



Due to the COVID-2019 State of Emergency, the City Council will be holding its meetings remotely using the web-based program, Zoom. City Councilors will be participating in this meeting remotely. 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 view this City Council meeting, please navigate to www.zoom.us and enter the Meeting ID# 883 7832 1488. To listen via telephone call 877-853-5257 and enter the Meeting ID # 883 7832 1488.

City of Keene

New Hampshire

KEENE CITY COUNCIL
Council Chambers, Keene City Hall
October 15, 2020
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- October 1, 2020

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations
Library Board of Trustees

C. COMMUNICATIONS

1. Tad Schrantz/Colonial Theatre Group - Requesting a Transfer of Land
2. Councilor Clark - Workshop on City Council Goals
3. David Richards - Resignation from College City Commission

D. REPORTS - COUNCIL COMMITTEES

1. Trax Club – Request to Use City Property – Railroad Square
2. Firstlight Fiber Request to Install Conduit in the Arch Street Right-of-way – City Engineer
3. Social Host Ordinance – 2nd Draft
4. Request to Purchase City Property - Corner News - City Attorney
5. Winchester Street Reconstruction Project - Design Change Order - City Engineer

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. Heather Servant – In Support of Lower Speed Limits on Eastern Avenue
2. Colonial Theater Group, Inc. – Petition for Discontinuance R-2020-38

I. ORDINANCES FOR FIRST READING

1. City of Keene Land Development Code and Downtown Zoning Update
Ordinance O-2020-10
Ordinance O-2020-11
2. Relating to Social Hosting
Ordinance O-2020-12

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to the Transfer of Funds from the Solid Waste Fund Balance to the 2020/2021 Solid Waste Operating Budget for Repair of Existing Scale System
Resolution R-2020-37
2. In Appreciation of Sheila H. Williams Upon Her Retirement
Resolution R-2020-35

L. TABLED ITEMS

1. Relating to an Appropriation of Funds for Gilbo Avenue Infrastructure Improvements
Resolution R-2020-06-A

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, October 1, 2020. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Mayor Hansel read into the record the Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04. He continued that the members of the City Council would be participating remotely. The Mayor asked that during the roll call for attendance, each Councilor identify their online presence and whether there are others with them in the room. Roll called: Stephen L. Hooper, Michael J. Remy, Janis O. Manwaring, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Terry M. Clark, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers. A motion by Councilor Powers to accept the minutes from the September 17, 2020 regular meeting was duly seconded by Councilor Bosley. The motion passed on a roll call vote with 15 Councilors present and voting in favor. The Mayor led the Pledge of Allegiance.

ANNOUNCEMENTS

The Mayor acknowledged Councilor Ormerod, Councilor Bosley and Councilor Johnsen's birthdays. The Mayor announced the MSFI and PLD Committee meetings scheduled for Wednesday, November 11 are rescheduled to Tuesday, November 10 as a result of the Veterans Day holiday.

The Mayor recommended again that City Councilors continue participating in Council Standing Committee meetings remotely via Zoom if possible, although they have the option to be present at City Hall. He said that staying home demonstrates to the community the Council's recognition that the Covid-19 pandemic is not over. If Councilors choose to be present in the Council Chambers, the Mayor reminded them that there are insufficient partitions and so strict mask wearing is essential.

Traditionally, the City has announced dedicated hours for Halloween "Trick or Treating." Due to the Covid-19 pandemic this year, the Mayor's pending Proclamation would include new guidance to ensure the event is safe and that the community has access to CDC recommendations. The hours for Trick or Treating remain unchanged, from 5:30 PM to 7:30 PM on Saturday, October 31, 2020.

PROCLAMATION – FIRE PREVENTION WEEK

Mayor Hansel read a proclamation designating October 4 – October 10, 2020 as Fire Prevention Week in Keene.

PROCLAMATION – ENERGY AWARENESS MONTH

Mayor Hansel read a proclamation designating October 2020 as Energy Awareness Month in Keene.

The Mayor welcomed Dr. Ann Shedd to speak. Dr. Shedd thanked City Staff for their efforts toward Keene's transition to 100% renewable energy. She encouraged anyone in Keene planning to use heating, cooling, or transportation over the next 30 years to attend the virtual workshop on

October 20th at 6:00 PM for an introduction to key strategies in Keene's Renewable Energy Plan. Other events include: Virtual Solar Home Tour presented by the Keene Clean Energy Team on October 20th; the Monadnock Sustainability Hub's virtual annual meeting on October 28th; Local Energy Solutions Conference presented virtually by Clean Energy NH on October 29-30th.

RESOLUTION R-2020-27: IN APPRECIATION OF LEONA LANGELLA UPON HER RETIREMENT

The Mayor read Resolution R-2020-27: In Appreciation of Leona Langella Upon Her Retirement. A motion by Councilor Powers to adopt the Resolution was duly seconded by Councilor Bosley. On roll call vote, with 15 Councilors present and voting in favor, the motion passed. Resolution R-2020-27 was declared adopted.

COMMUNICATION – NANCY PROCTOR – RESIGNATION – HISTORIC DISTRICT COMMISSION

A communication was received from Nancy Proctor resigning from the Historic District Commission. A motion by Councilor Powers to accept the resignation with regret and appreciation of service was duly seconded by Councilor Bosley. The motion passed with a unanimous vote in favor.

COMMUNICATION – HEATHER SERVANT – IN SUPPORT OF LOWER SPEED LIMITS ON EASTERN AVENUE

A communication was received from Heather Servant in Support of lowering speed limits on Eastern Avenue. The Mayor referred this communication to the Municipal Services, Facilities & Infrastructure Committee.

MSFI REPORT – ASHUELOT RIVER PARK – CLIMATE RESILIENT MASTER PLAN – PARKS, RECREATION, & FACILITIES DIRECTOR

A Municipal Services, Facilities & Infrastructure Committee report read recommending the acceptance of the Climate Resilient Master Plan as informational. The Mayor filed the report as informational.

MSFI REPORT – PROPOSAL FOR PERMANENT PUBLIC ART INSTALLATION – PARKS, RECREATION & FACILITIES DIRECTOR

A Municipal Services, Facilities and Infrastructure Committee report read recommending that the public art installation be accepted as informational. The Mayor filed the report as informational.

PLD REPORT – REQUEST FOR USE OF CITY PROPERTY – PUMPKIN FESTIVAL – PUBLIC WORKS DIRECTOR/EMERGENCY MANAGEMENT DIRECTOR

A Planning, Licenses and Development Committee report read recommending the report be accepted as informational. The Mayor filed the report as informational.

PLD REPORT – UPDATE ON BROADBAND FOR UNSERVED KEENE NEIGHBORHOODS – ACM/IT DIRECTOR

A Planning, Licenses and Development Committee report read recommending the report be accepted as informational. The Mayor filed the report as informational.

FOP REPORTS – ACCEPTANCE OF DONATIONS – FIRE DEPARTMENT

A Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of \$250.00. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion to accept the donation of \$250.00 passed on a roll call vote with 15 Councilors present and voting in favor.

A Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of \$200.00. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion to accept the donation of \$200.00 passed on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – MUTUAL AID AMBULANCE AGREEMENT – FIRE DEPARTMENT

A Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to execute the Mutual Aid Ambulance Agreement with R.J. DiLuzio Ambulance Service, LLC. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion to authorize the Manager to execute the Mutual Aid Ambulance agreement with RJ DiLuzio Ambulance Service, LLC passed on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – ATTORNEY ADAM KOSSAYDA – LEASE REQUEST – HANGAR LOT 15A

A Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to negotiate and execute a lease for hangar lot 15 A. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion to authorize the Manager to negotiate and execute a lease for hangar lot 15 A passed on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – UPDATE ON KINGSBURY PROPERTY – CITY MANAGER

A Finance, Organization and Personnel Committee report read recommending the update on the Kingsbury Property be accepted as informational. The Mayor filed the report as informational.

CITY MANAGER COMMENTS

The City Manager provided updates on more changes at City Hall. Last meeting, she discussed the City Clerk's office modifications that were completed recently and the move of Human Services to 2nd Floor Committee Room across from Council Chambers that is now currently in progress. Next, the City Manager said the Purchasing office would return to the 3rd floor and

swap their office space with the HR Department. The Purchasing office is currently at the end of the 2nd floor, beyond the locked door currently restricting public access. The Purchasing office has two employees and falls under the Finance Department's umbrella. Purchasing works with contractors whereas HR serves primarily internal customers (City Staff) and therefore, the City Manager said locating HR in the 2nd floor space makes more sense. This will also better prepare for the future should there be need to restrict public access again. Covid-19 created the need to evaluate the location of all services in City Hall, however moving the Purchasing office back to the 3rd floor is part of a greater effort to create some additional depth in the Purchasing office. It allows us to more easily create cross training opportunities. The move should be complete by the end of December. The City Manager said that final building changes currently planned, as previously mentioned, involve installing Plexiglass at access points (similar to the set-up in the Clerk's office) on both the 3rd and 4th floors, which would allow opening those floors.

The City Manager next said it was time for everyone to consider donating to the Keene Police Department's annual Beards for Bucks – Razorless for a Reason fundraising event for the month of October. Officers will be growing beards in an attempt to raise money for the Granite State Children's Alliance. Located here in Keene, the Cheshire County Child Advocacy Center focuses on interviewing and assisting children that are victims of crimes. She urged all to consider donating online at www.justgiving.com/team/kpd or if you see a fuzzy version of your favorite KPD officer, inquire with them on how to donate.

Next, the City Manager was excited to report that Spectrum is moving forward with the installation of services to the Keene residents of Hurricane Road, Chesterfield Road, Langley Road, and Daniels Hill Road. Spectrum had applied for about \$190,000 of NH GOFERR Broadband Expansion grant funds. They were not awarded the funds, though they believe there is still a chance they will receive them. However, they are going to proceed with the project at no cost to the City or the residents, regardless of any grant funding. The last four neighborhoods in the City of Keene will have access to broadband service; there are 75 homes on these streets. The City Manager said this is excellent news. While there were not yet specifics, the City Manager said the work was planned for summer 2021. IT Director/ACM, Rebecca Landry, has been working with and advocating for services for these neighborhoods for years. The City Manager recognized the IT Director's dogged determination to keep the needs of these four neighborhoods in the forefront and the relationship she has built with all providers serving Keene. The City Manager also thanked Charter/Spectrum for agreeing to make these upgrades with no guarantee of grant funds. It means a great deal to our residents living in these neighborhoods.

Finally, the City Manager shared more good news related to health insurance costs. Inter-local Government, the City's former health insurance provider, sent the City a check for return of contributions from 2016 health insurance premiums City-wide in the amount of \$100,000. In addition, the City's current carrier HealthTrust notified the City that as a result of the Covid-19 pandemic and related stay at home emergency orders, they saw a significant reduction in HealthTrust's coverage claims during the last four months of FY-2020. As a member, The City's health group's share of the anticipated FY-2020 return of surplus is approximately \$200,000. In

10/01/2020

accordance with the City's fiscal policies, the funds will be reserved for advancing budgetary policies related to bonded debt, capital outlay, or property taxes.

MORE TIME

More time was granted by the Mayor for the following items in Committee: Social Host Ordinance – Draft; Authorizing the Condemnation of Land for the Winchester Street Reconstruction Project – Resolution R-2020-36.

RESOLUTION – RELATING TO THE TRANSFER OF FUNDS FROM THE SOLID WASTE FUND BALANCE TO THE 2020/2021 SOLID WASTE OPERATING BUDGET FOR REPAIR OF THE EXISTING SCALE SYSTEM – RESOLUTION R-2020-37

The Mayor read Resolution R-2020-37 – Relating to the Transfer of Funds from the Solid Waste Fund Balance to the 2020/2021 Solid Waste Operating Budget for Repair of the Existing Scale System. The Mayor referred this matter to the Finance, Organization & Personnel Committee.

RESOLUTION – COLONIAL THEATER GROUP, INC. – PETITION FOR DISCONTINUANCE

The Mayor referred the petition and Resolution R-2020-38 to the Municipal Services, Facilities & Infrastructure Committee. A site visit and public hearing are scheduled on Thursday, November 5th at 5:15 PM and 7:10 PM, respectively. Councilors are responsible for their own transportation and meal as opposed to previous years.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 7:37 PM.

A true record, attest:


Assistant City Clerk



City of Keene, N.H.
Transmittal Form

October 13, 2020

TO: Mayor and Keene City Council

FROM: Mayor George S. Hansel

ITEM: B.1.

SUBJECT: Nominations

ATTACHMENTS:

Description

Background_Gakunde

BACKGROUND:

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

Library Board of Trustees

Dr. Yves Gakunde

35 High Street

Term to expire June 30, 2021

Yves Pacifique GAKUNDE, Ph.D.

Keene, New Hampshire, 03431, USA

EDUCATION

2013-2020: Doctoral Studies in Environmental Studies, **Antioch University New England, Keene, New Hampshire, USA.**

Dissertation Title: *The Potential Role of Payment for Ecosystem Services in Protected Area Management in Rwanda: A Case Study from Gishwati-Mukura National Park.*

2010-2012: Professional MSc in Sustainable Development and Climate Change/ Environmental Studies. **Antioch University New England, Keene, New Hampshire, USA.**

Title of the master's project:

Assessment of Hannah Grimes Center Performance: Tools & Techniques for Shifting towards Sustainable Businesses in Local Communities. **Keene, NH, USA**

2003-2007: BSc in Biology & Conservation, **University of Rwanda.**

Title of senior thesis: *Matrix and edge effect on phenology in some mountain tree Species, Nyungwe National Park* **Rwanda.**

WORK HISTORY

2020: Environmental Preferred Purchasing Program (EP3) Coordinator, Keene, NH, USA.

2014 - 2018 Conference Coordinator, Center for Climate Preparedness and Community Resilience, Antioch University, New England, NH, USA.

2016 - 2018: Organizer of TEDx Keene, NH, USA.

2012 - 2015: Meeting/Event Supervisor, Keene Public Library, NH, USA.

2012 - 2013: Customer Support, Customer Office, UNFI, Chesterfield, NH, USA.

2008 - 2010: Assistant Coordinator for Conservation Biology Education Project, Biology Department at the University of Rwanda.

2007 - 2008: Chief Advisor for Agriculture, Hydrology, Environment, Consultancy and Waste Management Company, (AHECMW Company) Kigali-Rwanda.

2006 - 2009: Representative for ACNR (Rwanda Association for Nature Conservation) in Southern Province/Rwanda.

2006-2007: Computer Assets Officer, Information Technology Center at the University of Rwanda.

2006: Elected Student Representative in the Faculty of Science, University of Rwanda.

AFFILIATIONS & AWARDS

2019: President Elect, Keene Elm City Rotary Club, Keene, NH, USA

2019: National Geographic Society Explorer

2018: Rufford Foundation Fellowship

2017: Awarded a Paul Harris Fellowship by the Keene Elm City Rotary Club, NH USA.

2017: Awarded a 2017 Monadnock Trendsetter by the Keene Young Professionals Network, The Business Journal of Greater Keene, Brattleboro and Peterborough and The Keene Sentinel.

2015:

- Member of the Human Rights Committee, City of Keene, NH, USA.
 - Member of the Scholarship Committee, ELM City Rotary Club. Keene, NH, USA.
 - Member of the New Hampshire Sustainable Energy Association.
 - Member of the Ecological Society of America.
-

- Founding Member of the Greater Keene Rotaract Club, Keene, NH, USA.
- 2014:**
- Member of the Keene Elm City Rotary Club. Keene, NH, USA.
 - Member of the Security and Sustainability Forum, USA.
- 2013:**
- Awarded April Employee of the Month Prize, Customer Service Department, United Natural, Food, Chesterfield, NH, USA.
 - Nominated as “Student Who Inspires Us” by the Environmental Studies Department at Antioch University New England, Keene, NH, USA.
- 2009:** Awarded Prize for best Organizer for the 6th Research Conference/ University of Rwanda.
- 2007:** Received a Good Governance Award offered by the College of Science and Technology, University of Rwanda.
- 2006:** Member of the Albertine Rift Valley Network for Educators and Conservationists (RNCEAR).

FIELD EXPERIENCE & PRESENTATIONS

2012: Commitment to Action at the Clinton Global Initiative Washington DC, USA.

2010:

- Poster presentation on “*Matrix and Edge Effects on Phenology in some mountain tree species, Nyungwe National Park, Rwanda*” at the First Students Conference on Conservation Science, American Museum of Natural History, NY, USA.
- Attended and chaired sessions in one-week workshop on “*Ranger-Based Monitoring in Virunga Massif*” Hosted by International Gorilla Conservation Program (IGCP), Goma, Democratic Republic of Congo.
- Poster presentation on “*Matrix and Edge Effects on Phenology in some mountain tree species, Nyungwe National Park, Rwanda*” at the Students Conference on Conservation Science, Cambridge University, United of Kingdom.

2009:

- Contributed to the elaboration of the Rwanda Biodiversity Policy, Workshop held in Kigali, Rwanda.
- Presented about “*Endangered Plant Species of Rwanda*” in a ten-day training on IUCN Red List organized by the Network of Botanist in Central Africa. Limbe, Cameroon.
- Received training on Water Quality Assessment hosted by the Faculty of Science at the University of Rwanda.
- Organized and participated in a Regional Workshop for Educators and Practitioners of the Albertine Rift Valley held at Makerere University, Kampala, Uganda.

2008:

- Speaker on Capacity Building at the University of Rwanda, Biology Department at the Institute for Tropical Forest Conservation, (ITFC) Kabale, Uganda.

2006-2007: Received training on Computer hardware maintenance and troubleshooting at the University of Rwanda.

LANGUAGES

Fluent: English, French, and Swahili

Native Kinyarwanda speaker



City of Keene, N.H.
Transmittal Form

October 12, 2020

TO: Mayor and Keene City Council

FROM: Tad Schrantz/Design and Construction Committee Chair

ITEM: C.1.

SUBJECT: Tad Schrantz/Colonial Theatre Group - Requesting a Transfer of Land

ATTACHMENTS:

Description

Communication_Schrantz

BACKGROUND:

The Colonial Theatre Group is requesting a transfer of land in order to be able to construct footings for their renovation/addition project and to remove any conflict of land ownership associated with the construction. In addition, the Colonial Theatre Group is asking for this transfer to occur at a price of \$1.00 due to the minimal impact with the Colonial Theatre responsible for any fees associated with the administrative process and boundary line adjustment.

October 12, 2020

Mayor George Hansel and City Council
City of Keene
3 Main Street
Keene, NH 03431

RE: Request for City of Keene land transfer

Dear Mayor Hansel,

The Colonial Theatre is embarking upon a renovation and addition to the Theatre located at 95 Main Street. The addition portion of the project occurs at the west side of the building and will abut City of Keene property in the Commercial Street lot as shown on the attached document.

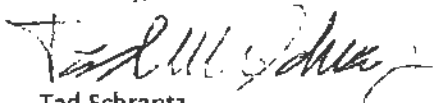
The exterior face of the proposed addition is intended to be constructed to the property line as allowed in the Central Business District. As a result of the design and in order to accomplish the construction of the addition, the below grade footings will encroach on City of Keene property.

The Colonial Theatre is requesting a transfer of land depicted in the attached document in order to be able to construct these footings and remove any conflict of land ownership associated with this construction. The total area included in this request is approximately three (3) feet from the face of the building along the north and west side of the addition for a total of approximately 375 square feet.

The Colonial Theatre is also requesting this transfer of land occur at a price of One Dollar (\$1.00) due the minimal impact and that the Colonial Theater will be responsible for any fees associated with the administrative process for the transfer of the land and the boundary line adjustment. It is requested that the City Manager be authorized to negotiate and finalize this requested agreement.

