



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
October 19, 2023
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- October 5, 2023

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nomination
Partner City Committee

C. COMMUNICATIONS

1. Kiwanis Club of Keene - Request to Use City Property - 2023 Tree Lighting Ceremony
2. Keene Young Professionals Network - Request to Use City Property - 2024 Taste of Keene Food Festival
3. Keene Sno-Riders - Requesting Permission to Run Snowmobiles in the Right-of-Way along Krif Road from the Ashuelot Rail Trail to Winchester Street
4. Jan Manwaring - Resignation - Human Rights Committee
5. Gregory Kleiner - Resignation - Historic District Commission

D. REPORTS - COUNCIL COMMITTEES

1. Safety Concerns on the Eastside of Keene

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donation

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Amendments to the Permitted Uses in the Downtown Core, Downtown Growth and Commerce Districts
Ordinance O-2023-16
2. Relating to Amendments to the City of Keene Land Development Code, Definition of Charitable Gaming Facility
Ordinance O-2023-17
3. Relative to Congregate Living and Social Services License
Ordinance O-2023-18

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

L. TABLED ITEMS

1. Mayor George S. Hansel - Amendment to Land Development Code - Charitable Gaming Facilities

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, October 5, 2023. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Andrew M. Madison, Kris E. Roberts, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, and Thomas F. Powers were present. Philip M. Jones, Raleigh C. Ormerod, and Kate M. Bosley were absent. Ward Four Council seat vacant. Councilor Chadbourne led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the September 21, 2023, regular meeting minutes as presented was duly seconded by Councilor Greenwald. The motion carried unanimously with 11 Councilors present and voting in favor. Councilors Jones, Ormerod, and Bosley were absent. Ward Four Council seat vacant.

ANNOUNCEMENTS

Mayor Hansel began by mentioning the Source to Sea Cleanup on September 29–30. A class from Keene High School participated with 45 volunteers. 1500 pounds of trash from the Connecticut River's tributaries were removed. He thanked Councilor Madison for bringing this to his attention. The Mayor said this event is great for the environment and the community.

Next, Mayor Hansel announced that the Annual Fire Prevention Parade will be on Sunday, October 8 at 1:00 PM. The reviewing stand will be on Main Street at the intersection with Railroad Street, and the parade will end at Keene Central Fire Station. Additionally, the Annual Inspection Dinner will be held on Thursday, October 12 at 6:00 PM on the apparatus floor at Keene Central Station. The Finance, Organization, and Personnel Committee meeting for that evening is canceled so the Council and Staff may attend the dinner.

Lastly, Mayor Hansel announced that the Municipal Services, Facilities, and Infrastructure Committee and Planning, Licenses, and Development Committee meetings have been switched this month, with MSFI on Wednesday, October 11, and PLD on Wednesday, October 25. Also, the Wednesday, November 22 MSFI meeting has been moved to Tuesday, November 21, because there are two issues that will require the MSFI Committee to meet that evening. Lastly, there will be a special meeting of the City Council on Thursday, November 9, at 5:45 PM to canvass the votes cast at the Municipal General election. This will be a very brief meeting that will occur before the 6:00 PM start of the FOP Committee meeting.

PROCLAMATION – CO-OP MONTH

Mayor Hansel presented a Proclamation on Co-Op Month to a representative of the Co-op. The Mayor declared October 2023 as Co-Op Month in the City of Keene and he encouraged all citizens to salute Co-Ops, their commitment to this community, and the role they play in serving citizens.

PROCLAMATION – FRIENDS OF THE KEENE PUBLIC LIBRARY

Mayor Hansel presented a Proclamation on the Friends of the Keene Public Library to former Mayor Kendall Lane. Mayor Hansel declared October 20–22, 2023 as Friends of the Keene Public Library days, and he urged all citizens of the Monadnock region to visit the Library’s Fall Book Sale and to support the excellent Library programs and facilities.

Mr. Lane, a member of the Friends of the Keene Public Library, said this Proclamation would begin the process for the Fall Book Sale, which would be the second Library book sale this year. These sales are an opportunity to support literacy within the community and to continue supporting the Library. He encouraged the whole community to take advantage of the tremendous opportunities the Library has to offer.

PROCLAMATION – TRICK OR TREAT

Mayor Hansel presented a Proclamation on Halloween 2023 to Andy Bohannon, Director of Parks, Recreation, and Facilities. The Mayor declared Tuesday, October 31, from 5:30 PM–7:30 PM, as Trick or Treating in Keene. He asked children and parents to limit Trick or Treating to these times, and to only visit houses that indicate their willingness to participate by leaving porch or front yard lights on. He asked that parents or other responsible adults accompany the children. Mayor Hansel encouraged cooperation from citizens young and old to make this a happy, safe occasion for all.

Mr. Bohannon asked the community to keep safety in mind during Trick or Treating. Keene Police and Fire Departments would be patrolling to ensure the evening is safe. He encouraged bright costumes that are easier to see in the dark. He wished everyone Happy Trick or Treating.

PUBLIC HEARING – ORDINANCE O-2023-13: ZONING MAP AMENDMENT – 0 ASHUELOT STREET

Mayor Hansel opened the public hearing at 7:13 PM and the City Clerk read the public hearing notice. Mayor Hansel welcomed Evan Clements, Planner, to present on behalf of the City, and Tara Kessler, Planner/Paralegal at BCM Environmental and Land Law, on behalf of the petitioner for a description of the proposed Zoning Map change. Mr. Clements said the first reading of this proposed Zoning Map change occurred at the July 20 City Council meeting, when it was referred to the Joint Planning Board-Planning, Licenses, and Development (PLD) Committee. The public workshop was held on August 14. During the workshop, three members of the public spoke in favor of this application. The Planning Board voted and found that the proposal meets the intent of the Keene Comprehensive Master Plan, and the PLD Committee recommended that the Mayor schedule this public hearing.

Ms. Kessler explained that her firm represents the owners of the property that is subject to this rezoning request—JRR Properties LLC and the Monadnock Conservancy. The proposal is to rezone this undeveloped parcel of land on Ashuelot Street from its current Zoning designation in

the High Density District to the Commerce District. The 3.5-acre parcel located near the intersection of West and Ashuelot Streets was once used by the former Colony Mill Marketplace for overflow parking. The current owners purchased the property in 2013, with the goal of converting it into a community park, which is still the intention. In 2022, the City Council voted to accept the owners' donation of 2.5 acres of the lot to be used by the City as a park. The remaining 1 acre is intended to be subdivided and gifted to the Monadnock Conservancy to build a net zero energy building for the Conservancy's regional headquarters, particularly for conservation education. The Conservancy intends to construct both ground-mounted and roof-mounted solar energy systems, including the potential for roof-mounted systems on carports.

Ms. Kessler continued, explaining that the applicants seek this rezoning to allow this development, which is currently not allowed in the High Density District, where office uses and solar energy systems are not allowed as a main use of a lot. The Land Development Code also does not allow for more than one primary use in a mixed-use development. The Commerce District is immediately adjacent to the south of this lot, and rezoning the lot as the Commerce District would allow for mixed-use and sustainable development, which aligns with the City's Comprehensive Master Plan's goals for this neighborhood. In the Master Plan, Ashuelot Street is identified as a neighborhood that supports a mix of office and commercial uses that transition to residential uses, as well as trails and open space amenities. Ms. Kessler said the Master Plan also supports sustainable development, including renewable energy systems. With this lot currently in the High Density District, the use of solar energy is prohibited. Historically, this parcel was located in the Central Business Limited District until the 2021 Land Development Code update, when the parcel shifted to High Density. When the City was eliminating the Central Business Limited District as a part of the downtown rezoning effort, the property owners were given the choice of whether to be in the High Density District (borders parcel to the north) or Commerce District (borders the parcel to the south). At the time, the owner wanted to preserve the option for residential development, so they chose the High Density District. Ms. Kessler noted that recently, the Land Development Code was amended to allow for some residential activity in the Commerce District. Previously, the owner intended to gift a portion of the lot to the City for parking. However, since 2021, the owner began serious conversations with the Monadnock Conservancy about the use of this land for their headquarters.

Ms. Kessler noted that this parcel has more than sufficient land area to accommodate the minimum lot size requirements for the Commerce District. There would still be an opportunity for residential uses if the parcel is rezoned for Commerce. The lot is adjacent to existing commercial uses, including the Mascoma Bank plaza and the mixed-use building that includes Target Dry Cleaners. This lot is served by City water and sewer, and there is easy access to the lot, particularly from West Street. Ms. Kessler added that most of the parcel is in the 100-year floodplain and is thus subject to the City's floodplain regulations. A small northeast portion of the lot is outside the floodplain, which is where the Monadnock Conservancy proposes its building. Overall, Ms. Kessler felt that this rezoning would enhance opportunities for mixed use development and renewable energy in an area where—until recently—commercial uses had been allowed. The

Master Plan encourages this type of mixed-use activity and sustainable development. She welcomed questions.

Councilor Greenwald noted the need for more and affordable housing has been an ongoing conversation in the City. He wondered if the property owners had considered this real need and that the High Density District would allow for multi-story housing that the Councilor personally believed the City needs. He favored housing over a solar field or an office. He noted that a housing development at this location would have access to the existing adjacent park space. Councilor Greenwald was disappointed with this proposal. Ms. Kessler replied that when the Land Development Code update was underway, the owner chose the High Density District because of the option for residential development. Ms. Kessler said the owners now think that the Monadnock Conservancy's proposal would boost the neighborhood. She said the net-zero building would include space for community education. Ms. Kessler thought it would be an exemplary building in the region. She understood the need for housing, but she thought that open space amenities would be valued by residential neighbors. Councilor Greenwald said he was more interested in housing and taxpayer revenue; this Conservancy development would be non-taxpaying. He thought the City already had a lot of open space. Still, the Councilor acknowledged that the landowner has the right to do what they want with their property.

Councilor Giacomo was a part of the Joint Committee decision as a member of the PLD Committee. He clarified that this would be a vote on the change from High Density to Commercial, and it is not about the specific uses proposed on the lot. He recalled updates to the Ordinance in the last few years to allow up to four levels of residential use above one level of commercial use in the Commerce District. He thought that if the Monadnock Conservancy arrangement does not work out down the line, there would be as much opportunity for housing on the lot, though the floodplain could complicate that.

Mayor Hansel clarified that the Council would not be voting on this proposal at this meeting. The matter would be referred to the PLD Committee for their meeting on October 25.

Councilor Williams echoed Councilor Greenwald's concern about the desperate need for housing in the City. While this could be a nice open space, he said the lot is already adjacent to a big open space at the Ashuelot River Park. He thought it would be nice for people to be able to live next to the Park.

Mayor Hansel opened the floor to public comments.

Ryan Owens, Executive Director of the Monadnock Conservancy (15 Eagle Ct.), began by reading a letter of support he received recently; he provided a copy to the City Clerk. The letter was written by Emily Hague, a former City Councilor, property owner on Ashuelot Street, and direct abutter to the parcel in question:

Dear Mayor and City Council: As the owner of the property at 92 Ashuelot Street, I am writing to express my support for the proposed Zoning change for the parcel at 0 Ashuelot Street from High Density to Commerce. Such a change would facilitate the conversion of the parcel from vacant space to a vibrant space for recreation, education, and office uses. I have reviewed the application to amend the Zoning Map, and the proposed uses seem appropriate and compatible with existing and future uses in the vicinity. In addition, the proposed uses are consistent with approved uses under the pre-2021 Zoning designation for the property. Creating small scale sustainable commercial space, and adding play and gathering spaces to Ashuelot River Park, seems like the perfect mix of uses for a property that is largely in the floodplain. I hope you will find this application is in keeping with the Comprehensive Master Plan and approve it. Best regards, Emily Hague

Mr. Owens continued, providing some background on the Monadnock Conservancy, which is a 34-year-old conservation trust serving the greater Monadnock Region. For most of its history, the Conservancy has been headquartered in Keene. The Conservancy's mission is to work with communities and landowners to conserve natural resources, wild and working lands, rural character, and the scenic beauty of the Monadnock Region. The Conservancy cares for conservation lands and engages people in ways that strengthen their communities and their connections to the land. The agency does this work for the benefit of wildlife/plants/nature, but ultimately for the people, because quality of life is inextricably linked to the natural landscape. The agency also does this work to accomplish its mission, primarily through land acquisitions and conservation easements on forests, farmlands, and wetlands. The Monadnock Conservancy has conserved approximately 23,000 acres across the region, including thousands of acres on Keene's West Hill, extending south toward Pisgah State Park and extending north from the Greater Goose Pond Forest. The Conservancy has also partnered with the City of Keene and Pathways of Keene as a funder of the ongoing expansion and enhancement of the City's bicycle and pedestrian trail network. Mr. Owens explained that the Conservancy is currently limited by its rented space, and the layout and location are not conducive to engaging the public and connecting them more to land and nature. If the parcel in question was rezoned, it would enable the agency to construct a building that connects with the public and links to the expanded park and greater landscape of the Monadnock Region. It would also help to support the agency's values and help to achieve the City's clean energy goals.

Jaclyn Headings of 15 Ashuelot Court is a direct abutter of the parcel in question. She has rented her home for nine years. She noted that Ashuelot Court is a small, private road that dead ends at the dense tree line and the River Trail. She noted that there is also housing on Castle Street to demonstrate that there is a lot of housing in this neighborhood already. Also, in the City Staff report on the proposal, her home could be seen as property #4 on Figure 2 in the Medium Density Zone. Many homes on Ashuelot Court are original to when the Colony Mill was still operating. Ms. Headings completely supported this Zoning change, and she shared this support at the Joint Committee public hearing. She recalled that this parcel was once a beat-up parking lot, which was an eyesore when she first moved in. Since it was cleaned-up as a grassy area in 2021, neighbors have been able to easily access Ashuelot River Park, the River Trail, and the bridge; it has also

shown the potential of what the space could be for the neighborhood, City, and visitors. Ms. Headings concluded by responding to Councilor Greenwald's and Councilor Williams' comments on housing. As a renter, she shared the concerns about needed housing. However, she thought that keeping the parcel Zoned as High Density puts the land at risk for housing development that would restrict neighborhood access to the river. Additionally, she thought more housing in the area would increase noise, traffic, and population density that would be harmful to wildlife and the environment. There is also already a lot of traffic on Ashuelot Street because it is an easy way to bypass downtown; there is also significant pedestrian traffic there, including those in wheelchairs, because of the adjacent housing. She did not think the area could handle the impact of more residents. Ms. Headings said that the proximity of this parcel to nature necessitates a future that is kind to the environment and benefits all residents of Keene, not just those who could build housing in that space. The Monadnock Conservancy's use of the space would support the neighborhood and the environment in a low impact way. She asked the Council to support this Zoning change.

Dian Mathews spoke as a representative of the Friends of the Arboretum at Ashuelot River Park, wanted to go on record as supporting the Monadnock Conservancy's application to rezone this lot. The Ashuelot River Park is in a position to become a major contributor to conservation education in the City. The Friends are restoring garden beds surrounding trees with native plants and the Ashuelot River Park Advisory Board (ARPAB) intends to reopen the Rachel Marshall area across the bridge for outdoor education. The Friends and ARPAB think that building a relationship with the Monadnock Conservancy would further their shared goals of community interaction, whether it be nature walks, natural playgrounds, a kayak launch, or a community garden. Ms. Mathews thought this would be a positive move toward strengthening a connection between the Conservancy's and the Ashuelot River Park's master plans, the latter of which's vision statement she quoted: *"The Ashuelot River Park shall be a place of beauty and social events for the enjoyment and education of the community, bringing further individuals and organizations with interest in maintaining the Park for future generations."* The Friends of the Arboretum at Ashuelot River Park support rezoning 0 Ashuelot Street as Commercial, and they welcome the Monadnock Conservancy as a neighbor and partner with a shared vision for the Park's future.

