



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
October 17, 2019  
7:00 PM

Roll Call  
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- October 3, 2019

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

1. Public Hearing - Keno on the 2019 Municipal General Ballot
2. Public Hearing - Discontinuance of a Portion of Commercial Street Parking Lot

**B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS**

1. Confirmation  
Library Board of Trustees
2. Nominations  
Ashuelot River Park Advisory Board  
Bicycle/Pedestrian Path Advisory Committee

**C. COMMUNICATIONS**

1. Catherine Souther - Resignation - Agricultural Commission
2. Mark Rebillard/Keene Downtown Group and Jim Narkiewicz/Keene Ice & Snow Festival Committee Chair - Request to Use City Property
3. Rob Robbins/Keene SnoRiders - Request to Use City Rights of Way
4. Jeanne McCliment - Banning Roosters Within the City Limits
5. Tad Schrantz/The Colonial Theatre Group - Various Licenses Needed for the Renovation and Addition to the Colonial Theatre
6. Attorney Thomas R. Hanna/BCM Environmental & Land law, PLLC - Recently Discovered Title Problem Relating to the Commercial Street Parking Area
7. James Phippard/Brickstone Land Use Consultants, LLC - Request to Discontinue Easement for Possible Future Road Extension at Black Brook Road
8. Councilor Greenwald - Request that Crosswalks be Marked at Hillside Village - Wyman Road
9. Councilors O'Connor and Filiault - Proposed New Bus Route through the Wheelock Street, Newman Street and Pine Avenue Neighborhood

**D. REPORTS - COUNCIL COMMITTEES**

1. Councilors Bosley & Richards – Comprehensive Review of Neighborhood Speed Limits
2. Authorization to Grant a Utility Easement – Public Works Department
3. Katie Schwerin – Public Art Proposal

**E. CITY MANAGER COMMENTS**

**F. REPORTS - CITY OFFICERS AND DEPARTMENTS**

**G. REPORTS - BOARDS AND COMMISSIONS**

**H. REPORTS - MORE TIME**

**I. ORDINANCES FOR FIRST READING**

**J. ORDINANCES FOR SECOND READING**

1. Relating to Zone Change – 560/580 Main Street  
Ordinance O-2019-12

**K. RESOLUTIONS**

Non Public Session  
Adjournment

A regular meeting of the Keene City Council was held Thursday, October 3, 2019. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Thomas F. Powers, Terry M. Clark, Randy L. Filiault, Kate M. Bosley, Robert J. O'Connor, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, Stephen L. Hooper, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Councilor Lamoureux led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the September 19, 2019 regular meeting was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

#### ANNOUNCEMENTS – MAYOR

The Mayor reminded the Council that the Fire Prevention Parade is October 6, 2019 and the annual Firemen's Dinner will be on October 10, 2019 at the Keene Fire Department. The Mayor canceled the Finance, Organization and Personnel Committee scheduled for October 10, 2019.

#### PROCLAMATION – ENERGY AWARENESS MONTH

The Mayor presented a proclamation to Dr. Ann Shedd of Keene recognizing October as Energy Awareness Month.

#### PROCLAMATION – FIRE PREVENTION WEEK

The Mayor presented a proclamation to Mark Howard, Keene Fire Chief, recognizing the week of October 8, 2019 as Fire Prevention Week.

#### PROCLAMATION – TRICK OR TREAT

The Mayor presented a proclamation to Andy Bohannon, Parks, Recreation and Facilities Director, proclaiming Thursday, October 31, 2019 as Trick-or-Treat Day.

#### PUBLIC HEARING – ORDINANCE O-2019-12: ZONE CHANGE – 560 MAIN STREET

The Mayor opened the public hearing at 7:13 PM. The Notice of Hearing and Certificate of Publication were read. The Mayor recognized Assistant City Manager/Community Development Director Rhett Lamb to address the Council relative to Ordinance O-2019-12: An Ordinance Relating to Zone Change – 560 Main Street.

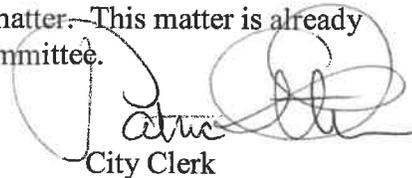
Mr. Lamb referenced a map of the area proposed to be rezoned and identified the specific location. He noted that the land area is located south of Route 101, and just east of the south end of Main Street as you are heading towards the Dillant-Hopkins Airport. This is a 30-acre lot, known for its use by the City's Public Works Department for materials storage, winter operations and salt storage. The property is accessed from lower Main Street. Mr. Lamb continued that on the northern end of the property, just under 2 acres of the lot is the area zoned Commerce, which is consistent with the zoning directly to the west along Manchester Street. The southern and eastern portion of the property is zoned Industrial. Mr. Lamb continued this split of two zoning districts does not follow a property line, a street or a natural feature such as a stream or

waterway, which would be typical of the rest of our zoning. To that degree, it splits the property somewhat arbitrarily. There is no clear indication in the record as to why the zoning was designated that way. This creates confusion and unnecessary complexity related to any use of the property, or any future redevelopment of the property.

The purpose of this zoning proposal is to correct this condition so the entire parcel would be zoned Industrial. He noted the western end of this property closest to Manchester Street and Cheshire Tire is the area the City Manager had been authorized to negotiate for purchase and sale to allow for future development of this property.

The Mayor opened the floor to public comments. There being none, the Mayor closed the public hearing at 7:18 pm. He noted the hearing would remain open for written public comments until 1:00 PM on Tuesday October 8, 2019. Comments must be signed and submitted to the City Clerk's Office by the deadline for consideration by the Planning, Licenses and Development Committee prior to their vote on a recommendation on this matter. ~~This matter is already pending before the Planning, Licenses and Development Committee.~~

A True Record, Attest:



City Clerk

## CONFIRMATIONS

A motion was made by Councilor Greenwald and duly seconded by Councilor Jones to confirm the following nominations: Charles Prigge to serve as a regular member of the Library Board of Trustees with a term to expire June 30, 2021 and Carl B. Jacobs to serve as a regular member with a term to expire June 30, 2022.; and Arthur Gaudio to serve as an alternate member on the Zoning Board of Adjustment with a term to expire December 31, 2020. On a roll call vote, with 15 Councilors present and voting in favor, the nominations were confirmed.

## NOMINATION

The following nomination was received from the Mayor: Kathleen Kennedy Burke to serve as a regular member on the Library Board of Trustees with a term to expire June 30, 2023. The nomination was tabled until the next regular meeting.

## COMMUNICATION – COUNCILOR GREENWALD – TERMINATION OF CONFLICT OF INTEREST STATUS ON 100 DUNBAR STREET

A communication was received from Councilor Mitchell H. Greenwald terminating his conflict of interest status on issues related to 96-100 Dunbar Street since the property has been sold and he is no longer the owner. The communication was filed into the record as informational.

## COMMUNICATION – KATIE SCHWERIN – PUBLIC ART PROPOSAL

A communication was received from Katie Schwerin, submitting a public art proposal for two sculptures that will be incorporated into the Mount Monadnock Labyrinth. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

**MSFI REPORT – DEDICATION OF PATH SYSTEM CHESHIRE RAIL TRAIL SECTION (THOM LITTLE)**

Municipal Services, Facilities and Infrastructure Committee report read recommending that staff be directed to draft a resolution dedicating a section of the Cheshire Rail Trail to the memory of Thom Little. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Filiault. The motion passed with a unanimous vote in favor.

**MSFI REPORT – BOARDS & COMMISSIONS – PARTNER CITY COMMITTEE**

Municipal Services, Facilities and Infrastructure Committee report read recommending the report on the activities of the Partner City Committee be accepted as informational. The report was filed into the record as informational.

**MSFI REPORT – INSTALLATION OF A TRAFFIC CONTROL DEVICE – ARLINGTON AVENUE AND DORT STREET - IN RESPONSE TO ISELIN COMMUNICATION REQUESTING A 4-WAY STOP AT ARLINGTON AVENUE AND DORT STREET – PUBLIC WORKS DEPARTMENT**

Municipal Services, Facilities & Infrastructure Committee report read recommending that the request from the Iselin's for a 4-way stop sign at the Arlington Avenue and Dort Street intersection be denied because it does not meet the MUTCD criteria for a four way stop sign under state law. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Filiault. The motion passed with a unanimous vote in favor.

**MSFI REPORT – ENGINE BRAKE SIGNAGE - IN RESPONSE TO GRIFFIN COMMUNICATION TO PROHIBIT THE USE OF ENGINE BRAKES – PUBLIC WORKS DEPARTMENT**

The mayor divided the recommendations in the report. Municipal Services, Facilities & Infrastructure Committee report read recommending that the request from James Griffin to prohibit the use of engine brakes be denied. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Filiault. The motion passed with a unanimous vote in favor.

Municipal Services, Facilities & Infrastructure Committee report read recommending that the City Manager be requested to install signage that would encourage trucks not to use engine/exhaust brakes within the City at locations of major entry points from the State highway system where truck traffic is most likely occurring. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Filiault. The motion passed with ten Councilors voting in favor and 5 opposed. Councilors Powers, O'Connor, Sutherland, Jones and Richards opposed.

PLD REPORT – ATTORNEY HEATHER CARLISLE/TILSON TECHNOLOGIES –  
REQUESTING THE CITY MANAGER’S SIGNATURE ON CONDITIONAL USE PERMIT  
APPLICATION

Planning, Licenses and Development Committee report read recommending that a lodging house license be granted to Donna Forte to engage in the operation of a lodging house at 57 Winchester Street, Keene, New Hampshire. This license is conditional upon:

- Compliance with all applicable laws, ordinances, codes, rules and regulations.
- No more than 16 persons may reside on the premises.
- No less than 8 vehicular parking spaces must be provided on the premises.
- The names, home addresses, and motor vehicle registrations of the residents of the licensed premises shall be available on the premises at all times for inspection upon request by the Police, Code Enforcement or Fire Departments.
- Continued violation of the City parking ordinances by residents of the premises or their guests, as determined by the Police or the Code Enforcement Department may be grounds for suspension or revocation of the license.
- No alcoholic beverages may be sold on the premises except by written permission of the New Hampshire Liquor Commission.
- Loud noises or other disturbances after 10:00 PM that continue after warning by the Police Department may be grounds for suspension or revocation of the license.
- Access to the common areas of the licensed premises shall be granted to the Police, Code Enforcement, Fire and Health Departments of the City of Keene at all reasonable times.
- The cellar space does not meet the qualifications for public assembly and therefore can not be used as a gathering space.
- The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City.
- Compliance with any recommendations of City staff.

In addition, the owner shall notify City staff of any changes in the building operator; failure to do so may be grounds for suspension or revocation of this license. This license expires on the 20th day of October, 2020 and may be revoked by the City Council in accordance with Sec. 46-590 “Suspension or Revocation”. A motion by Councilor Jones to carry out the intent of the report was duly seconded by Councilor Hansel. The motion passed with a unanimous vote in favor.

PLD REPORT – PERIODIC REPORT – BOARDS AND COMMISSIONS – HERITAGE  
COMMISSION

Planning, Licenses and Development Committee report read recommending the report on the activities of the Heritage Commission be accepted as informational. The report was filed into the record as informational.

