

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, April 13, 2022

6:00 PM

**Council Chambers,
City Hall**

Members Present:

Kate M. Bosley, Chair
Michael Giacomo, Vice Chair
Philip M. Jones
Gladys Johnsen
Raleigh Ormerod

Members Not Present:

All Present

Staff Present:

Elizabeth Dragon, City Manager
Thomas P. Mullins, City Attorney
Amanda Palmeira, Assistant City Attorney
Rebecca Landry, ACM/IT Directors
Kürt Blomquist, Director of Public
Works/Emergency Management
Med Kopczynski, Director of Economic
Development/Special Projects

Chair Bosley called the meeting to order at 6:00 PM.

1) Farmer's Market of Keene – Request to Use City Property

Chair Bosley welcomed the applicant, Bruce Brickford of Walpole. Mr. Brickford was present requesting permission for the Keene Farmers' Market to set-up in the same place as last year if still available. Importantly, for the foreseeable future, the Market would not be operating any longer on Tuesdays; only Saturdays from 9:00 AM–1:00 PM from April 23 through the end of October.

Chair Bosley heard Staff comments from the Director of Public Works/EMD, Kürt Blomquist, who said Staff had reviewed the license application without concern. They requested the same number of parking spaces and amenities as previous years. However, there would be adjustment to the signage to indicate that the Market is only on Saturdays, for now.

With no questions from the Committee or public, Chair Bosley entertained a motion from Councilor Johnsen, which Councilor Jones duly seconded.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the Farmers' Market of Keene be granted permission to use 22 spaces along Gilbo Avenue and 18 spaces on the other side of the median strip in the Commercial Street parking lot on each Saturday commencing April 23, 2022 to Saturday, October 29, 2022. Said permission is subject to the following conditions:

- the furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- the signing of a standard revocable license and indemnification agreement;
- the receipt of a total rental fee of \$932.00 (payable on the first day of every month at \$155.00 per month);
- access to City electrical shall also be provided at a fee of \$60.00 for the season;
- obtainment of all necessary permits and licenses and compliance with all laws, and compliance with any recommendations of City staff.
- In addition, the Petitioner agrees to comply with any recommendations of the Federal Center for Disease Control, the State of New Hampshire and the City of Keene; including compliance with any general guidelines, laws or ordinances enacted to ensure the health and safety of the general public that may be in effect as a result of the Novel Coronavirus (COVID-19).
- It is further recommended that the Farmer's Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded.

2) Cabana Falls Winery – Request Permission to Sell Alcohol at the Farmers' Market of Keene

Chair Bosley welcomed the applicants, Aly and Carroll Lefebvre of 11 Cabana Drive, Peterborough, owners of the Cabana Falls Winery. Ms. Lefebvre explained that the winery opened last year in Peterborough in June 2021 and then they moved to Jaffrey in October, where they have been doing really good business. Last year they sold at the Farmers' Market in Jaffrey, then they expanded to the Markets in Peterborough, Bedford, and Rindge. Now, they seek to expand to Keene. She added that their products are carried at the Hannah Grimes Marketplace here in Keene. The Chair noted that the applicants had been quite busy, which was good to see.

Chair Bosley requested Staff comments from Kürt Blomquist, Public Works Director/EMD, who recalled that several years ago the State statute changed to allow the sampling and sale of wines and beers at Farmers' Markets. The Liquor Commission has issued guidance, which the applicants intend to comply with. Staff recommended approving the request.

The Vice Chair and City Attorney mentioned recently tasting the applicants' wine at an event and gave their compliments. The Chair noted that there had been similar requests in previous years for beer sales at the Farmers' Market and she said it was exciting to see this addition.

With no Committee or public comments, Chair Bosley entertained a motion from Vice Chair Giacomo, which was duly seconded by Councilor Jones.

