



Due to the COVID-2019 State of Emergency, the Planning, Licenses and Development Committee will be holding its meeting remotely using the web-based program, Zoom. Members of the public will be able to access this public meeting through a variety of options, described below. If you encounter any issues accessing this meeting, please call 603-757-0622 during the meeting. To access the meeting online navigate to *Zoom.us* and enter the Webinar ID **#814 9690 5134**. To listen via telephone call 877 853 5257 and enter the Meeting ID: **#814 9690 5134**. When the meeting is open for public comment, callers may press *9 if interested in commenting or asking questions.

City of Keene

New Hampshire

**PLANNING, LICENSES AND
DEVELOPMENT COMMITTEE**

AGENDA

Council Chambers A

March 24, 2021

7:00 PM

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

1. Representative Joe Schapiro – Urging the City to Take a Position on HB 266
2. Darren Humphrey - Request to Use City Property
3. Request to Endorse Carbon Fee & Dividend - Energy and Climate Committee
4. Relating to Proposed Congregate Living and Social Services License - Senior Planner
5. Continued Discussion – Requesting Minutes be Kept of Meetings Between the Mayor, the Charter Officers, and the Committee Chairs

MORE TIME ITEMS:

- A. Relating to Social Service and Congregate Care Uses and License
Ordinance O-2019-13
Ordinance O-2019-14
- B. City of Keene Land Development Code and Downtown Zoning Update
Ordinance O-2020-10
Ordinance O-2020-11
- C. Terry Clark – Relating to Small Wireless Facility Deployments in Public Rights-of-Way

Non Public Session
Adjournment



City of Keene
Transmittal Form

March 10, 2021

TO: Mayor and Keene City Council

FROM: Planning, Licenses, and Development Committee

ITEM: 1.

SUBJECT: Representative Joe Schapiro – Urging the City to Take a Position on HB 266

COUNCIL ACTION:

In City Council March 18, 2021.

More time granted.

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the communication from Representative Shapiro be placed on more time until the next cycle.

ATTACHMENTS:

Description

Communication_Shapiro

Proposed Legislation

Resolution R-2017-40

BACKGROUND:

Chair Bosley stated that the PLD Committee does not have staff present tonight to discuss this agenda item in the detail that it needs to have.

Chair Bosley made a motion to place this request on more time for one more cycle. Councilor Greenwald seconded the motion.

Councilor Johnsen asked when this is coming up for a vote. Chair Bosley replied that this whole item will come back before the PLD Committee in two weeks. Councilor Johnsen asked when HB 266 is coming up in Concord. Chair Bosley replied that she is not sure; she believes there has already been some movement on it in Concord. Councilor Johnsen replied that she thought so, too. She continued that she is not sure if they are too late. Chair Bosley replied that there is an element of timing that she is not sure about, but they should still hear from the Petitioner, and they want to hear from some members of staff who are on vacation this week.

Chair Bosley recognized Representative Joe Schapiro. Rep. Schapiro stated that he is surprised to hear this is going to be delayed, because no one communicated that to him. He continued that there is an issue of timeliness in terms of this Bill and the Mayor and the City Council taking a position on it. Chair Bosley stated that she saw an email sent from the City Clerk's Office. She asked to hear from the City Clerk.

The City Clerk stated that she did communicate the information that the City Manager and the City Attorney are on vacation and it was decided that they really needed to be present for this discussion to continue. Rep.

Schapiro stated that he did not see that. He asked when that was sent. Chair Bosley replied she thinks Tuesday.

Rep. Schapiro stated that this Bill has already been voted out of committee and it will go to the House in a few weeks. He continued that he knows that with the way the Keene City Council works it has already been three or four weeks since he submitted the letter at the suggestion of the City Attorney. There will be ample time to take a stand on this because it will have to go before the whole House and will have to go before the Senate if it passes the House, and will have to go before the Governor for a signature if it passes both Houses. He is disappointed that it is not happening tonight, but he thinks it is worthwhile doing it at the next meeting.

Chair Bosley stated that she appreciated Rep. Schapiro sending a copy of the City's Resolution. She continued that she had spoken with the City Clerk about that as well, because she thinks it is important to notice that when they have this conversation.

Chair Bosley asked if there were any further questions from the committee or public.

Councilor Greenwald stated that he would like to ask Rep. Schapiro to please not read this as anything negative, regarding his letter or the intent. He continued that he is fully supportive with Rep. Schapiro. He just wants to hear what the City Attorney has to say, and since it is not, as he understands it, so time sensitive that it has to get pushed through tonight, he wants to let the process run.

Councilor Johnsen stated that to tag on to Councilor Greenwald's comments, she is very happy to see Rep. Schapiro and appreciates what he is doing, and regarding the timing issues, sometimes these things happen.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the communication from Representative Shapiro be placed on more time until the next cycle.

February 10, 2021

Mayor George Hansel
Keene City Council
3 Washington Street
Keene, NH 03431

RECEIVED
CITY OF KEENE

FEB 16 2021

OFFICE OF
CITY CLERK

Mayor Hansel and Keene Councilors,

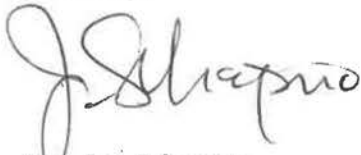
I am writing to bring your attention to HB 266, relative to enforcement of immigration laws and prohibition of sanctuary policies. This bill requires municipalities and local law enforcement to cooperate in the most zealous fashion with federal immigration enforcement entities. It also proposes investigation by the Attorney General when a lack of compliance is alleged and penalties in the form of withholding state funds.

This bill is problematic for many reasons. It interferes with local control. It has financial implications, as Keene police would be obligated to do work currently beyond their prevue. In addition, it would likely create conflicts regarding the constitutional protections that the KPD ordinarily adheres to.

HB 266 will first be heard in the House Municipal and County Government Committee. As of this writing it has not been scheduled, but it will be in the very near future. I urge the City to take a position on this bill and to have a relevant staff member testify or otherwise communicate that position. Not only does this bill have financial and legal implications for municipalities; it has moral implications as well. It is based upon false assumptions and seeks to further demonize immigrants.

Please let me know if I can be of further assistance.

Sincerely,



Rep. Joe Schapiro
Cheshire 16, Keene
Health, Human Services and Elderly Affairs
603-852-5039

HB 266-FN-LOCAL - AS INTRODUCED

2021 SESSION

21-0196
06/05

HOUSE BILL

266-FN-LOCAL

AN ACT relative to enforcement of immigration laws and the prohibition of sanctuary policies.

SPONSORS: Rep. Potucek, Rock. 6; Rep. Binford, Graf. 15; Rep. L. Turcotte, Straf. 4; Rep. Gorski, Hills. 7; Rep. Dolan, Rock. 5; Rep. Layon, Rock. 6; Rep. Hough, Belk. 3; Rep. DeLemus, Straf. 24; Rep. Abramson, Rock. 37; Sen. Gannon, Dist 23

COMMITTEE: Municipal and County Government

ANALYSIS

This bill establishes the New Hampshire anti-sanctuary act, which requires state and local government entities to comply with federal immigration detainer requests. The bill also prohibits state and local government entities from adopting policies that prohibit, restrict, or discourage the enforcement of federal immigration law.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 266-FN-LOCAL - AS INTRODUCED

- Page 2 -

1 VI. "Policy" includes but is not limited to a formal, written rule, directive, policy, procedure,
2 regulation, motion, order, ordinance, resolution, or amendment and an informal, unwritten policy,
3 practice, or custom.