Hearing no further comments or questions, Mayor Hansel closed the public hearing at 7:37 PM, except for written comments, which will be accepted until 1:00 PM on Tuesday, October 24. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. This Ordinance will be before the Planning, Licenses, and Development Committee for their meeting on October 25, 2023.

A true record, attest: 
City Clerk

CONFIRMATIONS – ENERGY AND CLIMATE COMMITTEE

Mayor Hansel nominated the following individuals to serve on the Energy and Climate Committee: Lisa Maxfield to switch from an alternate to regular member, with a term to expire December 31, 2024; and Michael Winograd to serve as an alternate member, with a term to expire December 31, 2026. A motion by Councilor Powers to confirm the nominations was duly seconded by Councilor Greenwald. The motion carried unanimously on a roll call vote with 11 Councilors present and voting in favor. Councilors Jones, Ormerod, and Bosley were absent. Ward Four Council seat vacant.

NOMINATION – PLANNING BOARD

Mayor Hansel nominated Kenneth Kost to switch from an alternate to regular member of the Planning Board, with a term to expire December 31, 2025. Mayor Hansel tabled the nomination until the December 21, 2023 meeting of the City Council, at which point this slot will have been vacated by the current member.

COMMUNICATION – CHUCK REDFERN – CALL FOR ACTION – DRUG ABUSE IN PUBLIC SPACES

A communication was received from Chuck Redfern, proposing a two-pronged approach to address drug abuse in public spaces. The first would involve leveraging resources at the State, County and City levels to provide drug treatment. The second initiative would involve an amendment to State Law requiring mandatory mental health services for the distribution or possession of a controlled substance in a drug-free zone. Mayor Hansel was aware that informal conversations had already taken place with Senator Fenton about proposing a legislative change. Therefore, Mayor Hansel referred this communication to the Planning, Licenses, and Development Committee to consider whether the City Council wants to formally request the introduction of legislation.

COMMUNICATION – MAYOR GEORGE S. HANSEL – PROPOSED 2023 COUNCIL GOALS

A communication was received from Mayor George Hansel, providing the list of unprioritized goal statements to be presented to City Council for their consideration. Mayor Hansel thanked the Council and Staff members for their participation in the goals workshop. A motion by Councilor Powers to adopt the proposed 2023 City Council goals was duly seconded by Councilor Greenwald. The motion carried unanimously with 11 Councilors present and voting in favor. Councilors Jones, Ormerod, and Bosley were absent. Ward Four Council seat vacant.

COMMUNICATION – MAYOR GEORGE S. HANSEL – AMENDMENT TO LAND DEVELOPMENT CODE – CHARITABLE GAMING FACILITIES

A communication was received from Mayor George Hansel, requesting that the City Council consider restricting charitable gaming facilities from being allowed in the Downtown Core Zoning District. Mayor Hansel noted that the Ordinance amendment was not ready for this agenda, so he tabled his communication until the October 19 City Council agenda, at which time the Ordinance for first reading would be introduced.

MSFI REPORTS – UPDATES ON THE SIDEWALK ASSET MANAGEMENT PROGRAM, INSTALLATION OF A SIDEWALK ON ARCH STREET BETWEEN HURRICANE ROAD AND FELT ROAD, AND RECONSTRUCTION OF NH ROUTE 101 FROM EAST OF OPTICAL AVENUE TO BRANCH ROAD; AND FOP REPORT – ALEX STRADLING/FACT TV – ANNUAL REPORT

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending that the update on the Sidewalk Asset Management Plan be accepted as informational. A second MSFI Committee report read, unanimously recommending that the petition for the Arch St. neighborhood, and the background information provided by the Public Work Director, be accepted as informational. A third MSFI Committee report read, unanimously recommending the acceptance of the presentation on Reconstruction of NH Route 101 from East of Optical Avenue to Branch Road as informational. Additionally, a Finance, Organization, and Personnel Committee report read, unanimously recommending accepting FACT TV's annual report as informational. Mayor Hansel filed the four reports as informational.

FOP REPORT – FY2023 AUDIT ENGAGEMENT – WAIVER OF BID

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to waive bidding requirements under Section 2- 1336 (Waiver of Requirements) for the FY2023 City of Keene annual audit engagement and authorize the City Manager to sign the engagement letter with Marcum LLP. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 11 Councilors present and voting in favor. Councilors Jones, Ormerod, and Bosley were absent. Ward Four Council seat vacant.

FOP REPORT – ACCEPTANCE OF FAA AIP GRANT FOR AIRPORT – AIRPORT TAXIWAY 'A' RECONSTRUCTION PROJECT

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to accept, execute, and expend grant funding for up to the amount of \$3,102,257 from the Federal Aviation Administration Airport Improvement Program for the Taxiway A reconstruction project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 11 Councilors present and voting in favor. Councilors Jones, Ormerod, and Bosley were absent. Ward Four Council seat vacant.

FOP REPORT – ENGINEERING AGREEMENT – TAXIWAY ‘A’ RECONSTRUCTION PROJECT

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to execute a Professional Engineering Services contract with McFarland Johnson for the construction administration of the Taxiway ‘A’ Reconstruction project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 11 Councilors present and voting in favor. Councilors Jones, Ormerod, and Bosley were absent. Ward Four Council seat vacant.

CITY MANAGER COMMENTS

The City Manager led the Council in congratulating Beth Fox, HR Director/Assistant City Manager, for being selected for one of this year’s Extraordinary Woman awards. Ms. Fox is a committed leader in public service through both her work and volunteer life. She began her municipal career in the Town of Greenfield where she served for three years before becoming the first Town Administrator of Swanzey, where she served for 25 years. Ms. Fox has been with the City of Keene for the past 11 years. She was recognized in 2019 at the International City Managers’ Conference for reaching her 35th year in municipal service. In addition to her work for our community, she has been involved with the Elm City Rotary Club and DeMar marathon. Ms. Fox is a current member of the NH Community Development Finance Authority and has served on the Southwestern Community Services Board, Southwest Region Brownfield Committee, Endowment for Health Advisory Committee, and Health Trust Board of Trustees. She is former president and current member of the Executive Board for the NH Municipal Managers’ Association. The City Manager said Ms. Fox is well deserving of this recognition, and we are lucky to have her on our team.

REPORT – WITHDRAWAL OF BLOCK PARTY REQUEST FOR OCTOBER 21, 2023 – ROGER WEINREICH

A memorandum read from the Public Works Director/EMD/ACM, recommending that the City Council accept the communication from Roger Weinreich, withdrawing his request for a block party on Main Street on October 21, 2023. Mayor Hansel accepted the request to withdraw and filed the communication as informational.

REPORT – PLANNING BOARD NOMINATION OF KENNETH SWYMER TO SWRPC COMMISSIONERS

A Planning Board report read, unanimously nominating Kenneth Kost as a Commissioner to serve on Southwest Regional Planning Commission. A motion by Councilor Powers to confirm the nomination from the Planning Board, with a term to expire December 31, 2027, was duly seconded by Councilor Greenwald. The motion carried unanimously on a roll call vote with 11 Councilors

present and voting in favor. Councilors Jones, Ormerod, and Bosley were absent. Ward Four Council seat vacant.

REPORT – DAVID ORGAZ – RESIGNATION FROM THE PLANNING BOARD

A memorandum was read from Senior Planner, Mari Brunner, recommending that the City Council accept David Orgaz's resignation from the Planning Board. A motion by Councilor Powers to accept the resignation with regret and appreciation of Mr. Orgaz's 3 plus years of service on the Planning Board was duly seconded by Councilor Greenwald. The motion carried unanimously with 11 Councilors present and voting in favor. Councilors Jones, Ormerod, and Bosley were absent. Ward Four Council seat vacant.

MSFI REPORT – MORE TIME – AD-HOC LOWER WINCHESTER STREET PROJECT

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending placing this item on more time. Mayor Hansel granted more time.

IN APPRECIATION OF JOHN ARTHUR COONS UPON HIS RETIREMENT – RESOLUTION R-2023-33

A memorandum read from the HR Director/ACM, Beth Fox, recommending accepting Resolution R-2023-33, in appreciation of John Arthur Coons upon his retirement. A motion by Councilor Powers to adopt Resolution R-2023-33 with appreciation of Mr. Coons' 30 years of service to the City was duly seconded by Councilor Greenwald. The motion carried unanimously with 11 Councilors present and voting in favor. Councilors Jones, Ormerod, and Bosley were absent. Ward Four Council seat vacant.

IN APPRECIATION OF EDWARD C. SWEENEY UPON HIS RETIREMENT – RESOLUTION R-2023-35

A memorandum read from the HR Director/ACM, Beth Fox, recommending accepting Resolution R-2023-35, in appreciation of Edward C. Sweeney upon his retirement. A motion by Councilor Powers to adopt Resolution R-2023-35 with appreciation of Mr. Sweeney's 35 years of service to the City was duly seconded by Councilor Greenwald. The motion carried unanimously with 11 Councilors present and voting in favor. Councilors Jones, Ormerod, and Bosley were absent. Ward Four Council seat vacant.

FOP REPORT – KEENE ROADWAY SAFETY ACTION PLAN PROJECT GRANT ACCEPTANCE AND CONSULTANT SELECTION

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Council adopt a resolution at its earliest opportunity to appropriate \$87,500 from the unallocated fund balance to fund the City's local matching funds for a United States Department of

Transportation Safe Streets and Roads for All planning grant. Mayor Hansel filed the recommendation.

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and execute a Safe Streets and Roads for All planning grant from the US Department of Transportation in the amount of \$350,000 (federal share). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

A motion by Councilor Powers was duly seconded by Councilor Remy to amend the motion to the following: that the City Manager be authorized to do all things necessary to accept, execute, *and expend* a Safe Streets and Roads for All planning grant from the US Department of Transportation in the amount of \$350,000 (federal share). The motion to amend carried unanimously.

The amended motion carried unanimously with 11 Councilors present and voting in favor. Councilors Jones, Ormerod, and Bosley were absent. Ward Four Council seat vacant.

A Finance, Organization, and Personnel Committee Report read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute a Professional Services Agreement with Vanasse Hangen Brustlin (VHB), Inc. for the Keene Roadway Safety Action Plan Project, for an amount not to exceed \$437,500, and, if an agreement cannot be reached with VHB, that the City Manager be authorized to do all things necessary to negotiate and execute an agreement with the next highest-ranked firm. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 11 Councilors present and voting in favor. Councilors Jones, Ormerod, and Bosley were absent. Ward Four Council seat vacant.

MEMORANDUM – CITY ENGINEER – APPROPRIATION OF FUNDS FOR THE KEENE ROADWAY SAFETY ACTION PLAN PROJECT – RESOLUTION R-2023-36

A memorandum read from the City Engineer, recommending that the City Council suspend their Rules of Order, specifically Section 27, Reading of Ordinances and Resolutions, to act upon Resolution R-2023-36 relating to the appropriation of funds for the Keene Roadway Safety Action Plan and further to adopt Resolution R-2023-36.

A motion by Councilor Powers to suspend Section 27 of the City Council Rules of Order to act upon Resolution R-2023-36 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 11 Councilors present and voting in favor. Councilors Jones, Ormerod, and Bosley were absent. Ward Four Council seat vacant.

A motion by Councilor Powers to adopt Resolution R-2023-36 relating to the appropriation of funds for the Keene Roadway Safety Action Plan was duly seconded by Councilor Remy.

10/05/2023

Councilor Remy pointed out a Scrivener's error in the third "whereas" statement of the Resolution.

The motion carried unanimously on a roll call vote with 11 Councilors present and voting in favor. Councilors Jones, Ormerod, and Bosley were absent. Ward Four Council seat vacant.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:09 PM.

A true record, attest: 
City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: October 19, 2023
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Nomination
Partner City Committee**

Recommendation:

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

Partner City Committee

Andrew Madison, Slot 7

Filling unexpired vacant term
(regular member)

Term to expire Dec. 31, 2024

Attachments:

None

Background:



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: October 19, 2023

To: Mayor and Keene City Council

From: Peg Bruce
Kiwanis Club of Keene

Through: Patricia Little, City Clerk

Subject: **Kiwanis Club of Keene - Request to Use City Property - 2023 Tree Lighting Ceremony**

Recommendation:

Attachments:

1. Communication_Kiwanis Club

Background:

Peg Bruce has submitted the annual request from the Kiwanis Club of Keene for use of City property to conduct the 2023 Tree Lighting Ceremony in Central Square on Friday, November 24, 2023.



Kiwanis[®]

CLUB OF KEENE

63 Emerald Street
PMB 451
Keene, NH 03431
keenekiwanis.org

OFFICERS:

Art Walker
President

Art Trombly
Vice President

Pete Southwell
Past President

Pam Wilson
Treasurer

Janet Genatt
Assistant Treasurer

Peg Bruce
Assistant Treasurer

Peg Bruce
Secretary

Pam Wilson
Assistant Secretary

DIRECTORS:

Carl Allen

Don Flibotte

Patti Hurd

Joyce Schlichting

Diana Sommer

Patti Spears

PAST PRESIDENTS:

Pete Southwell 2022-23

Pete Southwell 2021-22

Elizabeth Sayre 2020-21

Arthur Walker 2019-20

David Ganio 2018-19

Eli Rivera 2017-18

Paul Bothwell 2016-17

Peg Bruce 2015-16

David Ganio 2014-15

Beth Healy 2013-14

*Kiwanis Club of Keene is a
501 (c) (4) Organization: tax
exempt number – 02-0433169.*

October 4, 2023

Mayor Hansel and the Keene City Council
3 Washington Street
Keene, NH 03431

Re: 11/24/2023 Kiwanis Tree Lighting, Central Square, Keene, NH

Dear Mayor Hansel and the Keene City Council:

The Kiwanis Club of Keene requests a license to produce the 2023 Kiwanis Tree Lighting Celebration. The proposed date and time of the event is November 24, 2023, 5 pm to 8:00 pm. This event continues to compliment the Kiwanis' mission of supporting our local youth.

Keeping with tradition, we would once again like to decorate the Bandstand on Central Square with garlands, wreaths and lights, decorate the city tree on Central Square and hope to once again put up a second tree with battery operated mini lights on the Roundabout at the Marlboro Street and Winchester Street intersection.

We would like the City of Keene to consider adding portable toilets on the Square the day of the event. We also hope that our members could have access to free parking for the days we decorate, the day of event and the days we take decorations down. Might it be possible to have a sign members could place on their dash to indicate free parking? We plan to do the decorating of Central Square on a Saturday in the month of November, 2023 and take the decorations on Central Square down by the second week of February, 2024. (If possible, we would keep the lights on through the Ice and Snow Festival, weather and City permitting.) We plan to string bars of soap on the trees to deter the squirrel population from damaging the light strings. We had no lights damaged the past two years.

The event in 2022 had our largest crowd in our years of holding the event, it was enjoyed by everyone who came and the decorations were very much appreciated by our community. The children enjoyed the entertainment with the bands and Mrs. Claus reading 'Twas the Night Before Christmas. Santa's grand entrance with assistance from Keene Fire Department was especially spectacular! Each year Kiwanis youth groups participate and provide cookies and cocoa. Kiwanis distributes as many as 600 Christmas bells for the children to ring as Santa rounds the Common. We greatly appreciate the support of the City of Keene departments who work together with Kiwanis to make the community event special each year!

Feel free to contact me should there be any questions. I can be reached at 603-762-7276 or at keenekiwanisinfo@gmail.com.