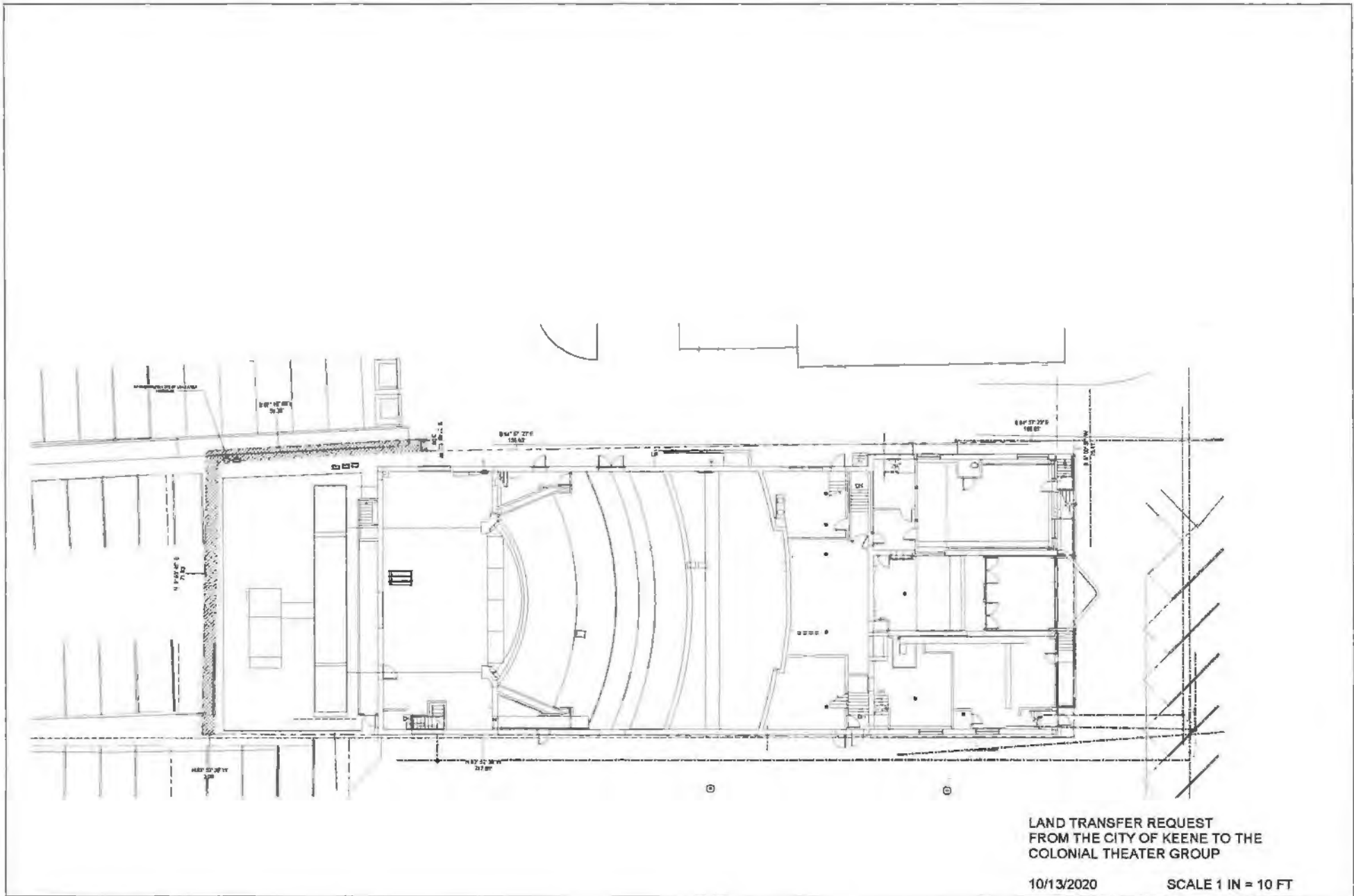
On behalf of the Colonial Theatre Group, I appreciate your consideration and look forward to your decision. Please let me know if you require any additional information regarding our request.

Sincerely,



Tad Schrantz
Design and Construction Committee Chair
The Colonial Theatre Group

C: Rhett Lamb-City of Keene
Mari Brunner-City of Keene
Alec Doyle-The Colonial Theatre Group
Charles Michal-Weller Michal Architects



LAND TRANSFER REQUEST
FROM THE CITY OF KEENE TO THE
COLONIAL THEATER GROUP

10/13/2020

SCALE 1 IN = 10 FT



City of Keene, N.H.
Transmittal Form

October 13, 2020

TO: Mayor and Keene City Council

FROM: Councilor Terry M. Clark

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: Councilor Clark - Workshop on City Council Goals

ATTACHMENTS:

Description

Communication_Clark

BACKGROUND:

Councilor Clark is requesting that a meeting of the City Council be scheduled for the purpose of establishing City Council Goals as guidance for the 2020-2021 fiscal year budget.



Terry M. Clark

City Councilor, Ward 3

October 13, 2020

To Mayor and Council,

Re: Council Goals

In order to give guidance to the City Manager in time for the 2021-22 fiscal year budget, I request that a date be set for a meeting to establish Council Goals in the form of a Committee of the Whole at the soonest possible time..

Thank you,

Terry M. Clark
Keene City Councilor
Ward 3
14 Barrett Ave.
Keene, NH 03431
(603)661-8347



City of Keene, N.H.
Transmittal Form

October 13, 2020

TO: Mayor and Keene City Council

FROM: David C. Richards

THROUGH: Patricia A. Little, City Clerk

ITEM: C.3.

SUBJECT: David Richards - Resignation from College City Commission

ATTACHMENTS:

Description

Communication_Richards

BACKGROUND:

David Richards has submitted his resignation as a member of the College City Commission. Mr. Richards has served on the Commission since February 2019.

To:

The Mayor and City Council of Keene

It is with regret that I must resign from the College City Commission

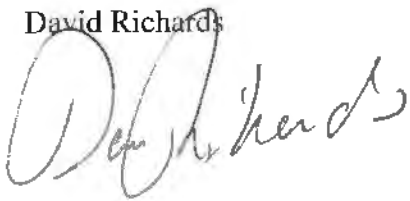
I have taken a new position at my work place and my new duties make it impossible for me to attend.

I would like to thank Mayor's Lane and Hansel for the opportunity they provided me as I believe we had many successes on the committee.

I would like also to thank Councilor Phil Jones and Director Rhett Lamb for their guidance and support.

Thank you.

David Richards

A handwritten signature in cursive script that reads "David Richards". The signature is written in dark ink and is positioned below the printed name.

10/1/2020



City of Keene, N.H.
Transmittal Form

October 7, 2020

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.1.

SUBJECT: Trax Club – Request to Use City Property – Railroad Square

RECOMMENDATION:

By a vote of 5-0, the Planning, Licenses, and Development Committee reported this item out as informational.

BACKGROUND:

Chair Bosley asked City Manager Elizabeth Dragon to speak. The City Manager stated that Mr. Humphrey purchased the former Scores restaurant, which is now the Trax Club. She continued that he had initially requested use of City property for an outdoor patio. Staff met with Mr. Humphrey a couple times onsite; there were concerns about drainage. They asked him to send his application. The City did not receive an application from him and this agenda item has been on more time since then. Outdoor dining season is ending, so they are looking to report this out. Mr. Humphrey is welcome to make the request again next year.

Chair Bosley asked if committee members had questions. Hearing none, she asked for a motion.

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

By a vote of 5-0, the Planning, Licenses, and Development Committee reported this item out as informational.



City of Keene, N.H.
Transmittal Form

October 7, 2020

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.2.

SUBJECT: Firstlight Fiber Request to Install Conduit in the Arch Street Right-of-way – City Engineer

RECOMMENDATION:

By a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a revocable license agreement with TVC Albany, Inc., D/B/A Firstlight Fiber for the installation of conduit, cabling and associated appurtenances (licensed property) within the Arch Street Right-of-Way, subject to the following conditions:

- 1. The Licensed area shall be in the approximate location between two existing Consolidated Communications poles (Nos 134 & 30/36), with final locations to be approved by the Public Works Director.*
- 2. Licensee is responsible for all costs associated with the installation, maintenance or repair of licensed property and the restoration of any area(s) which may be disturbed to the satisfaction of the City.*
- 3. Licensee shall coordinate with and obtain approval from the New Hampshire Department of Transportation (NHDOT), Bureau of Rails, for the placement of equipment within the former railroad corridor. Any fees imposed by the NHDOT will be paid by the Licensee.*
- 4. Licensee is required to obtain all required Federal, State and local permits, including but not limited to a City excavation permit, prior to performing any work.*
- 5. Licensee shall be required to obtain an encumbrance or excavation permit from the City of Keene prior when performing any construction activity, maintenance tasks or accessing the licensed property in such a way that will obstruct public use of the right of way.*
- 6. If the City requires the licensed property to be relocated or removed for any reason, Licensee shall perform such work and the cost of this work is the responsibility of the Licensee.*
- 7. Licensee is responsible for the payment of any properly assessed real property or personal property taxes associated with its use and occupancy of the right-of-way in accordance with RSA 72:23, I (b), when due, failing which this license may be terminated.*
- 8. Licensee agrees to allow any third-party to co-locate their cabling and equipment within the licensed property. Licensee shall be entitled to collect usual and customary lease fees from any such third party.*

9. Licensee agrees to allow the Licensor to co-locate cabling and equipment within the licensed property and shall reserve not less than one (1) innerduct for such use. The Licensee will not be entitled to any lease fee or use charges as a result of such use by the Licensor.

10. Licensee agrees to indemnify, defend, and hold the City, its officers, officials, agents, employees, successors and assigns (collectively "City"), harmless from and against any claims, costs, losses, damages, causes of action, personal injuries, property damage (including any damage to the Premises), legal and administrative proceedings, liabilities, defenses, penalties, fines, liens, judgments, and expenses (including all costs, attorney(s)' fees and related expenses), whether at law or in equity relating to or arising from the use of the Premises by Licensee. Licensee shall hold the City harmless for any claim, demand, cost or expense arising from or related to the licensed property, including but not limited to any damage to the licensed property whether caused by the City or by any third party.

11. In any action brought by the City to enforce the terms of this License, the City shall be entitled to recover its costs, expenses, and reasonable attorney(s)' fees from Licensee. The terms stated at paragraph 9 shall survive the termination of this License.

12. Licensor may terminate this license for any reason upon ninety (90) days' prior written notice to Licensee. Licensee shall remove the licensed property and restore any disturbed areas to the satisfaction of the City within thirty (30) days of such termination.

BACKGROUND:

Chair Bosley asked for Public Works Director Kurt Blomquist to speak. Mr. Blomquist stated that the City has received a request for installation of conduit on Arch St. in the area of the Arch St. bridge, from Firstlight. He continued that this evening William Gray is here to talk about the project and proposal. The reason the request is before the City Council: Firstlight is not a regulated utility. Therefore Staff cannot issue the license for use of right-of-way. The City Council is the authorizing authority.

William Gray from Firstlight Fiber stated that he is the Outside Plant Construction Manager for Vermont, and he has been tasked with a fiber optic project as Firstlight is extending its network from Brattleboro, VT to Keene, NH, for redundancy and low latency network for one of their customers. Firstlight has applied to attach to all the Eversource poles and they are waiting for the pole survey date. Firstlight planned its route and there is one spot on Arch St. that will require underground, going under the arch itself. Firstlight is requesting to be able to directionally drill a two-inch conduit 600 feet from pole to pole to go underground under the rail trail arch. Then they will hook back up to the network on West Hill Rd. to complete the new connection to their network.

Councilor Greenwald asked Mr. Blomquist if there are any issues to discuss, such as anything potentially negative to the City, or should the PLD Committee just move this along? Will this affect having more fiber optic connections to citizens? Mr. Blomquist replied that he will let Firstlight talk about whether any additional folks could take advantage of their extension of the fiber optics. He continued that at this point there is no negative to the city. The license that Staff recommends they issue is similar to the one on Main St.; in general, it would require Firstlight to relocate their facilities if the City ever needs to do a project that that would require that, and to provide space for the City's use, and to allow a third party to utilize their duct bank, if there is a third party that would like to go underneath the Arch St. bridge at this particular location. Councilor Greenwald replied that his questions are answered and he is ready to vote.

Councilor Jones stated that there have been times when other people have been digging trenches to put in their equipment and he wonders if this a good time for the City to put in its conduit for future broadband, while Firstlight is already digging the trench. Mr. Blomquist replied that this is not a trench installation; it is directional boring. They will be drilling a hole through the ground from one side of the bridge to the other. He continued

that there is not necessarily space to drop another conduit into it. But part of the license would require Firstlight to allow a third party to co-locate cable and equipment within the licensed property. And they are being required to provide a conduit there for the City, for City purposes.

Mr. Gray stated that if Mr. Blomquist is saying the City will have Firstlight put a spare duct under the bridge for them, Firstlight can definitely do that. Mr. Blomquist replied yes, that is what the City Engineer has put in the license agreement.

Chair Bosley asked if committee members had more questions. She asked if there were questions from members of the public.

The City Manager stated that a Councilor asked if this would bring additional opportunities to residents in the area to connect. She continued that Mr. Gray talked about how the project will provide redundancy to one customer. She asked if this project will expand fiber availability to others in this area. Mr. Gray replied yes, it will. He continued that at this time this is a business-only company, but he heard her talk about a fiber to the home project, and Firstlight is also a company that could supply the raw bandwidth for companies that were doing a fiber to the home presence. Chair Bosley asked if business customers in the Arch St. area could access these services. Mr. Gray replied yes.

Chair Bosley asked if committee members had more questions. Hearing none, she asked for a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Workman.

By a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a revocable license agreement with TVC Albany, Inc., D/B/A Firstlight Fiber for the installation of conduit, cabling and associated appurtenances (licensed property) within the Arch Street Right-of-Way, subject to the following conditions:

- 1. The Licensed area shall be in the approximate location between two existing Consolidated Communications poles (Nos 134 & 30/36), with final locations to be approved by the Public Works Director.*
- 2. Licensee is responsible for all costs associated with the installation, maintenance or repair of licensed property and the restoration of any area(s) which may be disturbed to the satisfaction of the City.*
- 3. Licensee shall coordinate with and obtain approval from the New Hampshire Department of Transportation (NHDOT), Bureau of Rails, for the placement of equipment within the former railroad corridor. Any fees imposed by the NHDOT will be paid by the Licensee.*
- 4. Licensee is required to obtain all required Federal, State and local permits, including but not limited to a City excavation permit, prior to performing any work.*
- 5. Licensee shall be required to obtain an encumbrance or excavation permit from the City of Keene prior when performing any construction activity, maintenance tasks or accessing the licensed property in such a way that will obstruct public use of the right of way.*
- 6. If the City requires the licensed property to be relocated or removed for any reason, Licensee shall perform such work and the cost of this work is the responsibility of the Licensee.*
- 7. Licensee is responsible for the payment of any properly assessed real property or personal property taxes associated with its use and occupancy of the right-of-way in accordance with RSA 72:23, I (b), when due, failing which this license may be terminated.*

8. Licensee agrees to allow any third-party to co-locate their cabling and equipment within the licensed property. Licensee shall be entitled to collect usual and customary lease fees from any such third party.

9. Licensee agrees to allow the Licensor to co-locate cabling and equipment within the licensed property and shall reserve not less than one (1) innerduct for such use. The Licensee will not be entitled to any lease fee or use charges as a result of such use by the Licensor.

10. Licensee agrees to indemnify, defend, and hold the City, its officers, officials, agents, employees, successors and assigns (collectively "City"), harmless from and against any claims, costs, losses, damages, causes of action, personal injuries, property damage (including any damage to the Premises), legal and administrative proceedings, liabilities, defenses, penalties, fines, liens, judgments, and expenses (including all costs, attorney(s)' fees and related expenses), whether at law or in equity relating to or arising from the use of the Premises by Licensee. Licensee shall hold the City harmless for any claim, demand, cost or expense arising from or related to the licensed property, including but not limited to any damage to the licensed property whether caused by the City or by any third party.

11. In any action brought by the City to enforce the terms of this License, the City shall be entitled to recover its costs, expenses, and reasonable attorney(s)' fees from Licensee. The terms stated at paragraph 9 shall survive the termination of this License.

12. Licensor may terminate this license for any reason upon ninety (90) days' prior written notice to Licensee. Licensee shall remove the licensed property and restore any disturbed areas to the satisfaction of the City within thirty (30) days of such termination.



City of Keene, N.H.
Transmittal Form

October 7, 2020

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.3.

SUBJECT: Social Host Ordinance – 2nd Draft

RECOMMENDATION:

By a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the City Manager be directed to submit the draft Social Host ordinance as a proposed Ordinance for further consideration and discussion by the City Council.

BACKGROUND:

Chair Bosley asked to hear from City Attorney Tom Mullins. The City Attorney stated that he listened to all of the comments at the last meeting, from the committee and the public, and made changes. Committee members have a copy of this second draft, and the changes are in red. The changes also reflect internal conversations with Staff.

The City Attorney stated that in the “Definitions” section, 66-156, there is a change reflecting the conversation that was had about the definition of “common area.” He continued that he took language from the condominium statute and adjusted it as necessary, so this ordinance now has a definition of “common area” and includes places where individuals can congregate. He also added a definition for “manager,” when he was going through this and noticed that that was not a defined term and it should have been.

He continued that Staff in the Code Department pointed out that residences are allowed in places other than just residential zoning districts, so he wanted to make sure he included those residences in the ordinance. Thus, the definition of “residential area” was updated to include that, to clarify that it is not just about residential use districts. He also updated the “unruly gathering” definition to reflect that clarification of “residential area.”

The City Attorney stated that Staff looked at and discussed Section 66-157 further and wanted to clarify it, so it [is titled] “Responsibilities of Hosts, Guests, Owners, or Managers of a Residence, Including Apartments and Apartment Complexes.” This was to make it clear that it is about apartment complexes, too, not just apartments.

He continued that regarding Section 66-158, “Notice of Unruly Gathering,” someone had pointed out that it needs to say that the notice given to an Owner about an Unruly Gathering needs to occur after subsequent offenses, too, not just the first offense, so he made that change. Another change was that the word “warning” was taken out, due to the Police Chief’s feedback about the “Penalty” section. The Police Chief may want to speak to this. It was determined that a written warning was not something they wanted to do when dealing with an unruly gathering. His understanding after talking with the Chief is that Officers will tell the people at the unruly gathering to stop anyway, but if they do not stop, there will be a penalty. The first offense is a \$300 fine to the host. There was discussion at the last meeting about possibly having multiple hosts but he and Staff

determined that that is unworkable, remembering that this is an Ordinance that applies throughout the city. If you went to a residence owned in common ownership, it would not be appropriate to serve the fine on both owners. So, he did not change that part.

The City Attorney continued that he made slight changes to the numbering of penalties. Then the final change was to make it clear that, as was discussed at the last meeting, the penalty follows the person served with the summons and does not run with the property. The individual is tracked for the year and it resets after a year.

The City Attorney stated that he would be glad to answer questions from the committee or public. He continued that he received some comments after the last meeting from members of the public.

The City Manager stated that in the agenda packet for PLD Committee members, she included a draft job description for the position that would be needed to create this program. She continued that the position would be 20-25 hours per week, and the cost would be split by the City and Keene State College (KSC).

Chair Bosley stated that before they get into questions from committee members, she has some “housekeeping items” she came up with while reading through this second draft. She continued that first is the definition of “Unruly Gathering” as “A gathering of five or more persons which is conducted on or within a Residence in a Residential Area.” She asked if, by adding “in a Residential Area,” they are saying that if there is a residence in a non-residential area, like a residence in a commercial area/downtown, this Ordinance does not apply. The City Attorney replied that it would apply. He continued that that was the need for the definition – “Residential Area” is now a defined term. The original definition of “Residential Area” said “within any residential zoning district.” The Community Development Director pointed out to him that you can have residences in areas that are not specifically residential districts, and the Ordinance had to capture those.

Chair Bosley asked, regarding 66-159 – “Penalty” – (a) “First Offense” says “A fine of \$300 to be served on the Host, or served on any Person committing a violation of this Ordinance who continues to do so after a verbal warning to the Person...” and asked if that language should still be in there or if it should be stricken. The City Attorney replied that that language does not need to be stricken. He continued that the idea was that an individual person who refuses to leave from the unruly gathering is still subject to the potential penalty, although that is certainly up to the committee.

Chair Bosley asked if that means the Police will not be giving written or verbal warnings, but the first offense will be a fine. The City Attorney replied unless you are the person attending the party and the Officer tells you to leave. They have the opportunity to leave. It is after the Officer has given that verbal warning and the person does not leave that the fine is associated with it.

Chair Bosley stated that on the next page, under (c) “Third and subsequent offenses,” it says, “...one year from the date of the service of a written warning...” The City Attorney replied that he thought that he had stricken all instances of the words “written warning” in this draft, but Chair Bosley found one that he missed, and he will remove it.

Councilor Greenwald asked about a hypothetical situation in which Police respond to an unruly gathering at a four-bedroom apartment. Tenant A comes to the door and is given the summons. Police come back an hour later. Tenant A is gone, and Tenant B is pushed to the forefront and is given the summons. An hour later, same thing, Tenant B is gone, and Tenant C comes to the door. He asked how they deal with a situation like that. He continued that secondly, he has real concern with the Police actually doing the reporting and controlling this.