PLD REPORT – PERIODIC REPORT – BOARDS AND COMMISSIONS – HISTORIC DISTRICT COMMISSION

Planning, Licenses and Development Committee report read recommending the report on the activities of the Historic District Commission be accepted as informational. The report was filed into the record as informational.

FOP REPORT – ACCEPTANCE OF DONATIONS – PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept donations in the amount of \$1000.00, \$247.83 and \$100.00 and that the donations be used for the Human Rights Committee collaboration with the Keene International Festival. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DONATIONS – PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the structure proposed for redevelopment located at 112 Washington Street is a qualifying and historic structure as defined by RSA 79-E; that the structure is not within a currently defined Tax Increment Financing District; that the structure is not a residential property subject to an election for tax assessment relief under the low income housing tax credit program of RSA 75:1-a; that the proposed rehabilitation cost estimates exceed the threshold amount of \$75,000 and constitutes substantial rehabilitation; that at least \$5,000 of the total rehabilitation cost is devoted to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation; that the proposed rehabilitation is consistent with the City's Master Plan; and that the proposed rehabilitation provides the following public benefits as required by Resolution R-2018-33.

1. It enhances the economic vitality of downtown areas;
2. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
3. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation;
4. It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan; and,
5. Results in an increase in energy sustainability in conformance with the City adopted greenhouse gas initiatives as determined by a home energy score of at least 6, and demonstrated carbon emission reduction of at least 10.

Therefore, the Committee recommends that the application for real property tax relief on any assessed tax increment resulting from the substantial rehabilitation of the qualifying structure be granted for a period of 5-years beginning with the completion of the substantial rehabilitation as determined by the City's Community Development Department, and conditioned upon the property owner granting to the City at the time of substantial completion a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for the period of the tax relief, to be recorded at the Cheshire County Registry of Deeds at the cost and expense of the property owner. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

#### FOP REPORT – ECONOMIC DEVELOPMENT PLAN

Finance, Organization and Personnel Committee report read recommending the adoption of the Economic Development Plan. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

#### FOP REPORT – REQUEST TO PURCHASE CITY PROPERTY – 160 EMERALD STREET/ASHUELOT RAIL TRAIL

Finance, Organization and Personnel Committee report read recommending that the City Manager enter into lease negotiations with Mr. Tousley for property located at 160 Emerald Street adjacent to the Ashuelot Rail Trail. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

#### FOP REPORT – ACCEPTANCE OF DONATIONS – HOLIDAY SPONSORSHIP PROGRAM

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to accept donations associated with the City's 2019 Holiday Sponsorship Program. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

#### CITY MANAGER COMMENTS

The Assistant City Manager, Beth Fox encourage everyone to attend the Fire Prevention Parade on Sunday, October 5, 2019. She elaborated on the open house for the Fire Department being on Saturday, October 12, 2019. This is a great opportunity to see the equipment and get to know what the department does for the community. There will be refreshments available.

The Assistant City Manager expressed that public art is gaining in our city. It is also in some of the most unlikely locations. It is now going to be part of our snow plowing efforts. The Public Works Department is going to be working with the students at the Monadnock Waldorf School who will paint a mural on a piece of snow fighting equipment, in particular one of the wing plows. When it is complete, the plow is going to be working in the route near the school so the

children will have a chance to enjoy the artwork. The idea was brought to the department a resident from the upper mid-west, who had relocated to Keene.

The Assistant City Manager announced that we have a group from Einbeck, Germany coming to Keene this week. The focus of this exchange is music versus some of the other collaborative exchanges we have had in the past. This is a great opportunity for the community to enjoy the exchange with a concert, which is scheduled for next Wednesday evening, October 9, 2019 at 7:30 PM. There is a \$10.00 donation at the door for ongoing exchanges.

The Assistant City Manager shared the significant professional recognition of the Finance Department. They have been awarded a Certificate of Achievement, which is the highest form of recognition in the area of Governmental Accounting and Financial Reporting. The award was given for their Fiscal Year 2018 report, which is called a Comprehensive Financial Report (CFR). In much credit, the award should go to many of the department's personnel: including our Retired Finance Director Steve Thornton, who was leading the department at the time of the financial activity; Merri Howe, who is the current Finance Director, but was the second in command at the time; and the folks in the Finance, Revenue Collection and Purchasing. She highlighted that much of their work goes unrecognized and they work in the background. It is very important that we have strong and stable financial systems to the future of our City and for the work that the Council and Departments Heads and community members do to try to make this the best place to live.

#### RESIGNATION – PLANNING BOARD ALTERNATE

A memorandum was received on behalf of the Planning Department indicating that David A. Webb had emailed his resignation as a member of the Planning Board. A motion by Councilor Greenwald to accept the resignation with regret and appreciation of service was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

#### MORE TIME

More time was granted by the Chair for the following item in Committee: Councilors Bosley & Richards – Comprehensive Review of Neighborhood Speed Limits.

#### MSFI REPORT AND ORDINANCE O-2019-16: RELATING TO – SPECIFIC STREET REGULATION – SPEED LIMITS

Municipal Services, Facilities and Infrastructure Committee report read recommending the adoption of Ordinance O-2019-16: Relating to – Specific Street Regulation – Speed Limits. The report was filed into the record. Ordinance O-2019-16 was read for the second time. A motion by Councilor Manwaring for adoption of the Ordinance was duly seconded by Councilor Filiault. On roll call vote, 15 Councilors were present and voting in favor. Ordinance O-2019-16 declared adopted.

#### FOP REPORT AND RESOLUTION R-2019-35: RELATING TO AN APPROPRIATION OF FUNDS FOR THE SOLID WASTE FUND

10/03/2019

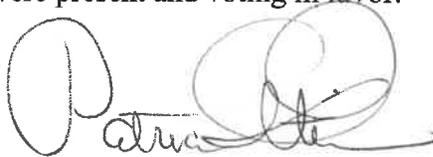
Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2019-35: Relating to an Appropriation of Funds for the Solid Waste Fund. The report was filed into the record. Resolution R-2019-35 was read for the second time. A motion by Councilor Greenwald for the adoption of the Resolution R-2019-35 was duly seconded by Councilor Jacobs. On a roll call vote, 15 Councilors were present and voting in favor. Resolution R-2019-35 declared adopted.

NON PUBLIC SESSION

At 8:03 PM, a motion by Councilor Greenwald to go into non-public session to discuss litigation under NHRSA 91-A:3 IV was duly seconded by Councilor Jones. On roll call vote, 15 Councilors were present and voting in favor. A brief recess was called. The session commenced at 8:09 PM. Discussion was limited to the subject matter. At 8:17 PM the session concluded. A motion by councilor Greenwald to keep the minutes in non-public session was seconded by Councilor Jones. On roll call vote, 15 Councilors were present and voting in favor.

The Mayor adjourned the meeting at 8:18 PM.

A true record, attest:

A handwritten signature in black ink, appearing to read "Patricia", written over a faint circular stamp or watermark.

City Clerk



## PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Keene City Council relative to a request from the NH Lottery Commission to place a question on the 2019 Municipal General Ballot that would allow the operation of “keno” in the City of Keene. That request was granted by the Keene City Council on July 18, 2019. “Keno” is any game where a player purchases a ticket from a field of 80 numbers and selects a specific amount of numbers. A random number generator employed by the NH Lottery Commission chooses 20 numbers at random and the player is paid out against his or her original wager.

All net proceeds collected by the Lottery Commission under RSA 284:47 shall be deposited into the education trust fund established by RSA 198:39 for the purpose of providing grants to public schools, and to chartered public schools, toward the cost of operation of an approved full day kindergarten program.

This request is in response to the passage of SB 191, effective July 1, 2017, which provides a local option for a municipality to authorize keno by placing the question on a regular municipal election ballot.

Hearing Date: October 17, 2019

Hearing Time: 7:00 PM

Hearing Place: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this seventeenth day of July, two thousand and nineteen.

Attest:

City Clerk



## PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be held before the Keene City Council pursuant to a Petition for Discontinuance of a section of the Commercial Street Parking Area and for acceptance of a sidewalk easement. The petition is from the Colonial Theatre Group, Inc. and includes **Resolution R-2019-36, Relative to the Discontinuance of a Portion of the Commercial Street Parking Lot and Resolution R-2019-37, Relative to the Acceptance of a Warranty Deed to Correct the Sidewalk and Curbing Encroachment Problem – Commercial Street Parking Lot** pursuant to the authority granted by RSA 231:43. The City Council will hear all parties interested who may attend and any evidence they may offer. The documents associated with the discontinuance are available for viewing at the City Clerk's Office.

SITE VISIT: October 17, 2019 at 5:45 PM

PUBLIC HEARING: October 17, 2019 at 7:05 PM

PUBLIC HEARING LOCATION: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this 19<sup>th</sup> day of September, 2019.

Attest:

City Clerk

A handwritten signature in black ink, appearing to read "Patricia [unclear]", is written over the printed name of the City Clerk.



City of Keene, N.H.  
*Transmittal Form*

September 30, 2019

**TO:** Mayor and Keene City Council

**FROM:** Mayor Kendall W. Lane

**ITEM:** B.1.

**SUBJECT:** Confirmation

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**COUNCIL ACTION:**

In City Council October 17, 2019.

Voted unanimously to confirm the nomination.

In City Council October 3, 2019.

Tabled until the next regular meeting.

**RECOMMENDATION:**

I hereby nominate the following individual to serve on the designated board:

Library Board of Trustees

Kathleen Kennedy Burke, slot 3

56 Chapman Road

Term to expire June 30, 2023



City of Keene, N.H.  
*Transmittal Form*

October 15, 2019

**TO:** Mayor and Keene City Council

**FROM:** Mayor Kendall W. Lane

**ITEM:** B.2.

**SUBJECT:** Nominations

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**COUNCIL ACTION:**

In City Council October 17, 2019.  
Tabled until the next regular meeting.

**RECOMMENDATION:**

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

Ashuelot River Park Advisory Board

Thomas Haynes, alternate slot 8  
531 Marlboro Street

Term to expire Dec. 31, 2022

Bicycle Pedestrian Path Advisory Committee

David Souther, slot 4  
82 Meadow Road

Term to expire Dec. 31, 2019



City of Keene, N.H.  
*Transmittal Form*

October 15, 2019

**TO:** Mayor and Keene City Council

**FROM:** Catherine Souther

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.1.

**SUBJECT:** Catherine Souther - Resignation - Agricultural Commission

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**COUNCIL ACTION:**

In City Council October 17, 2019.

Voted unanimously to accept the resignation with regret and appreciation for service.

**ATTACHMENTS:**

Description

Communication\_Souther

**BACKGROUND:**

Catherine Souther has submitted her resignation from the Agricultural Commission, effective immediately. Ms. Souther has been a member of the Commission since October of 2017 and has most recently served as the Chair of the Commission.

10/7/2019

To whom it may concern,

*Please accept this letter as formal notification of my resignation from Keene Agricultural Commission, effective immediately. Due to certain unavoidable personal reasons I am regretfully no longer able to fulfill my duties as chair of the agricultural commission.*

*I would like to thank you for the opportunity to serve my local community.*

Kind regards,

A handwritten signature in black ink, appearing to read 'Catherine Souther', with a long horizontal flourish extending to the right.

