



City of Keene  
New Hampshire

**PLANNING, LICENSES AND  
DEVELOPMENT COMMITTEE  
AGENDA  
Council Chambers A  
July 8, 2020  
7:00 PM**

Kate M. Bosley, Chair  
Mitchell H. Greenwald, Vice Chair  
Philip M. Jones  
Gladys Johnsen  
Catherine Workman

1. Kristin Finnerty - Requesting to Discharge Fireworks on Private Property
2. Let It Shine - Request for Use of City Property - Pumpkin Festival
3. Keene Music Festival - Request for Use of City Property
4. Draft Resolution - Wearing of Facemasks

**MORE TIME ITEMS:**

- A. Relating to Social Service and Congregate Care Uses and License  
Ordinance O-2019-13  
Ordinance O-2019-14
- B. Tad Schrantz/The Colonial Theatre Group – Various Licenses Needed for the Renovation and Addition to the Colonial Theatre
- C. Darren Humphrey/Trax Club – Request to Use City Property – Railroad Square and Use of Railroad Square - Parks, Recreation, and Facilities Director

Due to the COVID-2019 State of Emergency, the Planning, Licenses and Development Committee will be holding its meeting remotely using the web-based program, Zoom. Members of the public will be able to access this public meeting through a variety of options, described below. If you encounter any issues accessing this meeting, please call 603-757-0622 during the meeting. To access the meeting online navigate to *Zoom.us* and enter the Webinar ID # 81324205623. To listen via telephone call 877 853 5257 and enter the Meeting ID: 813 2420 5623. When the meeting is open for public comment, callers may press \*9 if interested in commenting or asking questions.

Non Public Session  
Adjournment



City of Keene  
*Transmittal Form*

June 30, 2020

**TO:** Mayor and Keene City Council

**FROM:** Kristin Finnerty

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

**ITEM:** 1.

**SUBJECT:** Kristin Finnerty - Requesting to Discharge Fireworks on Private Property

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**COUNCIL ACTION:**

In City Council July 2, 2020.

Referred to the Planning, Licenses and Development Committee.

**ATTACHMENTS:**

Description

Communication - Finnerty

**BACKGROUND:**

Kristin Finnerty is requesting a permit to set off fireworks on her property at 163 Liberty Lane on July 4, 2020 and July 18, 2020 between 8:00 PM and 10:00 PM. She indicates that the fireworks will include some of the permissible fireworks in NH, such as aerial, shells and ground spinners.

**Kristin Finnerty**

163 Liberty Lane, Keene NH 03431

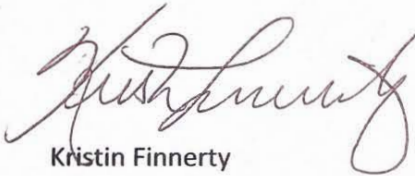
978-320-7174 | [REDACTED]

6/30/20

Dear City of Keene,

I would like to request a permit to set off fireworks on my property, 163 Liberty Lane, on July 4<sup>th</sup> and July 18<sup>th</sup> between 8pm and 10pm. The fireworks will include some of the permissible fireworks in NH, such as Aerial, Shells, and ground spinners.

Thank you for your consideration,



Kristin Finnerty

In City Council July 2, 2020.  
Referred to the Planning, Licenses  
and Development Committee.



Patricia Costello  
City Clerk



City of Keene  
*Transmittal Form*

June 30, 2020

**TO:** Mayor and Keene City Council

**FROM:** Ruth Sterling/Let-It-Shine

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

**ITEM:** 2.

**SUBJECT:** Let It Shine - Request for Use of City Property - Pumpkin Festival

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**COUNCIL ACTION:**

In City Council July 2, 2020.

Referred to the Planning, Licenses and Development Committee.

**ATTACHMENTS:**

Description

Communication\_Let It Shine

**BACKGROUND:**

In light of COVID-19, Let It Shine is recommending that the Pumpkin Festival go forward with a program that requires no street closures and jack-o-lanterns lined up snug to the buildings in front of the downtown stores and restaurants. The program would take place on Saturday, October 24 with a preview on Friday, October 23.