His experience is that an Officer is on duty until such-and-such a time at night, then he is off and someone else is on, then he is on days, and so on and so forth, and it is confusing and there is communication missing. He feels similarly to Councilor Jones. He does not think they need another employee. They need the Police doing this job as a priority. Back in the day, landlords used to get reports daily about bad behavior. If the Police

make it a priority to report back, this could work.

The City Manager stated that in response to Councilor Greenwald's second question, this proposed position is a non-sworn one. She continued that it would be an administrative person who works the day hours. With the shortage of Police Officers, she would not be comfortable taking a Police Officer off the street to do this type of administrative follow-up. This administrative position would do the follow-up with landlords, the tracking of all of the offenses, the follow-up with the college and the City, and mediate any issues. She feels strongly that the City and college need this position and she would not try to put this on a Police Officer.

Police Chief Steven Russo stated that regarding Councilor Greenwald's first question, that scenario is one he brought up with the City Attorney, for that exact reason. He continued that the solution is for the Police to break up the party, which they can now legally do if it is deemed an unruly gathering. If the Officer comes back and the party is happening again and the same scenario comes into play, that may very well happen. They would not have a copy of the lease or know who lives at the residence. Regarding the letters Councilor Greenwald is talking about that used to go out 20 years ago, those were sent by a person in a position that no longer exists. That is why they want this part-time position (to accompany the Ordinance), so they can run this program properly and do the proper notification to the people who want to be notified, among a whole bunch of other things.

Councilor Greenwald asked the City Attorney about how to deal with the multiple potential tenants within one apartment. The City Attorney replied that the Ordinance is written to follow an individual host or an individual person. He continued that if a Police Officer needs to return to the same residence/unruly gathering and the original person who was served the summons is gone, the next person would get served with the penalty as a first offense, because that individual had not yet been served. That is the only way to really handle that.

Chair Bosley asked if, in that scenario, it would be the second offense for all of the attendees. The City Attorney replied for the people there who had not left after the initial warning, right, they would all be subject to receiving a fine, potentially.

Councilor Greenwald stated that ultimately he wants this Ordinance to happen, so he is not going to nit-pick the "what if?"s. He wants to move it along and get it adopted.

The Police Chief stated that in regards to Councilor Greenwald's comments, the KPD's Report Management system can track this, so when a Police Officer runs a person they will know if they have gotten a warning before or not. He continued that he is glad the City Attorney qualified that "potentially" the attendees of the unruly gatherings would be given a fine, because if there are, say, 40 people at a party, the Officer is not going to know everyone's names, and if they return to the same party two hours later, they will not necessarily know who was there before. They will pretty much concentrate on the host or anyone else engaging in illegal activity. That is the reality of any law enforcement.

Councilor Workman stated that her question is about the penalties and removing "written warning" – could Chief Russo elaborate on the reasoning for that? Chief Russo stated that no other warnings are built into a City Ordinance or State statute, to his knowledge. He continued that the KPD felt that if someone is having an unruly gathering, by definition the person is in violation of two or more City Ordinances, [so why would] they issue a warning? Because if the Police come for a noise complaint, there is zero tolerance, and the person is going to get a City Ordinance violation the first time. It did not make sense to only issue a warning to a person committing two or more City Ordinance violations at once.

Councilor Jones stated that he has been following this Ordinance since its inception – he is the ex-officio member of the City/College Commission, and this originally came up at a subcommittee on housing. He continued that they were told that there were too many people getting involved and they did not want to violate RSA 91-A so they told the petitioners to take it on themselves and send it on. Thus, he is very familiar with

this. However, he still thinks the personnel Staff wants to hire is a duplication of what Robin Picard and the Police Liaison Officer are already doing. He does not see why they need another position. It is a simple Ordinance. The Police reply to a complaint, and when they get there, they either issue a summons or they do not, and then it is over with. Why would they need someone else doing this?

The City Manager replied that this is person who would be administering the program; it is a completely new job; it is not what people are already doing. She continued that the person would track the violations and follow up and do the outreach to the property owners. It is brand new and not work that the City does now. Ms. Picard works for the college and does some outreach work in the neighborhoods, but [the work that the new position will do] is nothing that Ms. Picard does, and Ms. Picard is not tied to the City's database. Regarding the work that Officer Bomberg does, he is out at night policing the neighborhoods, and she thinks it is important that he continue that. She does not see bringing him back in in the morning after working a later night shift, to come in and handle the administrative work. She is concerned that there is going to be a lot of expectations of this program, and if the City does not allocate the resources she does not think it will be successful. They already have concerns about notifications now because that position was eliminated some time ago, and landlords want these notifications and follow-up. In order to do that, they need to have the staff to do it. She understands Councilor Jones's concerns. This is a part-time position that would not have benefits associated with it. She ran some numbers to see what it might cost. She is thinking that between the City and the college, if they each pay \$15,000 to \$20,000, it is worth it to her, if they are going to invest in a new Ordinance and want it to be successful.

Chair Bosley asked if this person would also be contacting landlords of non-college-related housing. The City Manager replied yes, any landlords of any tenant who receives a violation. She continued that there are noise complaints in the City that are not related to the college; there are other issues. There would be additional follow-up if they received a Social Host Ordinance violation.

Councilor Johnsen asked if there needs to be a separate motion, to have this part-time position, since there is so much question about it. Is this a separate issue that would be part of this document? The City Manager replied that tonight they are still just talking about a draft; they have not moved to an actual Ordinance. She continued that if this moves forward and the City Council is interested in doing this, she would put the adoption of the Ordinance and the approval of the part-time position (shared with the college) together. She would rather have the position than the Ordinance, and believes she would be more successful with the administrative position and the follow-up than with the Ordinance, but the Ordinance is another tool. She thinks that with the Ordinance and the position together, it gives them the better chance of the outcomes they are looking for.

The Police Chief stated that he would encourage people to look at this as a program, not just an Ordinance. He continued that there is so much more that they might be able to develop out of this with the contact working with the College Liaison Officer. The City Manager is correct that Officer Bomberg needs to spend more time doing the actual Police work on the college areas, and the coordination he does and the mentoring of college students and many other things. That College Liaison Officer could work hand in hand with the person who occupies this new position. They could extend it to notifications to homeowners of all kinds of things that occur. It is everywhere. If they have to send a letter to a house regarding people that are not the owner, who the owner is has to be researched; the KPD would not have that information that same night. They cannot call someone out and arrest them and ask as they are hauling them out, "By the way, do you own this house?" That is something that needs to be done the next morning. Once they coordinate with Assessing Department and determine the property owner, they contact that property owner with a letter or a phone call if they are local. They are modeling a lot of this off of San Marcos, Texas, which is what the neighborhood groups put forth, and that is how they built their program; it is a program, not just an Ordinance.

Councilor Greenwald asked if the direction of the motion is to present the Ordinance to City Council, or is there is a proposal for a new position, which will need funding?

The City Attorney stated that he understands the City Manager's position about this and agrees with it, and agrees with the Police Chief that this is a program. He continued that his concern is that the specific position was not on the PLD Committee's agenda to be considered tonight. Right now, all the PLD Committee is considering is whether to direct the City Manager to put this in Ordinance form and proceed with it at that point. He suggests they do that. Then the City Manager can put into the City Council next week for the same consideration, a request for this position and the Social Host Ordinance and the two can proceed together. That way all of the members of the City Council have the opportunity, either at the City Council meeting or at a committee meeting, to have the discussion with respect to the program. He would be concerned about moving forward with both of them tonight when the full City Council has not been alerted to the fact that the discussion was going to happen.

Councilor Greenwald stated that he spoke with a constituent who has concerns that this not drag on, because they are coming up to the Thanksgiving break, and it would be great to have this in place. He continued that he realizes that the funding for the position is more of a Finance, Organization, and Personnel (FOP) Committee issue, but he is puzzled about the timing and how they will get this together. He leaves that to the City Manager and The City Attorney to figure that out. He just wants this to move along. It is long overdue and they finally have something that is workable, and palatable to the landlords, residents, and tenants. He sort of agrees with Councilor Jones that the person working for the college probably could handle a lot of this, but he does not want to get hung up on minutiae; he wants to get this program enacted.

The City Attorney stated that procedurally, the timing that the City Manager is proposing still works. He continued that what would happen is: assuming that tonight the PLD Committee recommends that Staff submit an Ordinance with a number to the City Council next week, it would come back to the PLD Committee the following week, or at least this piece of it would, and the PLD Committee would make its recommendation and the City Council would be ready to act at its next meeting. So this would not take weeks and weeks.

Chair Bosley asked for public comment.

Tim Zinn, of 43 Grove St., stated that he wants to thank everyone for the hard work put in so far. He continued that it shows, and it is exciting to see that what the neighborhood group worked on is getting some meat on its bones. He realizes that given COVID-19, budgets are a legitimate concern, but there are cost savings that other communities informed them about this with program. Chief Russo calling it a "program" is a great point. They are looking to change the culture, and change things for the long term. San Marcos was able to save 3,000 police hours – they are a city of 60,000 people, which is three times bigger than Keene, but that is a significant amount of police hours that could be dedicated elsewhere. That is just one aspect. They are trying to make neighborhoods more livable and inviting to families. There are many benefits to this that will more than pay back whatever the position might cost.

Mr. Zinn stated that he has three bullet points, taken from other communities' programs, which might add to the discussion. He does not know if they are feasible in Keene or not, but they are worth throwing out there. One is the idea that they want landlords involved but there are some landlords that do not respond to nudging to get involved in this process. Eugene, Oregon mentioned that landlord involvement is a huge part of solving the problem. There are actually fines for landlords who do not become actively involved. Eugene only asks landlords to do what is legal and reasonable, but for the landlords who do not want to be proactive and get involved there are fines. They consist of straight-out fines or "response costs." If it takes five officers an hour to break up a party, tax-payers might get reimbursed for those hours. In his opinion that should be reimbursed by a host, not a landlord. But there is the penalty incentive for non-cooperative landlords. That is a discussion worth having.

He continued that the second idea is response costs. He does not know if it is feasible in the "Live Free or Die" state, but it is a topic worth exploring. The idea is that the host not only could be fined but could be held responsible for response costs, if it takes EMS and Police three hours to break up a huge party, it adds another

layer of deterrence and accountability to reimburse tax-payers. They might want to look at this.

Mr. Zinn continued that third, it is important to have an arbitration clause so everyone can feel like it is not the final word and there is an option to discuss this further with whoever the administrator might be. That is another aspect that the neighborhood group, in its research, found to be important.

Councilor Jones stated that Mr. Zinn brought something to his attention that he has been waiting to hear – whenever they look at additional expenses he always looks at return on investment. He would like to hear from the City Manager about whether they would be getting a return on investment with this. The City Manager replied that that is really hard question to answer. She continued that the goal is to reduce this type of behavior, and if they are successful, over time there will be less calls to the KPD, but it is difficult to quantify that or say how long it might take before they start to make a change in behavior. She does think there is potential to reduce costs over time if behavior improves. Councilor Jones replied that was the answer he was looking for.

Chair Bosley asked if there were more questions from members of the public. Hearing none, she stated that she does not think Mr. Zinn's ideas are not worth exploring, but she has heard a lot of conversations about how this type of Ordinance has tried to make its way through the process in the past and has not been successful and there were a lot of people who had already had the wind taken out of their sails and they were not sure if it was even worth putting the effort into. She thinks that if they make this overly complicated that might happen again, and right now they have a really great jumping off point. She would like them to take that into consideration before they attempt to start reaching into different methods of reimbursements and going after landlords. Going after the hosts is really important. If that is not effective and they get feedback from this new position that they think having the landlords more involved is important, in the future they could look at that. For now she thinks the meat of this Ordinance is really smart.

Pete Moran, of 38 Myrtle St., thanked everyone for their exceptional work. He continued that he appreciates the wonderful respect of Chief Russo. Through this whole process, he, his wife, and Chief Russo had some wonderful conversations and Chief Russo always offered very different thought than what he might have had, but what it came down to is the KPD are going to be the ones making sure this is successful, out on the streets. He appreciates the KPD's work, in conjunction with that of the City Attorney and everyone else. He feels good about this and is very optimistic. He thinks the timeline is excellent.

Chair Bosley agreed that a lot of hard work has gone into this. She stated that the neighborhood should be very proud of the fact that they have been able to put this Ordinance together. It is very smart.

Mr. Zinn thanked Chair Bosley for her comments. He stated that he agrees about not wanting to derail this with minutiae. What was important to him is having the points on the record. They can revisit things if needed. Ordinances are not written in stone and they might be able to tweak this down the road if needed. His comments on the record could be referred to down the road if needed. Chair Bosley replied that she does think it is important for the neighborhood group to follow along and see how effective this Ordinance/program is, if it makes it through City Council. It would be important for Mr. Zinn and the neighbors to reach back out to the City Council if they feel something is not working.

Councilor Jones stated that he wants to say that yes, he wants this Ordinance, and he would like to see it codified and agendized for the next meeting. He continued that he is stating his opinion now because he does not know if he will have cellular service at the time of the PLD Committee's vote on a motion.

Councilor Johnsen stated that after listening to Mr. Zinn, she agrees. She would like to think of this as a living document. It is not cast in stone. It has a lot of meat to it, and this is a first step. She really supports that it is a living document that they can come back and add things to. Chair Bosley replied that she agrees.

Chair Bosley asked if there were more questions or comments from members of the public. Hearing none, she

asked for a motion.

Councilor Greenwald stated that he does not want to get mired down in minutiae, either. He continued that he was considering the idea of a sunset clause, but he will take it as a living document instead.

Councilor Greenwald made the following motion, which was seconded by Councilor Workman.

By a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the City Manager be directed to submit the draft Social Host ordinance as a proposed Ordinance for further consideration and discussion by the City Council.

Chair Bosley noted that Councilor Jones might not have cell service right now but given the comments he just made, they will count his vote in favor and the motion was passed unanimously.

Councilor Greenwald stated that he wants to thank the City Manager. He continued that he submitted a letter, asking for discussion of several items, and he wants to say thank you. Traditionally when a letter is submitted it can be accepted as informational, which is kind of a holding place, or referred to Staff, which is another holding place, but this letter actually got action. Everything he asked for discussion on has had discussion. And in reference to the broadband expansion, maybe his letter and the discussion might have motivated some action. And who knows, maybe Kingsbury might have some action. He thanks Staff and the City Manager. Chair Bosley replied that yes, it is important to not lose sight of these items as they live in this new virtual world. She is glad that he submitted the letter and glad that they got to have those discussion.



City of Keene, N.H.
Transmittal Form

October 8, 2020

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

SUBJECT: Request to Purchase City Property - Corner News - City Attorney

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute the sale of the land at 2 Gilbo Avenue to Roberta Mastrogiovanni, owner of the Corner News, upon the following conditions: obtaining a full market appraisal to establish value; obtaining a survey to establish existing conditions and a potential boundary line adjustment for some additional real property located behind the building; obtaining a façade easement; obtaining an Air Rights Lease for the overhang onto the City's right-of-way; obtaining a first right of refusal to the City if/when the buyer intends to sell the property.

BACKGROUND:

City Attorney Tom Mullins addressed the committee first and stated the owner of Corner News, Roberta Mastrogiovanni approached the City in 2019 regarding the purchase of land under this building. At that time the Council authorized the Manager to begin negotiations with Ms. Mastrogiovanni.

Attorney Mullins stated negotiation did take place but there were some questions regarding the sale as Ms. Mastrogiovanni was also looking to purchase land under the overhang towards the bike path. It has been since determined this portion of land was included in Federal funding provided to the City for the bike path, and as such, the City would be unable to sell this land. There is also land at the back of the site where electrical panels are located and this land will also not be included in the sale. Attorney Mullins stated at this point staff is recommending further negotiations continue regarding the recommendations placed before the council.

The recommendations are as follows:

- obtaining a full market appraisal to establish value – an appraisal has been provided to the city.
- The applicant would need to complete a survey to obtain a conditions plan as well as a survey for the rear portion should the Council determine some of that land could be included in the sale – this would require a lot line adjustment between the City and the applicant.
- obtaining a façade easement – as this is a building that fronts on Main Street and the City would like to maintain the character of the building.
- obtaining an Air Rights Lease for the overhang onto the City's right-of-way;
- obtaining a first right of refusal to the City if/when the buyer intends to sell the property.

Attorney Mullins noted the rental income on this property is approximately \$12,000 a year, property taxes are about \$2,400 and hence the decrease in revenue would be about \$9,600. If the City was to sell it for \$164,000 it will cover about 17 years of revenue at the \$9,600 rate. He added the property taxes will undoubtedly change based on the ultimate sale price of the property.

Councilor Clark clarified the language of the motion should say “negotiate and execute”. The Attorney agreed.

Councilor Ormerod asked whether the language in the Façade Easement and Air Rights Lease will subtract from the sale price. Attorney Mullins explained the Façade Easement runs with the property and added generally easements do have some impact on property values but felt in this case it would be minor and it is to maintain the current look of this building. The Air Rights Lease is different because it is for a period of time negotiated by staff.

Ms. Mastrogiovanni addressed the Committee next and stated she had met with staff today at the property and looked at what the borders would be at the rear of the property and she was in agreement to what was discussed. She stated maintaining the building in its historic state is her intention and stated she would like to acquire this property under reasonable terms.

Councilor Remy thanked the Attorney for bringing the financial information to the committee. He indicated his concern with the term “negotiate and execute” is that the committee will ultimately not be apprised of the sale price. What is being asked is to determine fair market value not where it needs to land against that value. He stated he was in favor of voting in favor but will do some research on it in time for the Council meeting.

Councilor Ormerod stated he too has the same concern that Councilor Remy has and would like to amend the language to read as just negotiate. Attorney Mullins advised because there is no motion on the floor as of yet, the committee could decide how they would like to craft the language or make the motion and suggestion an amendment.

Councilor Clark stated this is an item that has been discussed for the past year. The purpose of the sale is so that the applicant could apply for a mortgage to make improvements to the property and have more control over the land. The Councilor stated he was not in favor of an amendment and felt the Manager should be given authority to negotiate and execute the contract.

Chair Powers agreed this is an item the Council voted in favor of selling. He indicated the City has an independent appraisal which has been reviewed by the City Appraiser. The Chairman stated it is the majority vote of this committee as to what should be done.

Councilor Hooper stated he too agreed with Councilor Clark.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute the sale of the land at 2 Gilbo Avenue to Roberta Mastrogiovanni, owner of the Corner News, upon the following conditions: obtaining a full market appraisal to establish value;

obtaining a survey to establish existing conditions and a potential boundary line adjustment for some additional real property located behind the building; obtaining a façade easement; obtaining an Air Rights Lease for the overhang onto the City's right-of-way; obtaining a first right of refusal to the City if/when the buyer intends to sell the property.



City of Keene, N.H.
Transmittal Form

October 8, 2020

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.5.

SUBJECT: Winchester Street Reconstruction Project - Design Change Order - City Engineer

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a change order with McFarland Johnson for engineering and technical services associated with the Winchester Street Reconstruction Project, in an amount not to exceed \$18,971.70.

BACKGROUND:

City Engineer Don Lussier addressed the Committee next and stated he was happy to report the design for the Winchester Street reconstruction project is complete, and the bid documents are ready for submission. The plan is to advertise the project sometime in December. Mr. Lussier stated in the next few weeks utility work should be starting; Liberty Utilities will be relocating their infrastructure in anticipation of the project.

Mr. Lussier went on to say during the last year staff has been working on acquiring property rights needed for this project as the new roundabout is going to need more land. The project will impact 12 private properties along the corridor. Most of them are mostly minor – temporary construction access. Some are permanent property acquisition. Of the 12, nine are proceeding through negotiation and the City should have those resolved amicably.

Three of the properties, owned by two different owners are going to proceed through the eminent domain process. A public hearing on this issue is scheduled for November 5. One of these properties is the Sunoco Station at the corner of Winchester Street and Key Road and one of their concerns is the closing of one of three driveways that enter the property (northern entrance). As a solution, the City has offered an additional access on the southern property line known as Key Road extension. The property owner has agreed to this but the total value of the compensation is yet to be determined.

Mr. Lussier stated the change order before the Committee is to make this happen. He noted there will be a driveway closed, another one added and a change to circulation – all of this will require the Planning Board to review an amendment to the site plan. The recommended change order will provide a budget for the City's consultant to prepare a Site Plan modification for the impacted parcel and present the application to the Planning Board. The consultant will also update the project documents to reflect these changes for project bidding.

Mr. Lussier went on to say this project is being funded through the NH Transportation Federal Highway Funds (80%) and 20% local match. The City's cost of this change order would be about \$3,800. This concluded Mr. Lussier's comments.