Thank you for your consideration of this request.

Sincerely,

Peg Bruce
Kiwanis Club of Keene
63 Emerald Street, PMB 451
Keene, NH 03431
603-762-7276



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: October 19, 2023

To: Mayor and Keene City Council

From: Michael Remy
Keene Young Professionals Network

Through: Patricia Little, City Clerk

Subject: **Keene Young Professionals Network - Request to Use City Property - 2024
Taste of Keene Food Festival**

Recommendation:

Attachments:

1. Communication_Keene Young Professionals Food Fest 2024

Background:

Michael Remy, representing the Keene Young Professionals Network, is requesting the annual license to conduct the 2024 Taste of Keene Food Festival on June 1, 2024.

Keene Food Festival

Michael Remy

KYPN Events Chair

Mayor Hansel & the Keene City Council

3 Washington St

Keene, NH 03431

603-357-9804

Dear Mayor Hansel & the Keene City Council,

Keene Young Professionals Network is seeking to host the Taste of Keene event again next Spring and we hope that the City Council will again be supportive of this event!

We are currently targeting June 1st to again align with the opening weekend of ArtWalk to make sure we are aligned on a plan for downtown for the event. Rain date would be June 2nd.

Similar to prior years, the key points are:

- Drawing people back to our downtown businesses to kick off the warmer weather
- Opening Central Square, Roxbury St and parts of Main Street to pedestrians only to allow a family-friendly draw to Downtown
- Local restaurants set up in the parking spaces around Central Square and down Main Street highlighting their options
- Cooking demonstrations and music throughout the day
- Beverage tasting tent located on nearby private property to highlight locally available beverages

The only change we'd like to discuss with this group as a potential is closing further down Main Street to the intersection of Eagle Ct and Emerald St. This is at the request of some of the businesses in that area and after feedback about the turnaround at Railroad/Gilbo being challenging for some drivers.

Keene Young Professionals Network is a program of the Hannah Grimes Center for Entrepreneurship, with the mission of connecting young professionals in the Monadnock region to their peers and their communities, through social, educational, and service opportunities.

We look forward to partnering with the City to make this another safe, successful, and fun event.

Sincerely,



Michael Remy





CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: October 19, 2023

To: Mayor and Keene City Council

From: Jeremy Evans/ President of Keene Sno-Riders

Through: Patricia Little, City Clerk

Subject: **Keene Sno-Riders - Requesting Permission to Run Snowmobiles in the Right-of-Way along Krif Road from the Ashuelot Rail Trail to Winchester Street**

Recommendation:

Attachments:

1. Communication_Keene Sno-Riders

Background:

On behalf of the Keene Sno-Riders, Inc. Mr. Evans is submitting their annual request 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. This request is for the timeframe of December 15, 2023, through March 30, 2024 - snow cover permitting.



Keene Sno-Riders, Inc
PO Box 1511
Keene, NH 03431
Keenesnorider@ne.rr.com

October 10, 2023

To the Mayor and City Council

The Keene Sno-Riders, snowmobile club is seeking renewal of permission for snowmobiles to utilized city right-of-ways 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 requested approval would run from December 15th, 2023, through March 30th, 2024, snow conditions permitting.

We currently have permission to use the following properties:

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

We are requesting renewal of license for permission to cross the following City of Keene properties

Access to a portion of the Old Gilsum Road of approximately one mile to the Gilsum town line
Crossing of Winchester Street at Krif Road
Crossing of Production Ave approximately 200 ft south of Route 9

We are available to answer any questions or concerns which you may have.

Thank you for your consideration.

Jeremy Evans, President, Keene Sno-Riders, Inc.





CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: October 19, 2023
To: Mayor and Keene City Council
From: Jan Manwaring
Through: Patricia Little, City Clerk
Subject: **Jan Manwaring - Resignation - Human Rights Committee**

Recommendation:

Attachments:

1. Communication_Manwaring

Background:

Jan Manwaring has submitted her resignation from the Human Rights Committee. Jan has served on the Committee since January 2022.

October 11, 2023

Mayor George Hansel
City Council
3 Washington Street
Keene, New Hampshire 03431

To the Mayor and City Council:

It is with regret that I resign from the Human Rights Committee. It has been a wonderful experience to work with all the members who are committed to diversity, equity, and inclusion. It has been a privilege to create education opportunities to the community as we support the Committee's mission.

Thank you for giving me the opportunity to serve.

Sincerely,



Jan Manwaring



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.5.

Meeting Date: October 19, 2023
To: Mayor and Keene City Council
From: Gregory Kleiner
Through: Patricia Little, City Clerk
Subject: **Gregory Kleiner - Resignation - Historic District Commission**

Recommendation:

Attachments:

1. Communication_Kleiner_Redacted

Background:

Gregory Kleiner has submitted his resignation from the Historic District Commission. Mr. Kleiner has been a member of the Commission since April 2022.

Gregory Kleiner
119 Carroll Street #1 / PO Box 94
Keene, NH 03431

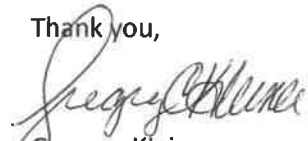


October 16th, 2023

To Whom It May Concern:

It has been an absolute pleasure to serve on the Historic District Commission however due to a work schedule change, I am no longer going to be able to fulfill my duties. Please accept this as my letter of resignation effective October 16th, 2023.

Thank you,



Gregory Kleiner



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 19, 2023

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Safety Concerns on the Eastside of Keene**

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the safety concerns be referred to the City Manager with the request that there be a report back to the Committee.

Attachments:

None

Background:

Chair Greenwald stated that the only item on the agenda tonight is the safety concerns on the east side of Keene. He continued that there are four public communications and each person who sent the City Council a letter will be invited to speak. He explained the meeting process and the procedures for public participation.

Chair Greenwald stated that he wants to share some personal observations first. He continued that this evening, they will not end homelessness, drug abuse, or criminal activity. It is not possible to return to the Keene as some think it was in 1960. The Hundred Nights shelter is a reality. It might make some changes, but it is not leaving. The Hundred Nights shelter is not solely responsible for the problems they are discussing tonight. Homeless individuals are not going to go away. No one wants to be homeless. Homeless residents are people and deserve to be treated with respect. Everyone needs to come together and develop plans to assure that all residents feel and are safe in their neighborhoods.

Chair Greenwald continued that this evening, City staff will take notes and create a report back, which he expects will be ready by the November MSFI Committee meeting. They might be able to implement some actions immediately, while others will require planning and funding.

Chair Greenwald asked to hear from Hilary Seifer.

Hilary Seifer of Beech St. stated that she is the Executive Director of American House on Water St. She continued that she submitted a letter after reaching out to the Councilor in her ward to ask how to best bring east Keene safety concerns to the City Council's attention. Over three to four weeks there were several incidents. Her car was broken into, and checks were stolen from

her. American House had several disruptions on the property, including a violent incident with someone who was looking for help attempting to gain access to the building. It was scary for the residents. As a homeowner in the neighborhood, she too was noticing a difference and was pleased to see others had submitted letters as well. Since then, east Keene residents have had a lot of conversation. She has not been able to attend the (neighborhood) meetings, but it has all been positive. She thinks everyone is on the same page as Chair Greenwald, knowing they will not solve anything immediately tonight and that they all need to work together to find manageable solutions that make a difference so they can maintain homeowners' and business owners' safety in the neighborhood.

Ms. Seifer continued that the City of Keene and the Keene Police Department (KPD) have been "nothing but wonderful" to work with. She and her neighbors have seen (staff) remove shrubbery along the bike path and clean up the river, and they are now seeing KPD foot patrols on the bike path every morning. She personally spoke with Lt. Nugent, who was supportive. She appreciates that and is happy to see that things are moving in this direction, and hopes it continues. Her biggest ask is how the neighborhood can come together to ensure that safety continues, and for the brand-new Pat T. Russell Park to stay clean and safe. The number of needles already found along the property lines and at the park concerns her. She would like to see a sidewalk with lights and a speed bump on Water St., where there are many speeding cars and traffic is expected to increase due to the new park(s).

Ms. Seifer continued that American House residents have toured Hundred Nights, are in full support of Hundred Nights, and are interested in working different programs with them. Many wise people with a lot of knowledge have been with us a long time, have many ideas, and have seen the city go through various changes. Her door and American House's doors "are wide open." She looks forward to hearing other people's ideas, and hearing how the Council can help. She is open to feedback and hopes they can problem solve together.

Chair Greenwald asked to hear from Robert Hamm.

Robert Hamm of 89 Valley St. stated that he and his family have enjoyed living on the east side of Keene for over 22 years. He continued that he has enjoyed, continues to enjoy, and expects to be able to continue to enjoy the neighborhood. His letter was prompted by conversation and incidents he and others were seeing in the neighborhood, which raised concern in ways he thought were useful. It is useful to join together to begin addressing the issues causing concern. He appreciates Chair Greenwald's introductory remarks, which speak to the need to be in conversation as a neighborhood and as a city, to address the issues. Some are infrastructure issues, and some are staffing issues. He fully supports the shrubbery-clearing work the Parks, Recreation, and Facilities (PRF) Department did, which increased the sightlines. He is concerned about the many sidewalks in east Keene that are unsafe for people who are elderly or have mobility issues. An example is the undulating, cracked, and broken sidewalks on the south side of Roxbury St. He is concerned about what is happening to properties on the west end of Church St. He is not sure what Code Enforcement is doing. Homeowners and landlords in that part of Keene need to be good citizens. We need to be diligent about keeping each other working toward a better, safer community.

Mr. Hamm continued that he has "nothing but praise" for the response of City services (such as the Fire Department), and he particularly appreciates the nuanced approaches that the Fire Chief takes to help the community, and the way in which he addresses response to drug overdoses. It seems to him that homelessness is a state issue. (Keene) bears the brunt of it in many ways. Homeless people are people who have mothers, fathers, brothers, sisters, and children. Some of those children are in (Keene) schools, and people should be careful not to vilify people who do not have adequate housing, in a state where housing has become so expensive. He thanks the City and Council for all

that they do and looks forward to being a part of a conversation that looks for communitarian answers. He looks forward to folks talking with and listening to each other, in ways that are kind and civil, working to find solutions that help everyone.

Chair Greenwald asked to hear from Vicky Morton.

Vicky Morton of 275 Water St. stated that she will read part of her letter:

"We have an increase in automobile break-ins, automobile thefts, assaults, stabbings, and overdoses. Other residents have complained about finding human feces on the bike path, used needles on the sidewalk and streets, and aggressive individuals on the bike path. Floral displays have been stolen from our front porch, along with garden statues and a rock display. I found one of our granite posts partially out of the garden as if someone was coming back later to steal that one as well. Residents on Victoria St. have a go-cart, golf cart, and dirt bike, none of which display registration plates, that they ride around the neighborhood and for trips back and forth to Cumberland Farms. Earlier this week, two cars aligned at the stop sign at Valley St. and drag raced across Water St. and down Victoria St. A cable installation company parks their bucket trucks towing cable spool dollies in the north bound lane, effectively hindering the flow of traffic."

Ms. Morton continued that she understands the City has nine open, unfilled police officer positions. She was informed tonight that now it is ten. She has spoken with a couple Councilors about utilizing those payroll funds to create a supplementary auxiliary force to support the existing force. This auxiliary force could answer the calls that are less of a priority to leave officers available for more serious, high priority calls. She is thankful that there are only ten unfilled positions, and not the complete force. She hopes they can find ways to support the Fire and Police personnel. She has had many positive interactions with them and she appreciates how difficult their daily shifts can be.

Ms. Morton continued that since she wrote her letter, she has been attending neighborhood meetings and talking with personnel from the PRF, Public Works, Fire, and Police Departments, and has gotten a different perspective on some pieces. One person asked her, "Why do you feel unsafe in your neighborhood?" (Her answer is that) at about 5:30 AM, a man in stocking feet was trying to get into her house. He was on the porch banging on the door, attempting to push it open. Her son came over and enticed the man to walk away. He walked down Water St. where the police officers were able to secure him. A police officer came to her house and asked to look around, and in her driveway, found the man's shoes and a pile of vomit. Later when the sun came up, she and her family found the man's backpack and hat across the street on a neighbor's doorstep. It is scary and unnerving when someone is banging on your door and trying to get in, and there are not many resources (other than) calling the police, who will come when they can. The police came and the officers were helpful and respectful. However, when the man was banging on her door and she told him, "The police are coming, go away," he did not go away, which contributes to her and her family's sense of lack of safety in the neighborhood.

Ms. Morton continued that Jim Craiglow, former president of Antioch University of New England and chancellor of Antioch University, had an open-door policy, allowing people to come vent to him as much as they wanted to. However, before you walked out his door, you had to have some possible solutions to whatever you were venting about. Thus, in honor of Mr. Craiglow, she wants to offer some possible action steps. She will leave written copies here. She thinks City staff, particularly in the Parks, Recreation and Facilities Department and Public Works Departments, do a very good job with what they have and what they face on a daily basis. These people with the boots on the ground, she believes, have solutions to many of the problems or can at least provide feedback about them. She believes there is a need for a safe, anonymous, confidential mechanism where these

personnel can provide suggestions, feedback, and proposed solutions. If Keene does not want human waste on the sidewalks, the City needs to provide public bathrooms. An ideal time to do that would be when they are digging up the downtown. The park has bathrooms but they are locked, which does not help. If people have pride in their homes, they act outside their homes in that way.

Chair Greenwald asked to hear from Krishni and/or Ed Pahl.

Krishni Pahl of 84 Valley St. stated that her main concern is safety. She continued that her 86-year-old mother-in-law lives with her and her family, and when she (Ms. Pahl) goes to work, she is afraid of any issues like what (Ms. Morton and Ms. Seifer) were talking about happening to her mother-in-law. Her second concern is the image of east Keene. She has firsthand knowledge of realtors not wanting outsiders to move to Keene, and her friends, property owners in east Keene, want to live there. It is where they live, and they take a lot of pride in it, and want the City to help them be safe and project a better image of east Keene. She does not think this is happening. She flagged down a State representative who was driving down Valley St., here visiting the day Hundred Nights opened. She went over some of the issues with him, and his response was, "Why are you surprised? The City has always treated east Keene like a second class citizen." That must change. The east Keene residents want to be there and take pride in their homes. They want to be safe, and they need the City's help with that. They are property owners and pay property taxes, and pay for water and sewer, and most of them volunteer at Hundred Nights or the Community Kitchen. They want the same respect that the rest of Keene gets.

Ms. Pahl continued that she is glad to see the Pat Russell Park, and is glad the skate park is coming. There are nice things coming into the neighborhood, and now, the east Keene residents want the City to help maintain that. Some tenants on Church St. have landlords who need to be held accountable. The sidewalks are in bad shape. Mr. Hamm is right about the Roxbury St. sidewalk; she tried to run on it, was unable to, and wound up running in the street. It is unsafe. Landlords need to be held accountable, because tenants are afraid to speak up, given the high rent prices and fear of eviction. It is up to the City to hold these landlords, who may live out of state, accountable. That will change the image of east Keene.

Ms. Pahl continued that in conclusion, she and her neighbors want east Keene to be safe, look respectable, and be respected. She thanks the Councilors, Fire Chief, and Mayor for coming to east Keene's community forums and for listening to the residents.

Chair Greenwald asked Councilor Filiault to address his letter to the Council.

Councilor Filiault stated that he called a homeless advocate in Keene and asked if he wanted to get coffee together to talk about the reports Councilor Filiault was hearing about the vast amount of homelessness and tent cities in various parts of Keene. He continued that the homeless advocate said no, he would not have coffee with him, but if he (Councilor Filiault) had some hiking boots, he would take him for a walk. As a lifelong resident of Keene, he is not naïve and knows what is going on, but when he walked in the area behind Hannaford, he was flabbergasted by the number of homeless camps. It was "like a subdivision," one after the other, some abandoned, some active.