PumpkinFestival.org  
c/o Sterling, 214 Washington Street  
Keene, NH 03431

In City Council July 2, 2020.  
Referred to the Planning, Licenses and  
Development Committee.

  
City Clerk



June 23, 2020

Honorable Mayor and City Council,

In a year when trick-or-treating and getting together to carve pumpkins may not be possible, we hope we have found a way to carry on the tradition of Keene Pumpkin Festival. Celebrating what is unique about Downtown Keene, NH, and continuing to give school children a chance to create jack-o'-lanterns are the basis of this event proposal and license request. And in a year when small businesses have been hard-hit, helping to safely attract customers to Keene's Downtown businesses is at the heart of the proposal.

The Board of Keene Pumpkin Festival—Let it Shine Inc.—feels a responsibility to offer a bright spot on the autumn horizon and attract community members to experience and patronize our Downtown businesses. We are envisioning...

A program involving no street closures (and a limited budget) displaying jack-o'-lanterns lined up snug to the buildings in front of downtown stores and restaurants, like a ribbon visually tying together our Downtown. We envision 5-20 pumpkins in front of each Downtown establishment (depending on the length of storefront) so people could mill the sidewalks and see the pumpkins and be drawn into the shops and restaurants.

After gauging interest, the number of participating establishments would be matched with participating carvers, or could create their own jack-o'-lanterns. The model for this program would be similar to Artwalk, where preregistered carvers would be assigned to exhibit in front of a specific store/restaurant.

The scale of school pumpkin distribution would be limited, and the amount of pumpkins shared with each school would be smaller—for example, 20 per school. These student carvers would be matched with a Downtown site. Let it Shine would organize the matching of carvers and establishments and would assist with delivery, set-up and, if necessary, clean-up.

In order to maximize the benefit to Downtown businesses, the group is proposing this program take place on Saturday, October 24, with a preview Friday, October 23.

This proposal is based on what we know now and can be re-evaluated as new information becomes available. As Tim Zinn has commented, "No one has a crystal ball," but we are proposing a scalable plan incorporating social distancing and a small school distribution program.

An additional virtual component would allow families and others to carve pumpkins, photograph their creations and share them on the Keene Pumpkifest Facebook page, which currently has 15,000+ fans. The plans for an online "festival" are early in the brainstorming phase but would likely include Instagram and possibly a Pinterest gallery.

This re-imagined program is not intended as a model for future Keene Pumpkin Festivals. In fact, Let it Shine's original 2020 license request included an option for the return of the spectacular pumpkin tower at the head of Central Square. But with so many unknowns to try to consider, this license request may make it possible for Downtown Keene to shine in October 2020.

We look forward to working with City officials and community members in the months ahead.

Respectfully,



The Board of Let it Shine (Tim Zinn, Ruth Sterling, Nancy Hickox, Shaundi Brown and Jacob Weststrate)

*Let it Shine, Inc., Nonprofit organizers of Pumpkin Festival 2011-2014, 2015, 2017 -2019*

**Statement of Purpose:** *Keene Pumpkin Festival is a community-hosted, family-friendly celebration of fall and of what is unique about New Hampshire. It is also a celebration of artistry and creativity and a demonstration of our commitment to non-profit efforts to serve those in need.*



**CITY OF KEENE  
USE OF CITY PROPERTY APPLICATION  
STREET FAIR/EVENT LICENSE**

*Applicant/Sponsoring Organization Information:*

NAME OF ORGANIZATION: Let it Shine, Inc.