Councilor Jones clarified for all petitioners present that these motions are only recommendations to the full City Council, which still needed to approve these matters at their meeting on April 21.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that Cabana Falls Winery be granted permission to sell alcohol and provide individual product samples to patrons at the 2022 Keene Farmers’ Market on City property licensed to the Farmers’ Market of Keene in accordance with the requirements of the State Liquor Commission. Said permission is contingent on the following: compliance with any recommendations of the Federal Center for Disease Control, the State of New Hampshire and the City of Keene, including compliance with any general guidelines, laws or ordinances enacted to ensure the health and safety of the general public that may be in effect as a result of the Novel Coronavirus (COVID-19); submittal of a signed letter of permission from the Farmers’ Market of Keene; obtainment of all necessary permits and licenses and compliance with all laws.

3) Keene State College – Request to Discharge Fireworks

Chair Bosley welcomed the applicant, Jennifer Ferrell, Associate Vice President of Student Engagement at Keene State College (KSC), 229 Main Street. Ms. Ferrell said that the past two years had been fairly challenging for KSC students missing some of their traditional events. Last year, the senior class of 2021 initiated this idea for fireworks as a distanced outdoor event. After a successful event last year, the graduates of 2022 are interested in hosting it again on campus this year. The event is proposed on Saturday, April 30, beginning slightly after dark around 8:30 PM–9:00 PM. The fireworks will be discharged from the Joyce practice field on campus, adjacent to the Spaulding Gymnasium. Ms. Ferrell said they had completed all aspects of the permit, campus safety was prepared for the event, she received the signed permit package from Fire Chief Farquhar, she acquired the appropriate level of insurance certification, and she had a signed agreement. She believed everything was prepared for this to be successful and that the students are very excited.

Chair Bosley requested Staff comments from Don Farquhar, Fire Chief, who said he received the application, signed-off on it, and sent it to the State Fire Marshal’s office, who reviewed it and approved it as well. Thus, all of the applicant’s paperwork was in order and awaiting Council decision for final execution.

Chair Bosley could not recall any negative feedback about this in the past, so she hoped for another successful event.

With comments or questions from the Committee or public, Chair Bosley entertained a motion from Councilor Jones, which was duly seconded by Councilor Ormerod.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that Keene State College be granted permission for the discharge of fireworks on Saturday April 30, 2022 at no later than 10:00 pm subject to the following conditions: the signing of a revocable license and indemnification agreement; that Keene State College provide a certificate of liability insurance with the City of Keene listed as an additional insured in the amount of \$1,000,000; that the fireworks vendor provide a certificate of liability insurance with the City of Keene listed as an

additional insured in the amount of \$1,000,000; that a Class B fireworks permit be obtained; and that Keene State College provide Campus Security to control the fireworks drop-zone. In addition, the petitioner agrees to comply with any recommendations of the Keene Fire Department and the Keene Police Department and agrees to absorb the charges for any City services provided.

4) Keene Family YMCA – Request to Use City Property – Youth Triathlon

Chair Bosley welcomed the applicant, Kelly Fleurette, Senior Program Director at Keene YMCA, 200 Summit Road. Ms. Fleurette said this was a request to hold their first youth triathlon. To do so, they requested to completely close Summit Road, just past the YMCA entrance to the end of the road, for the bike component on June 12.

Chair Bosley welcomed Staff comments from the Director of Public Works/EMD, Kurt Blomquist. Mr. Blomquist said that Staff had a protocol meeting with the applicants to review their event. He noted this event is similar to past events hosted by the YMCA, but this one requires full by closing a portion of Summit Road. Typically, Staff will administratively manage that between the Police and Public Works Departments. However, because the race is for youth this year, they must close the whole road for the period indicated. The only other road that would be impacted is Summit Ridge Drive, which exits onto Summit Road. However, those residents can exit off Skyline Drive, which is not a significant impact to the neighborhood. Thus, Staff recommended granting this permission to close Summit Road.