Councilor Hooper asked if the gas station was to get this new entrance then there would be no need for the eminent domain process. Mr. Lussier stated that is not the case, the gas station has been very clear that they want this to be part of the compensation package but they do not believe it is the sum total of the package. Their belief is that the closure of the northern driveway is much more valuable than the proposed addition and are looking at much more as far as compensation – this will go through the eminent domain process. Councilor Hooper felt the City was being accommodating of this abutter but if eminent domain was the process that needed to be followed, then so be it.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a change order with McFarland Johnson for engineering and technical services associated with the Winchester Street Reconstruction Project, in an amount not to exceed \$18,971.70.



City of Keene, N.H.
Transmittal Form

October 7, 2020

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: H.1.

SUBJECT: Heather Servant – In Support of Lower Speed Limits on Eastern Avenue

RECOMMENDATION:

On a vote of 5 -0, the Municipal Services, Facilities and Infrastructure Committee recommended that the petition to lower the speed limit on Eastern Avenue be placed on more time for one meeting cycle.

BACKGROUND:

Chair Manwaring welcomed this petition's organizer, Heather Servant of Eastern Avenue, on behalf of her neighbors. Ms. Servant stated that 30 miles per hour (mph) is too fast a speed limit on Eastern Avenue. She said there are many families living on the street with young children, including herself. The speed limit on Eastern Avenue is not safe for kids, with there being little to no space between the street and front yards in this area as well as few sidewalks. She explained that where there are sidewalks, many parts are cracking or impassible with a stroller, causing her to walk with kids in the street, which is unsafe due to the speeding and road conditions. Ms. Servant explained that Eastern Avenue is used in conjunction with South Lincoln Street to bypass downtown or other areas. She said the neighbors request that the City lower the speed limit on Eastern Avenue and not only install lower speed signs, but to ensure reliable police enforcement of that limit. Additionally, infrastructure is needed to keep the neighborhood safe, including sidewalks on both sides to narrow the road as a natural solution to speeding and/or speed tables. While she knows that infrastructure is expensive, Ms. Servant thinks this work should be a priority in 2021, before an injury or death results as has happened elsewhere in the City. She said the City can and should protect its residents, and that as Keene continues expanding, consideration should be given to all those who have been here throughout the growth.

Chair Manwaring asked whether Ms. Servant observed increased traffic on Eastern Avenue with the Marlboro Street construction this past summer. Ms. Servant said yes and her neighbors concurred that with various road construction over time, such as on Water Street, people have realized that Eastern Avenue is a good alternate route to avoid downtown.

Councilor Williams said that Eastern Avenue is the best route from his house to go south and agreed that the neighborhood has been impacted by recent nearby construction. He said he has been more cautious on the street since seeing this petition and he hopes all citizens will be more conscientious throughout Keene. The Councilor said this is a case where the neighbors face a burden placed on them both from surrounding neighborhoods as well as economic development to the south. While economic development is great, Councilor Williams said not when at the expense of neighborhoods. He recognized the problem and it concerned him.

Chair Manwaring welcomed Police Chief, Steve Russo, who agreed that Eastern Avenue is a main arterial thoroughway and that Marlboro Street being under construction probably increased traffic for that duration. Regardless, he said conditions are always changing and data is needed to demonstrate the current problem. As

such, the City's trailers that flash speed at drivers had been placed non-flashing for one week leading up to this meeting to collect data. That data had not yet been sorted at the time of this meeting but the data would be reviewed to identify the times of day that there is the most traffic and/or speeding so that directed police patrols can occur for some time. He continued data from those patrols can help guide future education, enforcement, and a long-term Public Works plan. After directed patrols, the speed trailers would be placed on Eastern Avenue again, but this time flashing speed at drivers. While Chief Russo said that data from four years ago on Eastern Avenue demonstrated that speed was not a problem, he said there are many new factors warranting updated data.

Chair Manwaring welcomed the Public Works Director, Kürt Blomquist, who asked Ms. Servant to call his office and speak with himself or the Office Manager, Maria, to tell them particular sections of the sidewalk where she must exit into the street so he can alert the Highway Division to spot repair before leaf collection/winter.

The Public Works Director continued showing varied photos of the 6/10-mile long Eastern Avenue – between Water and Marlboro Streets – which was constructed in 1869 as a connector from the east to the north/south. There has been discussion about a Victoria Street extension to help relieve some of the commercial vehicles using Eastern Avenue and other surrounding areas. The right-of-way on Eastern Avenue is only 50 feet, which is uncommon in the area but due to the road being physically closer to the east side of the right-of-way because the west side slopes upward, causing many homes/yards to be very close to the sidewalk or street. On some parts of Eastern Avenue, the edge of houses directly abut the public right-of-way. The Public Works Director continued saying that the City Engineer, Don Lussier, determined that to overlay the existing sidewalk on Eastern Avenue would cost approximately \$88,000. There is no curbing between the street and sidewalk along much of the roadway due to the aforementioned sloping and very limited drainage, and so rain water is allowed to sheet-flow off the street. Therefore, to construct a new sidewalk on Eastern Avenue built to the City's five-foot wide standard with curbing and drainage, the cost would be approximately \$320,000. The Public Works Director said that both approaches and budget figures are within the Capital Improvement Program (CIP) range allotted for such projects, should the Council choose to direct funds toward this issue. Other options to address this concern on Eastern Avenue include speed tables, but he used Victoria Street as an example of speed tables increasing neighborhood noise from commercial vehicles, making it hard to locate the infrastructure in residential neighborhoods. He said the Public Works Department needs time to decide how to best manage the street. Finally, the Public Works Director recalled that Councilor Kate Bosley asked Staff to look at speed City-wide and in February 2020. In response, the City Council asked Staff to develop a conceptual plan to reconsider speed limits throughout the City. Due to Covid-19, coordinating all of the City departments to develop such a plan has been challenging, and so Staff plans to return to the project this fall/early winter and to return to the Council with a possible speed program in March/April 2021.

Councilor Filiault said that if the criteria for moving forward with projects is waiting for Covid-19 to end, then projects could be on hold a long time. Like many things, he said Councilor Bosley's request was placed on more time, which Councilor Filiault called the "black hole of no return." He cited precedent for lowering speed limits throughout the City, such as Stonehouse Lane. He wanted to see the speed limit lowered on Eastern Avenue in the short-term instead of waiting on the possibility of sidewalk construction. Councilor Filiault said he has family living on Eastern Avenue whose dog ran recently into the street and was killed. Without clearance between front yards and the street, he said that could have easily been a child running into the street and a driver would have little opportunity for reaction time. He said Ms. Servant's letter was extensive and he agreed with the entirety but knew from his time on Council that getting sidewalks repaired/constructed is a challenge. He suggested taking Ms. Servant's letter one item at a time and said the fastest remedy is to lower the speed limit to 25mph because many people default to 5mph over the speed limit and because of the high use of Eastern Avenue. He appreciated Chief Russo wanting a few more weeks to review the newest data, to which Councilor Filiault was amenable, but he was not comfortable placing this item on more time indefinitely.

Vice Chair Giacomo agreed with Councilor Filiault and the petitioners, as he grew up playing on Eastern

Avenue and knows how fast it can feel when a car passes. He recalled the discussion during Councilor Bosley's proposal that the closer you are to the road the faster a passing car looks and feels. Vice Chair Giacomo lives on a similar street without curbing between the sidewalk and street, and he said it does feel uncomfortably close to a passing vehicle. He asked whether there is a stipulation for some study before lowering a speed limit or whether the Council could lower the speed limit on Eastern Avenue by edict immediately. Per NH statute, the Public Works Director said the lowest speed allowed for an urban street is 25mph but modifying that speed requires an engineering/traffic study to justify the lowering; Chief Russo agreed.

The City Manager, Elizabeth Dragon, clarified that the overall speed study is not on hold waiting for Covid-19 to end, but rather that in addition to the pandemic, Staff had to keep addressing many other City priorities, like the Community Development Department's Land Use Code Update project, which was prioritized before the speed study. She agreed with the Public Works Director that Eastern Avenue needed to be analyzed before lowering the speed and she also agreed with Councilor Filiault not wanting this entire issue placed on more time. She agreed that the sidewalk portion of this request would remain likely on more time because it would be a part of the CIP and budget consideration. She thought the next step of directed police patrols Chief Russo explained would make more difference than changing the speed limit. She said in the short-term, the process Police Russo explained would move forward.

Councilor Williams said there are other means of traffic calming in addition to speed limits and asked if collapsible pylons could visually narrow the roadway encouraging slower speed; he asked if adding white painted lines to the street sides could do the same. He noted that when he walked Eastern Avenue he noticed that where cracks in the road were sealed with tar in recently, that application did not continue onto the sidewalks, contributing to their quicker deterioration and the need to walk in the roadway. The Public Works Director replied that edge striping has been used in the City in the past to visually narrow roadways and he said Eastern Avenue would benefit from defined edges, though the City does not have the necessary equipment in-house and therefore the effort would occur as a part of City-wide line painting in 2021. He said the collapsible pylons mentioned work well temporarily as evidenced in the Maple Acres area but said they get damaged quickly, in part due to winter, and so costs rise quickly for replacing them.

Councilor Chadbourne said she walks along Eastern Avenue and said speeds are always fast, regardless of the Marlboro Street construction. She agreed that walking there feels unprotected and very close to the roadway because the sidewalk is so low and crumbling. She agreed with not wanting this entire matter placed on more time without a deadline to return with Chief Russo's data. She heard all the short-term solutions listed but stated she still wanted to lower the speed limit to 25mph and she supported the white edge lines as soon as possible, neither of which require long-term planning costing the hundreds of thousands.

Councilor Filiault agreed that of course police enforcement of the speed limit is needed but said that resident's comments from Stonehouse Lane lauded the positive benefits of lowering the speed to 25mph, stating that it even slowed those who do not speed intentionally. Lowering the speed could help rectify some of the problems on Eastern Avenue. He supported Chief Russo wanting two more weeks to analyze the data but Councilor Filiault said he intended in two weeks to make a motion to lower the speed on Eastern Avenue to 25mph and the rest could be considered down the road.

Ms. Servant agreed with the short-term plan and thanked all for their respect, concern, and support.

Vice Chair Giacomo moved to place the petition In Support of Lower Speed Limits on Eastern Avenue on more time for one meeting cycle, which Councilor Filiault seconded.

On a vote of 5 -0, the Municipal Services, Facilities and Infrastructure Committee recommended that the petition to lower the speed limit on Eastern Avenue be placed on more time for one meeting cycle.

Chair Manwaring noted that she forgot to open this matter for public comment and so she urged any member of

the public wishing to comment to email their City Councilor or the City Clerk and assured those comments would be reviewed first at the next public meeting.



City of Keene, N.H.
Transmittal Form

October 7, 2020

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: H.2.

SUBJECT: Colonial Theater Group, Inc. – Petition for Discontinuance R-2020-38

RECOMMENDATION:

On a vote of 5 -0, the Municipal Services, Facilities and Infrastructure Committee recommended that Resolution R-2020-38 be placed on more time to allow the site visit and public hearing to occur.

BACKGROUND:

Chair Manwaring welcomed the Public Works Director, Kürt Blomquist, who said this petition is in connection with the Colonial Theater Group, Inc. expansion of the Colonial Theater. He recalled that the Council laid-out the Commercial Street parking lot in 1969 as a public way with a Resolution for certain designations of that layout. As a result of property owners not wanting their properties in that layout, in 1970, the Council attempted to pass a Resolution to undo that 1969 action but the law was not followed properly to do so and therefore, the 1969 Resolution remains. He recalled the Hamblet's coming forward in 2019 with a similar discontinuance request for their property. In this instance, the Colonial Theater Group needs a discontinuance to build an addition over the top of that public way. The Mayor scheduled site visits for this matter first to Winchester Street and then to the Commercial Street parking lot on November 5 at 5:15 PM and a public hearing on November 10 at 7:10 PM. The Public Works Director recommended placing this item on more time until after the site visits and public hearing.

Vice Chair Giacomo moved to recommend placing the Petition for Discontinuance R-2020-38 on more time to allow for a site visit and public hearing to occur, which Councilor Chadbourne seconded.

On a vote of 5 -0, the Municipal Services, Facilities and Infrastructure Committee recommended that Resolution R-2020-38 be placed on more time to allow the site visit and public hearing to occur.



City of Keene, N.H.
Transmittal Form

October 13, 2020

TO: Mayor and Keene City Council

FROM: Tara Kessler, Senior Planner

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: I.1.

SUBJECT: City of Keene Land Development Code and Downtown Zoning Update

RECOMMENDATION:

That ordinances O-2020-10 and O-2020-11 relating to the Land Development Code and changes to downtown zoning districts be referred to the Planning Licenses and Development (PLD) Committee, and the Joint Committee of the Planning Board and PLD for a public workshop.

ATTACHMENTS:

Description

O-2020-10 Application Form

O-2020-10 Related to City of Keene Land Development Code

O-2020-10 Summary Document of LDC

O-2020-11 Application Form

O-2020-11 Relating to Changes to Zoning Map

O-2020-11 Maps

BACKGROUND:

Ordinances O-2020-10 and O-2020-11 relate to the establishment of the City of Keene Land Development Code and changes to the City's downtown zoning districts. These ordinances represent a multi-year effort through the Building Better Together initiative to create a regulatory process that is more simple, efficient, and thoughtful, and were identified as a priority strategy in the City's Comprehensive Master Plan and Comprehensive Economic Development Plan.

The Land Development Code unites the City's regulations related to land use and development, which are currently located in many different documents/sections of regulations, into one code that is easier to understand and navigate. In addition, this code incorporates a more streamlined format, graphics, and tables to enhance readability. A more detailed summary of the changes proposed in this Land Development Code is included in the attached document "Summary Document of LDC - Oct 2020."

The full text of the Land Development Code is available at www.keenebuildingbetter.com, and via the following link (due to size constraints it was not possible to attach this document):

https://6e24e34f-bed6-4534-94d4-6e180a2f4f39.filesusr.com/ugd/dde330_901a43b5fe694b13853e975af0ef86bb.pdf

In addition to a reorganization of the regulations, the Land Development Code and Ordinance O-2020-11 proposes to update the City's zoning districts in the downtown by replacing the Central Business District and Central Business Limited Districts with six new zoning districts (*Downtown Core, Downtown Growth, Downtown Limited, Downtown Edge, Downtown Transition, Downtown Institutional Campus*). These districts are proposed to encourage new development that is either compatible with the existing form and pattern of the built environment in the downtown or is guiding development in a manner consistent with the objectives of the City's Comprehensive Master Plan and other established community goals. The attached maps show both the existing zoning in the downtown, the areas subject to change with this ordinance, and the proposed zoning changes in the downtown.

Throughout the development of the proposed Land Development Code and downtown zoning update, City staff worked closely with the Joint Committee of the Planning Board and Planning Licenses Committee, the development community, community stakeholders, and the general public to share and test information on proposed changes and solicit feedback and comments. There was extensive public outreach and engagement conducted through all phases of this project, including the more recent public release of a preliminary draft Land Development Code, for which City staff conducted a series of public meetings and information sessions as well as collected numerous public comments. Based on the feedback received on this preliminary draft, City staff have made edits to the Land Development Code, which is incorporated in O-2020-10.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner City of Keene Community Development Dept Date 10/12/20

Address 3 Washington St, Keene, NH 03431

Telephone () 603-352-5440 Email: tkessler@ci.keene.nh.us

Existing Section Reference in Chapter 102, Zoning Ordinance See O-2020-10

Does the amendment change the existing "Minimum Lot Size" Yes No

Does the amendment change the existing "Permitted Uses" Yes No

Brief Description of Proposed Change Ordinance O-2020-10 is a proposal to replace Chapters 54, 70, 102, and sections of Chapter 18 of the City Code of Ordinances with the City of Keene, NH Land Development Code. This Code includes the City's Zoning Regulations, Subdivision Regulations, Site Plan Review Regulations, Historic District Regulations, Floodplain Regulations, Public Infrastructure Standards, Earth Excavation Regulations, and associated application and review procedures.

Aria Kessler
Petitioner's Signature

Submittal Requirements which must be complete at the time of submission to the City Clerk.

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
- A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- \$100.00 application fee.
- As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district, and such change includes 100 or fewer properties, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. If the proposed amendment changes the boundary of a zoning district, the Petitioner shall submit a notarized list of all property owners within the zoning district directly affected by the proposed boundary line change, and of all property owners outside of the zoning district that abut the proposed boundary line change.

- The list shall include the tax map number and address of each abutter or owner, and must be current with the Assessing Department's records within ten days of submittal. Two sets of mailing labels shall be provided.

Date Received by City Clerk _____ Fee Received \$ _____

Ordinance # O-2020-10 _____ On City Council agenda _____

Workshop to be held _____ Public Hearing to be held _____

The petitioner is also responsible for the publication costs for the workshop and hearing notice. The Keene Sentinel will bill for the publication cost if the petitioner has an account with them. If the petitioner does not have an account, \$90.00 will be collected to cover the cost of the public hearing notice. Additional costs will be collected by the Planning Department for the publication of the public workshop notice.



CITY OF KEENE

Ordinance O-2020-10

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

Relating to City of Keene Land Development Code

AN ORDINANCE

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

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. Add Chapter 100, "Land Development Code" to the Code of Ordinances, which shall read as presented in the attached document entitled, City of Keene, New Hampshire Land Development Code dated October 2020. This draft document contains amended versions of the City's Zoning Regulations, Subdivision Regulations, Site Plan Regulations, Historic District Regulations, Floodplain Regulations, Public Improvement Standards (referred to as Public Infrastructure Standards), Earth Excavation Regulations, and all related application and review procedures.
2. Remove the following sections of the Code of Ordinances in their entirety.
 - a. Chapter 18. Article V. "Historic Districts"
 - b. Chapter 34. "Environment"
 - c. Chapter 46. Article X. "Lodginghouses"
 - d. Chapter 54. "Natural Resources"
 - e. Chapter 70. "Public Improvement Standards"
 - f. Chapter 102. "Zoning"
 - g. Appendix B. Fee Schedule. Chapter 54. "Natural Resources". Article II. "Floodplain"
 - h. Appendix B. Fee Schedule. Chapter 54. "Natural Resources". Article III. "Land Filling and Excavation"
 - i. Appendix B. Fee Schedule. Chapter 70. "Public Improvement Standards"
 - j. Appendix B. Fee Schedule. Chapter 74. "Sign Code"
 - k. Appendix B. Fee Schedule. Chapter 102. "Zoning"
3. Delete the stricken text and add the bolded underlined text in the following sections of the Code of Ordinances.
 - a. Chapter 18. "Building Regulations." Article I. "In General." Sec. 18-2. "Definitions."

*"Lodginghouse shall mean any dwelling for ~~more than four~~ **between 5 and 16** unrelated **natural** persons, which ~~lets~~ **provides separate rooms for** sleeping accommodations **for a fee** ~~for a transient or permanent basis~~, without personal care services, ~~with or without meals, but~~ **and** without separate cooking facilities for individual occupants. **A lodginghouse may include separate living quarters for an on-site property manager.** For purposes of this **article**, the term lodginghouse shall not include a hotel or motel."*

- b. Chapter 18. Article III. "Property and Housing Standards." Section 18-259. "Sanitary Facilities."

*"(4) Sanitary facilities, shared facilities—Lodging-House **Congregate Living Uses**. At least one water closet, lavatory, and bathtub or shower shall be provided for all ~~lodginghouses~~ **congregate living uses, as defined in Chapter 100, Article 8 in the City Code of Ordinances**, for up to four rooms used as bedrooms. All such facilities shall be located within the building housing the sleeping rooms. Said facilities shall be accessible from a common hall, passageway, or a room used in common (lounge) and shall be not more than one story removed from any persons sharing such facilities. Such facilities shall not be located in a basement."*

- c. Chapter 18. Article III. "Property and Housing Standards." Section 18-307. "Determination of the housing standards enforcement officer; issuance of orders, posting of placards."

*"(c) Any dwelling, dwelling unit or ~~lodginghouse~~ **congregate living use as defined in Chapter 100, Article 8 of the City Code of Ordinances**, which has been determined unfit for human habitation and which has been placarded as such by the housing standards enforcement officer shall be vacated within a reasonable time as required by the housing officer. No owner shall rent to any person for human habitation, and no person shall occupy, any dwelling or dwelling unit which has been determined unfit for human habitation and which has been placarded by the housing officer after the date which the officer has required the dwelling or dwelling unit to be vacated."*

- d. Chapter 46. Article I. "In General." Section 46-1. "Definitions."

~~"Lodginghouse means any dwelling for more than four persons, which lets sleeping accommodations for a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants. For purposes of this article the term lodging house shall not include a hotel or motel."~~

- e. Chapter 46. Article II. "Licensing Generally." Section 46-63. "Designated licensing officials."

