



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE  
Council Chambers A, Keene City Hall  
October 13, 2021  
6:00 PM

**A. AGENDA ITEMS**

1. Keene Snoriders - Request to Use City Property - 2021/2022 Snowmobile Season
2. Keene Kiwanis Club - Request to Use City Property - Tree Lighting Ceremony
3. Attorney James Callahan - Assignment of License - 43-45 Roxbury Street - Access to City Property
4. Ordinance 0-2021-12-A: Relating to the Land Development Code

**B. MORE TIME ITEMS**

1. Terry Clark - Relating to Small Wireless Facility Deployments in Public Rights-of-Way

**NON PUBLIC SESSION**

**ADJOURNMENT**



# CITY OF KEENE NEW HAMPSHIRE

ITEM #A.1.

**Meeting Date:** October 13, 2021  
**To:** Mayor and Keene City Council  
**From:** Ron Robbins  
**Through:** Patricia Little, City Clerk  
**Subject:** Keene Snoriders - Request to Use City Property - 2021/2022 Snowmobile Season

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**Council Action:**

In City Council October 7, 2021.

Referred to the Planning, Licenses and Development Committee.

**Recommendation:**

**Attachments:**

1. Communication\_Robbins

**Background:**

The Keene Snoriders is submitting their annual request for use of City rights-of-way to the 2021/2022 snowmobiling season.



KEENESNORIDERS  
 PO BOX 1511  
 KEENE NH 03431

Oct. 1st. 2021

To the Mayor and City Council:

The KeeneSnoRiders Snowmobile club is seeking renewal for permission to run snowmobiles in the right of way along Krif Road from the Ashuelot Rail Trail to Winchester Street, crossing Winchester Street to the property of Perry Kiritsy at 471 Winchester Street. The time frame would run from December 15<sup>TH</sup> 2021 through March 30<sup>th</sup> 2022 snow permitting.

**We currently have permission from the following property owners:**

Emile J. Ledger 460 Winchester Street	Tax Map: 84-02-001
Kiritsy LLC. 471 Winchester Street	Tax Map: 911-26-043
Emile Bergeron OFF Base Hill	Tax Map: 911-26-055
State of NH	Tax Map: 911

**We are asking renewals of license for permission to cross the following City of Keene properties:**

Access to portion of Old Gilsum Rd. approximate one mile to Gilsum town line.  
 Crossing of Winchester St. at Krif Road  
 Crossing of Production Avenue approximately 200 ft. South of Route 9  
 Tax Map: 909-05-012                      Off Route 10 by three mile reservoir  
 Tax Map: 911-26-015                      Off Wetmore Street

We are available to answer any concerns you may have.

Thank You,

Ron Robbins  
 Trail Administrator  
 603-209-1344



# CITY OF KEENE NEW HAMPSHIRE

ITEM #A.3.

**Meeting Date:** October 13, 2021  
**To:** Mayor and Keene City Council  
**From:** Attorney James Callahan  
**Through:** Patricia Little, City Clerk  
**Subject:** **Attorney James Callahan - Assignment of License - 43-45 Roxbury Street - Access to City Property**

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**Council Action:**

In City Council October 7, 2021.

Referred to the Planning, Licenses and Development Committee.

**Recommendation:**

**Attachments:**

1. Communication\_Atkins Callahan

**Background:**

Attorney James Callahan is representing Fieldstone Land Consultants, PLLC, which is purchasing land and buildings located at 43-45 Roxbury Street, currently owned by Roxbury Realty Partnership. In 2001, the City gave Roxbury Realty Partnership a license to access a 2 foot by 185 foot strip of land along the property line. Attorney Callahan is requesting confirmation from the City that the 2001 license is assignable and that the City will recognize the new owner as the Licensee.