Councilor Bosley referred to the background notes, which said Keene Family YMCA would have volunteers ready to assist cars to and from their homes as needed. She asked why that would be needed. Mr. Blomquist replied that there are two houses at the end of Summit Road, so if those residents need to leave their properties, race marshals will help them safely leave the neighborhood. He said Ms. Fleurette had been asked by Staff to communicate with those residents, and Chair Bosley suggested further communication with the neighbors about the potential impacts.

Councilor Jones said he lives in the area under question and said that Stonehouse Lane would be the way to reach Skyline Drive, Summit Ridge Road, and Summit Road. Mr. Blomquist said yes, about half the neighborhood uses Stonehouse Lane and the others at the end of Skyline Drive toward Summit Ridge might use it. Yes, everyone will need to use Stonehouse Lane for the period of the event.

Chair Bosley said she had seen the marketing materials at the YMCA and reiterated that communication with the neighborhood is key to let them know.

With no further Committee or public comments, Chair Bosley entertained a motion by Councilor Johnsen, which was duly seconded by Vice Chair Giacomo.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Council grant permission to the Keene Family YMCA to sponsor a youth triathlon on Sunday, June 12, 2022 from 8am to 1pm, including the closure of Summit Road just after the YMCA entrance and Summit Ridge Drive where it intersects with Summit Road subject to the following conditions: the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. Petitioner agrees to absorb the cost of any City services provided, and agrees to remit said payment within 30-days of the date of invoicing.

5) Keene Pride – Request to Use City Property – September 11–18, 2022

Chair Bosley welcomed the applicant, Adam Toepfer of 411 Winchester Street, President of Keene Pride, which was requesting to use City property for the first ever Keene Pride Festival. The event is proposed on September 18, when Central Square would be closed to traffic. That date is a part of Pride Week from September 11–September 18. Chair Bosley recalled Mr. Toepfer presenting this event to the Committee before and asked whether the protocol meetings occurred, and Mr. Toepfer replied in the affirmative.

Chair Bosley welcomed Kürt Blomquist, Public Works Director/EMD who said Staff recommended approving this request. He said an important aspect of approving this now is to allow the organizers to work with their sponsors on fundraising and marketing. The organizers would continue meeting with Staff to work out some things. Several protocol meetings had occurred already, and Staff were comfortable with the recommended motion, including the closure of Central Square, which is similar to other festival closures and the holiday tree lighting.

Chair Bosley asked and Mr. Toepfer confirmed that Pride Week would be September 11–18, with events at private businesses throughout the week, including the Colonial showroom. The week culminates with the Pride Festival on the 18th.

Vice Chair Giacomo said he noticed the detached closure of Railroad Street on the plans and asked if Main Street would remain open in front of Railroad Street. Mr. Blomquist said that was correct, that many events will have activities on Railroad Square, and this closure will protect activities in the area. It is a common closure.

Councilor Jones said he looked forward to this event. He recalled Councilor Chadbourne asking, at the last meeting with the applicants, why the event would not be held in June, which is Pride Month globally; the applicants had replied that they chose September because it is a high tourist time in Keene. Councilor Jones thought it should be the opposite; holding the event in June would draw visitors to town during a time without many events. Mr. Toepfer understood. He continued replying to Councilor Jones, stating that the organizers would take the input into consideration for next year. He said there were multiple reasons that September was selected: (1)

there are hundreds of Pride events globally and in the surrounding major cities in June and many people travel to those; (2) many cities hold Pride events outside of June, it is not exclusive to one month of the year; (3) schools in session in September and there would be less opportunities to collaborate with schools in June. Councilor Jones appreciated that answer

Councilor Jones recalled asking the applicants to meet with the City's Human Rights Committee because this event fits within their six goals. Mr. Toepfer confirmed that his group met happily with the Human Rights Committee on multiple occasions, and they are helping with the educational events and planning for the week. Councilor Jones also recalled advising Mr. Toepfer to meet with the Monadnock Coalition of Diversity, Inclusion, Equity, and Belonging. Mr. Toepfer said that meeting was upcoming and that they would be helpful with fundraising.