4 VII. "State government entity" means any public agency, bureau, commission, council,
5 department, or other office, body, or entity established under the laws of the state, including law
6 enforcement agencies. The term includes officials, officers, representatives, agents, and employees.
7 state police, the department of corrections, the division of motor vehicles, the fish and game
8 commission, the liquor commission, and campus police. The term includes officials, officers,
9 representatives, agents, and employees.

10 103-A:3 Immigration Detainer Requests; Sanctuary Policies Prohibited.

11 I. A state or local government entity that has custody of an individual who is subject to an
12 immigration detainer request shall:

13 (a) Fully comply with, honor, and fulfill any instruction or request made in the detainer
14 request and in any other legal document provided by a federal agency; and

15 (b) Inform the individual that the individual is being held pursuant to an immigration
16 detainer request issued by the Department of Homeland Security.

17 II. A state or local government entity shall not adopt or enforce a policy or take any other
18 action in violation of 8 U.S.C. section 1373. Nor shall a state or local government entity adopt or
19 enforce a policy or take any other action to prohibit, limit, or in any way restrict or discourage, a
20 state or local government entity from doing any of the following with respect to information
21 regarding the immigration status, lawful or unlawful, of any individual:

22 (a) Sending such information to, or requesting or receiving such information from, the
23 Department of Homeland Security or any other federal agency;

24 (b) Maintaining such information;

25 (c) Exchanging such information with any other federal, state, or local government
26 entity;

27 (d) Inquiring about the immigration status of any individual;

28 (e) Determining eligibility for any public benefit, service, or license provided by federal
29 law or a law of this state or its political subdivisions;

30 (f) Verifying a claim of residence or domicile if a determination of residence or domicile
31 is required under federal law or a law of this state or its political subdivisions or under a judicial
32 order issued pursuant to a civil or criminal proceeding in this state; or

33 (g) Confirming the identity of an individual who is detained by a law enforcement
34 agency.

35 III. A state or local government entity shall not adopt or enforce a policy or take any other
36 action to prohibit, limit, or in any way restrict or discourage the enforcement of federal immigration
37 law, including, but not limited to:

HB 266-FN-LOCAL - AS INTRODUCED

- Page 3 -

1 (a) Prohibiting, limiting, restricting, or discouraging a state or local government entity
2 from honoring, cooperating with, or complying with immigration detainer requests;

3 (b) Requiring the Department of Homeland Security, or other federal agency, to obtain
4 or provide a judicial warrant or other court order, or to demonstrate probable cause, before a state or
5 local government entity will honor, cooperate with, or comply with an immigration detainer request;

6 (c) Prohibiting, limiting, restricting, or discouraging a state or local government entity
7 from providing a federal immigration official access to an inmate for an interview;

8 (d) Prohibiting, limiting, restricting, or discouraging a state or local government entity
9 from assisting or cooperating with a federal immigration officer as reasonable or necessary,
10 including providing enforcement assistance;

11 (e) Prohibiting, limiting, restricting, or discouraging a state or local government entity
12 from permitting a federal immigration officer to enter and conduct enforcement activities at a jail or
13 other detention facility to enforce a federal immigration law;

14 (f) Prohibiting, limiting, restricting, or discouraging a state or local government entity
15 from initiating or conducting an immigration status investigation;

16 (g) Prohibiting, limiting, restricting, or discouraging a state or local government entity
17 from providing a federal immigration official with the incarceration status or release date of an
18 inmate in custody of a state or local government entity; or

19 (h) Prohibiting, limiting, restricting, or discouraging a state or local government entity
20 from negotiating, entering into, or modifying a memorandum of agreement between a state or local
21 government entity and the Department of Homeland Security, or any other federal agency or official,
22 as provided in 8 U.S.C. section 1357(g), or any similar agreement, concerning the enforcement of
23 federal immigration laws.

24 103-A:4 Complaint Process; Penalties.

25 I. The attorney general shall receive complaints regarding alleged violations of RSA 103-A:3.
26 Any person, including a federal agency, may file such a complaint. The person shall include with the
27 complaint any evidence the person has in support of the complaint. Such complaints shall be
28 submitted in writing in such form and manner as prescribed by the attorney general. In lieu of
29 submitting a complaint, any member of the legislature may request, at any time, that the attorney
30 general investigate whether a state or local government entity has violated RSA 103-A:3.

31 II. Upon receiving a complaint or request, the attorney general shall investigate and
32 determine whether a violation of RSA 103-A:3 has occurred. The attorney general shall issue an
33 opinion stating whether the state or local government entity, which is the subject of the complaint or
34 request, has intentionally enacted or adopted a policy that is in violation of this chapter. If a state or
35 local government entity has intentionally adopted a policy in violation of RSA 103-A:3 and has failed
36 to repeal or rescind such policy within 60 days of the issuance of the attorney general's opinion, the
37 state or local government entity shall become ineligible to receive any moneys that would otherwise

HB 266-FN-LOCAL - AS INTRODUCED

- Page 4 -

1 be remitted to it by any other state or local government entity. Such ineligibility shall continue until
2 such time as the attorney general certifies that the policy has been repealed, rescinded, or is
3 otherwise no longer in effect.

4 III. The attorney general shall send to the state or local government entity that was the
5 subject of the investigation and to the state treasurer a copy of any opinion issued pursuant to this
6 section and any certification by the attorney general that a violation of RSA 103-A:3 is no longer in
7 effect.

8 103-A:5 Implementation; Discrimination Prohibited; Severability.

9 I. This chapter shall be implemented in a manner consistent with federal laws and
10 regulations governing immigration, protecting the civil rights of all persons, and respecting the
11 privileges and immunities of United States citizens.

12 II. In complying with the requirements of this chapter, a state or local government entity
13 may not consider an individual's race, color, religion, language, or national origin, except to the
14 extent permitted by the Constitution of the United States, the constitution of the state of New
15 Hampshire, or federal law.

16 III. It is the intent of the legislature that every provision of this chapter, and every
17 application thereof to any person or entity, are severable from each other. If any part or provision of
18 this chapter is in conflict or inconsistent with applicable provisions of federal law, or otherwise held
19 to be invalid or unenforceable by any court of competent jurisdiction, such part or provision shall be
20 suspended and superseded by such applicable laws or regulations, and the remainder of this chapter
21 shall not be affected thereby.

22 2 Effective Date. This act shall take effect upon its passage.