Catherine Souther



City of Keene, N.H.  
*Transmittal Form*

October 15, 2019

**TO:** Mayor and Keene City Council

**FROM:** Mark Rebillard/Keene Downtown Group and Jim Narkiewicz/Keene Ice & Snow Festival Committee Chair

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.2.

**SUBJECT:** Mark Rebillard/Keene Downtown Group and Jim Narkiewicz/Keene Ice & Snow Festival Committee Chair - Request to Use City Property

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**COUNCIL ACTION:**

In City Council October 17, 2019.

Referred to the Planning, Licenses and Development Committee.

**ATTACHMENTS:**

**Description**

Communication\_Rebillard\_Narkiewicz

**BACKGROUND:**

This is a request to use City property for the 17th annual Keene Ice and Snow Festival to be held on February 1, 2020. Previously, the event sponsor has been the Monadnock Travel Council. The Keene Downtown Group is becoming the new fiscal steward for this community event and, as such, they are requesting a license for use of City property.

October 2, 2019  
Mayor Kendall Lane  
Keene City Council  
3 Washington Street  
Keene, NH 03431



Dear Mayor Lane and City Council,

On February, 2<sup>nd</sup> 2019 The Keene Ice & Snow Festival Committee produced the 17th Annual Keene Ice & Snow Festival in Downtown Keene under the fiscal stewardship of the Monadnock Travel Council. In January of 2019, the Monadnock Travel Council submitted the paperwork for this coming year's 2020 festival. With the blessing of the Monadnock Travel Council, the Keene Ice and Snow Festival Committee has now aligned with the Keene Downtown Group as a fiscal steward. The Keene Downtown Group is a 501c6 all volunteer organization, that has hosted other community events such as Keene Art Walk and The Keene Music Festival.

We would like to request permission for the Keene Downtown Group to produce and a license be issued for the 18<sup>th</sup> annual Keene Ice & Snow Festival on Saturday February 1<sup>st</sup> 2020.

As part of this request, we are hoping to expand <sup>the</sup> footprint of the event to include designated spaces for ice carvers, or snow sculptors in <sup>5</sup> additional areas. A revised license application has been submitted to include additional parking spots and sidewalk spaces for ice carvers from the alleyway between Miller Brothers Newton and the Colonial theater to Central Square.

The Keene Ice & Snow Festival has been a community event in downtown Keene for many years and provides a free full-packed day of family fun. Thank you for your consideration in allowing this annual event to continue through the Keene Downtown Group.

Sincerely,



Mark Rebillard, Keene Downtown Group Chair  
PO Box 80  
Keene, NH 03431  
603-439-0321

In City Council October 17, 2019.  
Referred to the Planning, Licenses  
and Development Committee.



**Assistant City Clerk**



Jim Narkiewicz, Committee Chair Keene Ice & Snow Festival  
PO Box 358  
Keene, NH 03431  
603-313-8585



City of Keene, N.H.  
*Transmittal Form*

October 15, 2019

**TO:** Mayor and Keene City Council

**FROM:** Ron Robbins, Trail Administrator Keene SnoRiders

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.3.

**SUBJECT:** Rob Robbins/Keene SnoRiders - Request to Use City Rights of Way

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**COUNCIL ACTION:**

In City Council October 17, 2019.

Referred to the Planning, Licenses and Development Committee.

**ATTACHMENTS:**

Description

Communication\_Robbins

**BACKGROUND:**

The Keene Sno Riders has submitted their annual request for use of City rights of way along Krif road from the Ashuelot Rail Trail to Winchester Street. The request would cover the timeframe from December 15, 2019 through March 30, 2020, snow permitting.



KEENESNORIDERS  
 PO BOX 1511  
 KEENE NH 03431

Sept. 24<sup>th</sup> 2019

To the Mayor and City Council:

The KeeneSnoRiders Snowmobile club is seeking renewal for permission to run snowmobiles in the right of way along Krif Road from the Ashuelot Rail Trail to Winchester Street, crossing Winchester Street to the property of Perry Kiritsy at 471 Winchester Street. The time frame would run from December 15<sup>th</sup> 2019 through March 30<sup>th</sup> 2020 snow permitting.

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

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

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

Access to portion of Old Gilsum Rd. approximate one mile to Gilsum town line.  
 Crossing of Winchester St. at Krif Road  
 Crossing of Production Avenue approximately 200 ft. South of Route 9  
 Tax Map: 909-05-012                      Off Route 10 by three mile reservoir  
 Tax Map: 911-26-015                      Off Wetmore Street  
 Tax Map: 909-03-210                      See Note Below

This is 50 feet of Keene property Tax Map 909-03-210000 to access onto power line from location were our trail groomer is located. We have been giving permission from Paul Gagnon from the Society for the Protection of New Hampshire Forests where he has stated that this is acceptable in regards to the easement on property. Contact him with any questions.

We are available to answer any concerns you may have.

Thank You,

Ron Robbins  
 Trail Administrator  
 603-209-1344

In City Council October 17, 2019.  
 Referred to the Planning, Licenses  
 and Development Committee.

Assistant City Clerk



City of Keene, N.H.  
*Transmittal Form*

October 15, 2019

**TO:** Mayor and Keene City Council

**FROM:** Jeanne McCliment

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.4.

**SUBJECT:** Jeanne McCliment - Banning Roosters Within the City Limits

---

**COUNCIL ACTION:**

In City Council October 17, 2019.  
Communication filed as informational.

**ATTACHMENTS:**

Description

Communication\_McCliment

**BACKGROUND:**

Jeanne McCliment is requesting that the City Council consider a ban on roosters within the City limits. She identifies the disturbance that roosters can cause in the early morning hours as the reason for her request.

October 15, 2019

Jeanne McCliment  
391 Court St.  
Keene, NH

603-369-8860

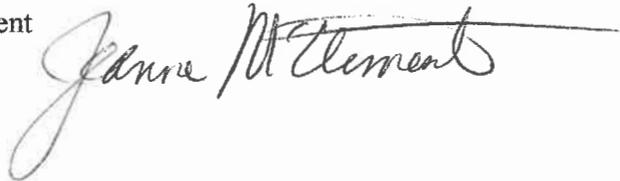
CITY COUNCIL: request for changes to ordinance allowing individuals within city limits to have roosters if kept in a contained area.

Dear Members: I have a neighbor who has a rooster and chickens contained on the property line between our houses. The coop is approximately 14 yards from my side of the house with bedrooms on the upper floors. The rooster wakes me often at hours ranging from 5 to 6 in the morning. My neighbor on the other side of my house and I have gone by the owners at different times and requested they do something about this so that it is not disturbing our sleep and they have refused saying that the city allows for this if they are contained.

I called the police and they said that there was nothing that could be done except going to the City Council and requesting a change in the ordinance.

So I am requesting that roosters be banned from within City Limits. I do not think that the amount of roosters is that great but there are others in town and people have complained to those owners with no result. Since we cannot depend on our neighbors to be considerate and that more residents are affected by this in a negative way then are those who benefit I am requesting a change in the ordinance. The hens are not of issue I have neighbors on the other side of our house that have had chickens but no rooster and myself and neighbors were never bothered by them.

Thank you for your consideration, Jeanne McCliment



In City Council October 17, 2019.  
Communication filed as informational.



Geni M. Wood  
Assistant City Clerk



City of Keene, N.H.  
*Transmittal Form*

October 15, 2019

**TO:** Mayor and Keene City Council

**FROM:** Tad Schrantz/Design and Construction Committee Chair

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.5.

**SUBJECT:** Tad Schrantz/The Colonial Theatre Group - Various Licenses Needed for the Renovation and Addition to the Colonial Theatre

---

**COUNCIL ACTION:**

In City Council October 17, 2019.

Referred to the Planning, Licenses and Development Committee.

**ATTACHMENTS:**

**Description**

Communication - Schrantz

Map\_Schrantz

**BACKGROUND:**

Mr. Schrantz is requesting several licenses from the City to accommodate the renovation and addition to the Colonial Theatre.

September 13, 2019

Mayor Kendall Lane  
City Council Members  
City of Keene  
3 Washington Street  
Keene, NH 03431

Mayor Lane and Members of the City Council,

The Colonial Theatre is embarking upon a renovation and addition to the Theatre located at 95 Main Street. We are making substantial progress on the design of the project and required approvals with the City of Keene. As part of this exciting project, the Colonial is requesting the following items from the City of Keene in order to successfully accomplish our goals.

1. License for accessible ramp-In order to provide accessible access to the addition at the rear of the building, we are requesting that a new ramp located on the north side of the building be allowed to encroach upon City property. Please see sheet C2 of dated 9/9/19 submission documents for the specific location. The ramp will not impact the existing parking lot or adjacent sidewalk and will allow accessible access to this new addition.
2. Air rights for an awning- We are requested that an awning be allowed to be constructed over the accessible ramp at this same location. This will provide inclement weather protection for the ramp as well as improve wayfinding for our visiting artists.
3. Dumpster location- We are requesting that the Colonial be allowed to utilize the dumpster enclosure located on City property at the rear of the Mon Ami building at 87 Main Street. The current dumpster for the Colonial is located in the area of the proposed addition footprint and will no longer be available once the renovation has begun.

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

Sincerely,



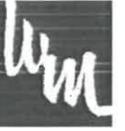
Tad Schrantz  
Design and Construction Committee Chair  
The Colonial Theatre Group

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

In City Council October 17, 2019.  
Referred to the Planning, Licenses and  
Development Committee.