Councilor Jones stated that he wanted to make sure this is a celebration of Keene being a welcoming and inclusive City. Mr. Toepfer replied that this is a celebration of the LGBTQ community. Mr. Toepfer went on to remind the Committee that being LGBTQ is not a choice, it is how one is born. The event is to promote Keene as an inclusive place to live. If something like this were available when Mr. Toepfer was a child, it would have been essential in his understanding himself and not feeling alone. He wants to show children in similar positions, who might be feeling afraid and alone, that they are loved and cared for because of who they are. Councilor Jones said it was an excellent answer.

Chair Bosley suggested a smaller accompanying event in June. Mr. Toepfer replied that they were planning something to tie into the movements across the country that month, perhaps with the Colonial. Chair Bosley continued recommending the middle and high school LGBTQ and inclusivity groups be contacted. Mr. Toepfer was scheduled to meet with the high school the day after this meeting, and they were reaching out to the middle school and church youth groups. Chair Bosley asked that the event be well advertised to the schools so the children can come experience the positivity that would surround the event. Mr. Toepfer agreed.

Chair Bosley opened the floor to public comments.

Councilor Randy Filiault highly recommended this event and group, stating that both were great for Keene and added needed diversity to the City, which needs to expand. The Councilor shifted subjects to discuss requests like these for other festivals and events downtown, like the Pumpkin Festival. The Councilor recommended that the Committee develop a set blueprint for outdoor activities downtown so that when new events are proposed, the organizers are not left completely unaware of what they must do to accomplish their goals. He wants to make it easier. He suggested different tiers of the blueprint for smaller events to expand in future years. The Councilor wants to encourage more frequent downtown events and thinks such a protocol would better facilitate that. Councilor Filiault concluded thanking the Keene Pride group, offering his vote and help. Mr. Toepfer was grateful for Councilor Filiault's comments. Vice Chair Giacomo said that was something they had been working toward from different scopes.

In response to Councilor Filiault, Mr. Blomquist said that over the years, Staff had developed basic protocols for various sections of the downtown area. He does talk with groups about areas like Gilbo Avenue to determine if something other than Central Square could meet their goals. He agreed with the Vice Chair that there had been initial discussions, such as working out the Let It Shine ideas. Mr. Blomquist said the Council needed to remember that everybody wants to be downtown, which is where most community event ideas begin. However, there are other spaces, like Railroad Street and Square. Staff tries to guide organizers to the most appropriate areas around Main Street. Moving forward working on the downtown they will be looking at how to make these areas feel more like a part of the downtown. While Staff does not yet have a formal blueprint, Staff has developed a way to work with new event sponsors to minimize impacts to Main Street and other businesses. Staff does not tell applicants what they cannot do, but tries to guide them toward their goals and objectives.

The City Manager said this was definitely something that would be discussed with the new Downtown Infrastructure Project Steering Committee; how to design the downtown to better make connections to areas like Gilbo Avenue and Railroad Square. She thinks it will be a great opportunity to have this wonderful conversation.

Chair Bosley said she had spoken about this at many meetings over the last year as approving these festivals. She would love to see something happening every month in the downtown, and a simple template would facilitate that. She recognized that this is a daunting process with a lot of work to learn the moving parts. Therefore, she agreed that something like a festival starter template to help get groups moving through this process at the lowest cost possible would be useful. She said that the Council does consider Gilbo Avenue, Emerald Street, and Railroad Street as a part of the downtown because the whole area is thriving.

With no further Committee or public questions, Chair Bosley entertained a motion from Councilor Ormerod, which was duly seconded by Councilor Jones.