**HB 266-FN-LOCAL- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to enforcement of immigration laws and the prohibition of sanctuary policies.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill includes the following provisions:

- Prohibits the State, its political subdivisions, and law enforcement agencies from adopting and enforcing policies that:
 - Prohibit or discourage state or local government entities from, among other things, inquiring about a person’s immigration status, sending or requesting information from federal agencies, or exchanging information with other federal, state, or local governmental units
 - Prohibit state and local government entities from cooperating with or complying with immigration detainer requests or efforts by the Department of Homeland Security to detain an undocumented immigrant in the custody of a state or local governmental unit.
- Establishes a complaint process that would require the Department of Justice to investigate and determine whether violations of this bill’s prohibitions have occurred. The consequences for being in violation of the bill’s provisions include prohibiting the state or local government entity from receiving “any moneys that would otherwise be

remitted to it by any other state or local government entity.” This creates a new form of offense that the Department of Justice would be responsible for investigating and enforcing.

This bill would likely increase the workload for the Department of Justice. The current number of State and local agencies that have or would retain policies that violate the bill’s provisions is unknown. This means that the increased workload is similarly unknown. Therefore, the fiscal impact is indeterminable.

AGENCIES CONTACTED:

Department of Justice

warrant, or probable cause that the individual has committed a criminal offense as defined by federal, state or local law; and

WHEREAS, individuals may not be temporarily detained or questioned except in accordance with the requirements of the Fourth Amendment to the United States Constitution, and Part 1, Article 19 of the New Hampshire Constitution, both of which require a reasonable suspicion, based on specific articulable facts, that the individual has been, or is about to be engaged in, criminal activity; and

WHEREAS, the Tenth Amendment to the United States Constitution prohibits the Federal Government from compelling States, and by extension the political subdivisions thereof, from employing local resources to administer and enforce Federal programs, including Federal immigration and naturalization programs;

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY OF KEENE:


Will encourage that the following policies be adopted within the City of Keene:

1. To only inquire into the immigration or citizenship status of an individual where the inquiry relates to a legitimate City purpose as required by federal, state, or local law that is otherwise unrelated to the enforcement of a civil immigration law.
2. To only assist U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) in actions intended to enforce federal immigration statutes when required to do so by a federal, state or local law that has been deemed enforceable against the City, or required of the City, by a judicial court with competent jurisdiction over the City.
3. To only cooperate with ICE or CBP in a request to detain or to report an individual when required to do so by a federal, state or local law that has been deemed enforceable against the City, or required of the City, by a judicial court with competent jurisdiction over the City.


Kendall W. Lane, Mayor

PASSED November 16, 2017

A true copy, attest:


City Clerk



City of Keene
Transmittal Form

March 19, 2021

TO: Planning, Licenses and Development Committee

FROM: Darren Humphrey

THROUGH: Patricia A. Little, City Clerk

ITEM: 2.

SUBJECT: Darren Humphrey - Request to Use City Property

ATTACHMENTS:

Description

Communication

Plot Plan

Resolution R-2015-29

BACKGROUND:

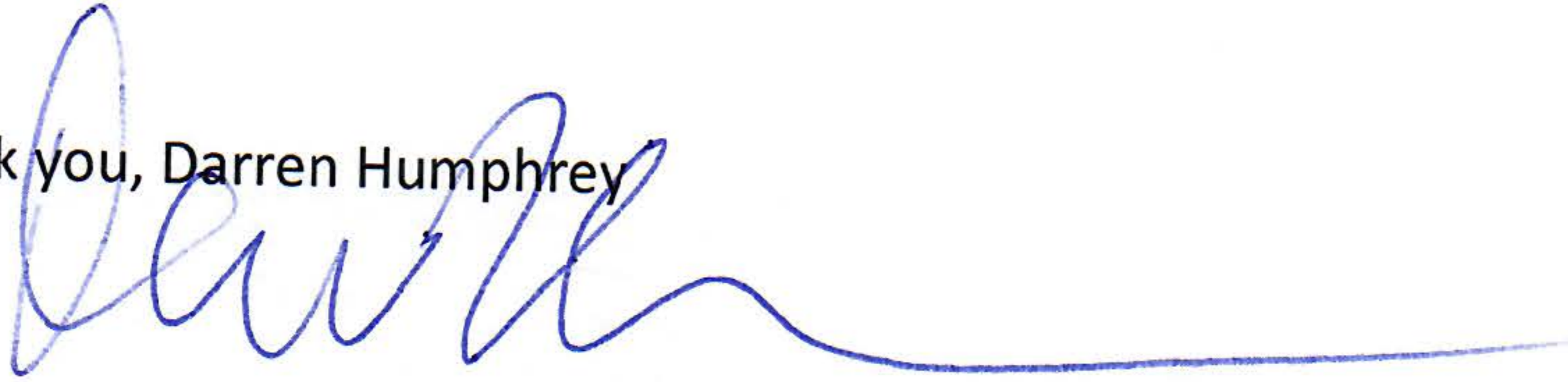
Darren Humphrey is requesting use of the grassy area immediately abutting the Railroad Square brick pavers for outdoor dining.

March 10, 2021

To Mayor of Keene, NH and the City Council of Keene, NH.

I wish to put a patio outside of Trax Club located at 82 main street Keene NH, 03431, for the purpose of providing my customers a nice outdoor seating area to enjoy food and alcoholic beverages, while enjoying music and live entertainment on occasion.