Councilor Filiault continued that two other things caught his attention – the amount of used needles spread everywhere, too many to photograph, and the amount of trash. He does not mean the type of trash that could go in a trash barrel, and it is not enough to bring out some trash bags. Trash bags that advocates had brought out were still in their boxes on top of the trash. He is talking about acres of trash. He will repost his photos for people to see. A couple photos had trash as far as the eye could see, and it felt like being at the landfill. With the sun shining, you can see the glistening of the needles among the trash. Wearing the hiking boots was necessary in case he stepped on a needle,

which he did. This trash is not something that well-meaning neighbors could scoop up after they have put on some gloves. This is a “hazmat” site requiring not barrels, not dumpsters, but probably four or five of the trucks that dumpsters are emptied into. This trash is hazardous, due to the needles and human waste, and is not for volunteers to clean up. This is on private property; the City cannot just go there without being asked. The City was asked to go on this property before and took some heat, because (some people said) it was as if the City was “moving people off for no reason.” Anyone who saw these sites would understand why the City and the property owners acted. Anyone who is out there camping is out there illegally, but there is only so much the City can do. There are multiple other sites like this in the city. The one behind Kohl’s has become active again. Someone sent him photos today of a site in the woods at Robin Hood Park. Other sites are along the bike trail heading toward Water St., and toward Beaver Brook Falls. They are everywhere, and they are a problem. There are different levels of homelessness, which he is sure they will get into. He is not criticizing anyone who is out there. As he has said, no one grows up thinking, “I want to be homeless and live in a tent in the woods.” However, many people are homeless and living in a tent in the woods, and injecting drugs with needles, because the needles are everywhere, which is also a problem. He does not want people walking in the woods to step on needles.

Councilor Filiault continued that there is more he could say, but that is the gist of his letter. He looks forward to hearing everyone else’s comments.

City Manager Elizabeth Dragon stated that she wants to talk about the work the City has been doing regarding homelessness over the last couple of years. She continued that homelessness is a complex issue that will not be resolved by one organization or one community alone. It will take all of us working together. As a City, Keene is often left dealing with the symptoms of this much bigger problem. Crime in neighborhoods, trash, and needles are symptoms of the larger issues related to homelessness. To make meaningful change, they need to engage their regional partners and the State, because a lot of this is beyond the City, and they have worked hard to try to do that. The ad hoc Housing Stability Committee worked for a year last year, and the report came out in December 2022. At the same time, staff undertook a Housing Needs Analysis for the city, which included a housing inventory, review of market conditions, and an evaluation of vulnerable, existing housing stock and neighborhoods. They also made several zoning changes, such as densification in the downtown, smaller lot sizes in the Rural District, and Accessory Dwelling Units (ADUs) in all zones on both attached and detached structures. All of these are important parts of the puzzle. The City is currently undertaking an effort to create an on-street parking program. Parking is often a barrier to more housing opportunities.

The City Manager continued that the membership of the Housing Stability Committee includes a diverse group of stakeholders, and there was a lot of participation from local non-profits, churches, and members of the public including homeless representatives. The report is comprehensive and found on the City’s website by searching “housing stability,” along with the committee’s agendas and minutes. The report contains recommendations regarding homeless support and transition to permanent housing, increasing available housing, and regional engagement and collaborative solutions. Several recommendations have been implemented and there has been progress made with most of the remaining items. She encourages anyone in the audience who has not looked at the report to do so. It is important to not attempt to recreate that work, but instead continue to build on those efforts. They know what the issues are, and each year based on capacity in the City’s departments, budget constraints, and the City Council goals, staff attempts to prioritize how to continue to move these and other work plans forward.

The City Manager continued that a handful of towns and cities in the state carry a disproportionate burden regarding homelessness, and Keene is one of them. The existence of shelters and other non-profits providing services within Keene means they are not only serving Keene residents, but

others from the region and state, and there is even a small percentage of people from beyond NH borders. She has worked in three other communities, and what happens in communities that do not have a shelter or these services is that when someone comes into their human services office and fills out an application, the first thing staff in that town do is call 211 to find an available shelter. If there is an open space in Keene, that applicant is transported to Keene. That is mostly how the other communities are dealing with homeless people who come to their human services departments and the community does not have shelters within its borders.

The City Manager continued that yesterday, she asked the City's Human Services Manager, Natalie Darcy, for some statistics to share at this meeting. Of the homeless individuals currently being served at the Southwest Community Services (SCS) shelter, 28% are from Keene, and the rest are from elsewhere in the county or state. At Hundred Nights, 39% of the individuals being served are from Keene. Hundred Nights previously had a year-round capacity of 24 and utilized churches for overflow. This year, the year-round capacity is 48, and they will be planning for overflow again, because a percentage of homeless people are living in the woods. This is for a variety of reasons. It could be addiction, mental health, not wanting to give up a pet to go into a shelter, or other reasons. However, they will come in on the coldest nights, and that is why Hundred Nights needs the help of local churches to manage that overflow.

The City Manager continued that for the past couple years, the City has taken a greater leadership role in the regional homeless coalition and participated in the state's housing groups. The City pursued and was successful, with the help of Senator Fenton, at making a change to the State's welfare laws to ensure that communities like Keene can seek reimbursement when providing services to residents from other communities. She is currently working with the Senator on more bills for this upcoming session. In addition, over the past couple years, (staff) has worked with property owners to clean up a few large encampments. Again, as Councilor Filiault was saying, these massive encampments have accumulated trash over decades of time. The City worked with property owners and the State to clean up one near the Stone Arch Bridge. Currently, they are working again in the areas of Pearl St. and behind Kohl's. Last year they worked with the owners of the property behind Hannaford's, who issued a "no trespass" order, installed fencing, and created a relationship with the Hannaford's manager to monitor the property. This property has not yet been cleaned up and remains a magnet for homeless re-encampment. Many of Councilor Filiault's photos were of that site behind Hannaford's.

The City Manager continued that capacity is always an issue. There is much more work to be done than there are people to do it. However, the City has been strategic and thoughtful as to how they prioritize the work they undertake. A few months ago, she created a City Homeless Task Force, made up of leadership across the departments to discuss and brainstorm solutions and be creative. They tried a couple different brainstorming activities to try to think outside of the box, and it has been helpful. However, dealing with symptoms of this larger issue, they have also had to brainstorm solutions to that, and get creative on how they are cutting back different areas of the City, looking at the lighting, and thinking about all of the things they can do related to City infrastructure. The Parks and Recreation Director's team has been clearing brush and other debris in the problem areas, and today, she and the Public Works Director walked around the Beaver Brook area that also needs to be cleaned. That will require a brush hog, which they do every few years along the brook. The Parks and Recreation Director, with the assistance of Public Works, is evaluating lighting and fencing options on the trails in east Keene, and potentially around Pat Russell Park. It would require a significant amount of fencing. In order to secure the back area, the fence would have to go quite a distance. They took a quick look at the math for solar lights. Many of the City's trails have lighting, and they have been discussing whether they need to expand the lighting. It is approximately \$8,000 for one solar light, and if installed every 400 feet, it would be over \$100,000 per mile. Thus, that is something they need to look at in the capital plan and work with the bicycle

and pedestrian advocates to raise money for.

The City Manager continued that the KPD has added directed patrols to the east Keene neighborhoods, which was already mentioned tonight. She is glad it was noticed. The Fire Chief and the Parks and Recreation Director have been talking with Morgan Britton at the Serenity Center about the needle exchange program and the possibility of expanding the needle disposal options. In addition, City staff are looking for additional locations for Narcan distribution. The city is having many overdoses, and the availability of Narcan is saving people's lives, because emergency services cannot possibly get there fast enough. The PRF Director has been talking with property owners about clearing an area that abuts the Hundred Nights fence line, which has become problematic. That property owner is willing to work with the City on that. The City is currently addressing a lighting issue near the basketball court, where there has been increased activity. She has a meeting in the next couple of weeks with Hundred Nights staff to discuss winter plans. She understands from the Community Development Department that the UCC church is going through a process to set up for overflow capacity for the winter months. This is crucial, and she is happy to see that everyone is thinking about and planning for this.

The City Manager continued that Councilor Filiault asked her yesterday about the Library. Oftentimes, people in need of services are at the library, which is one of the places where they can use Wi-Fi and stay warm or cool, depending on the outside temperature. Back in January, the Library set up social service agency hours to help bring services to those in need who frequent the library. She has seen several organizations have joined this effort, such as a staff member from SCS who goes there and helps people apply for services. The City's Human Services Manager continues to work on the welfare association, to advocate for all communities to be part of the solution. Staff has been working hard to try to get all of the surrounding communities to understand that they need to work on a solution together. As she mentioned, she is working with Senator Fenton on some additional legislative changes. They are currently talking about one related to landlords accepting tenants with Section 8 vouchers. One of the things they focus on is helping people to get from the shelters into housing, and oftentimes, it will involve something like a Section 8 voucher, which helps with or entirely pays the rent, depending on the situation. There are many barriers to that, so they are looking at incentives and ways to eliminate barriers. They are talking with the State about ways to encourage mobile support services, bringing the services to the people who need them, instead of requiring everyone in need of service to congregate in a handful of communities across the state, and getting the other communities to provide supportive, transitional housing in their communities.

The City Manager continued that she serves on the Governor's Opiate Abatement Commission, which has been meeting with local service providers regarding substance misuse and advocating on the Commission for the needs in this section of the state. She has heard that the area needs more sober housing for women, as there is sober housing for men, but once individuals go through their treatment programs there is often not a place for women to go; thus, she and other staff members have advocated for that at the Commission. She has a grant application ready to go for a social worker position at the KPD. The person would proactively follow up on drug-related calls, to connect the person with the appropriate services. The KPD does not have the time to do that, and this would be a proactive position, where the person would follow up on the police call log and connect people with whatever services they need. This person would work closely with places like The Doorway and The Serenity Center to build strong relationships.

The City Manager continued that as mentioned, they built public restrooms as part of the Pat Russell Park. They are waiting for a part to come in. Once it comes in, those bathrooms will be programmed to be open from 7:00 AM to 7:00 PM. She needs to say, they have already experienced vandalism. Long before her arrival here, the City had public bathrooms, which had many vandalism

issues and ultimately were closed. However, they are looking at other public bathroom options. In a letter, someone had mentioned an innovative solution, the "Portland Loo." Staff had talked about that in the past as an option for Gilbo Ave. Better options now exist, so staff will discuss that with the Council during the CIP process when they look to include projects over the next several years and time it with the downtown project.

The City Manager continued that in closing, she is happy to report back to the Committee at a future meeting, regarding a list of suggestions. However, she wants to say that homelessness across the United States has increased dramatically. After the conclusion of several federal COVID assistance programs, a spike was seen everywhere, and these issues will continue to grow. The City will do its best to continue to respond to all of the symptoms of the larger problems, but in her opinion, the most impactful things they can do in addition to that are:

- Support things like supportive housing projects to move people from shelters into housing
- Support mobile support services, to stop bringing people to a handful of communities
- Support transportation options in the state, to get people where they need to go
- Continue to work on statewide welfare law changes
- Find ways to use Keene's existing shelter capacity to serve more of our community and less of the people being referred by 211 or other welfare directors
- Create pathways for people to get services they need by being proactive. For example, the proposed social worker at the KPD
- Support mental health and other crucial support services.

The City Manager continued that there is a desperate need for mental health providers in our region. Staff has been talking to Monadnock Family Services (MFS) for the last several years, regarding trying to integrate them more into the KPD. The State went through a process to create this mobile response for mental health crises in the state, but it is not working. Staff has talked with Phil Wyzik (CEO of MFS). The City needs to address these things if they really want to make a difference. These types of changes, while harder to accomplish, will have larger impacts on not only what they are seeing in east Keene, but in Keene's downtown; on all of the trails; on public, undeveloped land; on private land not actively monitored by property owners; and so on and so forth.

Chair Greenwald stated that he hopes everyone hears that City staff is really working on the issue. He continued that the reason everyone is here tonight is to offer observations, and creative solutions and suggestions that could maybe be worked into what the City is doing. He asked for public comment.

Chuck Redfern of 9 Colby St. stated that regarding lighting, he is not sure solar lights would create the needed safety. He continued that he thinks hard-wired lights are needed, which would perhaps increase the cost, but the solar lights the City Manager spoke of sound more expensive than the models Pathways for Keene purchased with the City over five years ago. The problem (with solar lights is that as someone is approaching, you have to be literally right there before the light turns on. He talked with Mr. Bohannon about this. Mr. Bohannon says the lights are better now because they turn on when you are a little further out. However, he still thinks people like to be able to look down a way and see it all lit up so they know what they are walking into. With LED lighting, like the innovative ones for the roundabouts that have just been improved on lower Winchester St., you can keep the cost at a minimum. He recommends hard-wired lights. They also have conduit going down the rail trail from downtown all the way to the Public Works building. They might be able to put wire through there economically. It is worth checking out.

Mr. Redfern continued that there was a time when he worked for Homeland Security in Concord. The man he worked with was a former police officer for the City of Concord, and he

admitted that Concord was bringing its homeless people down to Keene on a fairly regular basis. That shocked him to hear. The Keene Sentinel did a public service today, with an article about the problems Concord is having. He recommends the City establish communications with the folks in Concord, because they are going through the same problems as Keene, according to the article. He also recommends bringing back the ad hoc committee, keeping it ongoing, and keeping citizens involved. It should be at the Police Department, with the to-be-hired social worker as the liaison.

Nick Germana of 206 Baker St., State Representative for Ward 1, stated that part of east Keene is in his district. He continued that he lived on the corner of Water and Valley Streets for seven years, including right after when the great recession hit in about 2010. They also saw a spike in homelessness then. Much of what they are seeing now with Russell Park is what they were seeing when it was Carpenter Park. Many of these issues are not new. Things got a little better after that spike in 2010 and now they are seeing (similar issues) again. These “changes” are in some way not really changes; we have experienced them before. Housing is obviously a huge issue, all over the state. Everyone is struggling with it and they need to keep struggling with lots of innovative approaches like those that the City Manager was talking about.

Mr. Germana continued that he knows there are needle exchange and needle disposal efforts, which he thinks they need to double down on. The Federal government is beginning some grants to study safe injection sites in New York City and Providence, RI. That will not happen anytime in the immediate future, but with the substance abuse problem all throughout the state, they will continue to see substance abuse on large levels and it will be in public. Thus, the question is how to mitigate the potential danger to the people who are using the drugs, needle exchange being a big part of that, and the danger posed to people in the community who are finding needles in the parks, and so on. There are many pieces to the puzzle, and he encourages everyone to think as creatively and boldly as possible about how to address the issue of substance abuse through needle exchange, needle disposal, and down the line, at least discuss safe injection sites.

Gabby Miceli of 45 Franklin St. stated that substance abuse is not going away. She continued that she works in social services and works closely with people struggling with it. She carries rubber gloves with her, and would like to see needle disposal areas, boxes, or something that would be secure. She envisions something like the dog waste bags, with places where you can grab them. She will pick up needles with her gloves, but she is not going to carry the needles all the way to her house if she is out running or walking the dog, so she would like to see some type of solution for that. It could be an interim solution as they figure out the larger needle exchange programs or safe injection sites.