The Vice Chair confirmed that the FY23 year listed in the motion was correct and the City Attorney confirmed this was accurate.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the Keene Pride Group be granted permission to use downtown City rights-of-way on Sunday, September 18, 2022 to conduct a Keene Pride Celebration, including participating downtown businesses decorating their storefronts for the week leading up to the event date, conditional upon the following:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after August 1, 2022;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;

- The signing of a standard revocable license and indemnification agreement;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street at Central Square (with a slip lane for eastbound West Street traffic to go south on Main Street), Roxbury Street from the easterly side of the Hannah Grimes Parking Lot to Central Square, Washington Street from Vernon Street to Central Square, Court Street from Winter Street to Central Square, and Railroad Street from Main Street to the westerly entrance to Wells Street.
- That the Petitioner is permitted to place porta-potties and a dumpster in City parking spaces located at the base of Washington Street, and additional porta-potties on Railroad Street from Friday, September 16, 2022 to Monday September 19, 2022, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 10:00 AM to 6:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street and Railroad Street needed for storage of equipment from Friday, September 16, 2022 to Monday September 19, 2022, and spaces within the event footprint on the day of the event;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- That the Petitioner comply with any recommendations of the Federal Center for Disease Control, the State of New Hampshire and the City of Keene; including compliance with any general guidelines, laws or ordinances enacted to ensure the health and safety of the general public that may be in effect as a result of the Novel Coronavirus (COVID-19);
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.
- And further, if the petitioners believe they will have insufficient funds to conduct this event, that they submit the application for Community Funded Event status and request a waiver of the City Council policy.

The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 23 Community Events Budget, if any, and agrees to remit said payment within 30-days of the date of invoicing.

6) Let it Shine – Request to Use City Property – 2022 Pumpkin Festival

Chair Bosley noted that Lisa Scoville of Let It Shine could not attend and that Vice Chair Giacomo would be presenting this matter in her place. The Chair confirmed that although she and the Vice Chair sit on the Board of Let It Shine, there was no conflict of interest per the Council's recently adopted addition to the Rules of Procedure.

Vice Chair Giacomo said that this is a fully new Board of Let It Shine putting on this small Pumpkin Festival in the downtown. He said that this new Board had decided to take the festival

in a slightly different direction to be a little more lively than the festival previous to Covid-19, while still keeping the festival substantially smaller than anything before the festival closure. The festival would be limited to Central Square and an extension down into the Gilbo Avenue Parking Lot. There would be vendors throughout the area, which would be different than the children's festival that was happening before Covid-19. The goal is to keep it as a small community event; they are not seeking world records for 80,000 pumpkins. He hoped to dissuade hesitations about the history. Let It Shine had met with Staff for the required protocol meetings and they looked forward to obtaining the permitting and licensing.

Chair Bosley welcomed Staff comments from the Director of Public Works/EMD, Kurt Blomquist, who said the new Let It Shine Board is a prime example of how Staff has worked through these processes with applicants. He said Let It Shine came to Staff with "very, very large" and thoughtful ideas. Staff met with the applicants several times and walked the proposed area with them. Through that iterative process, they arrived at the proposal before the Committee, which focuses on closing Central Square; Main Street will remain open, like during the holiday tree lighting. Part of the license is also for sidewalk sales so that any merchants along Main Street can participate. The event would also utilize Gilbo Avenue, between Main Street and St. James Street, to stage rotating entertainment and potentially for additional vendors. The Commercial Street parking lot would remain open for participants; Staff works to ensure there is always enough parking for event visitors to avoid past issues of people parking in neighborhoods. Like the Pride Festival, this would allow the applicants to solicit sponsorship and continue planning. Staff has the authority to continue working with the applicants.