**Assistant City Clerk**



71 Main Street  
PO Box 380  
Harrisville, NH 03450  
Phone (603) 827-3840  
www.wamp.com

**WELLER  
&  
MICHAL  
ARCHITECTS Inc.**

MEP Engineering  
WV Engineering Associates  
Keene NH  
603 352 7007

Structural Engineers  
SCT Engineering  
Keene NH  
603 352 1488

Theater Consultants  
Stages Consulting LLC  
Highland Park NJ  
732 333 8063

**Proposed Site Plan**  
Design Development  
Colonial Theater Group, Inc.

2020 Addition and Renovation  
95 Main Street Keene, NH

© 2019 W&M ARCHITECTS

Distribution		
#	Description	Date
1	HDC COA	8/27/19
2	SPR	9/9/19

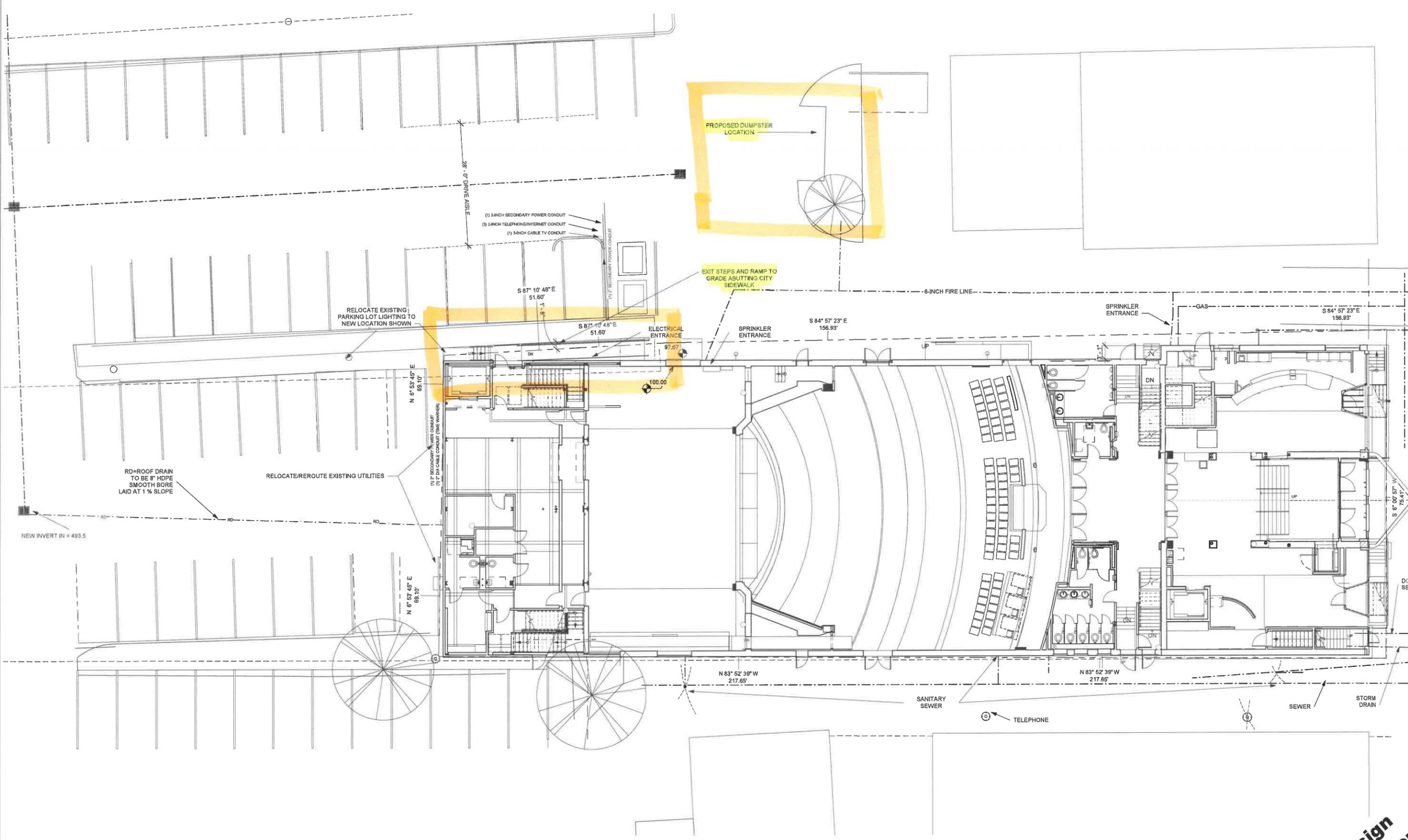
DATE DISTRIBUTION



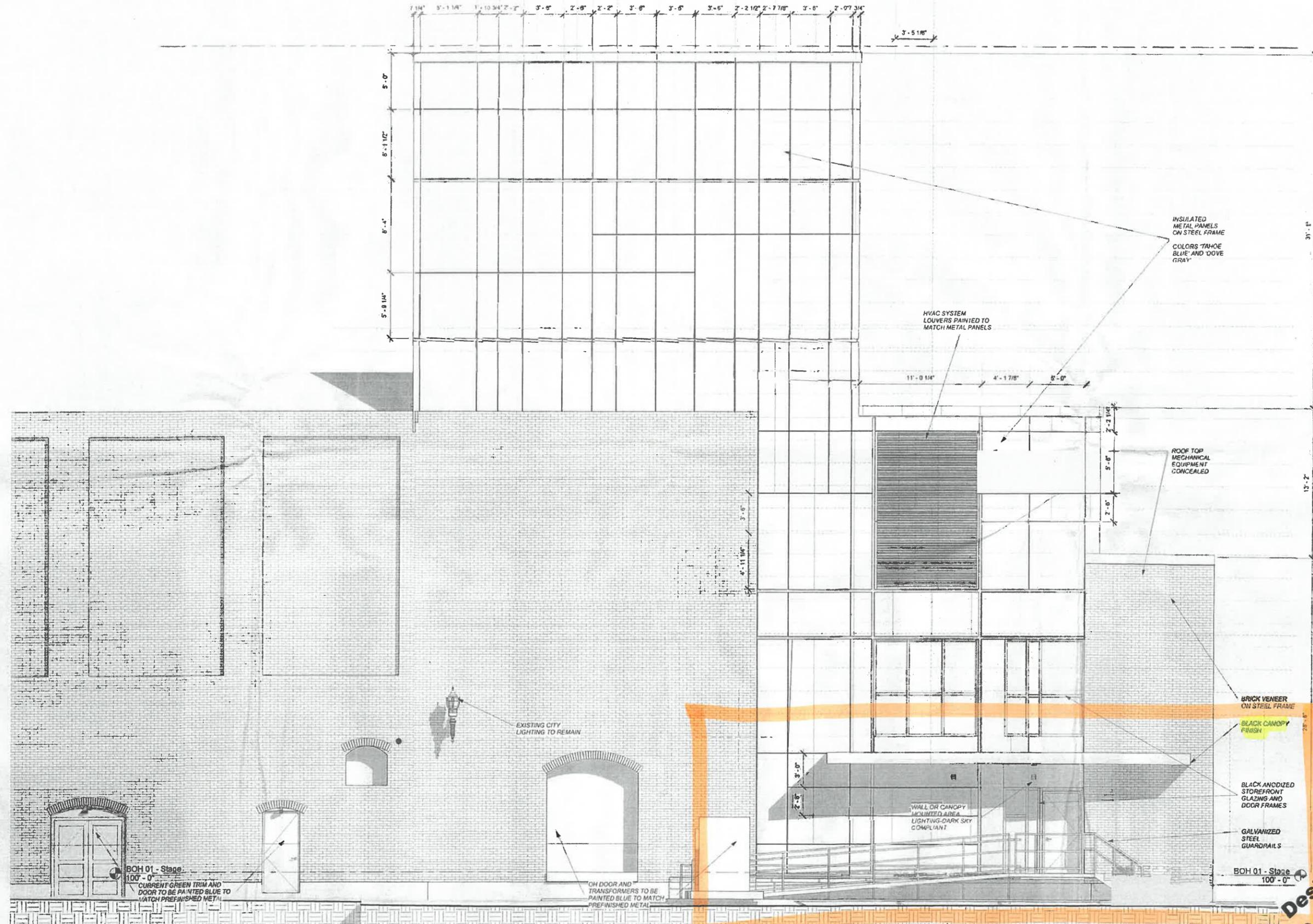
**Design  
Development**

**C2**

PROJECT ARCHITECT  
Charles J Michal AIA  
PROJECT NO. J1447



1 Proposed Site Plan  
1" = 10'-0"



1 North Elevation HDC  
1/4" = 1'-0"



71 Main Street  
POB 305  
Keene, NH 03450  
Phone (603) 827-3840  
www.wmarch.com

**WELLER  
&  
MICHAL  
ARCHITECTS Inc.**

MEP Engineering  
WV Engineering Associates  
Keene NH  
603 352 7007

Structural Engineers  
SCT Engineering  
Keene NH  
603 352 1488

Theater Consultants  
Stages Consulting LLC  
Highland Park NJ  
732 333 8003

**Building Elevations COA Application**  
Design Development  
Colonial Theater Group, Inc.

2020 Addition and Renovation  
95 Main Street Keene, NH

#	Description	Date
1	HDC COA	8/27/19

DATE DISTRIBUTION



**Design  
Development**

**HDC1**

PROJECT ARCHITECT  
Charles J. Michal AIA  
PROJECT NO. J147

City of Keene  
New Hampshire

October 18, 2019

TO: City Council File

FROM: Terri M. Hood, Assistant City Clerk

SUBJECT: Communication – Attorney Thomas R. Hanna/BCM Environmental & Land law, PLLC - Recently Discovered Title Problem Relating to the Commercial Street Parking Area

At a regular meeting of the Keene City Council, held on October 17, 2019, a communication was received from Attorney Hanna relative to a title problem relating to the Commercial Street Parking area that was discovered during review of documents and plans associated with a request for discontinuance previously submitted to the City Council on September 19, 2019. Attorney Hanna indicated in his letter that this second title defect affects the proposed addition to the existing Colonial Theatre building. He went on to request that the City Council authorize the City Attorney to work with the Colonial Theatre Group to develop and submit a second petition for discontinuance to remedy the defect, with the understanding that the formal discontinuance will occur after the Colonial Theatre Group, Inc.'s loan closing. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee, and a Public Hearing and site visit were scheduled for November 7, 2019.

Subsequently, it was discovered that the Public Hearing was scheduled prematurely. The communication will be referred to the Municipal Services, Facilities and Infrastructure Committee, however the Public Hearing will be rescheduled by the Mayor when a formal Petition for discontinuance has been filed with the City by Attorney Hanna.

Attest:

  
Assistant City Clerk

CC: Mayor and City Council Members  
Attorney Thomas R. Hanna



City of Keene, N.H.  
*Transmittal Form*

October 15, 2019

**TO:** Mayor and Keene City Council

**FROM:** Attorney Thomas R. Hanna on behalf of Colonial Theatre Group, Inc.

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.6.

**SUBJECT:** Attorney Thomas R. Hanna/BCM Environmental & Land law, PLLC - Recently Discovered Title Problem Relating to the Commercial Street Parking Area

---

**COUNCIL ACTION:**

In City Council October 17, 2019.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Site Visit set November 7, 2019 at 5:45 PM.

Public Hearing set November 7, 2019 at 7:00 PM.

**ATTACHMENTS:**

**Description**

Communication\_BCM Environmental & Land Law

Map\_BCM Environmental & Land Law

**BACKGROUND:**

Currently before the City Council is a petition to discontinue a portion of the Commercial Street Parking Lot. While reviewing the documents and plans associated with that discontinuance another title problem was discovered. This problem relates to the Hamblet property that was also included in the 1969 layout of the parking area. Attorney Hanna indicates in his letter that this second title defect affects the proposed addition to the existing theatre building. Attorney Hanna is requesting that the City Council authorize the City Attorney to work with the Colonial Theatre Group to develop and submit a petition for the discontinuance with the understanding that the formal discontinuance will occur after the Colonial Theatre Group, Inc.'s loan closing.



October 15, 2019

In City Council October 17, 2019.  
Referred to the Municipal Services,  
Facilities and Infrastructure  
Committee. Site Visit set November  
7, 2019 at 5:45 PM. Public Hearing  
set November 7, 2019 at 7:00 PM.

**HAND DELIVERED**

The Honorable Mayor and City Council  
City of Keene  
3 Washington Street  
Keene, NH 03431

RE: Colonial Theatre Group, Inc.  
89-95 Main Street  
("The Colonial Property")  
Title Issue Related to the  
Commercial Street Parking Area

Assistant City Clerk

Ladies and Gentlemen:

I am writing on behalf of Colonial Theatre Group, Inc. ("The Colonial") to request your assistance with a recently discovered title problem related to the Commercial Street Parking Area.