APPLICANT NAME: Ruth Sterling

ADDRESS: 214 Washington Street, Keene

DAYTIME PHONE: (603) 352-4410 EVENING: ( ) FAX #: ( )

E-MAIL: Ruth.Sterling@gmail.com

DAY OF EVENT CONTACT NAME AND CELL NUMBER: Ruth Sterling, Tim Zinn 603 209-4179

*Special Event Information:*

- SPECIAL EVENT ON CITY PROPERTY
- STREET FAIR
- DISCHARGE OF FIREWORKS
- SERVING OF ALCOHOL AT A CITY FACILITY - please specify location  HEBERTON HALL
- COMMUNITY ROOM
- PARADE, WALK-A-THON, OR BIKE/FOOT RACE REQUIRING STREET CLOSURES/POLICE ASSISTANCE
- OTHER (please specify) \_\_\_\_\_

EVENT TITLE: Keene Pumpkin Festival

EVENT DATE(S): 10/24/2020 and possibly 10/23/2020 ESTIMATED ATTENDANCE: 5,000 or less

LOCATION OF EVENT: Downtown Keene sidewalks

DURATION OF USE (INCLUDING SET UP/BREAKDOWN): from: 6pm FRI AM / PM to: 9pm SAT AM / PM

HOURS OF ACTUAL EVENT: from: Noon SAT AM / PM to: 8pm SAT AM / PM

DESCRIPTION OF EVENT: A family-friendly display of jack-o'-lanterns

~~Replacing the event plan used in 2017, 2018 and 2019, we are proposing that the 2020 event be a scalable, carefully-managed plan involving no street closures, incorporating social distancing, and a smaller pumpkin-carving program for schools. In order to maximize the benefit to Downtown businesses, this program could take place on Saturday, October 24, with a preview Friday, October 23.~~  
Please attach additional sheets as necessary

STREET CLOSURES/DETOURS REQUESTED: None anticipated

\_\_\_\_\_  
Please attach additional sheets as necessary



**CITY OF KEENE  
USE OF CITY PROPERTY APPLICATION  
STREET FAIR/EVENT LICENSE**

Is this the first time your organization has sponsored this event?     Yes                     No

If not, has the person(s) in charge of organizing the event changed since it was last applied for?     Yes                     No

For events that have been held previously, has the City provided any support or services to your event?     Yes                     No

If so, please describe: We envision this event requiring very few, if any, KPW, KPD or KFD services.

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**DETAILED MAP OF PROPOSED EVENT FOOTPRINT:** Please provide as an attachment to your application a single line sketch/drawing of the layout of the event. On the sketch/drawing include sidewalks/streets/lanes to be closed and/or blocked, locations of vendors (merchandise, food, etc.), display tables, or other encumbrances, and identify areas of activities (start lines, finish lines, attractions, etc.).

**PLEASE INDICATE WHETHER THE FOLLOWING ITEMS PERTAIN TO YOUR EVENT:**

<b>YES</b>	<b>NO</b>	
_____	_____ X _____	WILL ACTIVITIES AND ATTENDEES BE ENCUMBERING THE TRAVELED PORTION OF ANY PUBLIC WAY, STREET OR LANE?
_____	_____ X _____	FOOD CONCESSIONS AND/OR OUTDOOR COOKING
_____	_____ X _____	USE OF PROPANE
_____	_____ X _____	candles OUTDOOR BURNING (CAMPFIRE)
_____	_____ X _____	SET UP OF TABLES AND CHAIRS (if so, how many): _____
_____	_____ X _____	DOES THE EVENT REQUIRE ACCESS TO CITY ELECTRICAL?  (location): _____



**CITY OF KEENE  
USE OF CITY PROPERTY APPLICATION  
STREET FAIR/EVENT LICENSE**

**YES**

**NO**

\_\_\_\_\_

\_\_\_\_\_

X

DOES THE EVENT REQUIRE ACCESS TO CITY WATER?