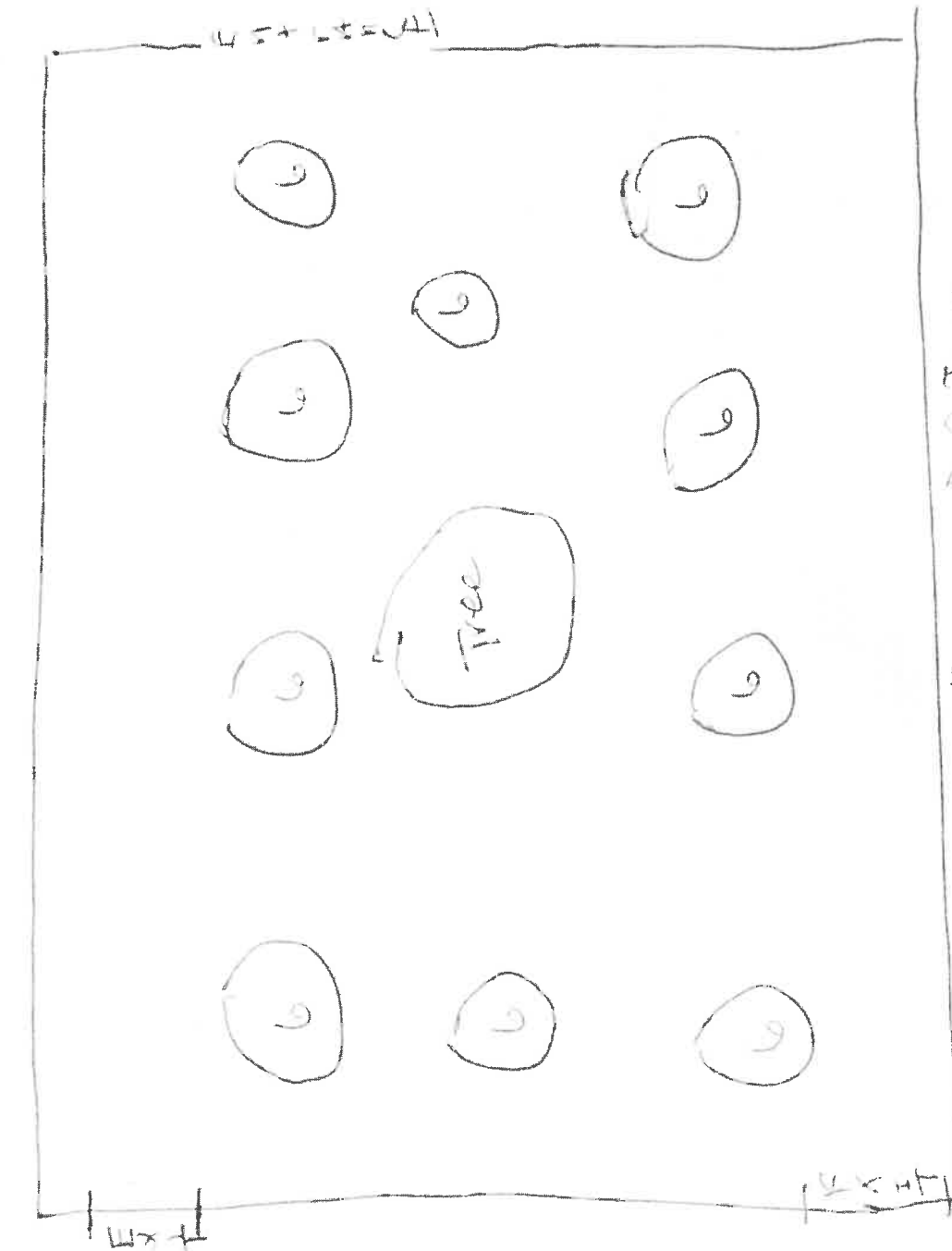
Thank you, Darren Humphrey

A handwritten signature in blue ink, appearing to read 'Darren', with a long horizontal flourish extending to the right.

203-382-3033

TRAX CLUB

Door



Fence will be Picket Fence or Post Iron
 Temporary wood Deck

WALKWAY

Could we consider removing tree?



CITY OF KEENE

R-2015-29

In the Year of Our Lord Two Thousand and Fifteen

A RESOLUTION Relating to Central Square Common and Railroad Square

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

Whereas: The City Council has adopted several resolutions relating to the use of park lands and Central Square and Railroad Square and where as there are conflicting provisions between these resolutions;

Whereas: Central Square Common and Railroad Square are public areas that are intended for public use and no person or group shall claim any kind of exclusive right to use or occupy either of these public areas, except as may be authorized and licensed by the City Council; and

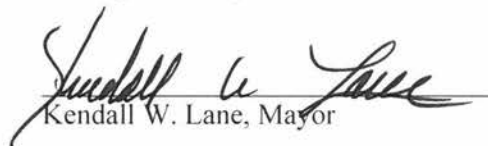
Whereas: The types of activities that are permissible on Central Square Common and Railroad Square include educational events, community events, political activities, recreational events, and charitable solicitation; and

Whereas: Central Square Common and Railroad Square also constitute City parks under the authority and control of the Keene Parks, Recreation and Facilities Department and Article XXI "Use of Central Square Common and Railroad Square" of Chapter 46, "Licenses and Permits."

Whereas: A mobile vending cart location has been designated on the Main Street sidewalk adjacent to Railroad Square; and a vending cart location has been designated in Central Square Common under the provisions of a sidewalk café license with the condition that any tables and chairs be removed when Railroad Square is utilized by any community event licensed by the City Council or any event scheduled through the Keene Parks, Recreation and Facilities Department; and

Whereas: the grassed in area immediately abutting the pavers in Railroad Square may be used for commercial activity under the provisions of a sidewalk café license with the condition that any tables and chairs be removed when Railroad Square is utilized by any community event licensed by the City Council or any event scheduled through the Keene Parks, Recreation and Facilities Department.

NOW THEREFORE BE IT RESOLVED that excepting for the locations identified above, and unless Central Square Common and Railroad Square have been licensed for a community or other event by the City Council, no other commercial vending shall be permitted in Central Square Common or Railroad Square.


Kendall W. Lane, Mayor

July 2, 2015

PASSED

A true copy;

Attest:



City Clerk



City of Keene
Transmittal Form

March 16, 2021

TO: Mayor and Keene City Council

FROM: Energy and Climate Committee

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 3.

SUBJECT: Request to Endorse Carbon Fee & Dividend - Energy and Climate Committee

COUNCIL ACTION:

In City Council March 18, 2021.

Referred to the Planning, Licenses and Development Committee.

RECOMMENDATION:

Mr. Oursler moved that the City Council adopt the resolution from the Clean Energy Team with reference to the City of Keene's Sustainable Energy Plan's goals, Vice Chair Gaunt seconded, and the motion was passed by unanimous vote.

ATTACHMENTS:

Description

Draft resolution

Communications in Support

BACKGROUND:

At the March 3, 2021 meeting of the Energy and Climate Committee, the committee voted to request that City Council endorse "Carbon Fee and Dividend." Included below is an excerpt from the meeting minutes where this item was discussed. The draft resolution language provided by the Clean Energy Team is included as an attachment.

"Chair Hansel stated that the committee sponsored an educational program about this a month ago. He asked if members of the public would like to speak to this request. Ms. Jones explained that Carbon Fee and Dividend entails charging a fee at the source and the money is returned to households rather than the government as it is revenue neutral and not market based, she stated that there can be deductions in emissions at the scale and speed that is needed. Studies show that the lowest income households come out ahead which makes it especially fair and viable politically. She said even the American Petroleum Institute is coming out in favor of carbon pricing and it also has support from many businesses; however, to make it attractive politically on a bipartisan level, the package of the fee and the dividend is attractive. She stated it would create a context for the City where prices reflect the cost of carbon pollution rather than individual mandates and regulations. Ms. Jones said she hopes that the City of Keene will join other cities across the country and twenty-eight NH towns that have endorsed carbon fee and dividend as there will be action in Congress soon, and this would be the most helpful effort to reach one hundred percent clean energy. Ms. Jones asked

that the City Council pass a resolution and the Mayor write a letter to the President, the Governor and State representatives.

Chair Hansel asked if members have questions about the request before drafting a motion. Ms. Gillard added that the carbon fee and dividend is very consistent with the Sustainable Energy Plan and all the work the City is doing to reduce greenhouse gas emissions. She said it makes a lot of sense for the City to endorse the carbon fee and dividend and urged the committee's consideration of it. Chair Hansel asked how many communities in NH have already passed the resolution. Ms. Gillard replied that there are twenty-eight that have endorsed it at town meetings as well as the City of Portsmouth. She said in Cheshire County there are also six townships that have passed it, and four have it on their radar after receiving enough community support. Ms. Jones said that the County Commissioners are also considering the resolution. She said that the County drafted their own resolution, however, the ones from the town meetings are modeled on the Carbon Cashback Coalition and the one they are suggesting today is along those lines as well.