Tracy Desteph of 110 Church St. stated that she sees what happens at the park every day. She continued that as everyone has said, there is no easy solution. She has been a Keene resident for several years, and used to be the vice president of an insurance company. Her landlord does allow Section 8 vouchers. She is disabled and lives on Section 8. She first lived on Mechanic St. next to the fire station, and had a service animal. She used to walk and stop at the park (near China Wok) before the church was able to block it off and contain it for what public property is meant to be used for. She looked up a city in Washington that has a sign about what is allowed in public areas and what is prohibited. She showed an example of a sign the City of Keene could have, saying what is allowed and not allowed. She continued that the notifications to the public would allow fines of \$35 to \$500.

Ms. Desteph continued that she saw the police on foot on her way here. They are holding cameras so they can have more behind them to defend what they are doing, so it can be seen. She goes outside at night and can see people doing drugs at the corner. The police have taken the time to

come through and monitor it. Some of these people cannot be helped and do not care. She gives them food, clothes, and whatever they need when she can. She has seen the police flash their lights through there. She has seen the CDC van drive through the area, offering money to test people's blood for infectious diseases, for data collection purposes. If you offer a person addicted to drugs \$40 cash for their blood, they will sell their blood. She has gone to those areas to pick up needles. She does not know if a needle exchange would be any better. There are needle exchanges in Maine where her sister is a pharmacist, so probably the data there in Maine is better than the data here.

Morgan Britton stated that she works at the Keene Serenity Center, a recovery center that helps people who have substance use disorder. She continued that she personally runs the syringe service program; thus, Keene does have needle exchange. The Serenity Center actively goes out and picks up syringes if they are found. They have been out more frequently lately and walk the streets of Keene for 90 minutes to two hours. They find about one or two syringes each time. On social media, things get blown up. Out in the public, you are not finding piles of syringes. The Serenity Center is here, and if they are notified that there are syringes, they will happily stop what they are doing and go pick them up. This resource is available to everyone.

Chris Coates of 30 Gilsum St., County Administrator for Cheshire County, stated that he thanks Councilor Filiault for his letter, thanks the City Manager for her words, and thanks Chair Greenwald for leading this conversation. He continued that it is the start of a conversation he knows he wants to be part of. He and the City Manager have talked, and they will be at the table. He was born here in Keene and lived on the corner of Church and Valley Streets for his first 17 years. These issues have been here all along. He was not allowed to go down what they called "lower Church St." because of murders, motorcycle gangs, and other issues. Carpenter Street was not what it is today; they used to have to mow it themselves. It was always an issue. But it is different today. The substance abuse issue is massive in this area.

Mr. Coates continued that previously, about 15% of people entering the Cheshire County Department of Corrections Facility in Keene had some type of substance abuse, and now it is about 87 to 90%. Of that group, another 80 to 85% have mental health issues. The Corrections Facility is probably the biggest substance abuse treatment facility in the area, one of the biggest mental health facilities in the area, and one of the biggest homeless shelters in the area. When people leave the Corrections Facility, by law, they just go out the door and that is it. But they do not want people on Rt. 101, so the Corrections Facility has worked with the City Manager over the past year about this. They put money in the budget and now send people to wherever their hometown was or wherever they request, to a point.

Mr. Coates continued that he is wearing four hats tonight – he is the chair of Keene Housing, which is doing everything it can to bring forward housing. They currently have a project at Roosevelt School that will add 60 units in the coming years. He is also new to the Hundred Nights board, which he wanted to join because he wants to know what he could do to help. In addition, he chairs the United Way Campaign, which gives a lot of money to these organizations. The County wants to be part of the discussion. He does not know what that means when he says it, but he knows he will be at the table as the conversation goes forward.

Steve Bragdon of 51 Railroad St. stated that he has not lived in town as long as Mr. Coates but has been here quite a while. He continued that in the last 6 months to a year, he has noticed a pick up in the problems that are around his area, such as a lot more activity in the garage, a lot more activity underneath the entrance to the upper garage, and around the area in general. It is not positive activity. He commends the KPD. They have been down there and have done a good job of taking care of some of the problems. As most people have said, the problems are not easily solvable. He

is a great believer of looking at the problem from high up and coming up with a big solution, but the big solution will take at a minimum the State and the Federal government. He wants to see more of a focus on the problems in the neighborhood and what they can do to fix them. He thinks the City has already taken a big step toward that and he is hopeful that that will continue. It is unfortunate that 60% of the homeless people that the City of Keene is servicing are not from Keene. The City cannot solve that issue; the State has to do that or help with that.

Bradford Hutchinson of 305 Marlboro St. stated that he is a serious candidate for Mayor. He continued that he has been paying attention to this issue for a long time. He was born in Keene and came back in 1987. For well over 20 years, he has been in the downtown area every day. During the past two and a half years especially, when he began doing a migratory waterfowl habitat restoration project at Ashuelot River Park, he has been on the Jonathan Daniels Trail every day. He bikes that trail at least once a day. He lives on Marlboro St. just before the ice rink, and when he leaves his house to go downtown on his bike, he typically goes down to Eastern Ave., picks up the beginning of the rail trail and goes all the way down the rail trail across Water St. and behind American House. He typically rides that trail at least twice a day, often several times a day. He also goes to Water St., West St., up to Robin Hood Park, out to Wheelock Park, and behind Melanson's. The Stone Arch Bridge was mentioned, and the homeless camps right behind Pat Russell Park. Today he found a homeless camp in Ashuelot River Park, which has only been there a couple months. In 2021 there were no homeless camps in Ashuelot River Park, which he knows because he surveyed the whole park.

Mr. Hutchinson continued that to wrap it up, in one of tonight's letters, the writer indicated seeing people with needles sticking out of their arms on the rail trail. He continued that he challenges that, and asks to see a picture, because he rides that trail every day. There is increased use, but there is no one with needles sticking out of their arms. There is a lot that needs to be done, and it will get done.

A speaker that identified themselves as Mo and provided no last name stated that she runs Granita Restaurant at 51 Railroad St. She continued that she appreciates the police presence. She asked quite a few times for more walkability in the early hours of 4:00 AM, which is when Granita's staff arrives to prep. Her staff members have expressed to her that they are afraid to come to work, because someone (from the street) ran after one of the prep chefs. The other day, a Granita's customer was sitting on the patio, eating an expensive dinner, and a homeless person sat down on the bench nearby and defecated on the bench. That is not something anyone wants to see. Her solution is to remove all benches in town for at least a year, on Main St., Railroad St., and everywhere. They should do away with all benches and anywhere that homeless people can sit or lie down. When she arrived at work around 8:00 this morning, there was a needle on Granita's walkway and dirty underwear on the bench in front of the restaurant, and the restaurant's lock had been picked. She is upset, because she cannot retain employees – they are afraid to come to work. Then she has to bring in her son, who has to watch a woman inject drugs into herself, on this bench. Her son asks, "Is she a doctor?", and she has to explain to him, "No, we're going to call a doctor for her." Her son's response is to ask if she is getting a shot. She does not want to have to explain this to children.

Mo continued that regarding City staff's comment that there are not enough people to help, she thinks everyone here would raise their hand and go clean up an area. She will do it herself. She did it the other day, with police officers. There is trash everywhere, all the time, to throw in the dumpster. If staff puts out a sign-up sheet, people will clean up the city.

Carl Jacobs of 81 Wyman Rd. stated that like others, he has heard these issues and has tried to figure out what he can do. He tries to look at these issues in terms of what he can do, and tried to

contribute as a City Councilor. As he listens to everything tonight, the word “sanitation” comes to mind. They have been talking about public bathrooms for a long time, and they are hearing about people using the ground as a public bathroom. He thinks the City can do better than this. It is not a huge dollar amount and has nothing to do with maintenance, as he understands it. He thinks they should “do something or get off the pot.” He hears about hazardous waste (clean up. They have the technology to address a hazardous waste site, so his question is why they are not addressing it. He understands many other issues have been brought forward, but they should think about the bathrooms in particular. It will not solve the whole problem, but it will make things better in a variety of ways. He encourages them to get this moving in a positive direction.

James Duffy of Winchester stated that he is a board member of Hundred Nights, a member of the guiding council of the Monadnock Interfaith Project (MIP), and rents a studio on Roxbury St., and is thus in Keene frequently. He continued that things are getting more concerning. Some people say “worse,” yes, but there is also a lot of community interest and energy around this issue, which is heartening. He is glad people brought up tonight that this is not a new issue. Certainly, there are 50% more homeless people in NH now than there were last year at this time. That is the first time there have been over 2,000 homeless people in NH since 2008, when a bad recession was going on.

Mr. Duffy continued that he is not speaking officially for Hundred Nights, but the Hundred Nights shelter has come a long way and is doing a lot of good work for this community. Over 50% of Hundred Nights’ donations come from private citizens, civic groups, and private businesses. That is a testament to Mindy Cambiar and all the staff members who have worked so hard over the years. He understands that people are afraid and concerned and that this is shocking and there is no obvious solution, but it is not helpful to draw attention to the shelter as a cause for the problems people are seeing. It is not helpful to say, “People are coming in from all over.” Yes, people come from other places; there is an arrangement with the State. However, most people who come into Hundred Nights are from Cheshire County. In addition, 11 towns donate annually, as well as the City and the County, to Hundred Nights. In Keene or Cheshire County, there is a .5% vacancy rate. It is very advantageous for property owner managers, landlords, and that kind of market, to invest little and take more out. Keene has the worst housing stock he has seen, in many cities of size in New England and other cities, and it is an issue. In 1990, there was a Keene article about the looming housing crisis. In 2004, it was the culmination of a huge effort, mainly due to issues in southeast Keene with college students. A committee was formed, and Keene State College and City staff were involved, along with City Councilors, businesses, and residents of the southeast neighborhood. Many, many recommendations came out of that. One, he thinks, was a “disorderly house” ordinance.

Mr. Duffy continued that one thing the City Council has not been able to do is follow the recommendation to have annual inspections of apartments and rental units in the city, which the Council at the time voted down. He thinks it is imperative to ensure the safety and health of residents and neighbors in these areas. In addition, Keene’s Comprehensive Master Plan focuses on neighborhood development. What the City can do is start looking at these neighborhoods, and encourage development that includes middle-income housing, affordable workforce housing, and subsidized housing, all within a few blocks of each other.

Erica Gascoyne of Alstead stated that she is a Friend of Hundred Nights and was pleased to see two of its board members here. She continued that she wants to give a testimony. Yesterday was a Friends meeting, and she was in the donation room with some others, and a woman who works there told her that she used to be in the shelter. She had a 14-year-old and was pregnant. She felt so grateful to Hundred Nights for helping her that she now works and gives back to Hundred Nights. That is a testimony of Hundred Nights and the people who work at and support the organization. There are good people there. Yesterday, she talked with a guest at Hundred

Nights. She asked him how he has come to be there, and he told her that he had had a job working with autistic children, but his workplace closed down. That put him into a place where he could not afford rent, and he has been homeless. He is a good man who helps others. At Hope Chapel, the church she attends, a couple who have been coming regularly are homeless. They are keeping away from areas with drugs, but housing is hard to come by. Someone else she knows has a voucher from the City but cannot find a place and is homeless. There is a big problem, but she wants to encourage people to see that Hundred Nights is doing such a good job. It would be good to get some sort of counseling in Hundred Nights so the guests can have help in addressing their issues. She wants to remind people that the homeless people they tend to avoid are people, loved by God, created by God just as much as any other. Anyone could find themselves in such a situation.

Angela Pape, Community Organizer at MIP, stated that MIP was very present with the ad hoc (Housing Stability) committee. She continued that they had asked to have two people appointed to the committee, and one of them was and one of them was not, and MIP was present at every meeting. She is grateful that steps forward are being taken. The Church of the Nazarene has now opened a safe parking program so people can sleep in their cars, partnering with SCS. She would love for the ad hoc committee or some other committee to reopen the conversation. It was frustrating to MIP that people were “cherry-picked” for committee membership, and she thinks a lot of wisdom was left out of the conversation. These issues are complicated and hard and require all of our best thinkers and all the perspectives sitting around the table, thinking and brainstorming together. She encourages the community to lean in. She appreciates the City Manager’s perspective regarding building on the work they started, because yes, there was some good work. However, they cannot just say, “Oh, we did that report, we’re done.” They need to keep the conversation going.

Elsa Worth, Rector at St. James Episcopal Church on West St., stated that she is also here with MIP. She continued that she is so appreciative of the respectful feeling in the room. She came to say that when it comes to suffering, all of us suffer. Some people suffer a lot. She does not think that any of us expected to live in an era of so much suffering, especially as Americans. She does not anticipate suffering to lessen in the next few years, when it comes to poverty and wealth disparity, homelessness, drug abuse, mental illness, lack of care for those things, and a shortage of staff in every industry and organization she knows. She is here to advocate for our community developing a mature attitude toward suffering, not saying, “Oh, we’re going to solve this!” because these are huge, mysterious problems, and there are no easy answers. Sometimes the answers are not what you like. She advocates for wisdom in our deliberations, communications with one another in the community, and compassion most of all, because she has seen things in the paper, and she has heard people talk in dehumanizing ways. As they are watching in the news overseas, dehumanizing rhetoric leads to violence that no one wants to see. She advocates for continued compassion, and respect, as she has happily felt in this room this evening. She prays that leadership keeps that first in mind when they talk about these issues that have to do with suffering and are not easy to solve.

Kay Kendall-Georgina stated that she is third generation Keene. She continued that her grandparents’ house was across the street from Chris Coates and they played together as children on Church St. She still lives on Douglas St. There has been a lot of talk tonight about vilifying the homeless. She thinks they can all agree that Keene has some great services and great shelters, but she wants people to also agree to not vilify the taxpayers, the people who are noticing the uptick in crime, and the people afraid to go out. Councilor Filiault got the ball rolling, but the people in east Keene have been fed up with what they are seeing, what is happening to people’s properties, the break-ins, and the lack of police presence. Lately, things have been a bit cleaner, so their activism has helped. If you go on social media and say anything about a homeless person, you “get attacked and intimidated,” but people need to say that they are seeing what they are seeing. How about people vilify the villains instead. Regardless of where people came from or which shelter they are

from, if they are doing drugs in public, leaving needles, selling drugs, or doing commerce in the bushes, they are criminals and that needs to be addressed. Criminal activity and unsafe activity are what the neighborhood wants to address. She was glad to hear the City Manager talk about what the City is already doing, and Councilor Filiault did his exposé, which was very sad. They really have a problem, and just because it is not new, does not mean they need to accept it.

Ms. Kendall-Georgina continued that she has suggestions. Regarding Code Enforcement, there is a building that sleeps 48 (the Hundred Nights shelter), but a few buildings down the street, someone cannot rent the five rooms in their house because Code says you cannot have five unrelated people (in one dwelling). Someone tried to build a building with four apartments and had to break it into two, because Code said they had to install a sprinkler system. That was too expensive. Therefore, there are fewer houses. Regarding vouchers, they need to change some laws. She suggests getting rid of the “comfort animal” law. She is allergic to animals and she will not rent to anyone who has a voucher, because she cannot have pets in her house. There are many small changes like that, a little tweak here and there, which might make a difference.

Lindsay Bartlett of 324 Water St. stated that she is proud to live in a neighborhood with Hundred Nights and to have this opportunity. She continued that as painful as it is to see all these issues, sometimes what people need is to have the issues in their face. These issues have been happening, and now they are happening to us, so maybe this is an opportunity. She believes there is some sort of silver lining here. She is delighted that people have been speaking from the heart tonight, and not afraid to express their fears. Expressing fears does not mean they do not want Hundred Nights here. She worked for MFS for almost 18 years. She just retired from a job working in a school for children who have experienced trauma, and some of the people there are homeless. She works with students who do not know if there will be a bed for them when they go home. Sometimes that is what it takes for us to be able to open our eyes. As a society, we tend to be uncomfortable with the dialectics – on one side, you can be incredibly afraid and concerned, and of course, no one wants to come home and see a stranger sitting in their living room. But what can someone do to make sure that does not happen? Maybe there are a few things someone can learn to respond in a way that will not aggravate the person. People need to get comfortable with being both afraid and compassionate at the same time. They do not need to be comfortable. This is not comfortable, which people need to understand. People need to listen to each other, and listen to understand rather than to respond. If people do that more, there will be more solution-oriented thinking.