**James M. Callahan, Esq.**  
20 Depot Street, Suite 220  
Peterborough, NH 03458  
Direct telephone: (603) 845-1959  
Direct facsimile: (603) 371-9056  
Email: [jcallahan@atkinscallahan.com](mailto:jcallahan@atkinscallahan.com)

October 5, 2021

Mr. George S. Hansel, Mayor  
City Council  
City of Keene  
3 Washington Street  
Keene, NH 03431

Re: 43-45 Roxbury Street, Keene, NH (the "**Property**")

Dear Mayor Hansel and Ladies and Gentlemen of the City Council:

This office represents Fieldstone Land Consultants, PLLC, a survey and engineering firm that works with various clients. They are purchasing the land and buildings located at 43-45 Roxbury Street in Keene, NH, currently owned by Roxbury Realty Partnership and occupied by the law office of Goodnow, Arwe, Ayer, Prigge, Hoppock & Kane, P.C. Fieldstone intends to use the property for administrative offices for its business operations.

The Property benefits from a License from the City of Keene dated July 20, 2001, to pave and allow ingress and egress to and from the Property over City property, which is recorded at the Cheshire County Registry of Deeds, Book 1821, Page 695, copy attached.

We formally request that the City extend the same rights to the new owner of the Property. We expect to close on October 8, 2021. Fieldstone Lane Consultants, PLLC plans to vest the property in its real estate holding entity known as FLC Elm Street Realty Trust, LLC.

Please let me know if you require any further information.

Sincerely,

A handwritten signature in blue ink, appearing to be 'J. Callahan', is written over a faint, circular watermark or stamp.

James M. Callahan

Enclosures

## NON-CONTRACTUAL TRANSFER

**LICENSE**

The City of Keene, a New Hampshire municipal corporation, having a usual place of business at 3 Washington Street, Keene, New Hampshire, 03431, acting by and through its City Manager, but without personal liability to himself, hereby grants a LICENSE to Roxbury Realty Partnership, a New Hampshire partnership, having a usual place of business at 45 Roxbury Street, Keene, New Hampshire 03431, to pass and repass on City property as follows:

Roxbury Realty Partnership desires to gain needed area access to pave and allow ingress and egress to and from its property.

The area affected by the above described license is bounded and described as follows:

Beginning at an iron bar on the southerly side of Roxbury Street at the northwest corner of the within granted premises and the northeast corner of land now of Roxbury Realty Partnership;

thence North  $79^{\circ} 36' 30''$  East 2 feet, along the southerly bound of Roxbury Street, to a point;

thence South  $10^{\circ} 24' 50''$  East 185.74 feet, 2 feet easterly of and parallel with the easterly bound of said Roxbury Realty Partnership land, to a point;

thence South  $79^{\circ} 36' 30''$  West 2 feet to a bound set 0.1' to the West of original, said point marking the southeast corner of land of Roxbury Realty Partnership;

thence North  $10^{\circ} 24' 50''$  West 185.74 feet along the easterly bound of said Roxbury Realty Partnership land to the iron bar on the southerly side of Roxbury Street at the point of beginning.

Meaning and intending to grant a license to pass and repass over part of the premises conveyed to the City of Keene by Herbert J. Sweeney and Jessie F. Sweeney, by deed dated October 2, 1975 and recorded at the Cheshire County Registry of Deeds at Vol. 905, Page 271 and part of the premises conveyed to the City of Keene by Russell G. Putney and Olande C. Putney, being the sole shareholders of the Keene Steam Laundry, a defunct New Hampshire corporation, by deed dated August 16, 1974 and recorded at the Cheshire County Registry of Deeds at Vol. 887, Page 463.

BK1821PG0696

Roxbury Realty Partnership agrees that the permission granted herein is a license, which is revocable at the discretion of the City, to use City land, and that the land will at all times remain the property of the City of Keene. In the event of revocation, the area affected by this license shall be restored to its condition on the date of this license.

IN WITNESS WHEREOF, the parties hereto have set their seals and the hands of their duly authorized officers this 20 day of July, 2001.

CITY OF KEENE

Barbara Philipp  
Witness

By: John A. MacLean  
John A. MacLean, City Manager

[Signature]  
Witness

ROXBURY REALTY PARTNERSHIP  
By: William N. Prigge  
William N. Prigge, Partner

RECEIVED  
CHESHIRE COUNTY  
REGISTRY OF DEEDS  
JUL 25 2001  
3:44 PM  
EVELYN S. HUBAL  
REGISTER



# CITY OF KEENE

Ordinance O-2021-12A

In the Year of Our Lord Two Thousand and Twenty-One  
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. That the City of Keene Land Development Code, which was adopted by the City Council on May 20, 2021, and will become effective on September 1, 2021 as Chapter 100 of the City Code of Ordinances, is hereby amended as follows.