Councilor Jones said one of the great things about past Pumpkin Festivals was the ability for non-profits to have stands and make money. He wondered if that would happen again. Vice Chair Giacomo said absolutely, they hope many of their vendors will be non-profits; he believes those organizations were hurt worst when the old Pumpkin Festival was shut down. The Vice Chair said Let It Shine will focus on non-profits as vendors first and foremost. Chair Bosley agreed, stating that in a former role at the Montessori schoolhouse, she used to work glitter tattooing thousands of children at the old Pumpkin Festival, and it was one of their biggest fundraising events that they lost. She agreed that they really wanted to see non-profit vendors. Councilor Jones welcomed the event back, saying it was good to see its resurrection. Vice Chair Giacomo agreed with Mr. Blomquist that issuing the license now allows the organizers to move forward engaging those sponsors and vendors, like the schools.

Chair Bosley opened the floor to public comments.

Tim Zinn of Brattleboro, board member of Let It Shine, said he used to be on the crew of the old Pumpkin Festival, which had been passed to a capable new team that he appreciated. He thinks the new team will find a happy place for this festival in Keene again. He said it had been a process, which they were still working through, but he had confidence. Mr. Zinn spoke personally, saying he put blood, sweat, and tears into the old Pumpkin Festival, but that he also helped to fix some of the root causes of what happened in 2014 so that Keene is never the face of

such a situation again. He said that since the 2014 event, there had been three successful smaller festivals, which took a lot of hard work by many different groups and people in the community to build a toolbox for such events. He said the College had worked hard, with an off-campus code of conduct policy and orientation program, in conjunction with the Police Department Liaison Officers. Additionally, the City now has the Social Host Ordinance, which he thinks would have addressed the root cause in 2014 had it been in place then, as it does for larger gatherings with alcohol now. Now, he said there needed to be communication like there had been that this is a cherished festival in the community, not a drunk festival that puts all at risk. Mr. Zinn felt 98% confident that this year's festival would be that cherished community event. He gave a lot of credit to the group of people who wrote the Social Host Ordinance. He said the college deserved credit. However, he said Let It Shine learned about response costs, which he said would be a valuable conversation to have, which could relieve anxiety looking into the future. The concept is that if a host allows a gathering to get so out of control that it requires emergency response services, like the 2014 incident, then the host could be held accountable for reimbursing those expenses; there is already precedent in the State of NH for people who hike in the winter and must be rescued. Based on multiple instances in Keene's history, he encouraged investigating that option. He hoped the Council would be open-minded and willing to look at the things needed, with the end goal of having confidence and security in the tools they have before them. He said it would be nice to not artificially hold things back for lack of tools. He wished the City, College, and Festival much success to continue the history of amazing events.

Chair Bosley thanked Mr. Zinn for that reflection on the Social Host Ordinance, stating she could see how it was a tool that might have helped the City handle the people responsible in past disturbances to the event. She hoped Mr. Zinn had seen the City investing in bringing people and life back to downtown. The Chair said not all roads lead to Pumpkin Fest anymore and she cited all the various respectful ways for people to experience downtown. There does not need to be one main event of the year where people get out-of-hand.

The Chair continued asking whether the reimbursement of response costs came up during the Social Host Ordinance and the City Attorney said it did. He said the City must act within the authority provided to it by the State, and the State had not chosen to give municipalities, or Keene, responsibility for those sorts of costs. He cited Mr. Zinn's example of Fishing, Game, and Emergency Response, which is provided for in the Statute. The Chair asked the City Attorney to keep it on his radar in case it comes up in review and he agreed.

Councilor Jones spoke to Mr. Zinn, stating that they go way back regarding the Pumpkin Festival and this Committee. He thanked Mr. Zinn for sticking with it and for all his efforts. Councilor Jones said Keene could be the pumpkin capital without counting pumpkins.

Councilor Ormerod thanked Mr. Zinn for persisting and recognizing the potential for helping our City. Councilor Ormerod spoke on behalf of Ward One and his neighborhood. When this event was approved in the past, he was not on this Committee, he was a part of the neighborhood group that initiated the Social Host Ordinance. He said that the City was putting systems in place,

including technology, monitoring, and other type of things that could help us respond and educate people. So, he encouraged taking advantage and inquiring about what other resources might be available in the City that could sustain this for us. Mr. Zinn clarified that he lived on Grove Street in Keene for 30 years before moving to Brattleboro and he misses Keene. Chair Bosley thanked Mr. Zinn for his dedication and energy.