Lodging house	City council
<u>Congregate Living and Social Services</u>	<u>City Council</u>

- f. Appendix B. "Fee Schedule." Chapter 46. "Licenses and Permits."

*"\$46-593. ~~Lodginghouse license fee.....165.00~~ **\$46-569. Congregate Living and Social Services license fee.....\$165.00**"*

- 4. Add the following language to Chapter 2, Article 5 "Boards and Commissions", Division 15

"Planning Board," relating to the powers of the Planning Board with respect to establishing a Minor Project Review Committee.

“(37) [*The Planning Board shall*] have the authority to delegate its site review powers and duties in regard to minor site plans to a committee of technically qualified administrators chosen by the Planning Board from the departments of public works, community development, or other similar departments in the City, in accordance with NH RSA 674:43(III). The process and procedures for this committee, which shall be known as the Minor Project Review Committee, are set forth herein in Article 25 of Chapter 100 of the City Code of Ordinances.”

5. Replace Chapter 46. Article X. “Lodginghouses” with the full text included below.

“ARTICLE X. CONGREGATE LIVING AND SOCIAL SERVICES LICENSE

Sec. 46-561. - Applicability.

From and after the effective date of the ordinance from which this Article derives no person shall keep, permit or suffer to exist any of the following congregate living or social services uses as defined in Chapter 100, Article 8 of the City Code of Ordinances without first having obtained a congregate living and social services license from the licensing authority for each property location.

- a) Drug Treatment Clinic
- b) Group Home, Large
- c) Group Home, Small
- d) Fraternity/Sorority
- e) Group Resource Center
- f) Homeless Shelter
- g) Lodginghouse
- h) Residential Care Facility
- i) Residential Drug/Alcohol Treatment Facility

Sec. 46-562. - Application and License Renewal Requirements.

In addition to the application requirements of Division 4 of this Chapter, the following information shall be required of an applicant for a congregate living and social services license and may be used by the licensing authority in evaluation of an application and annual renewal for such license.

1. Description of the property location including street address and tax map parcel number.
2. Description of the client population to be served, including a description of the services provided to the clients or residents of the facility and of any support or personal care services provided on- or off-site.
3. Description of the size and intensity of the facility, including information about: the number of occupants, including residents, clients, staff, visitors, etc.; maximum number of beds or persons that may be served by the facility; hours of operation; size and scale of buildings or structures on the site; and size of outdoor areas associated with the use.
4. For congregate living uses, the average length of stay for residents/occupants of the facility.
5. Name, phone number, and address of the property owner.
6. Name, phone number, and address of a person acting as the operator, if not the owner, who will serve as a point of 24-hour contact for the public and the City.
7. Evidence that all required licenses, permits or authority to operate have been obtained.
8. An Operations and Management Plan, which shall be based on industry standard “Best Management Practices”, and, at a minimum, shall address the following.

- a. A security plan that includes provisions for onsite security including lighting, security cameras, and/or other measures appropriate to provide for adequate health and safety of clients and management.
- b. A life safety plan that demonstrates compliance with the State Minimum Building Code and Fire Codes.
- c. Staff training and procedures plan.
- d. Health and safety plan.
- e. An emergency response plan that establishes procedures for addressing emergency situations and for coordinating with local emergency service providers.
- f. A neighborhood relations plan that includes provisions for communicating with adjacent property owners and the City of Keene, including the Keene Police Department.
- g. Building and site maintenance procedures.
- h. In addition to the materials listed above, homeless shelters shall be required to submit the following information as part of an Operations and Management Plan.
 - i. Rules of conduct and registration system for guests, including procedures for screening registered sex offenders and for separating individual guests and families with children.
 - ii. Policies and procedures for denying access to the homeless shelter when at maximum capacity or the determination that a person is unsuited for the facility, and how the immediate sheltering needs of individuals who may be turned away from the shelter will be handled.

Sec. 46-563. - Compliance.

1. Prior to the issuance of an initial license, and prior to the reissuance of an annual license, all appropriate City enforcement officers shall make or cause to be made an inspection to determine if all applicable laws, ordinances, codes, permits, rules and regulations have been complied with, including but not limited to applicable operations and management plans submitted by the applicant as part of their license application.
2. The licensing authority shall either grant or to deny the license application within 30 calendar days of the receipt of the application. The licensing authority shall provide notice of its decision on the application in writing to the applicant.
 - a. In the event that the application is denied, the licensing authority shall provide a written statement to the applicant stating the specific reasons for the denial.
3. Any person aggrieved by the decision of the licensing authority to issue or to deny a license may appeal such decision as provided in Section 46-94 of the City Code of Ordinances.

Sec. 46-564. - Expiration.

Each congregate living and social services license issued under this Article shall expire on July 1 of the year subsequent to its issuance date notwithstanding the date of the initial issuance. No postponements of the expiration date shall be granted except for good cause shown and as determined by the licensing authority; provided that the license has been applied for prior to the annual expiration date.

Sec. 46-565. - Display.

Any congregate living and social services license issued pursuant to this Article shall be displayed in a prominent place on the exterior ground floor near the front door of the building.

Sec. 46-566. - Suspension or Revocation.

1. A congregate living and social services license may be suspended for a stated period of time for cause, or revoked for cause, by the licensing authority on complaint of one of the City's enforcement officers, stating the specific basis for the suspension or revocation, the necessary corrective action to be taken, and the effective date of the suspension or revocation for non-compliance.
 - a. Notice shall be sufficient if sent by certified mail to the property owner and to the operator of the facility at the addresses listed on the license application form.
2. A congregate living and social services license may be suspended immediately if the licensing authority determines that immediate suspension is required to protect public health or safety.
3. Any suspension or revocation may be appealed as provided by Section 46-94 of the City Code of Ordinances.

Sec. 46-567. - Enforcement.

For the purposes of this Article, the licensing authority shall be the City of Keene City Council. Where compliance with zoning, building, plumbing, electrical and housing codes may be concerned, the enforcement officer shall be the Building and Health Official, and where fire and life safety codes may be concerned, the enforcement officer shall be the Fire Chief.

Sec. 46-568. - Penalties.

Any person who operates a congregate living or social services use as listed in Section 46-561 of this Article without having first obtained a congregate living and social services license in accordance with this Article, or who operates such a use without a valid license, shall be subject to a violation in accordance with City Code, Section 1-15 and subject to a fine of \$250.00.

Sec. 46-569. - Fee.

The fee for each congregate living and social services license application shall be as set forth in the schedule of fees in Appendix B of the City Code of Ordinances.

Secs. 46-570 - 46-620. - Reserved."

6. Add to Appendix B of the City Code of Ordinances, “Chapter 100. Land Development Code (LDC) Fee Schedule,” which shall read as follows.

“Chapter 100. Land Development Code (LDC) Fee Schedule

§14.3 Sustainable Energy Efficient Development Overlay District Incentive Application Fee.....	\$100.00
§22.4 Service Connection Permit	
Engineering Inspection Fees.....	\$55.00 per hour
Residential, Institutional or Commercial Building Service Connection Permit.....	\$15.00
Industrial Building Service Connection Permit.....	\$30.00
§25.3 Zoning Text or Zoning Map Amendment	
Application Fee.....	\$100.00
Published Public Notice Fee.....	\$90.00
§25.4 Land Development Code Amendment	
Application Fee.....	\$100.00
Published Public Notice Fee.....	\$90.00
§25.5 Zoning Variance	
Application Fee.....	\$100.00
§25.6 Zoning Special Exception	
Application Fee.....	\$100.00
§25.7 Expansion or Enlargement of a Nonconforming Use	
Application Fee.....	\$100.00
§25.8 Equitable Waiver of Zoning Dimensional Requirements	
Application Fee.....	\$100.00
§25.9 Zoning Administrator Written Interpretation	
Application Fee.....	\$125.00
§25.10 Subdivision Review	
Subdivision Application Fee.....	\$200.00 + \$100.00 per lot
Conservation Residential Development Subdivision Application Fee....	\$200.00 + \$100.00 per lot
Boundary Line Adjustment Application Fee.....	\$100.00 + \$20.00 per lot
Voluntary Merger Application Fee.....	\$100.00 + \$20.00 per lot
Request to extend expiration of conditionally approved subdivision.....	\$25.00 for 1st request, \$50 for each request thereafter
§25.11 Planning Board Advice and Comment	
Application Fee.....	\$25.00
§25.12 Site Plan Review	
Major Site Plan Application Fee.....	\$250.00 + \$0.05 per sf gross floor area of new construction

Minor Site Plan Application Fee.....	\$250.00 + \$0.05 per sf gross floor area of new construction
Request to modify an approved site plan.....	\$250.00 + \$0.05 per sf gross floor area of new construction
Request to extend expiration of conditionally approved site plan.....	\$25.00 for 1st request, \$50 for each request thereafter

§25.13 Administrative Planning Review

Review Fee.....	\$125.00
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§25.14 Conditional Use Permit (CUP)

Telecommunications CUP Application Fee.....	\$300.00
Hillside Protection CUP Application Fee.....	\$100.00
Surface Water Protection CUP Application Fee.....	\$100.00
Congregate Living and Social Services CUP Application Fee.....	\$100.00
Solar Energy System CUP Application Fee.....	\$100.00

§25.15 Historic District Certificate of Appropriateness (COA)

Major Project Application Fee.....	\$50.00
Minor Project Application Fee.....	\$25.00
Request to modify an approved Major Project COA.....	\$50.00

§25.16 Street Access Permit

Application Fee.....	\$50.00
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§25.17 Floodplain Development Permit

Floodplain Development Permit Application Fee.....	\$50.00 + \$100 per acre (or portion thereof) of special flood hazard area proposed to be altered
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§25.18 Sign Permit

Applications with a total project cost of \$5,000 or greater).....	\$100.00 + \$10.00 per \$1,000 of total project value
Applications with a total project value less than \$5,000.....	\$100.00

§25.19 Earth Excavation Permit

Application Fee.....	\$50.00
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Mailed Public Notice:

Postage for Certified mail.....	Current USPS certified mail rate
Postage for First Class mail.....	Current USPS First Class mail rate

Published Notice (*unless otherwise specified in this Land Development Code Fee Schedule, the published public notice fee shall be as specified below*):

Printing fee for legal advertisement in newspaper.....	\$25
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Recording Fee:
Recording Fee.....Current Cheshire County Registry of Deeds Fee, Including LCHIP fee”

George S. Hansel, Mayor

CITY OF KEENE, NH LAND DEVELOPMENT CODE

CHANGE SUMMARY



Overview of major changes proposed to Keene's land use regulations in O-2020-10 & O-2020-11 related to the establishment of a Land Development Code and changes to downtown zoning districts.



BACKGROUND

Purpose

This Land Development Code (LDC) is a major component of the Building Better Together project (keenebuildingbetter.com), which aims to provide a simpler and more intuitive roadmap for development to occur in the City of Keene. Guided by the principles below, the LDC is a reorganization and consolidation of the City's regulations related to the use and development of land.



SIMPLE.

Updated regulations will be easy to navigate and will include graphics to outline a clear process, from start to finish.



EFFICIENT.

The updated structure will be more streamlined, making the review and approval process clearer and easier to administer.



THOUGHTFUL.

This update will help guide us into the future, while protecting the crucial elements that make Keene a great place to live, work and play.

What's Included?

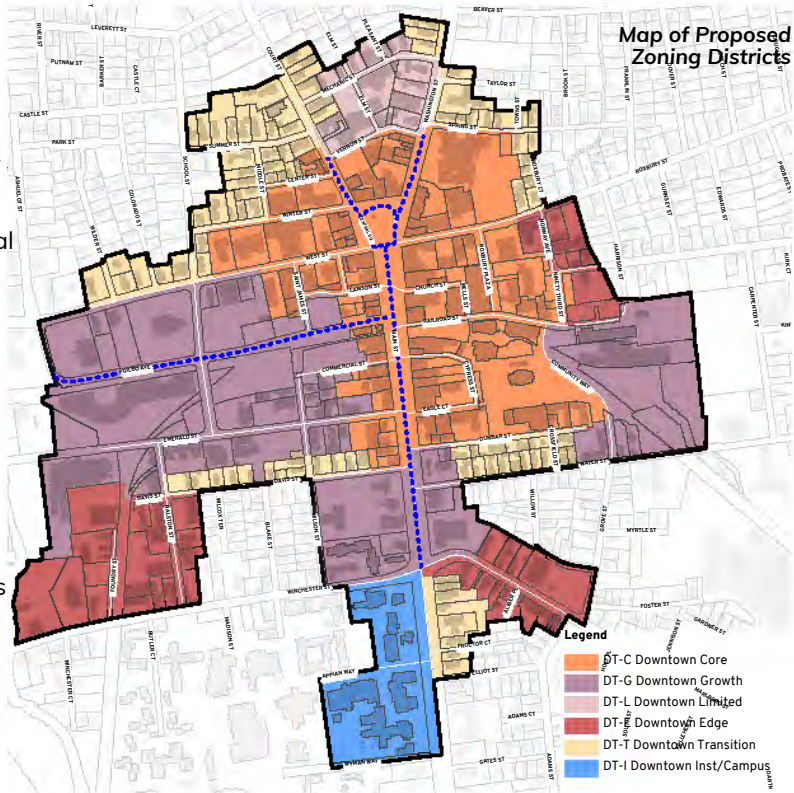
The regulations that are incorporated into this LDC include:

- Planning Board Site Plan & Subdivision Regulations
- Planning Board Development Standards
- Downtown Historic District Regulations
- Chapter 102 (Zoning), Chapter 54 (Natural Resources) & Chapter 70 (Public Improvement Standards) of the City Code of Ordinances

Downtown Zoning Update

In addition to a reorganization of regulations, this LDC proposes to update/modernize Keene's downtown zoning by replacing the Central Business and Central Business Limited Zoning Districts with 6 new downtown zoning districts (See Map to Right).

These districts were established to encourage new development that is either compatible with the existing form and pattern of the built environment, or is guiding development in a manner consistent with the objectives of the City's Comprehensive Master Plan and other established community goals.



REVIEW OF MAJOR CHANGES

This Summary Document provides a high-level overview of the changes proposed in each Article of the LDC. More information is available at: www.keenebuildingbetter.com.

Article 1. Introductory Provisions

- This Article establishes the title, purpose, applicability, rules of interpretation and measurement for the entire LDC.
- Unlike the current zoning regulations, this section provides guidance for how to measure or interpret dimensional standards and terms (e.g. setbacks, area, lot coverage, height, etc.). This Article includes graphics to illustrate these measurements in a visual format.
- There are new terms included in the measurements section related to the proposed Downtown Zoning Districts (e.g. *Built-to Zone*, *Build-to Percentage*, *Transparency*, *Stepback*, *Optional Corner Tower Element*).

Article 2. Establishment of Zoning Regulations & Map

- This Article identifies the City's 24 zoning districts, that serve as the City's "underlying" or "base" zoning districts, as well as the City's official zoning map. Eighteen of these districts are existing, and six are newly proposed for areas of the downtown.
- This Article also lists the City's Overlay Zoning Districts, which are listed in Table 2-2.
- Table 2-1 of this Article groups these zoning districts into 5 categories (*Residential*, *Downtown*, *Commercial*, *Industrial*, *Special Purpose*) for simplicity. The current zoning regulations make reference to some of these categories; however, they are never defined. This table, is an effort to provide greater clarity as to which districts are "residential zoning districts," and so on.
- The current zoning regulations reference 2 zoning districts that do not exist on the official zoning map (*Conservation Residential Development and Industrial Park Limited*). These districts are not included in this draft LDC.

- There are 6 proposed downtown zoning districts (*Downtown Core*, *Downtown Growth*, *Downtown Limited*, *Downtown Edge*, *Downtown Transition*, *Downtown Institutional Campus*), which are described in Article 4. The Central Business and Central Business Limited Districts, are proposed to be replaced by some of these downtown districts, and are not included in this draft LDC. O-2020-11 provides a detailed description of the parcels subject to change zoning districts.
- The Overlay Districts that are included in Table 2-2 are existing; however, this draft LDC proposes to remove the existing Gilbo Ave Design Overlay District and the Downtown Railroad Property Redevelopment District, and to modify the SEED Overlay District. O-2020-11 describes the parcels proposed to be removed from the SEED Overlay District. In general, these overlay districts are outdated and have not been recently applied. The proposed changes to the downtown zoning districts incorporate many of the previously established goals of these overlay districts.

Article 3. Residential Zoning Districts

- This Article provides the purpose, dimensional standards, and permitted uses for each of the residential zoning districts (*Rural*, *Residential Preservation*, *Low Density-1*, *Low Density*, *Medium Density*, *High Density*, *High Density-1*).
- Unlike the current Zoning Regulations, all of the zoning district specific information for each district is included in one place in this draft LDC. This statement applies to Articles 4 – 7 as well.

Article 4. Downtown Zoning Districts

- This Article describes the 6 proposed zoning districts that are specific to the downtown area. The proposed purpose, permitted uses, and dimensional standards of each district are included.
- These districts were developed following an analysis of the existing site conditions and development pattern of the downtown.

Article 5. Commercial Zoning Districts

- This Article provides the purpose, dimensional standards, and permitted uses for each of the commercial zoning districts (*Commerce, Commerce Limited, Business Growth & Reuse, Neighborhood Business, Office*).

Article 6. Industrial Zoning Districts

- This Article provides the purpose, dimensional standards, and permitted uses for each of the industrial zoning districts (*Corporate Park, Industrial, Industrial Limited*).

Article 7. Special Purpose Zoning Districts

- This Article provides the purpose, dimensional standards, and permitted uses for each of the special purpose zoning districts (*Regional Health Care, Conservation, Agriculture*).

Article 8. Permitted Uses

- This Article includes Table 8-1, which lists all of the permitted principal uses by zoning district. It is a quick reference guide for anyone seeking to identify where certain uses are allowed in the City. Currently, permitted uses are included in the district sections of the Zoning Regulations. There is inconsistency among the terms for uses in these sections, and this LDC attempts to correct this problem.
- This LDC proposes to allow for multiple principal uses on any lot in the City (*i.e. mixed uses*), with the exception of lots in residential zoning districts, as long as each use is permitted in the zoning district per Table 8-1.
- This LDC provides criteria for the Zoning Administrator to use in making a determination of whether a use, which is not listed in Table 8-1, would be permitted in a zoning district. Although the Zoning Administrator makes similar determinations today, there are no criteria in the current Zoning Regulations for making such decisions.
- Section 8.3 lists the definitions of all permitted uses in Table 8-1, and includes any use limitations associated with a permitted use. An

example of a use limitation is the requirement that any multifamily dwelling in the Medium Density District be limited to 3 units.

- This LDC proposes the introduction of new uses (*e.g. art gallery, cultural facility, event venue, bar, solar energy system, etc.*), and the replacement of certain uses (*e.g. assembling, historic site, institutional use*) with broader terms (*e.g. "industrial, heavy" instead of "rendering plant", "asphalt plant", "tannery", etc.*) or, in some instances, with more specific terms (*e.g. replacing "institutional use" with "community center", "cultural facility", "place of worship", etc.*).
- This LDC proposes minor modifications to the permitted uses in districts across the City.
- Significant changes to uses proposed in this LDC are the introduction of congregate living and social services uses (*listed in Table 8-1 and defined in Section 8.3.4*) and the introduction of small, medium, and large scale solar energy systems as permitted uses. Many of the proposed congregate living and social services uses and solar energy system uses would be permitted in certain districts by a Conditional Use Permit (CUP) issued by the Planning Board. Articles 15 and 16 address the CUP criteria for these proposed uses.
- Section 8.4 includes guidance for the allowance of accessory uses on lots in the City. Currently, the Zoning Regulations state that accessory uses are permitted in all zoning districts but may not exceed 25% of the total ground floor area of the main structure. This LDC removes this limit, and replaces it with criteria that address the nature of the accessory use or structure and its relationship with the primary use or building.

Article 9. Parking & Driveways

- This Article consolidates the requirements related to on-site parking spaces, lots, and areas, including driveways, into one section. Today, parking requirements span numerous regulations and sections of City Code.
- Table 9-1 in this draft LDC provides a ratio of the minimum number of parking spaces on a

site (off-street) required for each permitted use included in the draft. The current Zoning Regulations include minimum parking requirements that are outdated and do not align consistently with the permitted uses.