Ms. Brunner stated that the committee can make a recommendation today or wait until their April meeting. She said the recommendation would go to City Council and then the Mayor would most likely refer it to one of the City Council committees. She stated someone from ECC would probably be asked to explain their reasoning for making the recommendation along with members of the public and that committee would then refer the recommendation back to City Council and they would vote on it at their next regular meeting. Chair Hansel asked Ms. Jones and Ms. Gillard what the timeframe is for a recommendation from the City to the State government. Ms. Jones stated that climate is one of the big packages coming forward after the stimulus package within Congress, therefore it would be most effective to make the recommendation soon to add to the public expression of wanting carbon fee and dividend. She stated that once the package is put forward there will be a lengthy process in congressional committees. However, the most important need right now is to make sure this is part of the initial package so it would be most effective to make the recommendation in the next month or so.

Mr. Lamb shared that City involvement in state law development and statute amendments is a well-trodden path, however, in the past the City Council has taken a different view of its role with respect to providing input on federal law and rulemaking. He said he is not suggesting that ECC does not make the recommendation to City Council; however, the Council may question what their role is in the federal lawmaking. He wanted to make sure the committee was aware of this difference.

Vice Chair Gaunt said that carbon fee and dividend is a very effective way to enact the type of change that is required at the state and federal scale in the timely fashion that it requires. She proposed that they write the endorsement and state how it will assist the City of Keene in achieving their own climate goals. Mr. Lamb said that regardless of what City Council choose to do, it provides an opportunity to create awareness and community involvement which is paramount. Chair Hansel said the recommendation does not specifically mention the Sustainable Energy Plan so that is something that can be added. He asked what members' thoughts are on endorsement. Vice Chair Gaunt added that the recommendation states that the City of Keene has been a leader in climate and energy issues and proposed that they include a statement about the adoption of the Sustainable Energy Plan and tie it into the City's goals. Mr. Nuru stated that the ultimate goal as an energy committee is to see these policies take effect, this is a move in the right direction.

Mr. Oursler moved that the City Council adopt the resolution from the Clean Energy Team with reference to the City of Keene's Sustainable Energy Plan's goals, Vice Chair Gaunt seconded, and the motion was passed by unanimous vote."

Draft 2/22/21

Resolution Endorsing National Legislation to Reduce the Costs of Climate Change

WHEREAS: destabilized weather patterns, rising sea levels and extreme weather events pose a substantial threat to the health, prosperity, and security of Americans; and

WHEREAS: climate change costs are real, growing and already burdening businesses, taxpayers, and municipal budgets, placing our economy, infrastructure and public safety directly at risk; and

WHEREAS: prudent action now will be far less costly than the consequences of delayed response and will create a more stable business environment for our nation; and

WHEREAS: the City of Keene has been a leader in addressing the challenges of climate change for over 20 years; and

WHEREAS: 3500 economists view carbon pricing as the most cost-effective approach for reducing carbon emissions at the scale and speed needed; and

WHEREAS: Carbon Fee and Dividend (also known as Carbon Cash-Back) will place a fee on fossil fuels at the source, steadily increasing until emissions reductions goals are met; and

WHEREAS: Carbon Fee and Dividend will distribute all revenue collected to American households equally and directly; and

WHEREAS: Carbon Fee and Dividend is market-based and revenue neutral, sending a clear price signal to entrepreneurs to invest in a local clean-energy economy.

NOW, THEREFORE BE IT RESOLVED that the City of Keene hereby endorses Carbon Fee and Dividend legislation to reduce the costs of climate change to the citizens of Keene, our state, and our country.

March 22, 2021

Dear Chair Bosley, Vice Chair Greenwald, Councilor Johnsen, Councilor Jones and Councilor Workman:

As long-time Keene residents, we encourage city support of the Carbon Fee and Dividend Resolution presented to the city council by Keene's Energy and Climate Committee.

For many years Keene has demonstrated strong leadership in response to climate change:

- * 2004 Climate Action Plan committing to greenhouse gas emissions reduction goals
- * supporting the Paris Climate Agreement Goals
- * passing a Sustainable Energy Resolution in 2019.
- * exploring potential Community Power Plans
- * passing comprehensive Sustainable Energy Plan in January 2021.

Carbon Fee and Dividend is a national policy to further encourage reductions in greenhouse gas emissions. This is an equitable approach that would help Keene reach the goals of our Sustainable Energy Plan.

We are proud of Keene's climate leadership and hope that you will support Carbon Fee and Dividend to demonstrate our ongoing commitment and response to addressing the climate crisis.

Thank you for your consideration of this resolution.

Sincerely,



Nancy Kelley-Gillard

William D. Gillard

72 Reservoir St.

Keene, NH

357-0213



Green Energy Options of Keene
37 Roxbury Street
Keene, NH 03431
(603) 358-3444
www.GreenEnergyOptions.com

Honorable Members of Congress,

February 12, 2021

Green Energy Options of Keene enthusiastically endorses the Energy Innovation and Carbon Dividend Act.

Our company mission supports our community in the increased use of cleaner, more efficient and renewable sources of energy in order to move our region toward greater energy independence, sustainability and regenerative ways of living.

We wholeheartedly support our local goals to have all of the electricity consumed by the entire City of Keene, (not just municipal government operations) be sourced from renewable energy sources by the year 2030.

The Carbon Dividend Act, once passed, will provide significant incentive and traction for individuals, businesses, and communities to join together to meet our energy needs responsibly.

Thank you for helping our local economy and environment by passing this Act.

Valerie Piedmont and
The Green Energy Options Team
37 Roxbury Street
Keene, NH 03431
603-358-3444
603-209-7272

March 21, 2021

Dear Keene City Councilors and Members of the PLD Committee,
Councilor Bosley, Councilor Greenwald, Councilor Johnsen, Councilor
Jones and Councilor Workman:

The Energy and Climate Committee brought forth a Carbon Cash-Back Resolution to the City Council on 3/18/2021. Mayor Hansel has passed it along to the Planning, Licenses, and Development Committee for discussion on 3/24/2021 and to be voted on. If it passes, which I hope it will, it will go back to the full City Council for a vote.

The Carbon Cashback Resolution is being talked about on the federal level as well and promises to be the most effective means of containing carbon emissions. Since the City of Keene has passed their Sustainable Energy Plan it seems that this resolution would help Keene to get to their goal of 100% Clean Energy.

I hope you found time to view the Ted talk which I forwarded to you and that it was helpful to you.

Please let me know if you have any questions or concerns.

Thank you for your time and all you do for our city.



Carolyn Jones
14 Monadnock St.
Keene, NH
357-0563

Patty Little

From:

Sent: Monday, March 22, 2021 8:09 AM

To: Patty Little; Councilor Mitchell Greenwald

Cc: Nancy Gillard; Councilor Robert Williams

Subject: Support for Carbon Cashback Initiative

Good Morning,

I am writing as your constituent and a taxpayer in Keene to encourage your support of the proposed Carbon Fee & Dividend proposal by Keene's Energy & Climate Committee this Wednesday evening at the Planning, Licenses & Development Committee meeting.

Keene has the opportunity to continue its tradition of supporting the continued exploration of the most cost efficient and revenue neutral ways to reduce our dependence on destructive fossil fuels.