Nicole (no last name given) stated that she is a resident of Hundred Nights. She continued that she has been homeless for about four years, on and off, due to DCYF taking her children and her boyfriend going to prison. She cannot afford a place to live by herself. She has a Section 8 voucher, but it is impossible to find an apartment in this town that is affordable for her. She has a bachelor's degree in psychology and three wonderful daughters. She was thrown into the homeless community, going from being a stay-at-home mom in Keene to a homeless person in Keene. She understands people get nervous and concerned about what people are doing in the street and in front of their yards. To her, being inside Hundred Nights feels like being in jail. Residents are recorded all the time, they cannot bring lighters or cigarettes into their bedrooms, and must follow many rules. It is good, but you cannot control everyone. Many people at the shelter have gotten comfortable, and she feels that Hundred Nights is making people comfortable instead of making them uncomfortable enough to want to better themselves. Hundred Nights is giving people the freedom to use drugs, the freedom to spend their SSI checks on drugs. What else is there to do? Nothing. If people cannot work, cannot get a place (to live), cannot afford a vehicle, then yes, they have shelter, but they do not have the support they need to move forward. Some people have been in (the shelter) for years and should not be. Some people in the shelter have mental disabilities and belong in a different kind of home.

Nicole continued that she has a hard time with the stigma. She is not a drug addict, but people see her in town with drug addicts, or with a backpack, and look at her like she is. She does not steal, does not lie, and does not disrespect people, so it is hard for her to be stigmatized. She has ideas regarding needles. The City has disposal locations for dog waste bags, so she suggests they put some up around town for needles, too. People will use them. People who use drugs try to respect that, in a sense, although there are some who are lazy and do not care. There are people like her who do not do that and clean the needles up when they see them. She carries a sharps container with her and helps clean up.

Nicole continued that she has tried to get an apartment, but landlords tell her she has to earn an income of three times the rent. She cannot work and is on SSI. Making only \$820 per month will not get her an apartment, especially by herself. Her boyfriend is not here, so her only option in this town is to be at Hundred Nights or sleep outside, which is now not doable, because you cannot camp outside anywhere. You cannot even sit next to the bike path without being told that it is private property with no trespassing allowed. Where can she sit and relax outside of the shelter around all those drug addicts and mentally handicapped people? Those are triggers to many people.

Laura Tobin of Center St. stated that Nicole is not the first person who has said something like that. She continued that she thinks for people like Nicole who are working hard to get out of that situation, it is hard to have it projected on you that there is nowhere you are allowed to be, and “you can’t do this” and “you can’t do that.” Someone mentioned wanting counseling in the shelter, and she feels silly, but she thought that was an option there that everyone knew about. From what she is hearing, it sounds like a big answer could potentially be just offering services, such as mental health counseling and access to resources. She understands that when you have fallen and are in survival mode, there might be resources, but knowing that the resources are there or having the strength and energy to access them is very difficult. What if there could be courses and resources offered? There could be volunteers to offer financial guidance, such as how to plan to get out of the shelter. It is a valid point that for many people it has just become a way of life, because there is not an easy way to understand how to get out of it. How do you save up for a security deposit when all your money is going toward the emergency, day-to-day things? She loves the United Way’s theme this year, “Imagine what we can do together.” With all the people here, it would be great if they could find some actionable items, such as showing up in places that could really help support the community. She would love to be given some action items.

Beth Daniels stated that she is the CEO of SCS. She continued that this conversation was encouraging tonight. She heard suggestions about sharps containers, lighting, and other things. When she thinks about the experience of homelessness, she often thinks of it on a spectrum of human condition. Some things people said tonight caused her to get a little choked up. She thinks there are places where we can all play to our strengths for the solutions on the spectrum. They talked about safe parking, sharps containers, the police having more training, having a social worker work with the KPD, and more. She thinks there are some solutions, but the key words are actionable steps, and everyone finding the place on that spectrum where they have resources and can play to the strengths they have available to them. Recognizing that in this day and age, no one is going to pull a card out of their pocket and say it is the solution. This is a layered problem, so the solutions must be layered as well.

Molly Pinney of 30 Kingsbury St. stated that she is thankful to everyone here and everyone who came to the meetings hosted at her house. She continued that they thought 5 or 10 people would show up, and then it was over 37 people. She also thanks and acknowledges Nicole for sharing her perspective. As they move forward with solutions, it is important for everyone to hear from people who are directly impacted. It is heartbreaking to hear long-term residents say they are not sure if they want to stay in east Keene, and to hear area businesses say they are having a hard time thriving

in this situation. She thinks Hundred Nights is doing some great work, but if they are over capacity they will not be able to do the great work they are doing. The Serenity Center is an incredible resource to know, regarding the fact that people can make a phone call to people who will come pick up needles. It would be smart to have some signs, maybe along the bike path and downtown, letting people know that there is a sharps container or this phone number to call if they need safe disposal.

Ms. Pinney continued that she is inspired by seeing so many people here tonight; it feels like a good turnout. There is a lot of energy and passion in this room, and if they can direct it toward a solution, they can do very positive things. She does have another concern, regarding holding landlords accountable. She has spoken with City staff before about some of the buildings in disrepair, and staff said all they can do is send a letter and hope for the best, and she feels like there should be more for people who are not maintaining their properties. She does not know how all of that works but she wants to find out. She and a friend were talking the other night about everything that is going on, and her friend said she had to use Narcan on someone in Keene recently. That is sad for everyone. They all need to come together and work together. The neighbors in the east Keene community are here, excited to make positive change, and as someone else said, they want to be given a list of action steps that they, as neighbors, can take to help drive that change. By “neighbors,” she means the Hundred Nights residents as well, who are part of the neighborhood and community.

Chair Greenwald asked if there was anyone from the public wishing to speak who had not yet spoken. Hearing none, he asked if anyone who has already spoken had more to say.

Vicky Morton stated that she is happy to hear that people have some possible action steps to move things forward. She continued that this is a daunting situation. She would like to hear from the Police Chief about whether they can utilize an auxiliary force, what it would look like, and whether they can hire individuals to be part of the KPD and take lesser priority calls, or if that is just out of the realm of possibilities. In addition, she thinks they should activate the “See something, say something” program that the City used to have. It would be wonderful to have neighborhood associations. The east Keene neighborhood has joined together and has started having conversations and getting to know each other. Pre-pandemic, a southside Keene association used to meet at what is currently American Homes. There used to be a college/police liaison and the ward Councilor used to attend. It was for information sharing and networking, and replicating that throughout the city could help with community development. The City Council is not in this alone. Clearly, the east Keene residents are willing to step up and help. All the Council needs to do is tell them what they need them to do. If they are going to look at Code/Code Enforcement once again, she wants to know if there is a way residents can help. If there are things the citizens of this community can do to facilitate actions to meet goals, she asks that the Council let them help.

Krishni Pahl stated that she wants to reiterate what Ms. Morton said. She continued that City staff cannot do everything. East Keene residents are asking staff to tell them, the residents, what they can do. They want a list of action items, whether it is being part of a committee, cleaning up, or something else. They want to do it, because they like their neighborhood and want to live there for a long time.

Bradford Hutchinson stated that when you need a police escort, “you can’t do better than Chief Stewart.” He continued that we could easily have a much worse problem in Keene with homelessness, drug addiction, needles, and so on and so forth. He has been listening to tonight’s meeting very carefully. Taking out the benches is one of the worst ideas he has ever heard. The City needs to put more benches in and be more thoughtful about where they are. There are at least 15 to 20 places on Main St. where the physical infrastructure was made for putting in benches. A month or two ago, on Gilbo Ave. where the Farmer’s Market is, the City took out the two

benches. Two people who used to hang out there all day started instead hanging out in front of a restaurant on Main St., and then the City removed that bench. There should be two benches in front of that restaurant, and in front of Chair Greenwald's office, instead of the three-foot trashcan and granite niche. All of the benches were removed because someone did not like to see the homeless person sitting there. He himself has witnessed this on Main St. over the years. This type of attitude has to stop. Homeless people are being abused in Keene, and being crucified by certain individuals. He talks with homeless people every day. He knows people who are homeless and he does not assume they are drug addicts. He thanks Nicole for speaking tonight, which he convinced her to do. He wanted the Committee to hear from a Hundred Nights resident. Certain staff members at Hundred Nights should have been terminated years ago and should not have been hired in the first place. There are problems at Hundred Nights no one wants to talk about. "They" the homeless people are lied about, lied to, verbally kicked out without documentation, gaslit, manipulated, and bullied. There is verbal, emotional, and psychological abuse going on against the homeless every day at Hundred Nights and other places in town. He could and would do a lot more, if he got better cooperation, which he thinks will happen. He wants to leave on as hopeful a note as he can. There is excellent turnout tonight and he hopes everyone leaves encouraged and energized.

Councilor Filiault stated that he wants to thank everyone for showing up. He continued that many times, the Committee will hear that people want to talk to them, and then only two people show up, so he is grateful to people for following through tonight. This is how things get done. Whether the Committee members or people in the audience agree or disagree, one thing he has always said is "silence is not an option." As long as they are talking, things can get done. Several people mentioned needle clean up, and the particular site he was talking about and took photos of is on private property. The City has no access to it, so unless the property owner requests a cleanup, the City has no jurisdiction to do so.

Councilor Filiault continued that the City Manager alluded to that based on the numbers, about 60 to 64% of the people in Keene's shelters are from outside of Keene. That is a problem, and it is not a secret. They know other communities and dropping people off in Keene. He looks at it as the State of NH shirking responsibility. Other communities do not want to build shelters and then say, "Well, we don't have a shelter," and send people to Keene, and feel like they are done. Other towns write a check. It takes much more than writing a small check to take care of someone, being part of a community. He feels that the State should require every town and city in the state, based on population, to have homeless beds in their town or city. He heard a State Representative say, "We don't have a homeless population in our town." Clearly, it is because the homeless people in that town are sent to Keene. If every city and town was required to have beds, then the burden would be shared. Some people argue that Keene is closer to services, which is true in some instances, but sometimes it is not. Sometimes people just need a place to stay for the night. If every city and town were required to have a bed it would be different. For example, Hanover does not have a homeless shelter, and thus can claim they "do not have a homeless problem," but that is because they send homeless people somewhere else. If they turn Hundred Nights into holding 120 people it would fill tomorrow, because the rest of the state would send people here. If up to 66% of the people staying in Keene's shelters are not from Keene that is a problem. It is a State problem. The State of NH always says it likes to have local control, but what that means is, "We just want you to deal with the problems so we don't have to handle them." Until the State deals with their responsibility as they should, and he knows the City is working with the State Senator, this problem will not go away. You cannot create enough beds until every town and city does their job.

Councilor Workman stated that she wants to thank everyone for coming out tonight. She continued that the vibe of the conversation was a bit different from the one they had about a year ago. She knows who the social workers are in the room, the ones with boots on the ground, and she is one of those people. She has lived in the Monadnock region since 2009 and has worked in the region in

social services since 2010. She also chairs the Monadnock Diversity, Equity, Inclusion, and Belonging Coalition (MDEIB), which she takes very seriously. The City issued a proclamation saying it is a welcoming city. She does not want to vilify taxpayers and property owners and people who are concerned. She hears those concerns, and they are valid. Everyone has the right to feel safe in their community. She wants to caution people about their language. Language is very important. She has heard language such as “addicts,” “bums,” and “‘they’ are not welcome here.” That sends chills down her spine. That same terminology, “‘they’ are not welcome here,” has been used in regard to many vulnerable populations. She does not want that to be our Keene.

Councilor Workman continued that people want to know realistic expectations and things that they can do. Since she has been a social service worker for many years, that is right up her alley. She wants to empower people to feel empowered, and to take back control. There are many ways to do that. Technology is wonderful. She encourages private businesses, property owners, and landowners to enhance the security on their own property. (For example, get) motion detectors in their yards, or Ring cameras. The KPD has a program allowing residents to share footage with the KPD if they record something of concern. Regarding trash removal, they heard about how homeless outreach workers give folks in encampment areas trash bags and they are not used. Realistically, it is not like camping where you ‘carry in, carry out.’ If people used/filled the provided trash bags, where would they take them? It is illegal to dump trash in someone else’s dumpster. Thus, much of the trash is just left there. Maybe the City could implement something where if it is carried out to a specific site, the City will come get it once or twice a month. Regarding needles, they are not just used for drug injections; they are also used for diabetic supplies. She asks people to please not photograph homeless people or others in the community. That is an immense violation of privacy and an issue of dignity and respect.

Councilor Workman continued that she hears people talk about social services and the need for resources. She knows what such agencies pay, because she worked at them. She has a master’s degree in psychology with a concentration in forensics. These social service agencies cannot keep workers. An article in the paper talked about one agency’s difficulties attracting and retaining staff. People cannot imagine what it is like for someone to have to relive/re-share their trauma every six months when they get a new caseworker or new therapist. Given the wages, the agencies cannot keep experienced staff, and instead get folks right out of college who just need to gather some experience and move on to a better paying job. Again, she wants to empower people to look at ways to help, to control the aspects that they can control. You cannot control other people’s behavior, but you can control your own home and what you do around it. Just as there are bad actors in every profession, there are bad actors in the homeless population as well. She understands that and sees that, but she wants to be clear about the need to come together as a community to solve this problem, to mitigate the risks.

Councilor Williams stated that he wants to start by endorsing everything that Councilor Workman just said; she is very smart person. He continued that he wants to thank everyone who showed up, especially from east Keene, which is his neighborhood. It is a wonderful neighborhood. He has had the opportunity to live just about anywhere in America, and east Keene is what he has chosen, because it is a caring, dynamic, artsy community full of good people. He appreciates the remarks about the infrastructure in east Keene. Yes, the sidewalks are a mess; he has been saying that since he was elected four years. They are starting to do something about it but more money needs to be invested in it, and they need to figure out how to pay for that, because it does affect the quality of life. It is a piece of infrastructure that was rather deserted by the City after the financial crisis years ago. Maintenance fell behind, and they are seeing the price for that now, when people say they are ashamed of the sidewalks on the east side. Someone mentioned dirt bikes and drag racing, which is of particular concern to him. When he has felt unsafe in the neighborhood, both times it was due to being threatened by someone in a vehicle, not a homeless person. This problem affects attitudes at

all levels of income.

Councilor Williams continued that he wants to call out something that was mentioned here a couple times, a positive action the City took. It started with the meeting here in March of 2022 and the creation of the ad hoc committee. One outcome of the ad hoc committee was the safe parking program. People who are temporarily sleeping in their vehicles have a safe place to go, thanks to the Church of the Nazarene making their parking lot available to people who have been screened by SCS. People must go through the screening process to participate, but people are able to stay there overnight in their cars, and they need to be safe. He wants to point it out because it is very innovative. This is the first safe parking program that he knows of on the east coast, and Keene can be proud of that, and proud that it was members of the community who stepped up to make that happen.

The City Manager stated that when she brings her report back to the MSFI Committee, she will have a list of things that people can help with.

Chair Greenwald stated that he, too, wants to thank everyone. He continued that everyone spoke respectfully, and listened, and he thinks something positive will come out of this. He has a list of suggestions, and the City Manager has some suggestions. He encourages people to fill out the comment cards and forward them to City staff, passing on any positive ideas they have. It is important to work together on this. He asked for a motion.