(location): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

X

BOOTH(S), EXHIBIT(S), DISPLAY(S) AND/OR ENCLOSURE(S)

(if so, please describe): \_\_\_\_\_  
(Use a separate sheet if necessary)

\_\_\_\_\_

\_\_\_\_\_

X

CANOPY(IES) AND/OR TENT(S) (please provide number of set-ups and their dimensions): \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

X

SCAFFOLDING, BLEACHER(S) OR OTHER STRUCTURES

(if so, please describe): \_\_\_\_\_  
(Use a separate sheet if necessary)

\_\_\_\_\_

\_\_\_\_\_

X

CHILDREN'S CARNIVAL OR INFLATABLE RIDES (please describe number, type, location, dimensions and proposed means of anchoring): \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

X

VEHICLE(S) AND/OR TRAILER(S) (if so, how many): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

X

WILL YOUR EVENT ENCUMBER METERED PARKING SPACES?

(if so, please provide number, location, and what they'll be used for): \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

X

PORTABLE TOILET(S) (if so, how many): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

X

ENTERTAINMENT (if so, please describe): \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

X

BANNERS OR TEMPORARY SIGNAGE

\_\_\_\_\_

\_\_\_\_\_

X

WILL THE EVENT BE ADVERTISED? (if so, how?): \_\_\_\_\_  
calendar listings, Facebook listings, NO PAID ADVERTISING  
\_\_\_\_\_





**CITY OF KEENE  
USE OF CITY PROPERTY APPLICATION  
STREET FAIR/EVENT LICENSE**

**YES**

**NO**

\_\_\_\_\_

\_\_\_\_\_   X   \_\_\_\_\_

SOUND AMPLIFICATION (if yes, indicate start/end times): \_\_\_\_\_

\_\_\_\_\_

**OTHER MISCELLANEOUS INFORMATION YOU WISH TO PROVIDE PERTAINING TO THIS EVENT:**

A program involving no street closures, displaying jack-o'-lanterns lined up snug to the buildings in front of downtown stores and restaurants, like a ribbon visually tying together our Downtown. We envision 5-20 pumpkins in front of each Downtown establishment (depending on the length of storefront) so people could mill the sidewalks and see the pumpkins and be drawn into the shops and restaurants. After gauging interest, the number of participating establishments would be matched with participating carvers, or could create their own jack-o'-lanterns. The model for this program would be similar to Artwalk, where pre-registered carvers would be assigned to exhibit in front of a specific store/restaurant.

\_\_\_\_\_

*(Protocol meetings will be held with the applicant as necessary to seek further details relative to the request for a license and/or funding for City services. Please be aware, the City may place additional conditions or requirements on the event at its sole discretion to ensure public safety)*

The scale of school pumpkin distribution would be limited, and the amount of pumpkins shared with each school would be smaller—for example, 20 per school. These student carvers would be matched with a Downtown site. Let it Shine would organize the matching of carvers and establishments and would assist with delivery, set-up and, if necessary, cleanup.

An additional virtual component would allow families and others to carve pumpkins, photograph their creations and share them on the Keene Pumpkinfest Facebook page, which currently has 15,000+ fans. The plans for an online "festival" are early in the brainstorming phase but would likely include Instagram and possibly a Pinterest gallery.



## **CITY OF KEENE USE OF CITY PROPERTY APPLICATION STREET FAIR/EVENT LICENSE**

### **What is General Use of City Property?**

General use City property is defined as the use of public property for a specified duration, including but not limited to use of city parking spaces, city sidewalks or rights-of-way, or facilities. It also includes the sale or service of alcohol on city property, which in addition to requiring City permission, shall also be in compliance with the requirements of the state liquor commission.

### **Obtaining a License**

The City Clerk is the licensing authority for general uses of City property that have a minimal impact on the public. Events that are larger in scale may be referred to the Keene City Council for license approval. To obtain a license, the applicant must complete an application that is submitted to the City Clerk's Office along with the applicable fee. The applicant will also need to submit a certificate of liability insurance listing the City of Keene as an Additional Insured.

### **Licenses issued by the City Clerk**

The City Clerk's Office will initiate a review process with various City departments to determine licensing conditions. If deemed necessary, the applicant may be asked to attend a safety protocol meeting with City staff to determine public safety needs. Once the review process had concluded, the applicant will sign an indemnification agreement and the City Clerk will issue the license.