- The minimum requirements proposed in Table 9-1 were developed with consideration for local land uses and parking demand; however, national standards such as the ITE Parking Generation Manual were also consulted.
- Currently, no on-site parking is required in the Central Business District. As this LDC proposes to replace the Central Business District with new downtown districts, staff worked with a traffic planning consultant to evaluate the potential land use impacts for either expanding or reducing the geographic areas where this exemption from having to provide on-site parking is allowed. Based on the consultant's recommendations, this LDC proposes to allow for the exemption from requiring on-site parking in the Downtown Core, Downtown Growth, and Downtown Limited Districts. This proposal would be an expansion of the area served by public parking from the present Central Business District. However, residential uses would be required to provide 1 parking space on-site for every dwelling unit.
- As the lots and uses of land in the City can vary significantly, and the goals of the Comprehensive Master Plan are to promote alternative modes of transport and infill development, this LDC proposes the option for a reduction in the minimum on-site parking requirements. Following the criteria established in Section 9.2.7, a reduction of up to 10% of these minimum parking requirements may be requested from the Zoning Administrator, and a reduction of up to 50% may be requested from the Zoning Board of Adjustment.
- This LDC proposes to increase the distance allowed for remote/off-site parking from 300-ft to 1,000-ft.
- This Article proposes general design standards for parking lots in the City, as well as specific

location and screening requirements for parking located on lots in the downtown zoning districts in Table 9-4. The proposed parking lot screening requirements in Section 9.4.4 is a revision of the existing standards, which are included in both the Zoning Regulations and in the Planning Board Regulations.

Article 10. Sign Regulations

- This Article reorganizes and reformats the sign regulations, which are in the Zoning Regulations, to be easier to understand. Graphics are included to display sign measurements and the various sign types.
- This draft addresses sign regulations for the proposed downtown zoning districts.

Article 11. Surface Water Protection Overlay District

- This existing overlay zoning district establishes a surface water protection buffer that places limitations on the types of activities that would be permitted within either 30-ft or 75-ft of a surface water (including wetlands, rivers, lakes, vernal pools, etc) depending on the zoning district. Certain activities would require approval in the form of a Conditional Use Permit from the Planning Board.
- This LDC allows the Planning Board to grant a reduction of the surface water buffer width from either 75-ft to 30-ft or 30-ft to 10-ft.
- This LDC removes the requirement that surface waters be deducted from the calculation of minimum lot size.

Article 12. Hillside Protection Overlay District

- Sections of the existing Hillside Protection Overlay District were reorganized in this LDC, and graphics are included in this Article.
- This LDC removes the requirement that all prohibitive slopes and 50% of precautionary slopes be deducted from calculating minimum lot size.

Article 13. Telecommunications Overlay District

- This Article includes updated language and standards for the Telecommunications Overlay District. The edits made to this section were intended to make these standards consistent with NH RSA 12-K and current federal regulations.

Article 14. SEED Overlay District

- This Article modifies the existing Sustainable Energy Efficient Design (SEED) Overlay District in response to the proposed changes to uses and dimensional requirements with the downtown zoning districts. The area of the existing SEED District is reduced significantly in this LDC.

Article 15. Congregate Living & Social Services Conditional Use Permit

- This Article proposes standards for the Planning Board in its review of conditional use permits for certain congregate living and social services uses, including domestic violence shelter, residential care facility, drug treatment clinic, lodginghouse, group home, fraternity/sorority, residential drug/alcohol treatment facility, homeless shelter, and group resource center.

Article 16. Solar Energy System Conditional Use Permit

- This Article proposes standards for the Planning Board in its review of conditional use permits for large- and medium-scale, ground-mounted solar energy systems.
- Small-scale solar energy systems, which occupy 2,000 sf of land area or less, would be allowed as a primary or accessory use in all zoning districts, and would not require a conditional use permit.
- Roof-mounted solar energy systems would be allowed as an accessory use in all zoning districts, without a conditional use permit, subject to certain conditions, which are listed in Section 8.4.2.F.

Article 17. Anti-Nuisance Standards

- Currently, this section is referred to as Site Impact Standards in the Zoning Regulations. This LDC renames these standards “Anti-Nuisance Standards.”
- This LDC proposes to change the noise limits from 70 dBA at the property line to the limits listed in Table 17-1 of this Article. This table proposes daytime and nighttime limits, as well as varying limits for residential zoning districts and all other zoning districts.

Article 18. Non-Conformities

- This Article addresses the rules for expanding or enlarging a legally nonconforming use or structure, or changing a nonconforming use to another use. This LDC proposes minor modifications to the existing language in the Zoning Regulations for nonconformities, and includes standards for addressing nonconforming lots.

Article 19. Subdivision Regulations

- Currently, all subdivisions need to comply with the Planning Board’s Development Standards and there are not specific standards for subdivision review. This LDC includes standards for subdivisions specifically.
- The regulations related to conservation residential development subdivisions are consolidated in this Article, and were updated to include a more streamlined application/review process, to provide more flexible dimensional requirements, and to increase the density allowed in these types of subdivisions. Currently, regulations for this type of subdivision are in the Zoning Ordinance and in the Planning Board Site Plan and Subdivision Regulations.

Article 20. Site Development Standards

- This LDC removes development standards that are addressed by other regulations (e.g. *Floodplains*) or are typically enforced by state agencies (e.g. *air quality*).

- Some development standards are consolidated in this LDC as they address similar site impacts (e.g. surface water and wetlands, and traffic and comprehensive access management).
- This LDC proposes to edit the noise standard to reflect the sound limits addressed in Article 17.
- More specific screening and architectural / visual appearance standards are included in this LDC.
- This LDC proposes changes to the light level limits in the lighting standards, including a propose to increase the Uniformity Ratio to 5:1 from 4:1.

Article 21. Historic District Regulations

- This LDC proposes to exempt buildings (new development or redevelopment of existing buildings) younger than 50-years from being subject to this Article. All new development, which is not single- or two-family dwellings, would be subject to the Site Development Standards and site plan review procedures in this LDC. Currently, all structures and buildings in the Downtown Historic District are subject to the regulations in this Article.

Article 22. Street & Access Standards

- This Article is currently in the City Code of Ordinances as Chapter 70 – Public Improvement Standards.

Article 23. Floodplain Regulations

- This Article is currently in the City Code of Ordinances as Chapter 54 – Natural Resources.
- This LDC proposes to remove outdated references to the Ash Swamp Brook flood area, which was removed from the FEMA map in 2006.
- This LDC proposes to remove the 3-ft lower elevation limitation on compensatory storage, which allows for greater options in where compensatory storage may be located.
- A 5-year time period is included in the definition of Substantial Improvement in this LDC, where

the current regulations do not specify a period of time.

Article 24. Earth Excavation Overlay District

- Sections of the existing Earth Excavation Overlay District and the Planning Board's Earth Excavation Regulations were reorganized and incorporated in this LDC, and minor updates were made to ensure consistency with NH RSA 155-E.
- Article 25 of this draft LDC establishes criteria that the Planning Board would apply in reviewing and deciding on applications for an earth excavation permit.

Article 25. Application Procedures

- This Article includes an overview of the roles and responsibilities of the review and decision making authorities included in this LDC; outlines common application submittal and review procedures; and provides a description of the specific application, review, and filing procedures for the various types of zoning, planning, historic district, and permit decision processes.
- This LDC proposes the creation of a Minor Project Review Committee, as allowed by NH RSA 674:43,III, which would be composed of City staff and would assume the duties of the Planning Board for the review and approval of minor site plan review applications. With this proposal is a revision to the thresholds for the types of development that would require either Planning Board (Major Proejcts), Site Review Committee (Minor Projects) or Administrative Planning Review.

Article 26. Appeals

- This Article addresses the appeal process for the various decisions of board, committees, and/or administrators with respect to the standards, regulations and processes in the LDC.

Article 27. Enforcement

- This Article includes language related to the authority of the Building and Health Official and/or the Public Works Director to enforce the standards in the LDC.

Article 28. Definitions

- This section defines terms in this LDC; however, all of the use definitions are in Article 8 and terms that correspond to a measurement or dimensional standards are included in Section 1.3.



APPLICATION TO AMEND THE ZONING MAP

Petitioner City of Keene Community Development Dept. Date 10/12/20

Address 3 Washington St, Keene, NH 03431

Telephone () 603-352-5440 Property Owner _____

Location of Property to be Rezoned See Attached Ordinance O-2020-11 and Maps

Approximate Acreage 220 Present Zoning District _____ Proposed Zoning District _____
acres

Validation of parcel ID# by
the Assessing Department

Assessing Department Staff

Aria Kesler

Petitioner's Signature

Submittal Requirements, which must be complete at the time of submission to the City Clerk.

- A properly drafted Ordinance containing the full description of the property to be rezoned and the proposed amendment along with a typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- A notarized list of property owners/agents within the boundary of the area or areas proposed for rezoning as well as the names of all abutters of the property. This list shall include the tax map number and address of each abutter and owner, and must be current with the Assessing Department's records within ten days of submittal. The list shall also include the name of any agent who should receive notice. Two sets of mailing labels shall be provided.
- Three maps showing the boundary of the area or areas to be changed, one at 8 1/2" x 11" and two at City tax map scale (24" x 36").
- \$100.00 application fee plus an additional \$10.00 per acre or lot for a total sum not to exceed \$500.00 as well as the publication and postage fees identified below. Check made payable to City of Keene.

Ordinance Number O-2020-11 Date Received by City Clerk _____

Application Fee @ \$100.00	\$ _____
Area Fee @ \$10/00 per acre	\$ _____
Publication of Notice in <u>The Keene Sentinel</u> @ \$90.00	\$ _____
Postage Fees for property owners/ agents and abutters. Total # of notices _____ @ .50	\$ _____

The petitioner is also responsible for the publication costs for the public workshop before the joint Planning Board and Planning, Licenses and Development Committee. Additional costs will be collected by the Planning Department for the mailing costs associated with the public workshop as well as the publication of the public workshop notice.



CITY OF KEENE

Ordinance O-2020-11

In the Year of Our Lord Two Thousand and Twenty

Relating to Change of Zone – Downtown Keene Zoning Update

AN ORDINANCE

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

That the Zoning Map of the City of Keene, as adopted by the Keene City Council on December 15, 1977, as part of Chapter 102 entitled, “Zoning”, of the City of Keene, New Hampshire Code of Ordinances, as amended, be hereby further amended as follows.

1. The following zoning districts shall be established on the City of Keene Zoning Map as presented on the attached map, “O-2020-11 – Proposed Downtown Keene Zoning.”
 - a. Downtown Core (DT-C)
 - b. Downtown Edge (DT-E)
 - c. Downtown Growth (DT-G)
 - d. Downtown Institutional Campus (DT-I)
 - e. Downtown Limited (DT-L)
 - f. Downtown Transition (DT-T)

2. The parcels listed in the below table shall change zoning districts from the zoning district listed in the column labeled “Current Zoning District” to the zoning district in the column labeled “Proposed Zoning District.”

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
585028000000000	124 Water St	(BGR) Business Growth & Reuse	(DT-G) Downtown Growth
585027000000000	122 Water St	(BGR) Business Growth & Reuse	(DT-G) Downtown Growth
585008000000000	4 Crossfield St	(CB) Central Business	(DT-T) Downtown Transition
585024000000000	88 Water St	(CB) Central Business	(DT-T) Downtown Transition
585023000000000	84 Water St	(CB) Central Business	(DT-T) Downtown Transition
568046000000000	67 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568052000000000	57 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554097000000000	47 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554087000000000	37 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554081000000000	27 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554082000000000	17 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568072000000000	82 Washington St	(CB) Central Business	(DT-L) Downtown Limited

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
568071000000000	74 Washington St	(CB) Central Business	(DT-L) Downtown Limited
568070000000000	64 Washington St	(CB) Central Business	(DT-L) Downtown Limited
568069000000000	50 Washington St	(CB) Central Business	(DT-L) Downtown Limited
568056000000000	11 Vernon St	(CB) Central Business	(DT-L) Downtown Limited
568055000000000	1 Elm St	(CB) Central Business	(DT-L) Downtown Limited
568051000000000	31 Vernon St	(CB) Central Business	(DT-L) Downtown Limited
568050000000000	0 Court St	(CB) Central Business	(DT-L) Downtown Limited
568049000000000	49 Court St	(CB) Central Business	(DT-L) Downtown Limited
568054000000000	34 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568053000000000	28 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568022000000000	34 Court St	(CB) Central Business	(DT-C) Downtown Core
568021000000000	26 Court St	(CB) Central Business	(DT-C) Downtown Core
568020000000000	12 Court St	(CB) Central Business	(DT-C) Downtown Core
568019000000000	33 Winter St	(CB) Central Business	(DT-C) Downtown Core
575047000000000	60 Winter St	(CB) Central Business	(DT-C) Downtown Core
575046000000000	76 Winter St	(CB) Central Business	(DT-C) Downtown Core
575048000000000	55 West St	(CB) Central Business	(DT-C) Downtown Core
575049000000000	33 West St	(CB) Central Business	(DT-C) Downtown Core
568003000000000	37 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568002000000000	38 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568001000000000	43 Central Sq	(CB) Central Business	(DT-C) Downtown Core
575052000000000	48 Central Sq	(CB) Central Business	(DT-C) Downtown Core
575051000000000	50 Central Sq	(CB) Central Business	(DT-C) Downtown Core
575050000000000	19 West St	(CB) Central Business	(DT-C) Downtown Core
568062000000000	23 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568060000000000	7 Court St	(CB) Central Business	(DT-C) Downtown Core
568061000000000	32 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568063000000000	20 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568064000000000	26 Washington St	(CB) Central Business	(DT-C) Downtown Core
568065000001000	32 Washington St	(CB) Central Business	(DT-C) Downtown Core
568066000000000	34 Washington St	(CB) Central Business	(DT-C) Downtown Core
568067000000000	38 Washington St	(CB) Central Business	(DT-C) Downtown Core
568068000000000	40 Washington St	(CB) Central Business	(DT-C) Downtown Core
568057000000000	10 Vernon St	(CB) Central Business	(DT-C) Downtown Core
568058000000000	32 Washington St	(CB) Central Business	(DT-C) Downtown Core
568059000000000	32 Vernon St	(CB) Central Business	(DT-C) Downtown Core
569056000000000	31 Washington St	(CB) Central Business	(DT-C) Downtown Core
568073000000000	3 Washington St	(CB) Central Business	(DT-C) Downtown Core
568074000000000	4 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568075000000000	1 Central Sq	(CB) Central Business	(DT-C) Downtown Core
569057000000000	40 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
575053000000000	2 Main St	(CB) Central Business	(DT-C) Downtown Core
574006000000000	25 Roxbury St	(CB) Central Business	(DT-C) Downtown Core

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
574005000000000	37 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574004000000000	43 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574001000000000	65 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574014000000000	92 Church St	(CB) Central Business	(DT-C) Downtown Core
574013000000000	11 Ninety-Third St	(CB) Central Business	(DT-C) Downtown Core
574034000000000	18 Ninety-Third St	(CB) Central Business	(DT-C) Downtown Core
574012001000000	17 Ninety-Third St	(CB) Central Business	(DT-C) Downtown Core
574011000000000	78 Railroad St	(CB) Central Business	(DT-C) Downtown Core
574010000000000	76 Railroad St	(CB) Central Business	(DT-C) Downtown Core
574003000000000	15 Roxbury Plaza	(CB) Central Business	(DT-C) Downtown Core
574002000000000	21 Roxbury Plaza	(CB) Central Business	(DT-C) Downtown Core
574008000000000	0 Church St	(CB) Central Business	(DT-C) Downtown Core
574009000000000	37 Church St	(CB) Central Business	(DT-C) Downtown Core
575055000000000	42 Main St	(CB) Central Business	(DT-C) Downtown Core
575056000000000	64 Main St	(CB) Central Business	(DT-C) Downtown Core
574007000000000	16 Church St	(CB) Central Business	(DT-C) Downtown Core
575054000000000	22 Main St	(CB) Central Business	(DT-C) Downtown Core
574042000000000	0 Railroad St	(CB) Central Business	(DT-C) Downtown Core
575057000000000	82 Main St	(CB) Central Business	(DT-C) Downtown Core
575058000000000	88 Main St	(CB) Central Business	(DT-C) Downtown Core
574041000000000	0 Cypress St	(CB) Central Business	(DT-C) Downtown Core
585007000000000	96 Dunbar St	(CB) Central Business	(DT-C) Downtown Core
585006000000000	88 Dunbar St	(CB) Central Business	(DT-C) Downtown Core
585005000000000	78 Dunbar St	(CB) Central Business	(DT-C) Downtown Core
575059000000000	100 Main St	(CB) Central Business	(DT-C) Downtown Core
575060000000000	102 Main St	(CB) Central Business	(DT-C) Downtown Core
575061000000000	106 Main St	(CB) Central Business	(DT-C) Downtown Core
575062000000000	110 Main St	(CB) Central Business	(DT-C) Downtown Core
574043000000000	12 Eagle Ct	(CB) Central Business	(DT-C) Downtown Core
574040000000000	75 Railroad St	(CB) Central Business	(DT-C) Downtown Core
575006000000000	115 Main St	(CB) Central Business	(DT-C) Downtown Core
575007000000000	101 Main St	(CB) Central Business	(DT-C) Downtown Core
575008000000000	89 Main St	(CB) Central Business	(DT-C) Downtown Core
575011000000000	87 Main St	(CB) Central Business	(DT-C) Downtown Core
575012000000000	81 Main St	(CB) Central Business	(DT-C) Downtown Core
575013000000000	2 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core
575014000000000	12 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core
575024000000000	49 Main St	(CB) Central Business	(DT-C) Downtown Core
575025000000000	45 Main St	(CB) Central Business	(DT-C) Downtown Core
575026000000000	35 Main St	(CB) Central Business	(DT-C) Downtown Core
575027000000000	0 Lamson St	(CB) Central Business	(DT-C) Downtown Core
575022000000000	19 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core
575023000000000	0 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
575038000000000	70 West St	(CB) Central Business	(DT-C) Downtown Core
575037000000000	60 West St	(CB) Central Business	(DT-C) Downtown Core
575036000000000	43 Saint James St	(CB) Central Business	(DT-C) Downtown Core
575035000000000	49 Saint James St	(CB) Central Business	(DT-C) Downtown Core
575034000000000	44 West St	(CB) Central Business	(DT-C) Downtown Core
575033000000000	34 West St	(CB) Central Business	(DT-C) Downtown Core
575028000000000	17 Federal St	(CB) Central Business	(DT-C) Downtown Core
575032000000000	20 West St	(CB) Central Business	(DT-C) Downtown Core
575031000000000	1 Main St	(CB) Central Business	(DT-C) Downtown Core
575030000000000	15 Main St	(CB) Central Business	(DT-C) Downtown Core
575029000000000	27 Main St	(CB) Central Business	(DT-C) Downtown Core
584070000000000	120 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
584069000000000	104 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
584068000000000	80 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575017000000000	0 School St	(CB) Central Business	(DT-G) Downtown Growth
575016000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
584072000000000	85 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575001000000000	5 Wilson St	(CB) Central Business	(DT-G) Downtown Growth
584073000000000	59 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575002000000000	6 Wilson St	(CB) Central Business	(DT-G) Downtown Growth
575003000000000	12 Wilson St	(CB) Central Business	(DT-G) Downtown Growth
584074000000000	43 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575009000000000	20 Commercial St	(CB) Central Business	(DT-G) Downtown Growth
575004000000000	31 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
584075000000000	37 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575005000000000	7 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575010000000000	0 Commercial St	(CB) Central Business	(DT-G) Downtown Growth
575015000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575021000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575020000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575019000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575040000000000	100 West St	(CB) Central Business	(DT-G) Downtown Growth
575039000000000	86 West St	(CB) Central Business	(DT-G) Downtown Growth
575041000000000	104 West St	(CB) Central Business	(DT-G) Downtown Growth
574038000000000	158 Water St	(CB) Central Business	(DT-G) Downtown Growth
574039000000000	0 Water St	(CB) Central Business	(DT-G) Downtown Growth
585029000000000	152 Water St	(CB) Central Business	(DT-G) Downtown Growth
585026000000000	0 Water St	(CB) Central Business	(DT-G) Downtown Growth
585025000000000	92 Water St	(CB) Central Business	(DT-G) Downtown Growth
567001000000000	0 Ashuelot St	(CBL) Central Business Ltd.	(HD) High Density
576014000000000	30 Ashuelot St	(CBL) Central Business Ltd.	(COM) Commerce
576016000000000	29 Ashuelot St	(CBL) Central Business Ltd.	(COM) Commerce
576017000000000	9 Ashuelot St	(CBL) Central Business Ltd.	(COM) Commerce