Currently pending before the City Council is The Colonial's Petition for the Discontinuance of a section of the Commercial Street Parking Area that was taken by a 1969 layout. That Petition has been filed to address a title problem affecting The Hamblet Property located at 20 Commercial Street that The Colonial is purchasing. The recently discovered title problem affects The Colonial Property at 89-95 Main Street. This additional title problem also arises out of the 1969 layout of the Commercial Street Parking Area. The additional issue was not discovered in time to include it in the pending Petition seeking discontinuance of a section of the parking area.

While reviewing the documents and plans related to the title problem affecting The Hamblet Property, Kurt Blomquist discovered that a portion of The Colonial Property at 89-95 Main Street was also included in the City's 1969 layout of the Commercial Street Parking Area. City records indicate that the City subsequently decided to eliminate that section of The Colonial Property from the Commercial Street Parking Area, but the eliminated section was not formally discontinued. The inclusion of a section of The Colonial Property in the 1969 layout, without a subsequent discontinuance, has created a title defect on the affected section of the property.

The section of The Colonial Property that is affected by the 1969 layout of the Commercial Street Parking Area is highlighted (hatched) on the attached preliminary plan prepared by David A Mann, LLS. A full-sized plan will be provided separately. When the survey of the relevant section of The Colonial Property is completed by David Mann, the plan will provide a detailed description of the area affected by the 1969 layout.

Unfortunately, the section of The Colonial Property affected by the 1969 layout is the location of the proposed addition to the existing theater building. The Colonial's lender for the theater expansion project will only close on the loan to provide funding for the project (including

the acquisition of the Hamblet Property) if the title defect arising out of the 1969 layout has been addressed by the City.

A formal vote of discontinuance for this additional section of the Commercial Street Parking Area is required to correct the title defect arising out of the 1969 layout, but it will likely require at least another two months for The Colonial to obtain such a formal discontinuance from the City. The Colonial's proposed expansion project is at risk if The Colonial is not able to close by the date established under its purchase and sales agreement on The Hamblet Property.

Gary J. Kinyon, as attorney for The Colonial's lender, has indicated that the lender will close on the loan and allow the project to go forward as scheduled if the City Council indicates by a formal vote that the additional discontinuance will occur after the closing.

Wherefore, to facilitate the loan closing on the Colonial Theatre Group, Inc., expansion project, I respectfully request that the City Council:

1. Vote to authorize the City Attorney to work with the Colonial Theatre Group, Inc., to develop and submit a petition for the discontinuance of that section of the Commercial Street Parking Area that encumbers property now owned by Colonial Theatre Group, Inc., at 89-95 Main Street as shown on a preliminary plan prepared by David A. Mann, LLS, dated October 15, 2019, with the understanding that the formal discontinuance of such section of the Commercial Street Parking Area will occur after the Colonial Theatre Group, Inc.'s loan closing.

Your consideration of this matter is appreciated.

Sincerely,

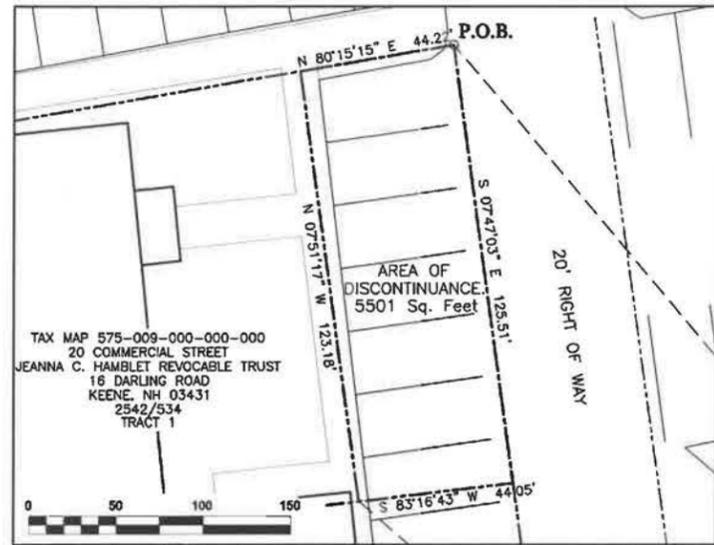


Thomas R. Hanna  
BCM Environmental & Land Law, PLLC  
41 School Street  
Keene, NH 03431  
603-352-1928  
thanna@hannalandlaw.com

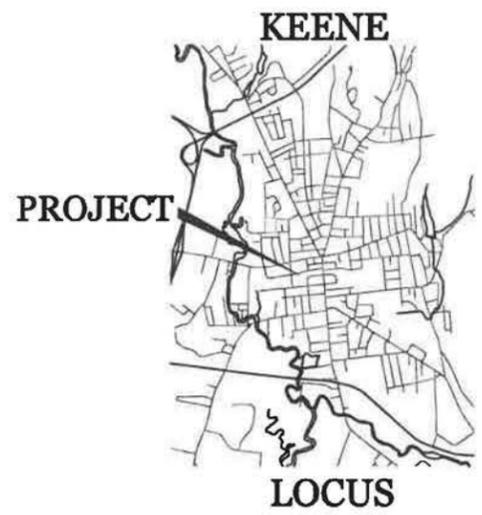
TRH/tss

Enclosures

cc: Thomas P. Mullins, Esq., City Attorney  
Donald Lussier, City Engineer  
Kürt Blomquist, Director of Keene Public Works  
Colonial Theatre Group, Inc.



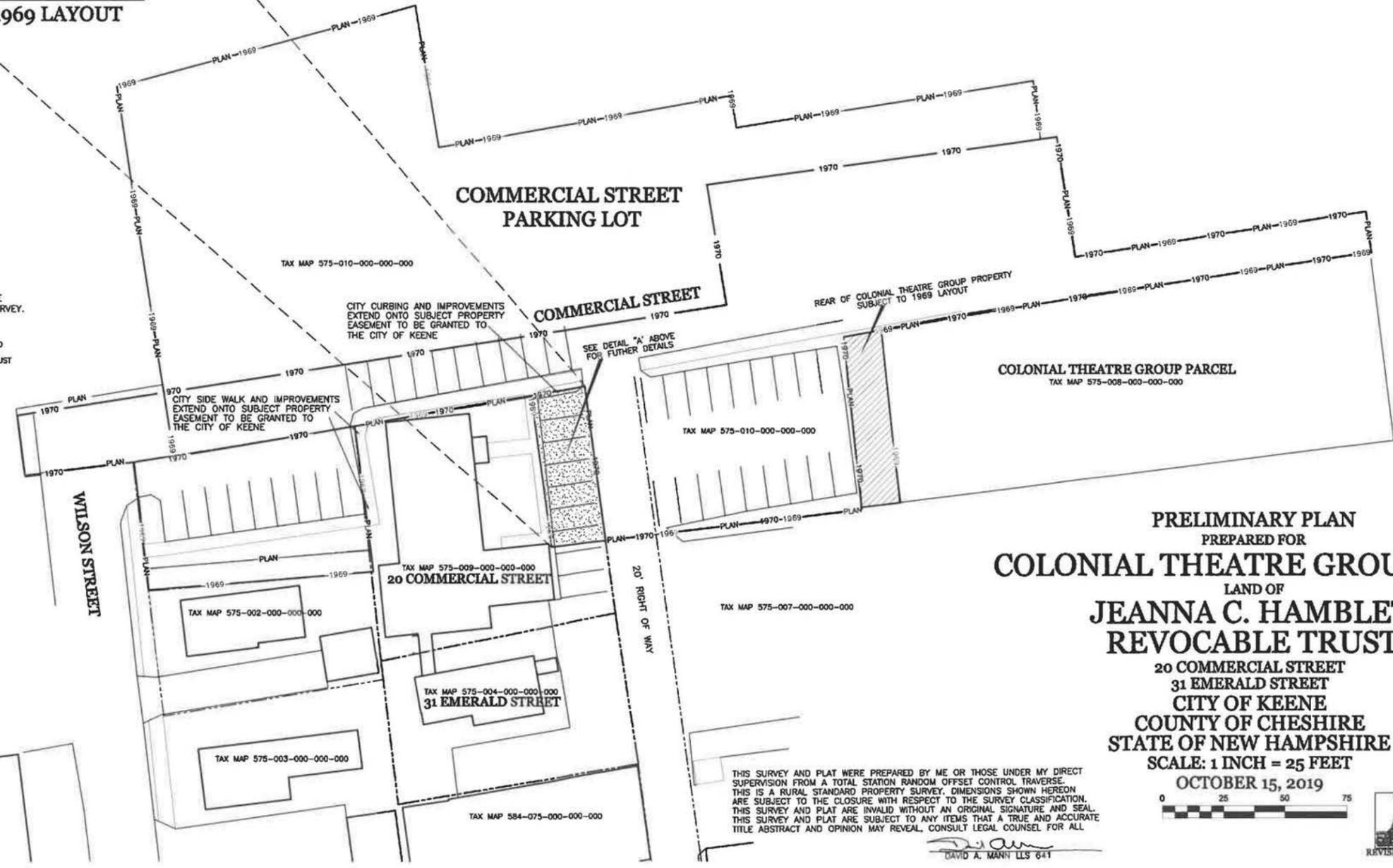
DETAIL "A" : AREA SUBJECT TO 1969 LAYOUT



**NOTES**

1. BEARINGS ARE BASED ON X90D-OPUS OBSERVATION AND ARE NEW HAMPSHIRE STATE PLANE GRID NORTH.
2. PLAN REFERENCES:
  - A. PLAN OF LATON MARTIN HOMESTEAD, PREPARED BY SAMUEL WADSWORTH, RECORDED IN PLAN BOOK 13 PAGE 21A.
  - B. PLAN FRED H. HAMBLET, PREPARED BY ROY K. PIPER AUGUST 1969, FILED IN PIPER RECORDS CCRD.
  - C. PARCEL OF LAND CITY OF KEENE TO WJ & MT BISHOP, PREPARED BY KED, PLAN #51-2.
  - D. BOUNDARY SURVEY PREPARED FOR THE COLONIAL THEATRE GROUP, DATED JUNE 24, 2019 PREPARED BY DAVID A. MANN SURVEY.
3. ASSESSOR INFORMATION BASED ON TOWN RECORDS:
 

<p>TAX MAP 575-004-000-000-000 31 EMERALD STREET JEANNA C. HAMBLET REVOCABLE TRUST 16 DARLING ROAD KEENE, NH 03431 2542/534</p>	<p>TAX MAP 575-009-000-000-000 20 COMMERCIAL STREET JEANNA C. HAMBLET REVOCABLE TRUST 16 DARLING ROAD KEENE, NH 03431 2542/534</p>
---	--



**LEGEND**

- IRON PIN TO BE SET
- IRON PIN FOUND
- POST/MONUMENT FOUND
- DRILL HOLE FOUND
- RAIL ROAD SPIKE FOUND
- UTILITY POLE
- DECIDUOUS TREE
- LIGHT POLE
- UTILITY BOX
- POST
- CATCH BASIN
- CLEAN OUT
- PROPERTY LINE

**PRELIMINARY PLAN**  
 PREPARED FOR  
**COLONIAL THEATRE GROUP, INC.**  
 LAND OF  
**JEANNA C. HAMBLET REVOCABLE TRUST**  
 20 COMMERCIAL STREET  
 31 EMERALD STREET  
 CITY OF KEENE  
 COUNTY OF CHESHIRE  
 STATE OF NEW HAMPSHIRE  
 SCALE: 1 INCH = 25 FEET  
 OCTOBER 15, 2019

THIS SURVEY AND PLAT WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION FROM A TOTAL STATION RANDOM OFFSET CONTROL TRAVERSE. THIS IS A RURAL STANDARD PROPERTY SURVEY. DIMENSIONS SHOWN HEREON ARE SUBJECT TO THE CLOSURE WITH RESPECT TO THE SURVEY CLASSIFICATION. THIS SURVEY AND PLAT ARE INVALID WITHOUT AN ORIGINAL SIGNATURE AND SEAL. THIS SURVEY AND PLAT ARE SUBJECT TO ANY ITEMS THAT A TRUE AND ACCURATE TITLE ABSTRACT AND OPINION MAY REVEAL. CONSULT LEGAL COUNSEL FOR ALL

DAVID A. MANN ILS 641



**DAVID A. MANN SURVEY**  
 A DIVISION OF CHASE AND SHAW, INC.  
 3 GREENBRIAR ROAD  
 KEENE, N.H. 03431  
 603 357 5904



City of Keene, N.H.  
*Transmittal Form*

October 15, 2019

**TO:** Mayor and Keene City Council

**FROM:** James Phippard, agent of NH Black Brook, LLC

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.7.