A. Remove Section 1.3.1.A.1 of Article 1 - Introductory Provisions, which states “Where a minimum lot area is specified in this LDC, no principal building or use shall be erected or established on any lot of lesser size, except for nonconformances allowed pursuant to Article 18.”

B. Relocate “Day Care Center” and its associated definition from Section 8.3.2.J “Commercial Uses” to Section 8.3.3.C “Institutional Uses” in Article 8 - Permitted Uses, and renumber sections accordingly. Update Table 8-1, Table 9-1, and the Permitted Use Tables (see section references below) in the following zoning districts to reflect this change.

- Downtown Zoning Districts (Table 4-1)
- Commerce District (Section 5.1.5)
- Commerce Limited District (Section 5.2.5)
- Neighborhood Business District (Section 5.3.5)
- Business Growth & Reuse District (Section 5.4.5)
- Office District (Section 5.5.5)
- Corporate Park District (Section 6.1.6)
- Industrial District (Section 6.2.5)
- Industrial Park District (Section 6.3.5)
- Regional Health Care District (Section 7.1.5)

C. Delete the stricken text in Section 9.2.5.A.1 in Article 9 - Parking & Driveways as follows, and update Table 9-1 to reflect this change: “One parking space per dwelling unit shall be the minimum parking required for residential uses in the ~~Downtown Core~~, Downtown Growth and Downtown Limited Districts.”

D. Amend the minimum onsite parking requirements for “Self-Storage Facility Exterior Access” and “Self-Storage Facility Interior Access” in Table 9-1 in Article 9 - Parking & Driveways to be 1 space / 3,000 sf GFA, where it is currently 1 space / 10 units.

E. Delete the stricken text and add the bolded underlined text in the following sections of Section 9.3 “Driveway Design Standards” as follows. The text that is proposed to be removed below is currently present in Section 22.5.4 of the Land Development Code. This proposed change is to eliminate redundancy.

PASSED

#### “9.3.1. Street Access Permit

Prior to installing a new or modifying an existing curb cut or driveway, a street access permit shall be obtained according to the standards and processes outlined in ~~Article 22.~~ **Section 22.5 of this LDC.**

#### 9.3.2. Driveway Placement

~~A. For single and two-family dwellings, there shall be no more than 1 driveway for each lot, unless an exception has been approved by the City Engineer per Article 22.~~

~~B. No more than 2 single family dwelling can share a common driveway.~~

~~C. New driveways shall be placed so as not to conflict with existing driveways.~~

~~D. Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.~~

#### 9.3.23 Driveway Dimensions

~~A. Residential Driveways.~~ **Dimensional requirements for driveways are included in Section 22.5.4 of this LDC. In addition to these requirements,** ~~†The following standards shall apply to driveways for single- and two-family dwellings.~~

~~1. Driveways shall be a maximum of 20 ft wide at the property line and 30 ft wide at the curbline.~~

~~A2. Each vehicle parking space shall be a minimum dimension of 8-ft by 18-ft and shall be located to the rear of either the front setback or front building line.~~

~~B3. The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line.~~

~~B. Commercial Driveways. The following standards shall apply to driveways for non-residential lots, multi-family dwellings, and temporary driveways.~~

~~The driveway shall be a minimum of 12 ft wide and a maximum of 25 ft wide at the property line and 50 ft wide at the curbline, unless additional width or lanes are required as the result of a traffic study and/or geometric analysis prepared by a NH-licensed engineer.~~

#### 9.3.8 Removal of Trees or Stone Walls

~~When the installation of a driveway requires the cutting of trees or the disturbance of stone walls that are within the public right-of-way, separate permission for such cutting or disturbance shall be obtained in accordance with Chapter 82 of the City Code of Ordinances, NH RSA 472:6, or other applicable laws.~~

#### 9.3.9 Temporary Driveways

~~Temporary driveways used for earth-disturbing activities or events or forestry activities shall be constructed with a temporary construction exit complying with the requirements of the NH Stormwater Manual Volume 3, as may be amended, and shall be restored to original condition at the conclusion of the activity or event for which they are installed.”~~

- F. Remove Section 18.4 “Nonconforming Lots,” which is displayed below as stricken text, from Article 18 - Nonconformities.