While there is no one solution to our energy source and environmental problems, Carbon Fee & Dividend has multiple benefits that deserve continued and increased attention.

*"A carbon fee and dividend, otherwise known as a revenue-neutral carbon tax, works by placing a price on GHG emissions. The money taken in by taxing/pricing carbon could be used in a variety of ways including spending on renewable energy R&D or reducing other taxes, but what makes a carbon fee and dividend a carbon fee and **dividend** is that the money is divided equally and given back to all people within a country. A border adjustment is usually added to not allow carbon "leakage" ie: factories leaving the country to avoid paying the carbon price, and drive other countries to reduce carbon emissions. Because the only thing controlled by this policy is the price of carbon, it cannot guarantee an actual reduction in emissions, though this can be modeled with some degree of accuracy."*

https://www.reddit.com/r/climate/comments/h8gnjn/carbon_fee_and_dividend_vs_clean_energy_standard/

Thank you for your consideration of this request. I appreciate the time and energy you spend helping our City manage its many challenges and accomplishments.

Sincerely,
Michele Chalice



Monadnock Sustainability Hub

monadnocksustainabilityhub.org

info@monadnocksustainabilityhub.org

Dear Mayor Hansel and members of the Keene City Council,

On behalf of the Monadnock Sustainability Hub, I am writing to show our support of passing a Carbon Cash-back resolution in the city of Keene.

The Monadnock Sustainability Hub is a local non-profit organization collaboratively working to transition the Monadnock region to 100% clean and renewable energy. We view Keene as an exemplar city with a standing history of caring for the environment and taking climate action. Such commitment to climate action is illustrated by the City's recent adoption of a Sustainable Energy Plan, which is paving the way for a regional clean energy transition. We believe adopting a Carbon Cash-back resolution is an important additional step to uphold the City's commitment to clean energy and influence other communities to follow suit.

We believe Carbon Cash-back policy is the most effective, efficient, and equitable way to reduce harmful carbon emissions on the scale needed to effectively address the global climate crisis. Not only would this policy be an effective tool for our nation to take climate action, it would also provide social and economic benefits. Carbon Cash Back is good for the economy; it would create new clean energy jobs, put money in the pockets of American households, and support low income families. It has gained bipartisan support from politicians nation wide and is approved by over 3,500 economists.

Encouraging the New Hampshire Governor and State Legislature to pass a Carbon Cash-back bill would help advance the City's 100% clean energy goals and provide incentive for individuals, businesses, and communities to work together to advance clean energy in New Hampshire.

For those reasons, the Monadnock Sustainability Hub encourages you to pass a Carbon Cash-back resolution.

Thank you for your time and consideration.

Sincerely,

Annie Henry
Program Manager of the Monadnock Sustainability Hub



City of Keene
Transmittal Form

March 23, 2021

TO: Planning, Licenses and Development Committee

FROM: Tara Kessler, Senior Planner

THROUGH: Elizabeth A. Dragon City Manager

ITEM: 4.

SUBJECT: Relating to Proposed Congregate Living and Social Services License - Senior Planner

RECOMMENDATION:

To recommend that the City Manager introduce an ordinance to City Council related to amendments to Chapter 46 of City Code, and the establishment of a Congregate Living and Social Service License.

ATTACHMENTS:

Description

Overview of Proposed Congregate Living and Social Services License

BACKGROUND:

At the Planning, Licenses, and Development (PLD) Committee meeting on March 24, 2021, City staff will be presenting on the topic of a proposed Congregate Living and Social Services License. This topic was introduced and reviewed by the Joint Committee of the Planning Board and PLD as part of the public workshop phase for the proposed Land Development Code (O-2020-10), which ran from November 2020 through February of 2021.

During this phase, City staff recommended, and the Committee agreed, that a separate ordinance should be drafted to propose the establishment of a Congregate Living and Social Services License in Chapter 46 "Licenses and Permits" of City Code. This approach was proposed to address amendments to Chapter 46 of City Code, which is not included in the proposed Land Development Code, including corrections to the existing appeal process in Chapter 46.

Although this proposed license would be introduced as a separate ordinance, this topic is closely tied to the proposed Land Development Code through the definitions and use standards for congregate living and social service uses. If this ordinance is introduced, it will need to be acted on at the same time as the ordinance proposing to establish the Land Development Code (O-2020-10), which is anticipated to go before City Council for a Public Hearing on April 15.

As this was the subject of public comment throughout the public workshop phase of O-2020-10, it is important to recognize that there may be members of the public seeking to provide comment and input on this topic at the upcoming PLD meeting.

Attached are the materials that City staff will be reviewing at the meeting.

Overview of Proposed Congregate Living / Social Services License

The following uses would require this license (see pages 5 & 6 for use definitions):

- Drug Treatment Clinic*
- Fraternity/Sorority**
- Group Home, Large**
- Group Home, Small**
- Group Resource Center*
- Homeless shelter*
- Lodginghouse** (currently requires Lodginghouse License)
- Residential Care Facility*
- Residential Drug/Alcohol Treatment facility*

The license would apply to existing uses and future uses.

- All existing and future businesses or organizations that would be categorized as one of the congregate living/social service uses listed above would be required to obtain this license and have it annually renewed.

By when would uses subject to this license need to obtain their initial license?

- Businesses or organizations in existence prior to the effective date of the proposed ordinance would have to initially obtain this license by October 1st in the year following the take effect date of the ordinance, which is anticipated to be sometime in the summer of 2021.
- Businesses or organizations that are established after the take effect date of the proposed ordinance would need to obtain this license after they receive a Conditional Use Permit from the Planning Board and before they can begin operations.

By when would licenses need to be renewed?

- Once a license is initially issued, it will expire in the following year on a specific date. Staff is proposing a schedule for when licenses for each use category would need to be renewed. For example, all group home licenses need to be renewed by June 1. If a license was initially issued before June 1, it would not need to be renewed until June 1 of the following year.
- This proposed schedule for license renewal is listed below:
 - Drug Treatment Clinic – May 1
 - Group Home, Large – June 1
 - Group Home, Small – June 1
 - Group Resource Center – July 1
 - Homeless Shelter – Aug. 1
 - Lodginghouse – Aug. 1
 - Residential Care Facility – Sep. 1
 - Residential Drug/Alcohol Treatment Facility – Sep. 1
 - Fraternity/Sorority – Oct. 1

*These uses are newly proposed to the Zoning Ordinance as part of O-2020-10, which has not yet been acted on by City Council.

**These uses currently exist in the Zoning Ordinance, but amendments are proposed to their definitions as part of the proposed O-2020-10.

Overview of Proposed Congregate Living / Social Services License

Who would issue this license?

- Staff are proposing that a Licensing Board be established to review applications for and decide on congregate living and social service licenses, as well as any other licenses currently issued by City Council (Community Event and Street Fair).
- City Council would be the appeal body for such Licensing Board decisions.
- The Licensing Board is anticipated to be a 5 member board, whose members are appointed by City Council.
- As City Council would be the appeal entity, no City Council members would serve on this Board. Similarly, City staff in enforcement roles (e.g. Code, Fire, Police) would not serve on this Board.