### **Licenses Requiring City Council Approval**

If upon initial review of the application it is determined that City Council approval is needed, the applicant will submit a cover letter to the City Clerk's Office addressed to the Honorable Mayor and City Council. The applicant will be invited to a meeting of the Planning, Licenses and Development Committee to discuss their request. In addition, safety protocol meeting(s) will be scheduled with City staff to determine public safety needs. The City Clerk's Office assists applicants through the process and helps to facilitate communication with the City Council and/or the various City departments. Once the review process has concluded, the applicant will sign an indemnification agreement and the City Clerk will issue the license.

Licenses issued under this section of the City Code are date specific. There is no application fee for this type of license; however, if City resources are required to ensure safety, these costs are passed along to the applicant.

**To review the regulations relative to this type of license, please go to the Keene City Code at the following web address:**

[https://www.municode.com/library/nh/keene/codes/code\\_of\\_ordinances](https://www.municode.com/library/nh/keene/codes/code_of_ordinances)

**Chapter 46 is the Licensing Chapter.**



## CITY OF KEENE USE OF CITY PROPERTY APPLICATION STREET FAIR/EVENT LICENSE

### What is a Street Fair?

As define by NH Statute **31:100 Street Fairs**. – The selectmen of a town or governing body of a city may grant a license in writing to any person or persons to use and occupy a portion of any street or sidewalk, as may be designated in general or in specific terms, for the purpose of conducting thereon street fairs or other community events, including but not limited to the sale of merchandise by commercial retailers, or by community associations conducting street fairs or other promotions. Such licenses may include the right to encumber the designated area with boxes, shelves, stands and other devices useful in conducting such sales and shall be issued for not in excess of 3 consecutive business days. Licenses may also be subject to such other terms and conditions, to be expressed in the license, as the public convenience and safety may require.

### Obtaining a License

The Keene City Council is the licensing authority for Street Fair Licenses. To obtain a license, the applicant must complete an application that is submitted to the City Clerk's Office along with a certificate of liability insurance listing the City of Keene as an Additional Insured and a cover letter addressed to the Honorable Mayor and City Council. The applicant will be invited to a meeting of the Planning, Licenses and Development Committee to discuss their request. In addition, safety protocol meeting(s) may be scheduled with City staff to determine public safety needs. The City Clerk's Office assists applicants through the process and helps to facilitate communication with the City Council and the various City departments. Once the review process has concluded, the applicant will sign an indemnification agreement and the City Clerk will issue the license.

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**Chapter 46 is the Licensing Chapter.**



City of Keene  
*Transmittal Form*

July 7, 2020

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

**FROM:** Pable Fleischmann, Keene Music Festival Director

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

**ITEM:** 3.

**SUBJECT:** Keene Music Festival - Request for Use of City Property

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**ATTACHMENTS:**

Description

Communication\_Keene Music Festival

**BACKGROUND:**

Annual request from the Keene Music Festival to hold their event on Saturday, September 5, 2020.



*Keene Music Festival  
37 Roxbury Street  
Keene, NH 03431  
(603) 499-6656*

July 6, 2020

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

Re: 2020 Annual Keene Music Festival

The Keene Music Festival wishes to sponsor this year's Annual Keene Music Festival on Saturday, September 5, 2020. The scheduled hours for performances and other activities are 10:00 AM until 10:30 PM; with performances ending by 10:00 PM.

With an understanding of the current Coronavirus situation, we have decided to reduce the scale/scope of this year's Festival. We are seeking permission to use three of our larger locations: The common area and bandstand in Central Square/Gazebo; Railroad Square; and City Tire Company (124 Main Street). We would like to request and reserve the use of parking metered space #'s: 164, 166, 168, 170, 172, and 174 on Main Street in front of the City Tire Company. The Main Street metered spaces are being requested to serve as a staging area to allow the sound crew to prepare equipment to be set up in the City Tire Company parking lot; and could be opened for use later in the day.

We are also proceeding with the understanding that should conditions in our overall community dictate a stricter than usual protocol (such as a flare-up in Coronavirus cases), we may cancel the event altogether.