**SUBJECT:** James Phippard/Brickstone Land Use Consultants, LLC - Request to Discontinue Easement for Possible Future Road Extension at Black Brook Road

---

**COUNCIL ACTION:**

In City Council October 17, 2019.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

**ATTACHMENTS:**

**Description**

Communication - Phippard

**BACKGROUND:**

Mr. Phippard is representing NH Black Brook LLC in their request to discontinue an easement that was acquired by the City to allow for the possibility of a second means of access to the Black Brook Road subdivision. This second means of access now exists in the form of a gated emergency access road from Hillside Village to Ametek (formerly Precitech).



October 02, 2019

Honorable Mayor and City Council  
City of Keene  
3 Washington Street  
Keene, NH 03431

Re: Request to Discontinue Easement for Possible Future Road Extension at Black Brook Road

Dear Mayor and Councilors,

NH Black Brook, LLC is the owner of the property located at 44 Black Brook Road (TMP 221-021-000). This property is the site of Ametek (formerly Precitech) and has recently received Keene Planning Board approval to construct a 7,870 sf building addition and new parking spaces. A portion of the new parking area will be located at the east end of the site where the City of Keene holds an easement for a possible future road extension. That easement is no longer necessary and NH Black Brook, LLC is requesting it be discontinued to allow for the construction of parking spaces needed for their business expansion.

The easement is 60 feet wide and is located at the north side of the cul-de-sac at the end of Black Brook Road. The easement extends northward from the cul-de-sac, across the east side of the NH Black Brook, LLC property, to the property now occupied by Hillside Village. The easement was approved as part of a 6 Lot Subdivision, S-07-97, for Keene Economic Development & Revitalization Corporation by Clough Harbour & Associates, LLP dated September 1997. The subdivision and easement plan were recorded on 7-30-98 at the CCRD, Cabinet 12, Drawer 3, #90 and #91. A copy of the plan is attached.

The subdivision plan called for Black Brook Road to be constructed as a 1400 foot long dead-end road. The purpose of the easement was to allow for the possibility of another road to be constructed to the north and ultimately back to Wyman Road, providing a second means of access to the Black Brook Road subdivision. A second means of access now exists in the form of a gated emergency access road extending from Hillside Village to Ametek (formerly Precitech). This fulfills the purpose of the future road easement.

On behalf of NH Black Brook, LLC we are hereby requesting that the City of Keene discontinue the easement for a possible future road extension at the end of Black Brook Road as described above.

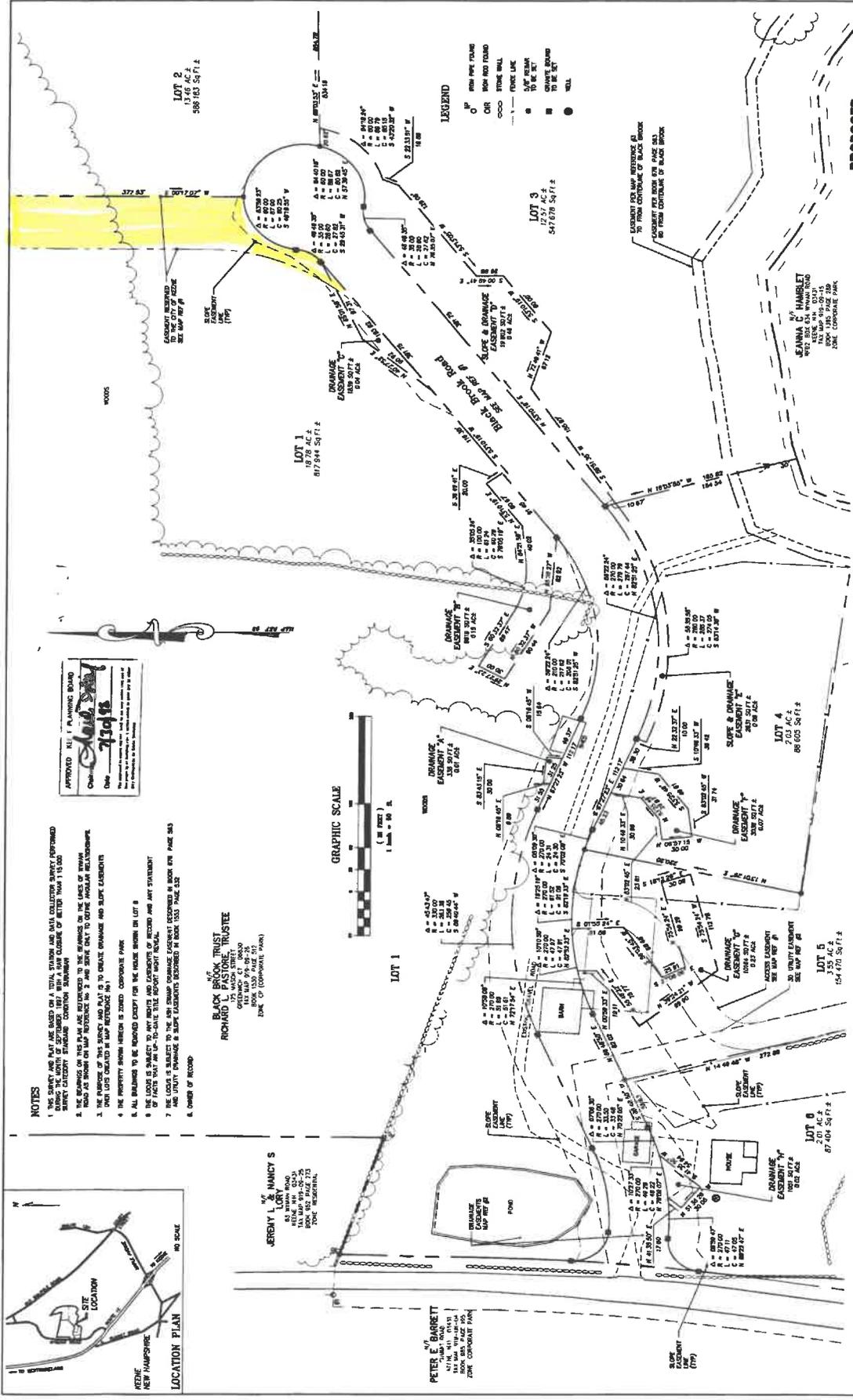
Sincerely,

James P. Phippard, agent

In City Council October 17, 2019.  
Referred to the Municipal Services,  
Facilities and Infrastructure Committee.

Assistant City Clerk





**LOT 0**  
2.0 AC ±  
87,401 Sq Ft ±

**LOT 1**  
19.78 AC ±  
817,944 Sq Ft ±

**LOT 2**  
13.16 AC ±  
588,163 Sq Ft ±

**LOT 3**  
54,070 Sq Ft ±

**LOT 4**  
2.01 AC ±  
88,605 Sq Ft ±

**LOT 5**  
5.5 AC ±  
244,470 Sq Ft ±

**LEGEND**

- OF NEW PIPE PILING
- OR NEW HOOD STAND
- OR COCO STONE WALL
- OR FENCE LINE
- OR 5/8" IRON
- OR 10" IRON
- OR CONCRETE FOUNDATION TO BE SET
- OR WELL

**NOTES**

- THIS SURVEY AND PLAT ARE BASED ON A TOTAL STATION AND DUAL COLLECTOR SURVEY PERFORMED DURING THE MONTH OF SEPTEMBER, 1997, WITH A DATA CLOSURE OF BETTER THAN 1:10,000.
- THE BEARING OF THIS PLAT IS BASED ON THE NATIONAL GRID SYSTEM.
- THE BOUNDARY OF THIS SURVEY AND PLAT IS TO BE LOCATED BY THE SURVEYOR'S FIELD NOTES AND PLAT.
- THE PROPERTY SHOWN HEREIN IS ZONED CORPORATE PARK.
- ALL EASEMENTS TO BE REMOVED EXCEPT FOR THE EASEMENT SHOWN ON LOT 1.
- THE LOCUS IS SUBJECT TO ANY RIGHTS AND CLAIMS OF RECORD AND ANY STATEMENT OF FACTS THAT ARE UP-TO-DATE THIS REPORT MUST BE MADE.
- THE UTILITY EASEMENTS TO BE REMOVED EXCEPT FOR THE UTILITY EASEMENT ON LOT 1.
- OWNER OF RECORD.

**BLACK BROOK TRUST**  
**RICHARD L. PASTORE, TRUSTEE**  
175 WASH. STREET  
11500 WASH. ST. #10  
11500 WASH. ST. #10  
11500 WASH. ST. #10  
ZONED TO CORPORATE PARK

**JEREMY L. & NANCY S.**  
63 HUNTER ROAD  
NEW HAMPSHIRE  
03824  
TEL: 603-882-775  
7200 WASHINGTON

**PETER E. BARRETT**  
N/1  
11500 WASH. ST. #10  
11500 WASH. ST. #10  
11500 WASH. ST. #10  
ZONED CORPORATE PARK

**JENNIFER C. HANBLETT**  
N/1  
11500 WASH. ST. #10  
11500 WASH. ST. #10  
11500 WASH. ST. #10  
ZONED CORPORATE PARK

**MAP REFERENCES**

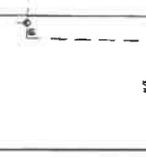
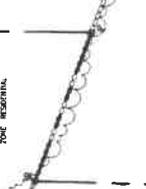
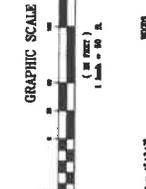
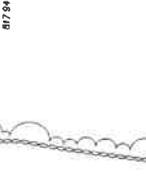
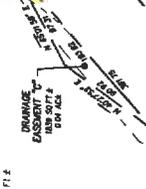
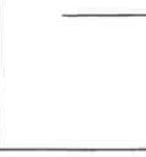
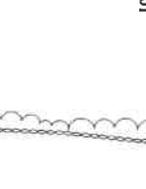
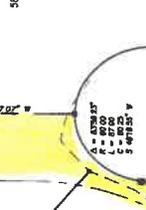
- RECORDS OF THE CHESTER COUNTY REGISTER, VOLUME 207, PAGE 187.
- RECORDS OF THE CHESTER COUNTY REGISTER, VOLUME 207, PAGE 187.
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**MAP REFERENCES**

- RECORDS OF THE CHESTER COUNTY REGISTER, VOLUME 207, PAGE 187.
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**MAP REFERENCES**

- RECORDS OF THE CHESTER COUNTY REGISTER, VOLUME 207, PAGE 187.
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- RECORDS OF THE CHESTER COUNTY REGISTER, VOLUME 207, PAGE 187.