Would meetings of the Licensing Board be open to the public?

- **The Licensing Board would be a “public body”, and all** meetings of the proposed Licensing Board would be open to the public, and the public would be able to provide comments/ask questions at the meetings. However, there will not be a butter notice or legal notice required for these public hearings.

How would the Licensing Board decide on license applications?

- The Licensing Board shall rely on the criteria proposed on page 4 of this handout to evaluate whether it should approve/renew, approve/renew with conditions, or deny a license application.
- In deciding whether the application meets the evaluation criteria, the Licensing Board shall rely on the license application materials submitted by the applicant (*see page 3 of this handout for proposed application submission requirements*), any recommendations/testimony provided by City staff (e.g. Code, Planning, Fire, Police) on the application, and any testimony provided by the public and/or the applicant at the public hearing.

What happens if a license is not obtained or renewed?

- No operation or activity required to be licensed may be conducted in the City unless it has received a license.
- Each violation of the ordinance may be punished by a fine of not more than \$1,000. Each day any violation of the ordinance continues it shall constitute a separate offense. (current penalty language in Chapter 46 of City Code).
- The Licensing Board would be responsible for deciding the fine that would be imposed for violations.
- If a license is not renewed by its annual expiration date, a license holder may request an extension from the Licensing Board. Additionally, the Licensing Board may choose to issue the license holder a provisional license for a term less than 1-year and/or with conditions to provide additional time for a licensee to obtain their renewal license.

Can a license be suspended or revoked?

- Yes. See page 4 of this handout for the terms by which a license may become provisional, suspended or revoked.

Draft Application Submission & Review Process for Proposed Congregate Living / Social Services License

1. APPLICATION SUBMISSION

Owner/Applicant submits license application to the Community Development Department.

- Proposed License Application Submission Requirements:
- a) Description of the property location including street address and tax map parcel number.
 - b) Description of the client population to be served, including the services provided to the clients/ residents of the facility and of any support or personal care services provided on- or off-site.
 - c) Description of the size and intensity of the facility, including info about: the number of occupants; max beds or persons; hours of operation; size and scale of buildings or structures on the site; size of outdoor areas
 - d) The average length of stay for residents/occupants of the congregate living facilities
 - e) Name, phone number, and address of the property owner.
 - f) 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.
 - g) Evidence that all required licenses, permits or authority to operate have been obtained
 - h) Application fee of \$175
 - i) Operations and Management Plan (*which includes a security plan, life safety plan, staff training and procedures plan, health and safety plan, emergency response plan, neighborhood relations plan, building and site maintenance procedures*)
 - j) Homeless Shelters shall provide the additional information:
 - i. Rules of conduct & registration system for guests
 - ii. Policies and procedures for denying access to the shelter

2. STAFF REVIEW

City staff (including Community Development, Fire & Police staff) will review the application for completeness and any info on file for the property from the past year (e.g. recent fire/code inspections, police violations, complaints, etc.).

- If the application is not complete, it will be returned to Applicant to provide missing/additional material.
- If the application is complete, Staff will produce a report/recommendation to the Licensing Board for their consideration.

3. LICENSING BOARD PUBLIC HEARING

Within 30-calendar days of receiving a complete application, the Licensing Board will hold a public hearing. The Applicant will be required to present on the application, and the public will have the opportunity to speak. The Board may choose to continue a public hearing, approve the license, approve the license with conditions, or deny the license.

4. LICENSE APPEAL

Any party aggrieved by the decision of the Licensing Board may appeal to the City Council within 30-calendar days of the day following the decision. The City Council may choose to hold a de novo public hearing on the application.

5. LICENSE EXPIRATION & RENEWAL

Licenses shall be renewed annually following a schedule for renewal (see gray box below) for each use category; unless, conditions placed on the license require an earlier timeframe for renewal.

Drug Treatment Clinic – May 1	Lodginghouse – Aug 1
Group Home, Large – June 1	Residential Care Facility – Sep 1
Group Home, Small – June 1	Residential Drug/Alcohol Treatment Facility – Sep 1
Group Resource Center – July 1	Fraternity/Sorority – Oct 1
Homeless Shelter – Aug 1	

6. LICENSE SUSPENSION / REVOCATION

If, at any point during the term of the issued license, the Licensing Board determines that a licensee is not in compliance with the terms of the license or that one or more of the grounds for suspension or revocation have been met (*see page 4*), they may either:

- Place the licensee on provisional license for a definite period of not more than 180-days, as determined by the Board.
 - Under a provisional license, the licensee may continue to operate the use under certain conditions, and must demonstrate that they have either met certain conditions and/or have been found by the applicable enforcement entity and the licensing board to be in compliance with the terms of their license and any applicable regulations prior to the expiration of their provisional license.
- Suspend the license for a definite period, not to exceed 1-year, as determined by the Board.
 - Under suspension, the licensee may not operate the use and will not be able to resume operation of the use until certain conditions are met and/or the licensee has been found by the applicable enforcement entities and the licensing board to be in compliance with the terms of their license and any applicable regulations.
- Revoke the license.
 - Under revocation, the licensee may no longer operate the use.

Draft Evaluation Criteria for Proposed Congregate Living / Social Services License

LICENSE EVALUATION CRITERIA:

The Licensing Board shall use the following criteria to evaluate whether it approves/renews, approves/renews with conditions, or denies a license application:

- The use is found to be in compliance with the submitted operations and management plan, including but not limited to compliance with all applicable building, fire, and life safety codes.
- The use is of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.
- The use does not produce public safety or health concerns in connection with traffic, pedestrians, public infrastructure, and police or fire department actions.
- The Licensing Board may require conditions on a license as reasonably necessary to insure compliance with the requirements of this section.
 - Failure of any Licensee to comply with such conditions shall be considered a violation of the license.
 - Such conditions may include restrictions on the operation of the use (e.g. reduced hours of operation, limits on occupancy), and may include limits on the term of the license to a period less than 1-year.

GROUND FORS SUSPENSION & REVOCATION:

Any of the following, may be considered grounds for the Licensing Board to evaluate whether a license should be made provisional, suspended or revoked.

- Fraud, misrepresentation, or false statement contained in the license application.
- Fraud, misrepresentation, or false statement made in the course of carrying on the use for which the license is issued.
- Substantial violations of the terms of Chapter 46.
- Any substantial violation of applicable municipal building, zoning, health, police and fire rules, regulations, and ordinances, and applicable statutes, rules and regulations of the state.
- Any violation of a restriction or condition placed on the license.
- The licensee is determined to be routinely conducting the use in such a manner as to be a substantial or unreasonable nuisance to the public health, safety, or welfare.
- Refusal to permit an inspection or any interference with a duly authorized City enforcement officer while in the performance of their duties in making such inspections required by this Chapter.