While we do not request that Railroad Street, from Main Street to the parking garage be officially closed, we are asking that the Public Works Department please provide us with adequate barriers for that eventuality. If the Keene Police Department determines that there is a safety issue, we will close the street as needed.

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

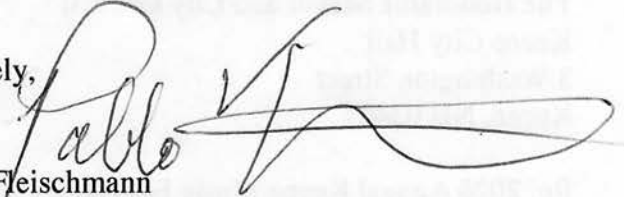
As required, we will provide a \$1 Million certificate of insurance to the City, and work closely with City staff to ensure that this is a safe and enjoyable event.

Our previous Music Festivals have always been a great success. There have been no public issues; the performances have been amazing, and the crowds' orderly. As in previous

years, Keene Music Festival does not consider or accept outside vendor applications. We prefer to encourage our guests to explore local businesses and shops as they enjoy the musical well as the array of the current licensed Food Trucks, who will be invited to participate in the Downtown area.

Events such as this add to the vibrancy of our Downtown, and the City in general, helping Keene be the exceptional place that it is. We thank you in advance for your continued consideration and support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pablo', followed by a long, sweeping horizontal flourish.

Pablo Fleischmann  
Keene Music Festival Director

**Twenty**

**A Resolution Relating to the Wearing Of Face Coverings**

WHEREAS, COVID-19 has been determined to be a virulent infectious disease threatening the public health and welfare of the country, and including residents in the City of Keene; and

WHEREAS, infectious diseases such as COVID-19 are caused by germs, such as viruses, bacteria, and parasites; and

WHEREASE, some diseases, including COVID-19, are transmitted from person to person very easily through respiratory droplets produced by sneezing and talking; and

WHEREAS, Public Health Officials have determined that it is possible for an infected individual to transmit certain diseases without exhibiting any symptoms; and

WHEREAS, the best means of slowing the spread of a virus is through minimizing close personal contact with individuals in a public environment, social distancing, covering the mouth and nose by wearing a face covering, and proper hand washing; and

WHEREAS, for optimal protection, the safe use of face coverings also requires the wearer to maintain proper hand hygiene by frequently handwashing with soap and water or hand sanitizer for at least 20 seconds; and

WHEREAS, the wearer of the face covering can prevent the spread of disease by not touching the face, nose, or eyes with unwashed hands, not touching the outside of the face covering, and by keeping a distance of at least six feet between from others; and

WHEREAS, the City Council for the City of Keene desires to minimize the threat to public health posed by the spread of communicable disease such as COVID-19 within the community;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. Employees of businesses are encouraged to wear a face covering over their mouth and nose when interacting with the public and whenever they are within six feet of a co-worker or a customer.
2. Members of the public entering any business, including any outdoor area where business is conducted, work site, or government building, are encouraged to wear a face covering, such as a fabric mask, scarf, or bandana over their nose and mouth.

3. Members of the public entering a restaurant for the purpose of picking up food for take-out or any other purpose are encouraged to wear a face covering over their mouth and nose.
4. Residents, visitors, and members of the public entering or present at a commercial building complex of greater than two (2) units are encouraged to wear a face covering over their nose and mouth while in common areas.
5. As used herein “face covering” means a covering made of cloth, fabric, or other soft or permeable materials, without holes, that covers only the nose, mouth, and surrounding areas of the lower face. A face covering may be factory made or homemade and improvised from ordinary household materials.
6. Notwithstanding the above, children under 10 years of age are not generally encouraged to wear a face covering, although parents should make their own judgment on such use. A face covering is not recommended for children 2 years of age or less.
7. A face covering is also not encouraged for any person who has been advised that wearing a face covering may pose a risk to the person for health related reasons.

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George S. Hansel, Mayor