695. Parade, bike race or footrace license fee .....	<del>25.00</del>	<b><u>50.00</u></b>
<b><u>§ 46-1010. Street Fairs or Community Events license fee .....</u></b>		<b><u>50.00 per day</u></b>
§ 46-1111. Walkathons permit fee .....	<del>25.00</del>	<b><u>30.00</u></b>
<b><u>§ 46-2025. – General Use of City Property license fee .....</u></b>		<b><u>30.00</u></b>

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Kendall W. Lane, Mayor

Referred to the Planning, Licenses and  
Development Committee.

  
Patricia Castle  
City Clerk



April 16, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** 6.

**SUBJECT:** Relating to Vendors in Parking Spaces or Parking Lots

**COUNCIL ACTION:**

In City Council April 18, 2019.

Referred to the Planning, Licenses and Development Committee.

**RECOMMENDATION:**

That Ordinance O-2019-05 be referred to the Planning, Licenses and Development Committee for their review and recommendation.

**ATTACHMENTS:**

Description

Ordinance O-2019-05

**BACKGROUND:**

As part of the staff's continued efforts in responding to a changing business model for mobile food vendors; O-2019-05 is being introduced to provide the opportunity on a first come first serve basis to vend from designated public parking spaces on either a street or in a parking lot or on the public way.

The Ordinance requires that the vendor pay the required parking rate for the parking space, except when a waiver of some or all of the parking fees have been granted by the City Council. The Ordinance exempts the vendor from the parking time restrictions. Failure to pay the posted parking rate would result in the parking enforcement provisions of Chapter 94 to apply.

City staff has identified three vending locations: a location west of the entrance to the Commercial Street Parking Lot; a location in the Commercial Street Parking Lot just inside the Gilbo Street entrance and adjacent to the skate park; and a location on the north side of Emerald Street adjacent to Curry Copy Center.

The Ordinance provides that any parking spaces where vendors are licensed to operate may either be designated through appropriate signage or identified on a list of spaces where vendors are licensed to operate. A map depicting the vending spaces will also be available.



# CITY OF KEENE

O-2019-05

Nineteen

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

AN ORDINANCE .....Relating to Vendors in Parking Spaces or Parking Lots.....

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

That the Ordinances of the City of Keene, as amended, is hereby further amended by deleting the stricken text and inserting the bolded text in Section 94-91 "Vendors Prohibited" in Division 2 "Specific Street Regulations" of Article III "Parking" in Chapter 94 entitled "Vehicular Traffic and Public Ways" as follows:

Sec. 94-91. - Vendors prohibited.

- (a) No person, **entity, mobile food vendor, or frozen confection vendor** ("Vendor") ~~hawker or peddler~~ shall park any motor vehicle or other means of conveyance and/or transportation ("**Vehicle**") in any public parking space, **parking lot** or park on any public way ~~within the city~~ in order to offer to sell, barter or display any ~~goods, wares~~ **food, agricultural and other products** or artisan merchandise of any kind whatsoever, or place any **obstruction in the parking space or in the right of way**, except in the following ~~designated vendor permitted spaces as follows:~~

~~Commercial Parking Lot, 127 feet from the western end of the middle parking island to conduct, operate, manage and maintain a market for the sale, display and merchandising of locally grown farm products and locally produced farm-related crafts.~~

**In parking spaces or parking lots as may be designated from time to time by the city either through the posting of appropriate signage permitting Vendors, or at such locations as otherwise permitted in accordance with the requirements of this section.**

- (b) Vendors shall obtain a license from the City Clerk in accordance with Chapter 46, which license shall be displayed and open for inspection in the Vehicle, together with any other license or permit that may be required by law or City Ordinance, the Vendor shall comply with all public health, safety, and other requirements included in any such license or permit(s); the City Clerk shall maintain an accurate and current listing of parking spaces and parking lots where Vendors are licensed to operate under subsection (a).

- (c) In accordance with section 94-153 (9), maximum time periods for a Vendor to occupy a designated parking space or spaces are suspended during the permitted times of occupancy; provided however, that unless the Vendor has received a waiver of some or all of the parking fees by the city council, the Vendor shall pay the posted parking rate applicable to the Vendor's occupancy of the parking space, or parking spaces, for the time period of occupancy, failing which, the parking enforcement provisions of Chapter 94 shall apply.
- (d) ~~This~~ The prohibition stated in subsection (a) shall not apply to ~~the hawking and peddling of frozen confections~~ frozen confection vendors in residential areas in accordance with the special conditions of section ~~46-481 46-480~~, excepting for the following streets: Arch Street, Baker Street, Base Hill Road, Beaver Street, Blossom Street, Court Street, Eastern Avenue, East Surry Road, Grove Street, Hastings Avenue, Hurricane Road, Island Street, Key Road, Mechanic Street, North Street, Park Avenue, Roxbury Street, School Street, South Lincoln Street, Summer Street, Swanzey Factory Road, Walpole Road, Water Street, West Street, West Surry Road, Whitcomb's Mill Road, Winter Street, Wyman Road.

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Kendall W. Lane, Mayor

Referred to the Planning, Licenses  
and Development Committee.

  
City Clerk