Councilor Williams made the following motion, which was seconded by Councilor Filiault.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the safety concerns be referred to the City Manager with the request that there be a report back to the Committee.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: October 19, 2023
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Elizabeth Dragon, City Manager
Subject: **Acceptance of Donation**

Recommendation:

Move that the City Council accept a donation in the amount of \$20,000 from Keene Dog Park and the City Manager be authorized to use the donation for the creation and construction of the dog park.

Attachments:

None

Background:

The Keene Dog Park provided \$40,000 earlier this year for the purpose of building a dog park in Wheelock Park. The organization has continued to fundraise and has provided an additional \$20,000 towards the construction.

Bids for construction services close on October 19, 2023 in hopes of having a park built prior to the end of the year.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 19, 2023

To: Mayor and Keene City Council

From: Jesse Rounds, Community Development Director

Through: Elizabeth Dragon, City Manager

Subject: **Relating to Amendments to the Permitted Uses in the Downtown Core, Downtown Growth and Commerce Districts Ordinance O-2023-16**

Recommendation:

Recommend that the Mayor set a public hearing and refer proposed ordinance O-2023-16 to the Joint Planning Board and Planning, Licensing, and Development Committee for a public workshop.

Attachments:

1. O-2023-16 Application
2. O-2023-16 Narrative
3. Ordinance O-2023-16

Background:

The attached materials include the full text of Ordinance O-2023-16 relating to proposed amendments to the City of Keene Land Development Code (LDC), as well as excerpted sections of the LDC that are proposed to be amended with Ordinance O-2023-16. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.

This ordinance establishes a definition for “Charitable Gaming Facility” in Article 8 of the LDC and proposes to permit this use in the Downtown Growth and Commerce Districts by right. Currently, Charitable Gaming Facility is undefined and, in the past, has been interpreted to fall under the definition of “Recreation / Entertainment Facilities – Indoor,” which is currently permitted several districts including Downtown Core, Downtown Growth, Downtown Institutional, Commerce, Commerce Limited, and Business Growth and Reuse. Several of these districts may not be compatible with a Charitable Gaming Facility use and its related site and traffic impacts.

This ordinance also proposes to remove drive-through uses as a permitted accessory use by Special Exception in the Downtown Core District. The Downtown Core is fully contained within the Downtown Historic District. Drive-through uses are generally incompatible with the historic development patterns and pedestrian-oriented nature of the historic downtown and would be better suited in automobile-oriented areas of the City. Drive-through uses would continue to be permitted by right in the

Commerce and Commerce Limited Districts, and by Special Exception from the Zoning Board of Adjustment in the Downtown Growth District.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: October 16, 2023

Address: 3 Washington Street, Keene

Telephone: (603) 352-5440 Email: jrrounds@keenenh.gov

Existing Section Reference in Chapter 100, Land Development Code: _____

Does the amendment affect "Minimum Lot Size"? ☐ Yes ☒ No

Does the amendment affect "Permitted Uses"? ☒ Yes ☐ No

Number of parcels in Zoning District*: _____
DT-C, DT-G, and COMM
168
Validation of Number of parcels by the
Community Development Department


Petitioner's Signature

SUBMITTAL REQUIREMENTS WHICH MUST BE COMPLETE AT TIME OF SUBMISSION TO THE CITY CLERK:

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
- A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- \$100.00 application fee.
- As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district, ***and such change includes 100 or fewer properties**, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. The list shall include the tax map number and address of each abutter or owner, and must be current with the Assessing Department's records within ten days of submittal. Two sets of mailing labels shall be provided.

Date Received by City Clerk: 10/17/2023 Ordinance Number: 0-2023-16

On City Council agenda: 10/19/2023 Workshop to be held: _____

Public Hearing to be held _____



APPLICATION TO AMEND THE ZONING ORDINANCE

APPLICABLE FEES:

Application Fee @ \$100.00	\$ <u>N/A</u>
Publication of Notice in <u>The Keene Sentinel</u> @ \$90.00	\$ <u>N/A</u>
Postage Fees for property owners/agents and abutters at current USPS 1 st Class Mailing rate <i>(Only needed if amendment impacts 100 or fewer properties)</i>	\$ <u>N/A</u>
Total Fees submitted to City Clerk	\$ <u> </u>

The petitioner is also responsible for the publication costs for the public workshop before the joint Planning Board and Planning, Licenses and Development Committee. Additional fees will be collected by the Community Development Department for the mailing costs associated with the public workshop (If a mailing is required pursuant to RSA 675:7), as well as the publication of the public workshop notice.

CITY OF KEENE
NEW HAMPSHIRE

0-2023-16 Relating to Amendments to the Permitted Uses in the Downtown Core, Downtown Growth and Commerce Districts

The attached materials include the full text of Ordinance O-2023-16 relating to proposed amendments to the City of Keene Land Development Code (LDC), as well as excerpted sections of the LDC that are proposed to be amended with Ordinance O-2023-16. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.

This ordinance establishes a definition for “Charitable Gaming Facility” in Article 8 of the LDC and proposes to permit this use in the Downtown Growth and Commerce Districts by right. Currently, Charitable Gaming Facility is undefined and, in the past, has been interpreted to fall under the definition of “Recreation / Entertainment Facilities – Indoor,” which is currently permitted several districts including Downtown Core, Downtown Growth, Downtown Institutional, Commerce, Commerce Limited, and Business Growth and Reuse. Several of these districts may not be compatible with a Charitable Gaming Facility use and its related site and traffic impacts.

This ordinance also proposes to remove drive-through uses as a permitted accessory use by Special Exception in the Downtown Core District. The Downtown Core is fully contained within the Downtown Historic District. Drive-through uses are generally incompatible with the historic development pattern and pedestrian-oriented nature of the historic downtown and would be better suited in automobile-oriented areas of the City. Drive-through uses would continue to be permitted by right in the Commerce and Commerce Limited Districts, and by Special Exception from the Zoning Board of Adjustment in the Downtown Growth District.



CITY OF KEENE

In the Year of Our Lord Two Thousand and _____ Twenty-Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Permitted Uses in the
Downtown Core, Downtown Growth and Commerce Districts

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

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded and underlined text, as follows.

1. Amend Section 8.3.2. of Article 8 to add a definition for “Charitable Gaming Facility” under the category of Commercial Uses, as follows:

I. Charitable Gaming Facility

- 1. Defined. Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D, and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Does not include games licensed under RSA 287-E.**
2. Amend Section 8.4.2.C.2.a, “Specific Use Standards” of Article 8 to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District, as follows:
 - a. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts and by special exception from the Zoning Board of Adjustment in the Downtown-Growth and ~~Downtown-Core~~ Districts.
3. Update Table 8-1 “Permitted Principal Uses By Zoning District” in Article 8, Table 4-1 “Downtown Districts Permitted Uses” in Article 4, and Table 5.1.5 “Permitted Uses” in Article 5 to display “Charitable Gaming Facility” as a permitted use in the Downtown Growth District and Commerce District under the category of Commercial Uses.

George S. Hansel, Mayor

F. Bar

1. **Defined.** An establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises.

G. Bed and Breakfast

1. **Defined.** An owner- or operator-occupied single-family dwelling that provides lodging for a daily fee in guest rooms with no in-room cooking facilities (excluding microwaves and mini-refrigerators), and prepares meals for guests.
2. **Use Standards**
 - a. No more than 9 guest rooms are permitted.
 - b. Meals shall be served to registered guests only.

H. Car Wash

1. **Defined.** An establishment for the washing and cleaning of motor vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or other configuration.

I. Charitable Gaming Facility

1. **A facility operated by a Licensed Game Operator as defined in RSA 287-D:1.VII or any facility operated by a business licensed by the lottery commission to operate games of chance for 5 or more dates per calendar year. Does not include games of chance contained in RSA 287-E.**

J. I-Clinic

1. **Defined.** A facility with more than 5 employees where medical, dental, mental health, alternative medical practitioners, or other licensed healthcare practitioners examine and treat natural persons on an outpatient basis.

K. J- Event Venue

1. **Defined.** A facility that provides hosting and rental services of a banquet hall or similar facility for private events (e.g. wedding receptions, holiday parties, fundraisers, etc.) with on-site or catered food service to invited guests during intermittent dates and hours of operation. Live entertainment may occur as part of an event. An event venue is not operated as a restaurant with regular hours of operation.

L. K-Funeral Home

1. **Defined.** A facility where the deceased are prepared for burial display and for rituals before burial or cremation. A funeral home may include chapels, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services.

M. L-Greenhouse / Nursery

1. **Defined.** An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include the sale of items directly related to their care and maintenance.

N. M-Health Center / Gym

1. **Defined.** An establishment that provides indoor and/or outdoor activities for members related to health, physical fitness or exercise (e.g. weight training, aerobics, swimming, court sports, climbing, etc.).

O. N- Heavy Rental and Service Establishment

1. **Defined.** Rental or service establishments of a heavier- and larger-scale commercial character, typically requiring permanent outdoor service or storage areas or partially enclosed structures. Examples of heavy rental and service establishments include truck rental establishments, and rental and repair of heavy equipment.

P. O- Hotel/Motel

1. **Defined.** A commercial facility that provides rooms for sleeping and customary lodging

B. Day Care, Home-Based

1. **Defined.** A residential dwelling where, for a portion of a 24-hour day, licensed care and supervision is provided in a protective setting by a permanent occupant of the dwelling for children or elderly and/or functionally-impaired adults that are not related to the owner or operator of the facility.
2. **Use Standard.** This use shall provide full-time care to no more than 6 natural persons and part-time care to no more than 9 natural persons each day of operation.

C. Drive-Through Uses

1. **Defined.** An establishment designed for the general public to make use from their vehicles of the sales or services provided on the premises.
2. **Use Standards**
 - a. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts, and by special exception from the Zoning Board of Adjustment in the Downtown-Growth **and Downtown-Core** Districts.
 - a. Drive-through uses shall be subject to the screening standards for drive-through businesses in Section 20.6 of this LDC.

D. Home Occupation

1. **Defined.** A use conducted by the inhabitants of a dwelling unit that is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the residential character thereof.
2. **Use Standards**
 - a. The use may not exceed 10% of the total gross floor area of the principal dwelling unit or 300-sf, whichever is less, and may be located in either the principal dwelling unit or an accessory building on the same lot.

- b. There shall be no more than 1 employee who is not a resident of the principal dwelling unit.
- c. All activity associated with producing, storing, or selling the goods or services of the home occupation shall be performed inside the principal dwelling unit or an accessory building on the same lot.
- d. The use shall not be identified by any externally visible sign, on-premises advertising of any kind, or any off-premises advertising that identifies the location of the property.
- e. The use shall not result in alteration of the residential appearance of the dwelling unit or the lot on which it is located.
- f. The use shall not generate vehicular or pedestrian traffic of a quantity or quality as to be injurious, offensive, or otherwise detrimental to the neighborhood. Vehicular traffic of more than 10-vehicles per day shall be considered prima facie evidence of traffic that is detrimental to the neighborhood.
- g. Retail sales as a primary home occupation that attracts customers to the lot to purchase articles and/or goods is not permitted. Retail sales that are accessory to a home occupation, such as, but not limited to, a beauty salon selling hair care products, is permitted.
- h. Retail sales where the customers do not visit the residence is permitted, such as sales over the Internet and the goods are shipped either from the residence or another location.

E. Mobile Food Vendors

1. **Defined.** A self-contained food service operation located in a licensed, readily movable motorized/wheeled/towed vehicle,

TABLE 8-1: PERMITTED PRINCIPAL USES BY ZONING DISTRICT

P = Permitted P¹ = Permitted with limitations per Article 8 SE = Permitted by Special Exception CUP = Permitted by Conditional Use Permit CRD = Permitted by Conservation Residential Development - = Not Permitted

Use Definition & Standards Section #

RESIDENTIAL USES	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C	
Dwelling, Above Ground Floor	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	P	P	P	-	-	-	-	P	-	8.3.1.A
Dwelling, Manufactured Housing	P ¹	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.1.B
Dwelling, Multifamily	CRD	-	CRD	CRD	P ¹	P	P	P ¹	P P ¹	P	P	P	-	P ¹	-	P	P	P	-	-	-	-	-	-	8.3.1.C
Dwelling, Single-Family	P	P	P	P	P	P	P	-	-	-	-	P	-	-	-	-	P	P	-	-	-	-	P	-	8.3.1.D
Dwelling, Two-Family / Duplex	CRD	-	CRD	CRD	P	P	P	-	-	P	P	P	-	-	-	-	P	P	-	-	-	-	SE	-	8.3.1.E
Manufactured Housing Park	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.1.F
COMMERCIAL USES	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C	
Agricultural-Related Educational & Recreational Activity as a Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P ¹	-	8.3.2.A
Animal Care Facility	P	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	-	-	-	-	-	P	-	8.3.2.B
Art Gallery	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	-	-	-	8.3.2.C
Art or Fitness Studio	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	P	-	-	-	-	8.3.2.D
Banking or Lending Institution	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	P	-	-	-	-	-	-	-	8.3.2.E
Bar	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.F
Bed and Breakfast	SE	SE	-	-	-	SE	SE	-	-	-	-	P ¹	-	-	-	P ¹	SE	P ¹	-	-	-	-	SE	-	8.3.2.G
Car Wash	-	-	-	-	-	-	-	-	-	SE	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.H
Charitable Gaming Facility	-	-	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	8.3.2.I
Clinic	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	-	-	-	-	-	P	-	-	8.3.2.IJ
Event Venue	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	-	-	-	-	SE	-	8.3.2.JK
Funeral Home	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	P	P	-	-	-	-	-	-	8.3.2.KL
Greenhouse / Nursery	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	-	-	P	-	8.3.2.LM
Health Center / Gym	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	-	-	-	P	-	P	-	-	8.3.2.MN
Heavy Rental & Service Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	-	8.3.2.NO
Hotel/Motel	-	-	-	-	-	-	-	P	P	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	8.3.2.OP
Kennel	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	8.3.2.PQ
Micro-Brewery/Micro-Distillery/Micro-Winery	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.R-T
Motor Vehicle Dealership	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.TU
Neighborhood Grocery Store	-	-	-	-	-	SE	-	P	P	P	P	-	-	P	-	P	P	-	-	-	-	-	-	-	8.3.2.UV
Office	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P ¹	P ¹	P	P ¹	SE	SE	P	-	-	8.3.2.VW
Personal Service Establishment	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	P	-	-	8.3.2.WX
Private Club / Lodge	-	-	-	-	-	-	-	P	P	P	P	SE	-	P	P	-	-	SE	-	-	-	-	-	-	8.3.2.XY
Recreation/Entertainment Facility - Indoor	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	8.3.2.YZ
Recreation/Entertainment Facility - Outdoor	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	-	-	-	-	-	SE	-	8.3.2.ZAA
Research and Development	-	-	-	-	-	-	-	SE	P	-	-	-	P	P	P	P	-	-	P	P	P	P	-	-	8.3.2.AAAB
Restaurant	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P ¹	P ¹	-	-	-	-	-	-	-	8.3.2.ABAC
Retail Establishment, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.ACAD
Retail Establishment, Light	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	P ¹	-	-	-	-	P	-	-	8.3.2.ADAE
Self Storage Facility - Exterior Access	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.AEAF
Self Storage Facility - Interior Access	-	-	-	-	-	-	-	-	SE	P	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.AFAG
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	P ¹	-	-	-	-	-	-	-	-	-	-	8.3.2.AGAH
Specialty Food Service	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	-	-	-	8.3.2.AHAI
Vehicle Fueling Station	-	-	-	-	-	-	-	-	-	-	-	-	-	P ¹	P ¹	-	-	-	-	-	-	-	-	-	8.3.2.AIAJ

4.1.3 Permitted Uses

Table 4-1: Downtown Districts Permitted Uses identifies the principal uses permitted within the Downtown Districts.