~~“18.4 Nonconforming Lots~~

~~18.4.1 Description~~

~~A nonconforming lot is an existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”~~

~~18.4.2 Alteration~~

~~No nonconforming lot may be subdivided in such a way that increases the nonconformity.~~

~~18.4.3 Permitted Development~~

~~Development of a nonconforming lot shall meet all applicable dimensional requirements of the zoning district it is located with the exception of any lot dimensional requirement that renders it nonconforming.”~~

- G. Add the following definitions to Article 28. Defined Terms.

**“Awning – An architectural projection that is partially or wholly supported by the building to which it is attached, and is comprised of a light-weight frame structure over which a covering is attached. This covering may consist of vinyl, canvas or similar material.”**

**“Nonconforming Lot - An existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”**

2. Delete the stricken text from and add the bolded text/table to the following section of Appendix B of the City Code of Ordinances, Chapter 100. Land Development Code (LDC) Fee Schedule.

~~“§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~~

<b><u>Connection Type</u></b>	<b><u>Fee</u></b>	<b><u>Basis</u></b>
<b><u>Water, &lt; 2”</u></b>	<b><u>\$100</u></b>	<ul style="list-style-type: none"> <li>• <b><u>15 minutes of review/approval by the City Engineer</u></b></li> <li>• <b><u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</u></b></li> </ul>
<b><u>Water, &gt; 2”</u></b>	<b><u>\$200</u></b>	<ul style="list-style-type: none"> <li>• <b><u>30 minutes of review / approval by the City Engineer</u></b></li> <li>• <b><u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop or gate valve prior to backfill</u></b></li> <li>• <b><u>2 visits to observe disinfection testing procedure and review lab results</u></b></li> </ul>

<u>Sewer, design flow &lt; 5000 GPD</u>	<u>\$100</u>	<ul style="list-style-type: none"> <li>• <u>15 minutes of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</u></li> </ul>
<u>Sewer, design flow &gt; 5000 GPD</u>	<u>\$200</u>	<ul style="list-style-type: none"> <li>• <u>1 hour of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</u></li> </ul>
<u>Storm Drain, &lt;6"</u>	<u>\$100</u>	<ul style="list-style-type: none"> <li>• <u>15 minutes of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</u></li> </ul>
<u>Storm Drain &gt;6"</u>	<u>As determined by the Public Works Director</u>	<ul style="list-style-type: none"> <li>• <u>Storm drain connections to the City's system over 6" in diameter will require hydraulic analysis and a review of the available system capacity. Fees for connection will be determined based on the specific circumstances.</u></li> </ul>

3. Add the bolded and underlined text below to Chapter 18. Article II. "Technical Codes." Section 18-27(a). "Permits Required."

"Any person, who intends to erect a building, structure, or sign; alter an existing building, structure, or sign; or construct or demolish any building, structure, or sign; or change the occupancy of a building or structure, shall obtain permits from the code enforcement department and if applicable, the fire department, before the work has begun. This requirement includes any type of work, which is regulated by the building and fire codes enforced by the city. The code enforcement and fire departments may approve minor repair work without the requirement of a permit provided such approval is not in violation of the codes and all permit applications for the code enforcement department and the fire department shall be distributed by the code enforcement department. Incomplete applications shall be rejected. **Building permits shall not be issued for applications made after the first legal notice of proposed changes in the building code or zoning ordinance has been posted pursuant to the provisions of RSA 675:7; and the proposed changes in the building code or the zoning ordinance would, if adopted, justify refusal of such permit.**"

In City Council August 19, 2021.

Referred to the Planning, Licenses and Development Committee and the Joint Planning Board/Planning, Licenses and Development Committee for a Public Workshop.

*William J. Row*

Deputy City Clerk

George S. Hansel, Mayor