With no further Committee or public questions, Chair Bosley entertained a motion from Councilor Jones, which was duly seconded by Councilor Ormerod.

Vice Chair Giacomo thought the intention was to close Federal Street for pedestrian flow to the Gilbo Avenue parking lot. Mr. Blomquist said that was discussed but they are keeping a segment of Gilbo Avenue open, which requires Federal Street to access that lot with Central Square closed.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Saturday, October 22, 2022 to hold the Keene Pumpkin Festival subject to the following provisions:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after September 1, 2022;
- The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 23 Community Events Budget, and agrees to remit said payment within 30-days of the date of invoicing;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement and associated protocol documents;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street from Federal Street to Central Square, Roxbury Street from Roxbury Plaza to Central Square, Washington Street from Vernon Street to Central Square, Court Street from Winter Street to Central Square; and Gilbo Avenue from Main Street to Saint James Street;
- That the Petitioner is permitted to place 10 porta-potties in City parking spaces located at the base of Washington Street from Friday, October 21, 2022 to Monday October 24, 2022, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 12:00 PM to 8:00 PM with the times for set up and clean up to be established with City staff;
- The submittal of signed letters of permission from any private property owners for the use of their property;

- That the Petitioner comply with any recommendations of the Federal Center for Disease Control, the State of New Hampshire and the City of Keene; including compliance with any general guidelines, laws or ordinances enacted to ensure the health and safety of the general public that may be in effect as a result of the Novel Coronavirus (COVID-19);
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, October 21, 2022 to Monday October 24, 2022, and spaces within the event footprint on the day of the event; and
- That the Petitioner complies with any other recommendations of City staff.

7) New England Aerobatic Club – Request to Use City Property

Chair Bosley welcomed the Airport Director, David Hickling, to speak to this matter. Mr. Hickling said he was speaking on behalf of the petitioner, the New England Aerobatic Club, for the use of the Airport for up to five aerobatic practice sessions throughout the summer (May–September, approximately once per month). The Club has a long history of being very accommodating of everything the City asks of them. They are very professional, focused on safety, and it has always been a popular event for people to observe from the restaurant and for planes to buy fuel from the fixed base operator. Mr. Hickling said it is a positive event for the Airport that Staff hopes the City Council will support.

Chair Bosley said she had seen this event come before this Committee several times and her only request was to spread the word about these dates, because she never knows they are occurring so she can attend. She thinks it is a great plan to watch from the restaurant. The Chair had never heard anyone come forward opposing these successful events.

The City Attorney asked the Airport Director to clarify the Attorney’s understanding that the Federal Aviation Administration does not allow advertisement of practices. Mr. Hickling replied in the affirmative, stating that if they advertise it is considered an air show, which is not allowed. The dates of the practices are announced on the Keene Airport Facebook page.

Vice Chair Giacomo asked if it would be legal for the restaurant to promote the practices. The City Attorney said yes, they could announce the practices as long as they were not advertised as air shows. Chair Bosley said that getting the word out in the community could be a boost to the Airport facilities and Councilor Ormerod agreed.

Councilor Ormerod also wanted to commend Director Hickling for the wonderful work he was doing at the Airport, despite challenges and pushback on occasion from some community members. The Councilor was interested in illustrating this as a positive thing for the Airport. He said surprisingly, he still receives calls from constituents surprised by these events, and he wants them to know it is a good thing that the Airport is developing.

Chair Bosley opened the floor to public comment.