FACTORS FOR BOARD TO USE WHEN EVALUATING LICENSE VIOLATIONS:

In making a determination of whether to place a licensee on a provisional license, or to suspend or revoke a license, the Licensing Board shall consider the following factors:

- The circumstances leading to the violation and **the owner/operator's history of violations;**
- The extent of deviation from the terms and conditions of the issued license and the **licensee's approved Operation and Management Plan;**
- The severity of the violation, including the degree of impact to the clients of the use and/or the surrounding neighborhood/area.
- The duration and frequency of the violation, and **the owner/operator's efforts to comply with the licensing requirements.**

Proposed Congregate Living / Social Services Use Definitions*

Drug Treatment Clinic - A non-residential facility authorized by the state to provide treatment and licensed drugs to natural persons, including, but not limited to, methadone or suboxone, to manage and treat drug dependencies.

Use Standards:

- a. No drug treatment clinic shall be constructed or operate without first having obtained a congregate living and social services conditional use permit from the Planning Board in accordance with Article 15 of the proposed Land Development Code.
- b. Annually, a drug treatment clinic shall obtain a congregate living and social service licenses from the City Council as set forth in Chapter 46 of the City Code of Ordinances.
- c. Security lighting is required and shall be adequate to deter or detect intrusions or other criminal activity during non-daylight hours.
- d. If this use is located directly adjacent to a residential zoning district there shall be a building setback of 50-ft from the property line(s) directly abutting such district, unless an alternative solution is approved by the Planning Board as part of a site plan.

Fraternity/Sorority - A place of residence, with or without meals, for natural persons that are all members of or pledged to a local or national fraternity or sorority.

Use Standards:

- a. No fraternity/sorority shall be constructed or operate without first having obtained a congregate living and social services conditional use permit from the Planning Board in accordance with Article 15 of the proposed Land Development Code.
- b. Annually, a fraternity/sorority shall obtain a congregate living and social services license from the City Council as set forth in Chapter 46 of the City Code of Ordinances

Group Home, Large - A facility providing living accommodations and care for up to 16 unrelated natural persons who are in need of personal care services and/or are in need of supervision. Group home may include non-medical drug and alcohol rehabilitation. A group home with 4 or fewer residents is considered a single-family dwelling.

Use Standards:

- a. Only 1 large group home shall be permitted per lot.
- b. No large group home shall be constructed or operate without first having obtained a congregate living and social services conditional use permit from the Planning Board in accordance with Article 15 of the proposed Land Development Code.
- c. Annually, a large group home shall obtain a congregate living and social service licenses from the City Council as set forth in Chapter 46 of the City Code of Ordinances. d. If located within a residential zoning district, large group homes shall maintain the appearance of a residential structure and the design and operation of the facility shall not alter the residential character of the structure.

Group Home, Small - A facility in a residential dwelling, providing living accommodations and care for no more than 8 unrelated natural persons who are in need of personal care services and/or are in need of supervision. Small group home may include nonmedical drug and alcohol rehabilitation. A group home with 4 or fewer residents is considered a single-family dwelling.

Use Standards:

- a. Only 1 small group home shall be permitted per lot.
- b. No small group home shall be constructed or operate without first having obtained a congregate living and social service conditional use permit from the Planning Board in accordance with Article 15 of the proposed Land Development Code.
- c. Annually, a small group home shall obtain a congregate living and social services license from the City Council as set forth in Chapter 46 of the City Code of Ordinances.
- d. Small group homes shall maintain the appearance of a residential structure, and the design and operation of the facility shall not alter the residential character of the structure.

Group Resource Center - An establishment designed with the primary purpose of providing access to services related to counseling, personal care, or social well-being in a group setting. It does not include in-patient, overnight services, or treatments normally conducted in a medical office.

Use Standards:

- a. No group resource center shall be constructed or operate without first having obtained a congregate living and social services conditional use permit from the Planning Board in accordance with Article 15 of the proposed Land Development Code.
- b. Annually, a group resource center shall obtain a congregate living and social services license from the City Council as set forth in Chapter 46 of the City Code of Ordinances.

Proposed Congregate Living / Social Services Use Definitions*

Homeless Shelter - A facility that provides temporary shelter without a required fee to natural persons who are homeless. The facility shall be managed by a public or non-profit agency with in-house supervision provided during operation.

Use Standards:

- a. Proximity to other uses.
 - i. Any new homeless shelter use shall not be located within 750-ft (measured at the property line) of any pre-existing homeless shelter use.
 - ii. Any new homeless shelter shall not be located within 500-ft (measured at the property line) of a any preexisting public or private school, or child day care center.
 - iii. Homeless shelters with more than 16-occupants shall not be located directly adjacent to a residential zoning district.
- b. No homeless shelter shall be constructed or operate without first having obtained a congregate living and social services conditional use permit from the Planning Board in accordance with Article 15 of the proposed Land Development Code.
- c. Annually, a homeless shelter shall obtain and maintain a congregate living and social services license from the City Council as set forth in Chapter 46 of the City Code of Ordinances.
- d. All outdoor activity areas on-site shall be screened from public view and from the view of adjacent properties with a minimum 6-ft high solid fence. e. The facility shall provide indoor and/ or outdoor waiting areas of a sufficient size to accommodate demand and to prevent queueing on the public right-of-way. Such waiting areas shall be screened from view.

Lodginghouse - Any dwelling for between 5 and 16 unrelated natural persons, which provides separate rooms for sleeping for a fee, without personal care services 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 LDC, the term lodginghouse shall not include a hotel or motel.

Use Standards:

- a. Only 1 lodginghouse shall be permitted per lot, and no other residential uses shall be permitted on the same lot as a lodginghouse.
- b. No lodginghouse shall be constructed or operate without first having obtained a congregate living and social services conditional use permit from the Planning Board in accordance with Article 15 of the proposed Land Development Code.
- c. Annually, a lodginghouse shall obtain a congregate living and social services license from the City Council as set forth in Chapter 46 of the City Code of Ordinances.
- d. If located within a residential zoning district, lodginghouses shall maintain the appearance of a residential structure, and the design and operation of the facility shall not alter the residential character of the structure.

Residential Care Facility - A licensed facility that provides 24-hour medical and/or non-medical care to natural persons in need of personal care services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility may include nursing care, assisted living, hospice care, and continuum of care facilities. Residential care facility does not include a residential drug/ alcohol treatment facility.

Use Standards:

- a. No residential care facility shall be constructed or operate without first having obtained a congregate living and social services conditional use permit from the Planning Board in accordance with Article 15 of the proposed Land Development Code.
- b. Annually, a residential care facility shall obtain a congregate living and social services license from the City Council as set forth in Chapter 46 of the City Code of Ordinances.
- c. If located within a residential zoning district, residential care facilities shall maintain the appearance of a residential structure, and the design and operation of the facility shall not alter the residential character of the structure.

Residential Drug/Alcohol Treatment Facility - A licensed facility that provides 24-hour in house supervision for medical and/or non-medical/therapeutic care of natural persons seeking rehabilitation from a drug and/or alcohol addiction. Such facilities may include medical detoxification.

Use Standards:

- a. No residential drug/alcohol treatment facility shall be constructed or operate without first having obtained a congregate living and social services conditional use permit from the Planning Board in accordance with Article 15 of the proposed Land Development Code.
- b. Annually, a residential drug/alcohol treatment facility shall obtain a congregate living and social services license from the City Council as set forth in Chapter 46 of the City Code of Ordinances.