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
57601800000000	189 West St	(CBL) Central Business Ltd.	(COM) Commerce
56905900000000	88 Roxbury St	(CBL) Central Business Ltd.	(DT-T) Downtown Transition
56905800000000	80 Roxbury St	(CBL) Central Business Ltd.	(DT-T) Downtown Transition
58405800000000	21 Davis St	(CBL) Central Business Ltd.	(DT-T) Downtown Transition
58406000000000	147 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
58405900000000	0 Davis St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
58406100000000	143 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
58406200000000	133 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
58406300000000	125 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
58406400000000	12 Emerald St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
56906500000000	98 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
56906600000000	106 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
56910700000000	103 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
56910800000000	93 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
56910900000000	81 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
57401500000000	100 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
57401600000000	110 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
57401700000000	116 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
57403300000000	115 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
57403600000200	110 Railroad St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
57403600000000	0 Railroad St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
58406700000000	48 Emerald St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
58406600000000	38 Emerald St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
58406500000000	32 Emerald St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
57600100000000	122 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
57600200000000	166 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
57600300000000	172 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
57600500000000	0 Gilbo Ave	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
57600400000000	194 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
57403600000000	0 Railroad St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
58400100000000	122 Main St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
58500300000000	10 Dunbar St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
58500200000000	11 Eagle Ct	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
58500400000000	16 Dunbar St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
58500100000000	24 Dunbar St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
58508300000000	36 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
58508400000000	50 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
58508500000000	56 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
58504500000000	84 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
59008600000000	91 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
59008700000000	89 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
59008800000000	83 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
590089000000000	71 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590090000000000	67 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590094000000000	59 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590093000000000	57 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590095000000000	53 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590096000000000	47 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
585086000000000	33 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
583027000000000	60 Foundry St	(COM) Commerce	(DT-E) Downtown Edge
583033000000000	0 Emerald St	(COM) Commerce	(DT-E) Downtown Edge
583028000000000	152 Davis St	(COM) Commerce	(DT-E) Downtown Edge
583030000000000	55 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
584042000000000	134 Davis St	(COM) Commerce	(DT-E) Downtown Edge
584043000000000	56 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
584044000000000	66 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
591007000000000	131 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592037000000000	141 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592036000000000	147 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592035000000000	165 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
583029000000000	81 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
592033000000000	185 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592034000000000	0 Foundry St	(COM) Commerce	(DT-E) Downtown Edge
583026000000000	38 Foundry St	(COM) Commerce	(DT-E) Downtown Edge
592032000000000	195 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592031000000000	223 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
583034000000000	160 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
583033001001000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
583033001000000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
583032000000000	1 Ralston St	(COM) Commerce	(DT-G) Downtown Growth
583031000000000	19 Ralston St	(COM) Commerce	(DT-G) Downtown Growth
583039000000000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
576007000000000	149 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
575018000000000	0 School St	(COM) Commerce	(DT-G) Downtown Growth
584071000000000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
576006000000000	0 Gilbo Ave	(COM) Commerce	(DT-G) Downtown Growth
585082000000000	196 Main St	(COM) Commerce	(DT-G) Downtown Growth
584003000000000	174 Main St	(COM) Commerce	(DT-G) Downtown Growth
584002000000000	162 Main St	(COM) Commerce	(DT-G) Downtown Growth
585014000000000	17 Dunbar St	(COM) Commerce	(DT-G) Downtown Growth
569015000000000	18 Spring St	(HD) High Density	(DT-T) Downtown Transition
569016000000000	20 Spring St	(HD) High Density	(DT-T) Downtown Transition
569017000000000	30 Spring St	(HD) High Density	(DT-T) Downtown Transition
569018000000000	38 Spring St	(HD) High Density	(DT-T) Downtown Transition
569019000000000	52 Spring St	(HD) High Density	(DT-T) Downtown Transition

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
56902000000000	58 Spring St	(HD) High Density	(DT-T) Downtown Transition
56905400000000	47 Spring St	(HD) High Density	(DT-T) Downtown Transition
56905300000000	57 Spring St	(HD) High Density	(DT-T) Downtown Transition
56906200000000	28 Roxbury Ct	(HD) High Density	(DT-T) Downtown Transition
56906100000000	22 Roxbury Ct	(HD) High Density	(DT-T) Downtown Transition
56906000000000	16 Roxbury Ct	(HD) High Density	(DT-T) Downtown Transition
58501300000000	19 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
58501200000000	31 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
58501100000000	41 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
58501000000000	57 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
58500900000000	65 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
58502200000000	74 Water St	(HD) High Density	(DT-T) Downtown Transition
58502100000000	68 Water St	(HD) High Density	(DT-T) Downtown Transition
58502000000000	60 Water St	(HD) High Density	(DT-T) Downtown Transition
58501900000000	54 Water St	(HD) High Density	(DT-T) Downtown Transition
58501800000000	48 Water St	(HD) High Density	(DT-T) Downtown Transition
58501700000000	42 Water St	(HD) High Density	(DT-T) Downtown Transition
58501600000000	32 Water St	(HD) High Density	(DT-T) Downtown Transition
58501500000000	26 Water St	(HD) High Density	(DT-T) Downtown Transition
58405700000000	29 Davis St	(HD) High Density	(DT-T) Downtown Transition
58405600000000	37 Davis St	(HD) High Density	(DT-T) Downtown Transition
58405500000000	47 Davis St	(HD) High Density	(DT-T) Downtown Transition
58405200000000	59 Davis St	(HD) High Density	(DT-T) Downtown Transition
58405300000000	47 Wilson St	(HD) High Density	(DT-T) Downtown Transition
58405400000000	43 Wilson St	(HD) High Density	(DT-T) Downtown Transition
58405100000000	71 Davis St	(HD) High Density	(DT-T) Downtown Transition
58405000000000	75 Davis St	(HD) High Density	(DT-T) Downtown Transition
58404900000000	87 Davis St	(HD) High Density	(DT-T) Downtown Transition
58404800000000	97 Davis St	(HD) High Density	(DT-T) Downtown Transition
58404700000000	107 Davis St	(HD) High Density	(DT-T) Downtown Transition
58404600000000	121 Davis St	(HD) High Density	(DT-T) Downtown Transition
58404500000000	125 Davis St	(HD) High Density	(DT-T) Downtown Transition
59100100000000	283 Main St	(HD) High Density	(DT-I) Downtown Institutional Campus
58400600000000	161 Main St	(HD) High Density	(DT-G) Downtown Growth
58400400000000	27 Winchester St	(HD) High Density	(DT-G) Downtown Growth
58400500000000	199 Main St	(HD) High Density	(DT-G) Downtown Growth
57403700000000	93 Railroad St	(I) Industrial	(DT-G) Downtown Growth
57601900000000	171 West St	(O) Office	(DT-T) Downtown Transition
57602400000000	17 Wilder St	(O) Office	(DT-T) Downtown Transition
57602500000000	151 West St	(O) Office	(DT-T) Downtown Transition
57602600000000	143 West St	(O) Office	(DT-T) Downtown Transition
57603000000000	129 West St	(O) Office	(DT-T) Downtown Transition

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
575042000000000	117 West St	(O) Office	(DT-T) Downtown Transition
575045000000000	105 West St	(O) Office	(DT-T) Downtown Transition
575044000000000	86 Winter St	(O) Office	(DT-T) Downtown Transition
568006000000000	41 School St	(O) Office	(DT-T) Downtown Transition
568007000000000	75 Winter St	(O) Office	(DT-T) Downtown Transition
568008000000000	67 Winter St	(O) Office	(DT-T) Downtown Transition
568009000000000	61 Winter St	(O) Office	(DT-T) Downtown Transition
568010000000000	8 Middle St	(O) Office	(DT-T) Downtown Transition
568011000000000	16 Middle St	(O) Office	(DT-T) Downtown Transition
568012000000000	22 Middle St	(O) Office	(DT-T) Downtown Transition
568013000000000	28 Middle St	(O) Office	(DT-T) Downtown Transition
568026000000000	38 Middle St	(O) Office	(DT-T) Downtown Transition
568034000000000	61 Summer St	(O) Office	(DT-T) Downtown Transition
568035000000000	53 Summer St	(O) Office	(DT-T) Downtown Transition
568036000000000	45 Summer St	(O) Office	(DT-T) Downtown Transition
568037000000000	39 Summer St	(O) Office	(DT-T) Downtown Transition
568038000000000	31 Summer St	(O) Office	(DT-T) Downtown Transition
568039000000000	21 Summer St	(O) Office	(DT-T) Downtown Transition
568040000000000	56 Court St	(O) Office	(DT-T) Downtown Transition
568041000000000	70 Court St	(O) Office	(DT-T) Downtown Transition
568042000000000	82 Court St	(O) Office	(DT-T) Downtown Transition
568023000000000	42 Court St	(O) Office	(DT-T) Downtown Transition
568024000000000	18 Summer St	(O) Office	(DT-T) Downtown Transition
568025000000000	37 Middle St	(O) Office	(DT-T) Downtown Transition
568014000000000	29 Middle St	(O) Office	(DT-T) Downtown Transition
568015000000000	33 Center St	(O) Office	(DT-T) Downtown Transition
568016000000000	27 Center St	(O) Office	(DT-T) Downtown Transition
568017000000000	23 Center St	(O) Office	(DT-T) Downtown Transition
568018000000000	17 Center St	(O) Office	(DT-T) Downtown Transition
568048000000000	55 Court St	(O) Office	(DT-T) Downtown Transition
568047000000000	61 Court St	(O) Office	(DT-T) Downtown Transition
568045000000000	73 Court St	(O) Office	(DT-T) Downtown Transition
568044000000000	81 Court St	(O) Office	(DT-T) Downtown Transition
554107000000000	83 Court St	(O) Office	(DT-T) Downtown Transition
554106000000000	91 Court St	(O) Office	(DT-T) Downtown Transition
554085000000000	112 Washington St	(O) Office	(DT-T) Downtown Transition
554084000000000	106 Washington St	(O) Office	(DT-T) Downtown Transition
554083000000000	100 Washington St	(O) Office	(DT-T) Downtown Transition
569001000000000	85 Washington St	(O) Office	(DT-T) Downtown Transition
569013000000000	69 Washington St	(O) Office	(DT-T) Downtown Transition
569014000000000	57 Washington St	(O) Office	(DT-T) Downtown Transition
590097000000000	222 Main St	(O) Office	(DT-T) Downtown Transition
590098000000000	226 Main St	(O) Office	(DT-T) Downtown Transition

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
590099000000000	232 Main St	(O) Office	(DT-T) Downtown Transition
590101000000000	238 Main St	(O) Office	(DT-T) Downtown Transition
590100000000000	246 Main St	(O) Office	(DT-T) Downtown Transition
590109000000000	266 Main St	(O) Office	(DT-T) Downtown Transition
590110000000000	272 Main St	(O) Office	(DT-T) Downtown Transition

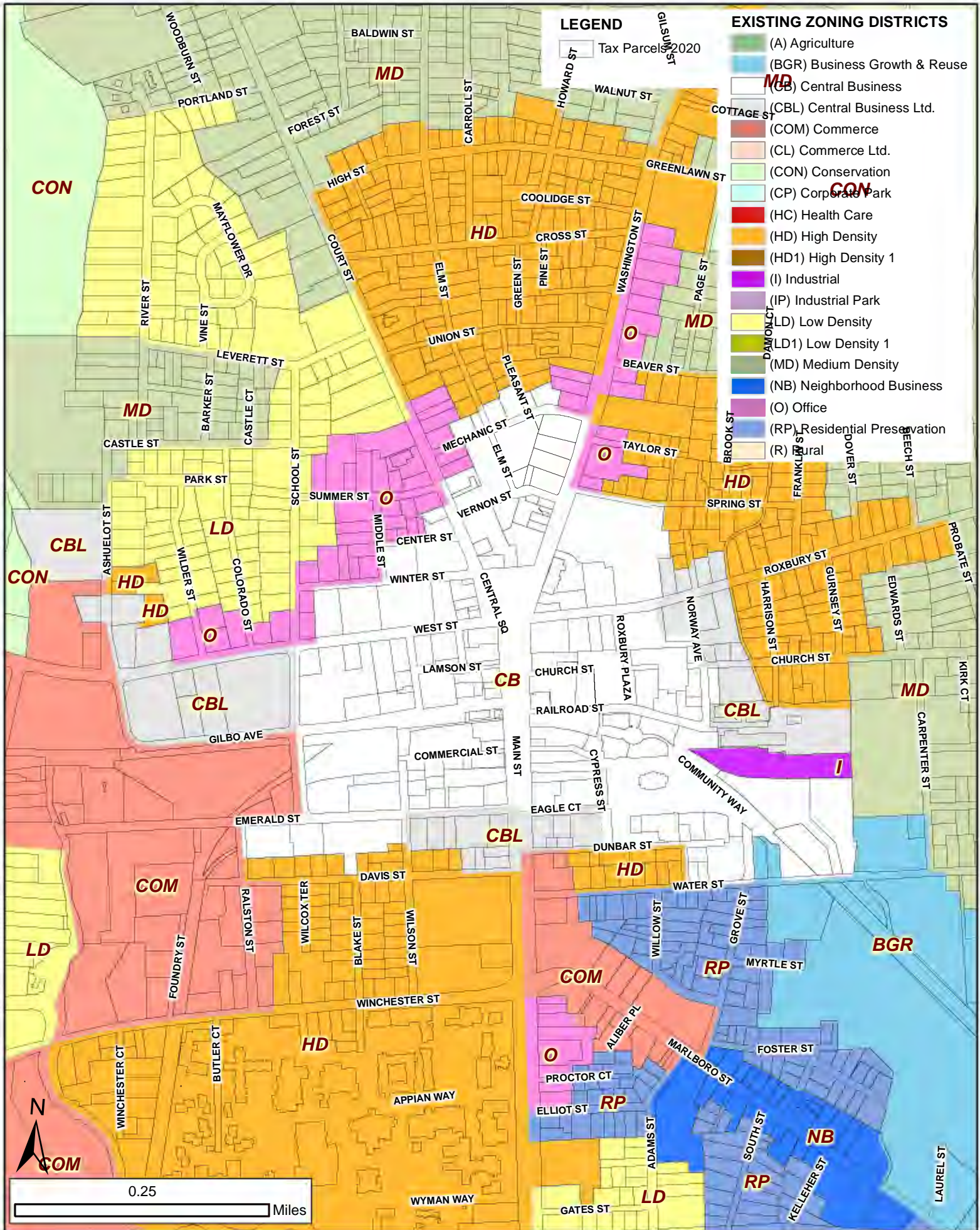
3. The Gilbo Avenue Design Overlay District and the Downtown Railroad Property Redevelopment Overlay District shall be removed from the Zoning Map.
4. The following parcels shall be removed from the Sustainable Energy Efficient Development (SEED) Overlay District.

- 575010000000000 (0 Commercial St)
- 575009000000000 (20 Commercial St)
- 585008000000000 (4 Crossfield St)
- 574041000000000 (0 Cypress St)
- 584059000000000 (0 Davis St)
- 584058000000000 (21 Davis St)
- 584057000000000 (29 Davis St)
- 584056000000000 (37 Davis St)
- 584055000000000 (47 Davis St)
- 584052000000000 (59 Davis St)
- 584051000000000 (71 Davis St)
- 584050000000000 (75 Davis St)
- 584049000000000 (87 Davis St)
- 584048000000000 (97 Davis St)
- 584047000000000 (107 Davis St)
- 584046000000000 (121 Davis St)
- 584045000000000 (125 Davis St)
- 584042000000000 (134 Davis St)
- 583028000000000 (152 Davis St)
- 585003000000000 (10 Dunbar St)
- 585004000000000 (16 Dunbar St)
- 585014000000000 (17 Dunbar St)
- 585013000000000 (19 Dunbar St)
- 585001000000000 (24 Dunbar St)
- 585012000000000 (31 Dunbar St)
- 585011000000000 (41 Dunbar St)
- 585010000000000 (57 Dunbar St)
- 585009000000000 (65 Dunbar St)
- 585005000000000 (78 Dunbar St)
- 585006000000000 (88 Dunbar St)
- 585007000000000 (96 Dunbar St)
- 585002000000000 (11 Eagle Ct)
- 574043000000000 (12 Eagle Ct)
- 583033000000000 (0 Emerald St)
- 583033001001000 (0 Emerald St)
- 575005000000000 (7 Emerald St)
- 584064000000000 (12 Emerald St)
- 575004000000000 (31 Emerald St)
- 584065000000000 (32 Emerald St)
- 584075000000000 (37 Emerald St)
- 584066000000000 (38 Emerald St)
- 584074000000000 (43 Emerald St)
- 584067000000000 (48 Emerald St)
- 584073000000000 (59 Emerald St)
- 584068000000000 (80 Emerald St)
- 584072000000000 (85 Emerald St)
- 584069000000000 (104 Emerald St)
- 584070000000000 (120 Emerald St)
- 583034000000000 (160 Emerald St)
- 583035000000000 (220 Emerald St)
- 583026000000000 (38 Foundry St)
- 583027000000000 (60 Foundry St)
- 592034000000000 (0 Foundry St)
- 575013000000000 (2 Gilbo Ave)
- 575014000000000 (12 Gilbo Ave)
- 575015000000000 (0 Gilbo Ave)
- 575016000000000 (0 Gilbo Ave)
- 575012000000000 (81 Main St)
- 575057000000000 (82 Main St)
- 575011000000000 (87 Main St)
- 575058000000000 (88 Main St)
- 575008000000000 (89 Main St)
- 575059000000000 (100 Main St)
- 575007000000000 (101 Main St)
- 575060000000000 (102 Main St)
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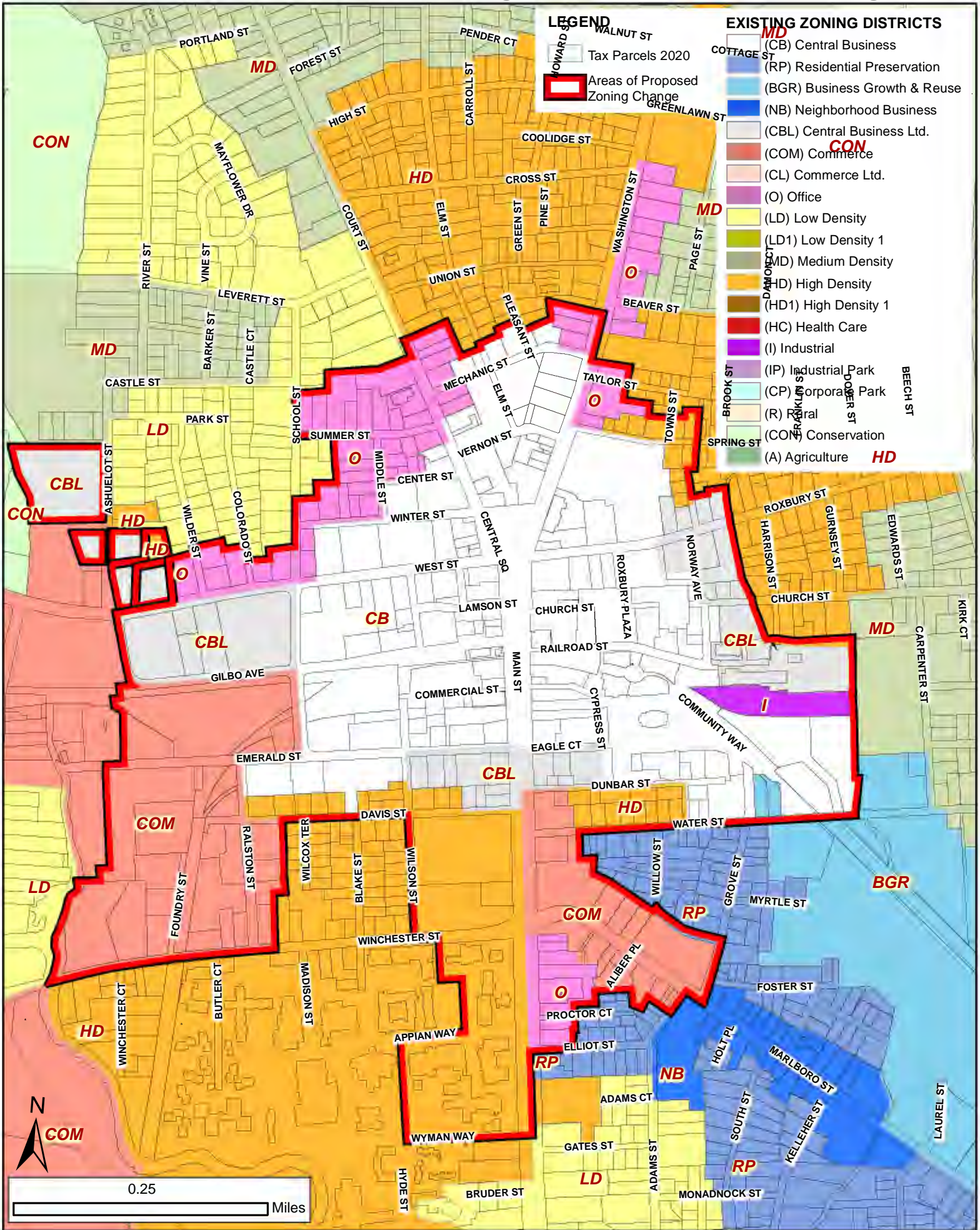
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George Hansel, Mayor