**PROPOSED SLOPE & DRAINAGE EASEMENTS PLAN**  
**BLACK BROOK ROAD**

**KEENE ECONOMIC DEVELOPMENT & REVITALIZATION CORPORATION**

**CHA CLOUGH, HARBOUR & ASSOCIATES LLP**  
ENGINEERS, SURVEYORS, PLANNERS & LANDSCAPE ARCHITECTS

20 CENTRAL SQUARE, SUITE 1, KEENE, NEW HAMPSHIRE 03401  
11 KING COURT, KEENE, NH 03431  
TEL: (603)357-2445 FAX: (603)357-8370

DATE: NOV 1997  
SCALE: 1" = 50'  
PROJECT: 8784  
SHEET: 1 OF 1



I CERTIFY THAT THIS SURVEY AND PLAT WAS PREPARED BY ME OR BY SOME OTHER PERSON UNDER MY CLOSE PERSONAL SUPERVISION.

*Jennifer C. Hanblett*  
11/15/97

**Cheshire Registry**

**Recorded July 30, 1998**

**CAB 12, DR 3, # 091**



City of Keene, N.H.  
*Transmittal Form*

October 15, 2019

**TO:** Mayor and Keene City Council

**FROM:** Councilor Mitchell H. Greenwald

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.8.

**SUBJECT:** Councilor Greenwald - Request that Crosswalks be Marked at Hillside Village - Wyman Road

---

**COUNCIL ACTION:**

In City Council October 17, 2019.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

**ATTACHMENTS:**

Description

Communication\_Greenwald

**BACKGROUND:**

Councilor Greenwald recently met with residents of Hillside Village. One of the issues raised was a safety concern from residential foot traffic crossing Wyman Road. Several of the residents submitted a petition in support of their request.



Mitchell Greenwald  
Chairman, Finance Organization and Personnel Committee  
Ward 2, City Councilor

In City Council October 17, 2019.  
Referred to the Municipal Services,  
Facilities and Infrastructure Committee.

October 14, 2019

To: Mayor and Council  
City Manager, Elizabeth Dragon

**Assistant City Clerk**

Re: Hillside Village Crosswalks

Last month at the open house at Hillside Village, I was approached by several residents and staff members to enlist my assistance in having Wyman Road marked and signed for crosswalks in the area where their buildings are located.

There is a significant safety concern regarding foot traffic across the road between their buildings.

I am requesting that this request be referred to MSFI for consideration at their October 23 meeting.

In addition, I request that City staff be prepared at that time with their comments, so this matter may be resolved at the November 7 meeting and not have to wait through another Council / committee cycle. As the weather will be changing, marking the crosswalks is time sensitive.

Thank you,

Mitchell Greenwald

Petition to mark crosswalks on Wyman Road at Hillside Village

<u>Name</u>	<u>Address</u>	<u>Resident / Staff</u>
Joan E. Friets	95 Wyman Rd #3110	Resident
Neal R. Friets	95 Wyman Rd #3110	Resident
Gregg Burdett	100 WYMAN RD	STAFF
Carolyn A. Lora	95 Wyman Rd #4407	resident
James P. Hinch	95 Wyman Rd #2407	Resident
Rita S. Mages	95 WYMAN RD #2102	RESIDENT
Jane Parker	95 Wyman Rd #4401	Resident
Judith Daniels	95 Wyman Rd #1406	resident
Jule Price	95 Wyman Rd 1408	resident
Molly Martin	95 Wyman Rd. 2106	Resident
Elizabeth A. Hart	95 Wyman Rd #1107	resident
Daniel Hart	95 Wyman Rd 1107	Resident
Phyllis Praeger	95 Wyman Rd 1105	Resident
Judy E. Wilmoth	81 Wyman Rd 103	resident
Ana S. Hinds	95 Wyman Rd, #2407	resident
Alicia Cassey	" 3202	"





City of Keene, N.H.  
*Transmittal Form*

October 15, 2019

**TO:** Mayor and Keene City Council

**FROM:** Councilors Robert O'Connor & Randy Filiault

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.9.

**SUBJECT:** Councilors O'Connor and Filiault - Proposed New Bus Route through the Wheelock Street, Newman Street and Pine Avenue Neighborhood

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**COUNCIL ACTION:**

In City Council October 17, 2019.

Public meeting is being sponsored by Symonds School and is scheduled for October 23, 2019 at 6:00 PM.

Referred to the November 13, 2019 Municipal Services, Facilities and Infrastructure Committee.

**ATTACHMENTS:**

**Description**

Communication - Councilors O'Connor & Filiault

**BACKGROUND:**

Councilors O'Connor and Filiault are requesting that the City Council review the proposed new bus route through the Wheelock, Newman and Pine Avenue neighborhood. An accompanying letter as well as a petition articulates their specific concerns.

ROBERT J. O'CONNOR

382 Park Avenue Keene, NH 03431

October 07, 2019

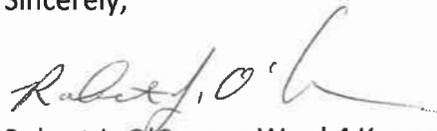
Dear Mayor and City Council,

I am writing this letter to address concerns presented to me by several residents from Wheelock Street, Newman Street and Pine Avenue concerning a proposed new bus route through this neighborhood. These residents would like this new change to be studied by the city as they feel it's a safety concern for the neighborhood with increased bus and vehicular traffic.

I'm requesting that the Municipal Services, Facilities and Infrastructure Committee have the opportunity to review these changes at the next MSFI committee meeting. Please see the attached letter from these concerned citizens.

Thank you for your time and consideration in this matter.

Sincerely,



Robert J. O'Connor-Ward 4 Keene City Councilor



Randy L. Filiault-Keene City Councilor at Large

In City Council October 17, 2019.

Public meeting is being sponsored by Symonds School and is scheduled for October 23, 2019 at 6:00 PM.

Referred to the November 13, 2019 Municipal Services, Facilities and Infrastructure Committee.

Assistant City Clerk



Wheelock St, Newman St. and Pine Ave. Neighbors  
Keene, NH 03431

October 7, 2019

Robert Malay  
NH SAU 29  
193 Maple Ave  
Keene, NH 03431

CC: Mayor Kendall W. Lane - [mayor@ci.keene.nh.us](mailto:mayor@ci.keene.nh.us)

CC: Principal Richard Cate - [rcate@sau29.org](mailto:rcate@sau29.org)

Dear Superintendent Malay;

I am writing this letter on behalf of a group of concerned residents in the Pine Avenue/Wheelock Street area to request a meeting to further discuss the impending changes to the school bus route. In addition to our concerns about the rapid timeline and limited communication which has marked this process, this group of residents have significant concerns with regards to the safety of both the students and residents. While you and Mr. Cate have received multiple inquiries from concerned neighbors, it seems critical to summarize these issues prior to the desired meeting.

The original letter from Mr. Cate, dated September 26, 2019, arrived less than one week before the scheduled meeting held on October 2, 2019 and was only sent to residents directly along the proposed route. This was insufficient time to allow residents to shift already busy work schedules in order to attend. The letter states *"after several years of studying and exploring alternatives, we have decided to create a bus circle and route our 5 school buses through Pine and Wheelock Streets."* Several of our concerned residents have owned their homes for multiple years. However, regardless of whether school parents were informed of these issues, area residents were not apprised nor was our input sought. Given we are intimately aware of potential safety issues in the neighborhood, it would seem prudent to survey the residents about their observations and concerns prior to deciding on a solution. Furthermore, it has come to the attention of our group that the school has been aware of this impending change for at least a few months. At no point during this process were the pros and cons of various plans discussed with area residents nor was the schematic proposed or presented until the meeting on October 2. The lack of communication alone seems justification for pausing the construction and allowing the concerns of the residents to be thoroughly considered and addressed.

As you are now no doubt aware, our group has several safety concerns we wish to have addressed during the desired meeting and which bear repeating at this juncture:

1. Wheelock Street is too narrow for the congestion which will be caused by the presence of five school buses. Given the location and apparent narrowness of the proposed circle, will buses have to queue down Wheelock Street as they wait for a turn to leave students by the new playground fence? If so, this will make Wheelock Street challenging at best and very likely impassable with the added presence of snowbanks.
2. Additional large vehicle traffic and congestion will make it more difficult for students to walk safely to and from school. Specifically, there are a large amount of school children walking daily from

Newman St. with no sidewalk and are now crossing Wheelock St. to the sidewalk and have been witnessed to almost being hit due to parents dropping and picking up students and other residential traffic. There is no longer even a student crossing guard at this intersection and current traffic speeds down Pine Ave. Between the increased congestion, the narrowness of the street, the height of New Hampshire snowbanks, and now the anticipated 5 school buses, this is a serious safety issue for little pedestrians walking to school.

3. Will buses be allowed to block driveways? Even if this is not allowed, who is liable for accidents caused by difficult sight lines due to large school buses? Should an accident occur, who will be responsible for subsequent increases in car insurance and medical expenses which would not have occurred had a more feasible plan been developed?
4. The flow of traffic will be heavily impacted every morning and afternoon, by several buses looking to exit from Pine St. to Park Ave. As you know buses of that size need a bigger gap to be able to pull out into Park Ave. which will cause extensive delays to residents to get places on time.
5. While Mr. Cate has stated that parents will no longer be allowed to leave their children at the back gate of the school, area residents are concerned that this behavior will continue. Parents have been seen leaving their cars at the back gate while residents attempted to navigate to get into the street so that they could leave for work. Another parent left his/her vehicle at the end of a resident's driveway for 30 minutes while a resident was waiting to leave to attend a doctor's appointment. The parent was unrepentant and uncaring when the issue was addressed. Because of the history of these issues, we are highly doubtful that the parents of your students will follow traffic plans appropriately and as expected. At this time it is also legal to park along Wheelock St. To our knowledge, no one has contacted the city about an ordinance for no parking during school drop off or pick up with a fine. So unless this becomes enforceable it will continue.
6. The corner of Wheelock St. and Pine Ave. already has traffic moving too quickly for pedestrian and vehicle safety. The residents at 17 Wheelock St. have difficulty navigating out of their driveway safely during snowy winters as the snowbanks create a blind corner, the icy puddles creates dangerously slippery surface, and this will now be more dangerous with the presence of passing school buses. Furthermore, due to incorrect road grading, there is often a large puddle or icy area at the end of that driveway for much of the winter and into the spring.
7. Galen Speigler, a young man with a physical disability, currently resides at 16 Wheelock St, located on the corner of Pine and Wheelock. As there are no sidewalks on his side of Pine Ave, he currently has to swing out into the street when he is traveling in his motorized wheelchair. Considering the narrow road, the presence of walkers, and the large buses, this is another serious safety issue.
8. Many of us have older homes which need frequent maintenance and as stated before, our streets and driveways are narrow. If there is any prohibition of parking in the street, where are trucks and large machinery expected to park, if it is not in the street? Are the residents expected to vacate during the day(s)/week(s) while work is being done? Who is expected to pay the additional hotel and/or parking bills so that the school can have access to our entire street(s) at the allotted time? Residents cannot be expected to foot an additional expense so that the city and school can appropriate our street.