- A. A "P" within the table indicates that the use is permitted by-right in the district indicated.
- B. An "P¹" within the table indicates that the use is permitted with limitations in the district indicated. Use specific standards are located in Section 8.3 of this LDC, underneath the definition for the use.

- C. An "SE" within the table indicates that the use requires approval by the Zoning Board of Adjustment as a Special Exception in the district indicated.
- D. A "CUP" within the table indicates that the use requires a Conditional Use Permit from the Planning Board in the district indicated.
- E. A "-" within the table indicates the use is not allowed in the district indicated.

Table 4-1: Downtown Districts Permitted Uses

RESIDENTIAL USES	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	SECTION
Dwelling, Above Ground Floor	P	P	P	P	P	P	8.3.1.A
Dwelling, Multifamily	P ¹	P	P	P	P	-	8.3.1.C
Dwelling, Single-Family	-	-	-	-	P	-	8.3.1.D
Dwelling, Two-Family / Duplex	-	-	P	P	P	-	8.3.1.E
COMMERCIAL USES	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	SECTION
Animal Care Facility	-	P	P	P	-	-	8.3.2.B
Art Gallery	P	P	P	P	-	P	8.3.2.C
Art or Fitness Studio	P	P	P	P	-	P	8.3.2.D
Banking or Lending Institution	P	P	P	P	-	P	8.3.2.E
Bar	P	P	-	-	-	-	8.3.2.F
Bed and Breakfast	-	-	-	-	P ¹	-	8.3.2.G
Car Wash	-	-	SE	-	-	-	8.3.2.H
Charitable Gaming Facility	-	P	-	-	-	-	8.3.2.I
Clinic	P	P	P	P	-	P	8.3.2.J
Event Venue	-	P	-	-	-	P	8.3.2.K
Funeral Home	-	P	P	P	P	-	8.3.2.L
Health Center / Gym	P	P	P	P	-	P	8.3.2.MN
Hotel/Motel	P	P	-	-	-	P	8.3.2.OP
Micro-Brewery/Micro-Distillery/Micro-Winery	P	P	-	-	-	-	8.3.2.R-T
Motor Vehicle Dealership	-	-	P	-	-	-	8.3.2.TU
Neighborhood Grocery Store	P	P	P	P	-	-	8.3.2.UV
Office	P	P	P	P	P	P	8.3.2.VW
Personal Service Establishment	P	P	P	P	-	P	8.3.2.WX
Private Club / Lodge	P	P	P	P	SE	-	8.3.2.XY
Recreation/Entertainment Facility - Indoor	P	P	-	-	-	P	8.3.2.YZ
Recreation/Entertainment Facility - Outdoor	-	P	-	-	-	P	8.3.2.zAA
Research and Development	SE	P	-	-	-	P	8.3.2.AAAB
Restaurant	P	P	P	P	-	P	8.3.2.ABAC
Retail Establishment, Light	P	P	P	P	-	P	8.3.2.ADAE

5.1 COMMERCE (COM)

5.1.1 Purpose

The Commerce (COM) District is intended to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district shall have city water and sewer service.

5.1.2 Dimensions & Siting

Min Lot Area	15,000 sf
Min Road Frontage	50 ft
Min Front Setback	20 ft
Min Rear Setback	20 ft
Min rear setback if abutting residential district	50 ft
Min Side Setback	20 ft

5.1.3 Buildout

Max Building Coverage	80%
Max Impervious Coverage	80%
Min Green / Open Space	20%

5.1.4 Height

Max Stories Above Grade^{a,b}	2
^a With an additional 10-foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.	3
^b With an additional 20-foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.	4
Max Building Height^{a,b}	35 ft
^a With an additional 10-foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.	42 ft
^b With an additional 20-foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.	56 ft

5.1.5 Permitted Uses

RESIDENTIAL USES		
Dwelling, Multi-family	P ¹	8.3.1.C
COMMERCIAL USES		SECTION
Animal Care Facility	P	8.3.2.B
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Banking or Lending Institution	P	8.3.2.E
Bar	P	8.3.2.F
Car Wash	P	8.3.2.H
Charitable Gaming Facility	P	8.3.2.I
Clinic	P	8.3.2.IJ
Event Venue	P	8.3.2.JK
Funeral Home	P	8.3.2.KL
Greenhouse / Nursery	P	8.3.2.LM
Health Center / Gym	P	8.3.2.MN
Hotel/Motel	P	8.3.2.OP
Micro-Brewery/Micro-Distillery/ Micro-Winery	P	8.3.2.R-T
Motor Vehicle Dealership	P	8.3.2.TU
Neighborhood Grocery Store	P	8.3.2.UV
Office	P	8.3.2.VW
Personal Service Establishment	P	8.3.2.WX
Private Club / Lodge	P	8.3.2.XY
Recreation/Entertainment Facility - Indoor	P	8.3.2.YZ
Recreation/Entertainment Facility - Outdoor	P	8.3.2.ZAA
Research and Development	P	8.3.2.AAAB
Restaurant	P	8.3.2.ABAC
Retail Establishment, Heavy	P	8.3.2.ACAD
Retail Establishment, Light	P	8.3.2.ADAE
Self Storage Facility - Exterior Access	P	8.3.2.AEAF
Self Storage Facility - Interior Access	P	8.3.2.AFAG
Sexually Oriented Business	P ¹	8.3.2.AGAH
Specialty Food Service	P	8.3.2.AHAI
Vehicle Fueling Station	P ¹	8.3.2.AIAJ
Vehicle Rental Service	P	8.3.2.AJAK
Vehicle Repair Facility – Major	P ¹	8.3.2.AKAL
Vehicle Repair Facility – Minor	P ¹	8.3.2.ALAM
INSTITUTIONAL USES		SECTION
Community Center	P ¹	8.3.3.A
Cultural Facility	P ¹	8.3.3.B
Day Care Center	P	8.3.3.C



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.2.

Meeting Date: October 19, 2023

To: Mayor and Keene City Council

From: Jesse Rounds, Community Development Director

Through: Elizabeth Dragon, City Manager

Subject: **Relating to Amendments to the City of Keene Land Development Code, Definition of Charitable Gaming Facility Ordinance O-2023-17**

Recommendation:

Recommend that the Mayor refer Ordinance O-2023-17 to the Planning Licenses and Development Committee.

Attachments:

1. O-2023-17 Application
2. O-2023-17 Narrative
3. Ordinance O-2023-17

Background:

The attached materials include the full text of Ordinance O-2023-17, relating to a proposed amendment to the City of Keene Land Development Code (LDC), as well as an excerpted section of the adopted City of Keene LDC that is proposed to be amended with Ordinance O-2023-17. Text that is highlighted in yellow and bolded is proposed to be added; and, text that is stricken through is proposed to be deleted.

This ordinance proposed to amend Article 28 – Definitions – By adding a definition for Charitable Gaming Facility to the LDC. This proposed change will allow the City to better regulate uses by differentiating between Charitable Gaming Facilities and “Recreation / Entertainment Facility Indoor” such as golf simulators, bowling alleys, and movie theaters. Charitable Gaming Facilities are a specifically defined and regulated use at the state level. Charitable Gaming Facilities also differ from other uses in this category based on impacts to the neighborhood for parking and hours of operation.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: City of Keene Community Development Dept. Date: October 16, 2023

Address: 3 Washington Street, Keene NH

Telephone: (603) 352-5440 Email: communitydevelopment@keenenh.gov

Existing Section Reference in Chapter 100, Land Development Code: Article 28

Does the amendment affect "Minimum Lot Size"? ☐ Yes ☒ No

Does the amendment affect "Permitted Uses"? ☐ Yes ☒ No

Number of parcels in Zoning District*: N/A

Validation of Number of parcels by the
Community Development Department


Petitioner's Signature

SUBMITTAL REQUIREMENTS WHICH MUST BE COMPLETE AT TIME OF SUBMISSION TO THE CITY CLERK:

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
- A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- \$100.00 application fee.
- As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district, ***and such change includes 100 or fewer properties**, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. The list shall include the tax map number and address of each abutter or owner, and must be current with the Assessing Department's records within ten days of submittal. Two sets of mailing labels shall be provided.

Date Received by City Clerk: 10/17/2023 Ordinance Number: 0-2023-17

On City Council agenda: 10/19/2023 Workshop to be held: _____

Public Hearing to be held _____



APPLICATION TO AMEND THE ZONING ORDINANCE

APPLICABLE FEES:

Application Fee @ \$100.00 \$ N/A

Publication of Notice in The Keene Sentinel @ \$90.00 \$ N/A

Postage Fees for property owners/agents and abutters at
current USPS 1st Class Mailing rate
(Only needed if amendment impacts 100 or fewer properties) \$ N/A

Total Fees submitted to City Clerk \$

The petitioner is also responsible for the publication costs for the public workshop before the joint Planning Board and Planning, Licenses and Development Committee. Additional fees will be collected by the Community Development Department for the mailing costs associated with the public workshop (If a mailing is required pursuant to RSA 675:7), as well as the publication of the public workshop notice.

CITY OF KEENE
NEW HAMPSHIRE

0-2023-17 Relating to Amendments to the City of Keene Land Development Code, Definition of Charitable Gaming Facility

The attached materials include the full text of Ordinance O-2023-17 relating to a proposed amendment to the City of Keene Land Development Code (LDC), as well as an excerpted section of the adopted City of the Keene LDC that is proposed to be amended with Ordinance O-2023-17. Text that is highlighted in yellow and bolded is proposed to be added; and, text that is stricken through is proposed to be deleted.

This ordinance proposed to amend Article 28 – Definitions – By adding a definition for Charitable Gaming Facility to the LDC. This proposed change will allow the City to better regulate uses by differentiating between Charitable Gaming Facilities and “Recreation / Entertainment Facility Indoor” such as golf simulators, bowling alleys, and movie theaters. Charitable Gaming Facilities are specifically defined and regulated use at the state level. Charitable Gaming Facilities also differ from other uses in this category based on their impacts to the neighborhood for parking and hours of operation.



CITY OF KEENE

In the Year of Our Lord Two Thousand and _____ Twenty Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Definition of Charitable Gaming Facility

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

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded and underlined text, as follows.

1. That Article 28 “Defined Terms” be amended to include a definition for “Charitable Gaming Facility,” as follows:

Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D, and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Does not include games licensed under RSA 287-E.

George S. Hansel, Mayor

located on the build-to line. Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall.

Build-To Percentage - A build-to percentage specifies the percentage of the building façade that must be located within the build-to zone or at the build-to line. Façade articulation (e.g. window or wall recesses and projections) do not count against the required build-to percentage. Plazas, outdoor dining, and other public open space features that are also bounded by a building façade parallel to the frontage are counted as meeting the build-to percentage. Build-to percentage is calculated by building façade, not lot width.

Build-To Zone (BTZ) - A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which a structure must locate. A BTZ sets a minimum and maximum dimension within which the building façade line must be located (e.g. 0-5-ft). Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall.

Bulk Storage and Distribution of Goods - The outdoor storage of a product or material in large quantities and/or the distribution of products for resale off the premises or to the end user, excluding retail sales on the site. This use is distinguished between bulk storage and distribution of goods including flammable materials and bulk storage and distribution of goods excluding flammable materials.

Bulletin Boards - A sign used for the posting of bulletins, notices, announcements, or other messages.

Car Wash - An establishment for the washing and cleaning of motor vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or other configuration.

Cemetery - Land or structures dedicated for the interment of human or animal remains.

Changeable Copy Signs - A sign whereon provision is made for letters, characters, or other copy to be placed in or upon the surface area to provide a message that is capable of being changed. Such signs may be either manually activated, whereby the letters, characters, or other sign copy are changed manually on the display surface or electronically activated, whereby the letters, characters, or sign copy are changed electronically, including time/temperature.

Channel Letter Sign - A sign with internal illumination of a translucent sign face.

Character Defining Feature - The form, material and detail of those architectural features that are important in defining the character of a building or structure and whose retention will preserve that character. Character-defining features may include, but are not limited to: facades, roofs, porches, windows, doors, trim, massing, shape, orientation and landscape features, such as fences, walls, posts and walkways.

Charitable Gaming Facility - A facility licensed in accordance with the requirements of RSA 287-D, and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Does not include games licensed under RSA 287-E.

City - The term City shall mean the City of Keene, New Hampshire; both the geographical boundaries and the duly constituted governing organization which is a municipal corporation.

Clinic - A facility with more than 5 employees where medical, dental, mental health, alternative medical practitioners, or other licensed healthcare practitioners examine and treat natural persons on an outpatient basis.

Collector Roadway - A road whose primary purpose is to connect local roadways to arterial roadways, industrial and commercial centers or the Downtown of Keene.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.3.

Meeting Date: October 19, 2023
To: Mayor and Keene City Council
From: Thomas Mullins, City Attorney
Through:
Subject: **Relative to Congregate Living and Social Services License Ordinance O-2023-18**

Recommendation:

That the attached ordinance amendment be referred to the Planning, Licenses and Development Committee for review and recommendation.

Attachments:

1. O-2023-18 - Congregate Living and Social Services

Background:

The attached ordinance amendment to Chapter 46, License and Permits, Article X - Congregate Living and Social Service License, will allow flexibility for the placement of unhoused individuals during the upcoming winter months.



CITY OF KEENE

O-2023-18

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relative to Congregate Living and Social Services License

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by inserting the bolded text in Chapter 46 – Licenses and Permits, Article X – Congregate Living and Social Services License, Sec. 46-561 – Applicability, as follows:

Sec. 46-561. - Applicability.

From and after the effective date of the ordinance from which this article derives no person shall allow or operate any of the following congregate living or social services uses as defined in chapter 100, article 8 of the City Code of Ordinances without first having obtained, and having maintained, a congregate living and social services license from the congregate living and social services licensing board (the licensing authority specified in section 46-63 for each property location, **provided, however, that this Article shall not apply to a temporary (120 days or less) homeless shelter(s) established by, or operating under the authority of, a State or municipal entity..**

- (1) Drug treatment clinic.
- (2) Group home, large.
- (3) Group home, small.
- (4) Fraternity/sorority.
- (5) Group resource center.
- (6) Homeless shelter.
- (7) Lodginghouse.
- (8) Residential care facility.
- (9) Residential drug/alcohol treatment facility.

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #L.1.

Meeting Date: October 19, 2023
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Mayor George S. Hansel - Amendment to Land Development Code - Charitable Gaming Facilities**

Council Action:

In City Council October 5, 2023.
Communication tabled until the next regular Meeting.

Recommendation:

Attachments:

1. Communication_Hansel

Background:

Mayor Hansel is requesting that the City Council consider restricting charitable gaming facilities from being allowed in the Downtown Core Zoning District.

City of Keene, New Hampshire

George S. Hansel, Mayor

9/29/2023

City Councilors,

I request that the City Council examine the uses currently permitted in the Downtown Core (DT-C) Zoning District. This district includes Main Street and represents the heart of our downtown. Specifically, I ask that the City Council consider restricting charitable gaming facilities from being allowed in the Downtown Core Zoning District. These facilities have been growing in popularity in New Hampshire as a result of enabling legislation at the state level. This type of use certainly has a place in our community, but may not be appropriate for the downtown core, the area that Keene's 2010 Comprehensive Master Plan describes as, "the most visible representation of the community to visitors."

Thank you for your consideration.

Best regards,



George Hansel, Mayor