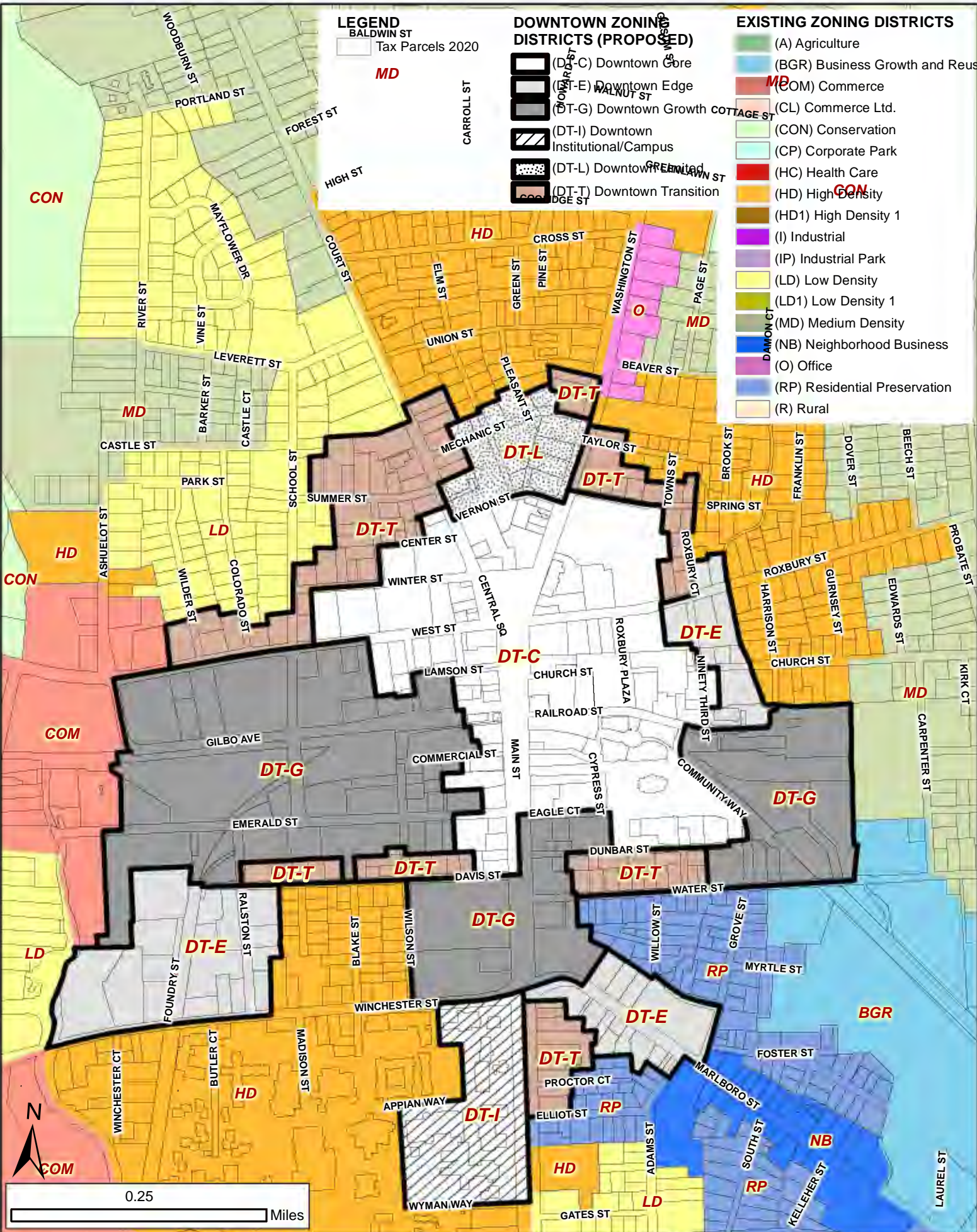
Ordinance #O-2020-11 Existing Downtown Keene Zoning



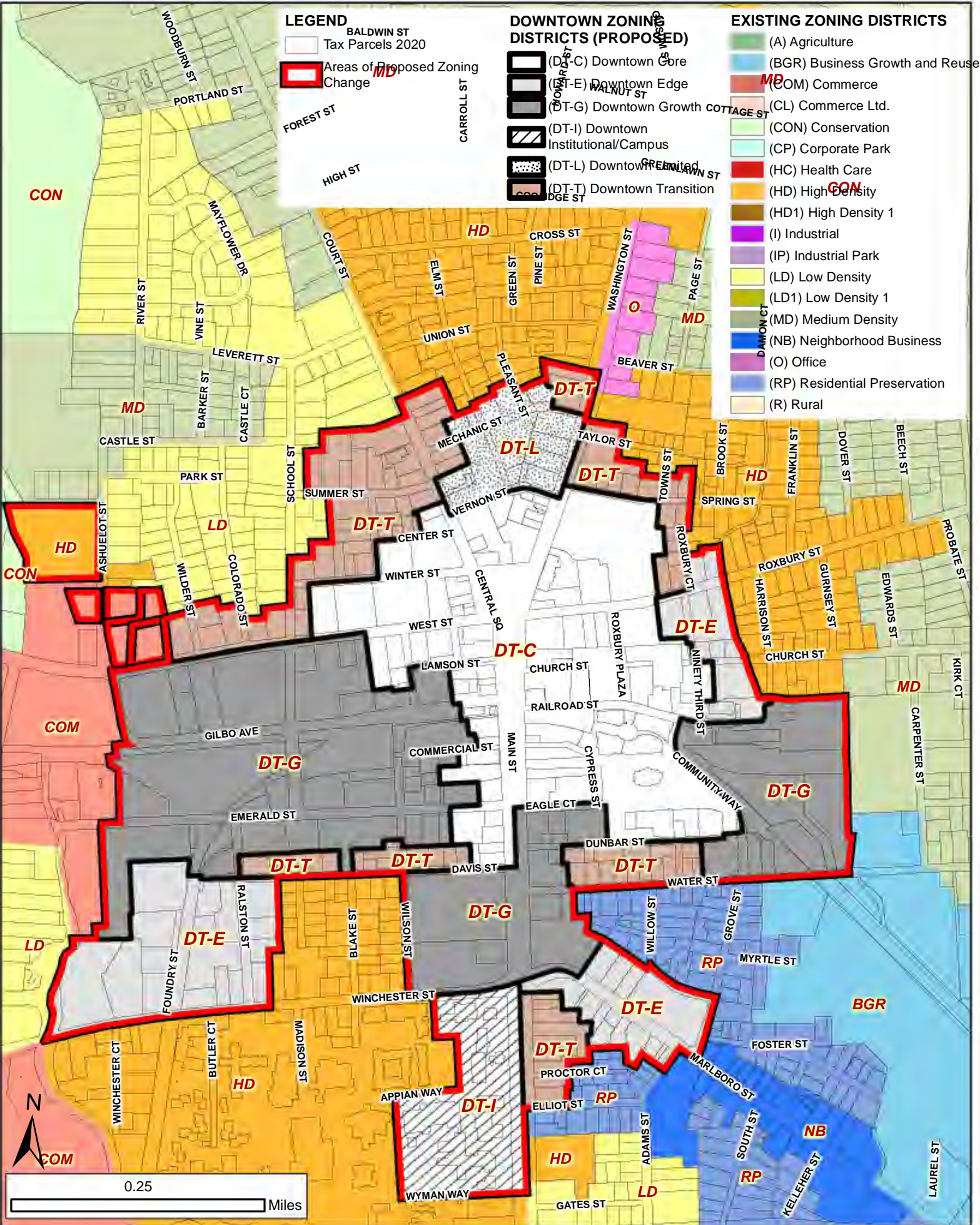
Ordinance #O-2020-11 Existing Downtown Keene Zoning



Ordinance #O-2020-11 Proposed Downtown Keene Zoning



Ordinance #O-2020-11 Proposed Downtown Keene Zoning





City of Keene, N.H.
Transmittal Form

October 13, 2020

TO: Mayor and Keene City Council

FROM: Thomas P. Mullins, City Attorney

ITEM: I.2.

SUBJECT: Relating to Social Hosting

RECOMMENDATION:

That the attached Ordinance O-2020-12, Relating to Social Hosting, be read for the first time and referred to the Planning, Licenses and Development Committee for review and recommendation.

ATTACHMENTS:

Description

Ordinance O-2020-12

BACKGROUND:

A draft Ordinance relating to Social Hosting of parties in residential areas was reviewed at the Planning, Licenses and Development Committee meetings of September 23, 2020, and October 7, 2020. The attached Ordinance O-2020-12, is submitted for a first reading in response to the discussions and input received from the Committee, City staff, and public.



CITY OF KEENE

Ordinance O-2020-12

Twenty

In the Year of Our Lord Two Thousand and

AN ORDINANCE **Relating to Social Hosting**

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 a new Article VIII, "Host Responsibilities of Parties in Residential Areas", to Chapter 66, entitled "PUBLIC CONDUCT" as follows;

CHAPTER 66 – PUBLIC CONDUCT

ARTICLE VIII - HOST RESPONSIBILITIES OF PARTIES IN RESIDENTIAL AREAS

Sec. 66-156 - Definitions:

Apartment means a room or a group of rooms constituting a Dwelling Unit within a structure containing at least one other Dwelling Unit, and includes a duplex, townhouse, or condominium.

Apartment Complex means a multi-family development containing one or more buildings that have at least four Apartments.

Common Area means the land on which the building is located; roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, areas or rooms intended for communal gatherings, and entrances and exits of the building; the basements, yards, gardens, decks, patios and parking areas; and all other parts of the property normally in common use.

Dwelling Unit means a single unit providing complete independent living facilities for one or more Persons, including permanent facilities for sleeping, cooking, and sanitation.

Excessive Noise means any noise as more specifically defined in Chapter 66, Article V, of the City Code which annoys, disturbs, injures or is likely to endanger the comfort, repose, health, peace or safety of others that can be heard across property lines or enters a residence other than the residence from which the noise originated.

Guest means any Person who attends a party other than the Host, whether invited or not.

Host means a Person who invites or allows other Persons to gather or remain at his personally owned Residence, or at a Residence he has a lawful right to occupy or control, for a Party.

Lodging house means any dwelling for more than four unrelated persons, which lets sleeping accommodations for a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants.

Manager means a person or entity other than an Owner charged with the duty and the responsibility of managing the day to day operation of an Apartment or Apartment Complex.

Owner means the owner of record of the Residence as recorded in the Cheshire County Registry of Deeds.

Party means a planned or unplanned gathering of Persons for any purpose, and includes a House Party defined by RSA 644:18.

Person means any natural person.

Residence means a single-family residence containing one Dwelling Unit, or an Apartment or Lodging House, and encompasses the entire premises of a Residence, including the building, garage, carport, driveway and yard, and any immediately adjacent or internal common area, parking areas, sidewalks and streets.

Residential area means an area:

- (1) That is within a residential zoning district as defined by the City Zoning Ordinance in which a Residence is permitted; or
- (2) Within which, in a one-block area, a majority of the buildings are designed or used for residential purposes, such as one-family or two-family dwellings, apartments, townhomes and condominiums.

Unruly gathering means a gathering of five or more Persons which is conducted on or within a Residence in a Residential Area and which, by reason of the conduct of those Persons in attendance, results in the occurrence of more than one of the following conditions or events on public or private property; rioting; the unlawful sale, furnishing, possession or consumption of alcoholic beverages or drugs; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disorderly conduct; public urination or defecation; or violation of any applicable fire code or building code.

Sec. 66-157 - Responsibilities of Hosts, Guests, Owners or Managers of a Residence, including Apartments and Apartment Complexes:

- (a) It is unlawful for a Host to fail:
 - (1) To ensure that Excessive Noise is not produced from the Host's party;
 - (2) To ensure that any alcoholic beverages provided or served at the Host's party are controlled in a manner that ensures the alcoholic beverage laws are not violated;
 - (3) To advise his Guests that streets and driveways cannot be blocked by vehicles of Persons attending the Host's party;
 - (4) To prevent the Party from becoming an Unruly Gathering.
- (b) It is unlawful for a Person attending a Party to participate in, or condone, conduct that arises to the definition of an Unruly Gathering.
- (c) It is unlawful for the Owner or Manager of an Apartment or an Apartment Complex to knowingly allow an Unruly Gathering to occur or continue in a Common Area.

- (d) It is not a defense to prosecution for violations of any law or ordinance that a security officer or officers hired for a Party failed to properly fulfill the Host's duties in subsection (a) of this section.
- (e) If a police officer determines that a Party has become an Unruly Gathering, the police officer may order all Persons not residing at the Residence to leave immediately. Any Person who fails or refuses to abide by such an order commits an offense under this Ordinance.

Sec. 66-158 - Notice of Unruly Gathering:

Within 3 business days after a police officer responds to a Residence on a complaint of an Unruly Gathering which results in the issuance of a penalty for a first offense, or the issuance of any subsequent penalty, the Keene Police Department shall send to the Owner by mail, or by email if known, a notice of the occurrence of the Unruly Gathering, and a summary report of the police response.

Sec. 66-159 – Penalty:

- (a) First Offense: A fine of \$300.00 to be served on the Host , or served on any Person committing a violation of this Ordinance who continues to do so after a verbal warning to the Person to cease and desist.
- (b) Second offense: A fine of \$500.00 to be served on the Host.
- (c) Third and subsequent offenses: A fine of \$1,000.00 to be served on the Host.

The sequence of penalties that may be imposed under this section shall be in effect against the Host or the Person for one year from the date of the service of a penalty for a first offense, after which date the sequence of penalties shall be reset annually each year thereafter; provided, however that the penalties designated in this section may be cumulative, and may be imposed sequentially by the police officer for an Unruly Gathering that the Host continues after a first offense, and after the imposition of the penalty for each subsequent offense if the police officer is required to respond to the same Unruly Gathering multiple times the same day of the Unruly Gathering.

Sec. 66-160 - Enforcement of other laws:

Nothing in this Article shall be deemed to restrict or limit a law enforcement officer's authority to enforce the criminal laws, including but not limited to rioting, disorderly conduct, littering, parking and alcohol-related offenses against any Person or Persons who violate the criminal laws.

George S. Hansel, Mayor



City of Keene, N.H.
Transmittal Form

October 8, 2020

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: K.1.

SUBJECT: Relating to the Transfer of Funds from the Solid Waste Fund Balance to the 2020/2021 Solid Waste Operating Budget for Repair of Existing Scale System

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2020-37.

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to enter into a sole source agreement with Northeast Scale Company out of Auburn New Hampshire in the amount of \$49,677 for the repair of the scale.

ATTACHMENTS:

Description

Resolution R-2020-37

BACKGROUND:

Asst. Public Works Director/Solid Waste Manager Duncan Watson stated that the scale system located on Summit Road is the life blood of their operation – the scale is used to weigh all commodities that come into the facility. The scale is certified by the Bureau of Weights & Measures and is also serviced regularly. Recently, the scale has been zeroing out which is often fixed by rebooting it but it is now happening more frequently. The vendor which services the scale has determined the load scales are failing. A capital project was put in for this equipment for FY23 but this would need to move up in the schedule.

Mr. Watson went on to say the scope is different – the load scales are hydraulically designed for more rugged use as opposed to electronic. The deck is still in good shape (ten more years of use), which was anticipated would be replaced in FY23. This would reduce a \$95,000 project down to approximately \$50,000.

Because this was not an expense that was anticipated in this fiscal year, the Resolution before the Committee would need to be approved to transfer funds from the Solid Waste Fund into the Operating Budget.

Councilor Remy asked whether there are other components of the scale that is likely to fail in the next few years. Mr. Watson stated this is the recommendation from the scale company based on their experience – the replacement of the deck is a major expense and other than routine maintenance, the department doesn't expect anything more to happen.

Attorney Mullins clarified from Mr. Watson there are two things related to this item. One is the appropriation of funds necessary for repair and the second is a contract with the entity – and whether this is going to be a sole

source contract. Mr. Watson agreed and added Emery Winslow Scales is the contractor the city uses in order for the scale to function properly. The attorney asked whether this would not require two actions from the committee. Mr. Watson agreed. The attorney noted two motions would then be required.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2020-37.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to enter into a sole source agreement with Northeast Scale Company out of Auburn New Hampshire in the amount of \$49,677 for the repair of the scale.



CITY OF KEENE

R-2020-37

Twenty

In the Year of Our Lord Two Thousand and
Relating to an appropriation of Funds from the Solid Waste Fund Balance
A RESOLUTION
to Operating Budget

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

That pursuant to Section 32 of the Rules of Order, the sum of forty nine thousand six hundred seventy seven dollars (\$49,677) is hereby transferred from the Solid Waste Fund Balance to the 2020/2021 fiscal year operating budget to fund expenses associated with repair of the Solid Waste Division weight scale.

FY 20/21 Solid Waste Expenditure Adjustment

<u>Account #</u>	<u>Description</u>	<u>FY 20/21 Budget</u>	<u>Fund Transfer Request</u>	<u>Revised Budget</u>
10002-62311	Equipment Maintenance	\$7,500	\$49,677	\$57,177

George S. Hansel, Mayor

In City Council October 1, 2020.
Referred to the Finance, Organization
and Personnel Committee.

William L. Eno
Deputy City Clerk



City of Keene, N.H.
Transmittal Form

October 15, 2020

TO: Mayor and Keene City Council

FROM: Beth Fox, ACM/Human Resources Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: K.2.

SUBJECT: In Appreciation of Sheila H. Williams Upon Her Retirement

RECOMMENDATION:

That Resolution R-2020-35 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2020-35

BACKGROUND:

Ms. Williams retired from the Keene Public Library effective September 30, 2020, with almost 19 years of service.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty

A RESOLUTION In Appreciation of Sheila H. Williams Upon Her Retirement

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

WHEREAS: Sheila H. Williams began her career at the Keene Public Library October 15, 2001, specializing as its Audio-Visual Librarian; retired from full-time responsibilities June 28, 2019; returned as a part-time regular Librarian August 1, 2019, to work on AV selection and cataloging and to serve at the Library's service desks as needed; was furloughed and recalled in the spring of 2020 because of the pandemic; retired a second time September 3, 2020—then continued under contract through that month to coordinate videos that welcome new City employees; and

WHEREAS: Sheila actively maintained skills connected to her area of specialty, always aware of the trends and changes in audiovisual collecting and the related technology in public libraries; and, not only does she have that deep understanding, she has contributed to the understanding of others; and

WHEREAS: While she is very self-motivated and excels at working independently—a one-person function, to a large extent—she always is contributing to other library functions, assisting with the training of others, involving the necessary people in problem solving, supervising volunteers, taking in stride requests for extra service, making the AV area as welcoming as possible; and

WHEREAS: Very accurate in all that she does, Sheila also possesses good skills as a teacher and an artist and has led patron workshops and programs in areas such as bookbinding, illustration, creating artist books, mushroom hunting, dowsing, and journaling; and

WHEREAS: A very talented videographer, she has helped create public service announcements for the library and other projects for the City, has been responsible for the recordings of meetings and presentations posted to the City's website, and has recorded and edited several local programs and performances; and

WHEREAS: Sheila possesses a wealth of knowledge of the natural world gleaned from friendships with Native Americans and a lifetime pursuit of environmentalism; and she eagerly shared this knowledge with colleagues and patrons alike—identifying plants and mushrooms, sharing samples of wild fungus and elderberry syrup, and making baskets for library storage, raffles, centerpieces for City events, gifts, and staff members' home use; and

WHEREAS: For several years, she worked on the Communication Committee and as a Loaned Employee for the Monadnock United Way's annual campaigns, contributing to donations being increased; on the Health Insurance Review Committee and supported many employee/retiree health fairs; was known as the "library songwriter," writing several songs for library staff to perform when someone retired; and used her artistic skills to make clear and attractive signage for the benefit of both Library patrons and staff; and

WHEREAS: Sheila retires from the City of Keene September 30, 2020, with a total of almost 19 years of dedicated and honorable service to the City of Keene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Sheila H. Williams for her dedicated service and wishes her the very best through all her retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Sheila in appreciation for her many years of service to the residents of Keene and the Monadnock Region.

PASSED

George S. Hansel, Mayor