John Hulslander of 28 Lucinda Terrace has lived there for 50 years. He thought they changed the flight plan because two very loud small planes from the school are constantly flying over his house now. They use leaded fuel and thus, the planes are air and noise pollutants to the residential district. Chair Bosley thanked him for bringing that information forward. She said that the issue before the Committee pertained to up to five specific dates that the Airport is planning activity. Mr. Hickling offered to speak further with Mr. Hulslander and help mitigate his concerns. Mr. Hickling confirmed that this this is for up to five dates, which would not be on Sundays or Holidays—only Saturdays. Mr. Hickling stated he tries to post the dates at least one week ahead of time, as the events are weather dependent. Mr. Hulslander commented on the noise from these practices, stating that advanced notices would allow them to leave town for the day. Mr. Hickling agreed to exchange contact information with Mr. Hulslander.

The City Manager asked a clarifying question of Mr. Hickling, noting that the recommended motion did not mention holidays. Mr. Hickling recalled that language in the past and said it was fine to add.

With no further Committee or public comments, Chair Bosley entertained a motion by Vice Chair Giacomo, which was duly seconded by Councilor Jones.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the date of issuance through December 31, 2022, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, there will be no Sunday or Holiday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held on practice days and further that future requests be handled administratively by the Airport Director and/or City Manager.

8) Ash Swamp Brook ERZ – Economic Development Director/Special Projects

Chair Bosley welcomed the Director of Economic Development/Special Projects, Medard Kopczynski. Mr. Kopczynski recalled for the Committee that there are four economic revitalization zones (ERZ) in Keene. The City re-designated Black Brook Corporate Park and Black Brook North Park in March of this year; the Marlboro Street corridor was designated in 2017 and needs to be reinstated through the state in November; in December 2020, the Ashuelot Mills ERZ was added. The origin of this request through the State is based on the businesses in the Krif Court area that wanted to take advantage of this tax relief. The ERZ is a tax credit for projects that improve infrastructure and create jobs in designated areas, which in this case is the

additional zone. This past year, the State set aside \$825,000 for that purpose this past year, which Mr. Kopczynski said did not seem like much for the size of the State and all the potential. To claim part of those funds, you must begin with the designation. The community really benefits from ERZs through job growth with businesses located in the community and the potential growth of the local tax base by job growth, additional equipment, building additions, and more. For a business to qualify for the tax credit, they must invest in plant or equipment and create at least one full time job in the State. The credit is based on a percent of a salary for each new full-time job created and the lesser of either 1% of the actual cost incurred for the project or a maximum credit for each new job created in the fiscal year. The area chosen in this instance was requested by the State and Staff looked at the industrial area and the commerce limited area, the latter of which because a significant amount of it is actually industrial in its allowed uses. Mr. Kopczynski requested that the Committee refer this to City Council for approval.

Councilor Jones recalled a conversation with the City Attorney about Keene's Ordinance not changing with the State Statute. The City Attorney replied that this is a little different, stating that their previous conversation was about 79-E.

Vice Chair Giacomo asked whether there were benefits from ERZs for existing businesses or only new businesses. Mr. Kopczynski said it is for both. The criteria is older industrial areas that may or may not need updating, revision, additions, or reclassifications as well as vacant industrial property. The Vice Chair asked, if one of these properties were to become vacant, then would it basically start providing a benefit to a business that wanted to move into that location? Mr. Kopczynski said yes, or even if an existing business that wanted to rehabilitate their building or redo their plant manufacturing capacity, etc.

With no further questions from the Committee or public, Chair Bosley entertained a motion by Councilor Ormerod, which was duly seconded by Councilor Jones.

On a vote of 5-0. The Planning, Licenses, and Development Committee recommends to the City Council the addition of the "Ash Swamp Brook ERZ" to the Economic Revitalization Zone (ERZ) tax credit program.

9) **Adjournment**

There being no further business, Chair Bosley adjourned the meeting at 7:21 PM.

Respectfully submitted by,
Katie Kibler, Minute Taker
April 15, 2022

Edits submitted by,
Terri M. Hood, Assistant City Clerk