9. One of our residents has contacted an area realtor who informed us that such a change may have a negative impact on our property values. Should this occur, shall we expect compensation from the school district? And an abatement of our property taxes? Or was the city planning to push this through without due consideration of the homeowners and residents...hoping that we would be none the wiser and thus continue paying our taxes as currently assessed? I pose that disagreeable (and hopefully incorrect) possibility to make this point: at the very least, given even a remote possibility that our greatest asset—our homes-- may lose value, the school district has/had an obligation to explore every alternative AND to discuss them with area residents in an atmosphere of transparency and collaboration.

While we respect Mr. Cate's statements that all possibilities were explored, we believe that there are indeed alternatives which are safer and more desirable than the current plan. The proposed bus circle appears to be located near an old driveway which seems to have been used to access the old front door of the building. It is unclear why this driveway, located closer to the current bus circle, is not being used as an alternative to the unsafe congestion which will be created by changing the bus patterns. Furthermore, there is a large parking lot available at Wheelock Park. As this is already city property, it is unclear why this is not being considered as a prospective resource which could be utilized.

Given that the new bus route (and the construction of both the bus circle and the fence) are likely to remain a permanent part of the Symonds School transportation arrangement for the foreseeable future, doesn't it make sense to make certain that it is the best possible arrangement for all affected? Given that the school is part of the larger neighborhood community, doesn't it make sense to move forward to repair the mistaken impressions from this lack of effective communication and collaborate on a solution which bears the best interests of all involved?

We hope to hear from you shortly and we look forward to resolving these concerns with administrators.

Respectfully,

The Wheelock St., Newman St. and Pine Ave. residents

Signatures in next page

Wanda Chumaviri 44 Wheelock St  
 Wanda Johnson  
 58 Russell St Keene NH 03431  
 42 Park Ave Keene NH 03431  
 71/60

Name	Address & Email	Signature
Jen English	29 Pine Ave	Jen English
Dave Cannon	21 Wheelock St	Dave Cannon
Marilyn Beardon	26 Wheelock St	Marilyn Beardon
Tim Campbell	7 Newman St	Tim Campbell
Annie Braley	12 Newman St	Annie Braley
James Allmair	14 Newman St	James Allmair
Christie Hand	18 Newman St	Christie Hand
Jeffrey Elliott	19 Newman St	Jeffrey Elliott
Kayleigh Hart	24 Newman St	Kayleigh Hart
Jean Durbin	25 Newman St	Jean Durbin
Mary Dubois	69 Pine Ave	Mary Dubois
Liz Bell	62 Pine Ave	Liz Blanchard
Eli Rivera	55 Pine Ave	Eli Rivera
Mike Brown	53 Pine Ave	Mike Brown
Kim Drone	54 Pine Ave.	Kim Drone
Andrea Wright	34 Wheelock St.	Andrea Wright
Hilda de Moya	47 Pine Ave	Hilda R de Moya
Roland J Bergeron	41 Pine Ave	Roland J Bergeron
ALISON FERRA-MATAR	39 Pine Ave	ALISON FERRA-MATAR
Laura Mack	21 Pine Ave	Laura Mack
Mary Granger	19 Pine Avenue	Mary Granger
Lauren Power	10 Pine Ave	Lauren Power
Ben Pierce	10 Pine Ave	Ben Pierce
Nicole Bondle	18 Fairview St.	Nicole Bondle
Carah Chavira	41 Russell St.	Carah Chavira
Beth Silegy	14 Nelson St	Beth Silegy



City of Keene, N.H.  
*Transmittal Form*

October 9, 2019

**TO:** Mayor and Keene City Council

**FROM:** Municipal Services, Facilities and Infrastructure Committee

**ITEM:** D.1.

**SUBJECT:** Councilors Bosley & Richards – Comprehensive Review of Neighborhood Speed Limits

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**COUNCIL ACTION:**

In City Council October 17, 2019.

Voted unanimously to amend the committee report to recommend the City Manager to be directed to provide a scope of the work necessary to determine whether or not to lower the speed limits to 25 miles per hour in appropriate areas of the City.

Voted unanimously to accept the amended committee report.

**RECOMMENDATION:**

On a vote of 3-2, the Municipal Services, Facilities & Infrastructure Committee recommends that City staff be directed to conduct an analysis of speed limits in the City of Keene. Councilors Lamoureux and Sutherland opposed.

**BACKGROUND:**

Chair Manwaring welcomed City Councilor Kate Bosley (of 111 Gunn Road, Keene), who demonstrated the reasons for this request to review neighborhood speed limits in Keene. She recalled this Committee heard recently from a whole neighborhood about speed issues. She was concerned that the City is addressing speed issues on a case-by-case and complaint-driven basis, which she said is not holistic for the City. She thinks the City Council has not heard enough about speed issues to find out why they are happening and what the Council can do for the safety of citizens and kids in Keene. While she doubted there was a perfect answer, she said it is anecdotally clear that people are not abiding the 30mph City-wide speed limit. Therefore, she said lowering the City-wide speed to 25mph could make people pay more attention. If the Council supported a comprehensive review of neighborhood speed limits by staff, as requested, then she shared some notes she hoped they would consider to develop a long-term strategy:

- She wanted to know more about data the City has already collected on speed limits, in what neighborhoods, and if there were trends. She was most concerned with neighborhoods in the High and Medium Density Zones, where there are many children without access to greenspace, who might use the streets more regularly to access parks, etc.
- She wanted to know the process to collect new data to support the stories that Council is hearing from families. She said she had heard from five families during the week of this meeting and more are sharing stories.
- She had heard about different legal ramifications for speed-related options and she wanted those defined

clearly to ensure the City is acting appropriately and safely moving forward.

- She wanted to know about the various speed calming strategies other than speed reduction. She knew the City had speed monitors to collect data. She wanted to know the cost associated with that tool and if it can be used more.
- She wanted to know the possibility of installing cameras that take photos of license plates, if there is insufficient police support.

The Public Works Director, Kurt Blomquist, and Police Chief, Steven Russo, spoke to Councilor Bosley's request, which would involve the Public Works, Police, and Community Development Departments. The Public Works Director recalled that this Committee has heard about past speed data when there has been internal data collection. As this Committee has heard previously, the trends show generally that speed is not actually the issue; data shows most drivers abiding within 5mph of the speed limit, with a few outliers typical in the late evening and early morning hours. In some areas like the Maple Acres neighborhood, he said the Council has heard speed issues predominant enough to lower the speed limit to 25mph. He said most data has shown that a speed problem is usually perceived but not supported by data; for pedestrians, cars seem faster when passing, for example. He said that if the Council seeks a greater review, more data would be necessary to make the best decisions.

The Public Works Director continued explaining challenges to a comprehensive review of neighborhood speed limits, as proposed. He said that most speed reports come from neighborhoods with noticeable pass-through traffic, where people are more comfortable driving daily and are therefore more easily distracted or ignore neighborhood wishes; it is a more challenging issue because of the human factor. Most speed concerns that neighbors have brought to Council in recent years were ultimately more so volume problems. Options implemented throughout the City, such as speed tables, in most cases are not a remedy for the root issue of distracted drivers.

Chief Russo recalled that this Committee heard about speed radar monitors, which cost nothing to use and can generate data and reports. He said that a City-wide review of speed limits would be complex, time consuming, and require mapping areas, all of which he said is doable. He left legal questions to the City Attorney, Tom Mullins.

Councilor Filiault asked the issue with reducing the speed limit from 30mph to 25mph in all neighborhoods. The Public Works Director said that would first require a traffic analysis to define the problem, as Chief Russo indicated. Another significant issue would be to define what a "neighborhood" is. These things will take time to work through for staff and this Committee. State law refers to urban roads as 30mph and if you want something different, you can. He said the question is how to review doing this as an exception City-wide. This past year there was house bill 39 would have changed state statute giving ability for a base speed of 25mph but as he anticipated, it was inexpedient to legislate.

Councilor Filiault asked if the City could legally reduce the speed limit from 30mph to 25mph on any street. The Public Works Director thought yes, based on his reading of the statute, but he was unsure because the law is different for urban and rural roads, which is why a study is needed. Based on his expertise as an engineer, Councilor Filiault asked the Public Works Director where he would anticipate objections to reducing the speed limit. The Public Works Director replied that different objections come from different streets and neighborhoods. He said that engineers look at the 80th and 50th percentile speeds to establish how comfortable drivers feel on a street and if there are things to make it feel like they cannot go that speed, such as speed tables. He said drivers would go the speed they feel they can go naturally and recalled issues of distracted drivers. He could not anticipate who would disagree. Councilor Filiault asked if a study were to be made, whether that would be returned to the present Council or the Council-elect. Based on the Council schedule, the Public

Works Director anticipated it would not be before January 2020. Chief Russo added that there are 27 streets mandated as 30mph, so if they Ordinance were changed, then those 27 would be the smaller list with all other streets at 25mph.

Councilor Lamoureux requested advice from the City Attorney, who provided a preliminary comment on what he said, is a big topic. Under state law, there are prima facie speed limits for certain districts, such as 30mph in urban residential districts and 35mph in rural districts. He had not found case law detailing why those specific speeds were chosen. There is also exception language that does require some kind of analysis by engineering or traffic investigation that is different from the Manual on Uniform Traffic Control Devices that this Committee heard of previously. Legal issues in general are to find out what are arterial streets, urban areas, residential areas, and rural areas, which will take Planning, Zoning, and other assistance. He spoke to the license plate cameras, which have very strict restrictions in NH; there are specific limitations in the law on when they can be used. Unless it gives you a hit on a permitted reason to stop, like outstanding warrant or stolen vehicle, that information is deleted within 3 minutes after collection. He cited many issues regarding traffic cameras of which the City must be careful moving forward. Chief Russo added that license plate readers are only recently legal.

Councilor Hooper said he hears from neighbors in Ward One about speeding concerns, including people taking short cuts between Route 12 and Monadnock Highway. He stated that an additional problem upsetting neighbors is people speeding through their own neighborhoods to get home, including one outlier who was contacted by a neighbor, who rudely asked them to leave. He cited concern that neighbors speed and do not care, so he firmly supported further analysis to find ways to rebuke those who speed more. He was unsure how to accomplish all that he cited, but said there must be a way to identify the outliers. He supported further analysis of the license plate camera idea, and if it is impractical, he will be the first to move on.

Councilor Sutherland said that speeding is considered a safety issue but may be a perception issue. He asked if there are recorded injuries/deaths in neighborhoods. Chief Russo expected the records to be zero. There was only one fatal accident in Keene in 2018 and two in 2017, but none was in a neighborhood. Councilor Sutherland suspected that the NH RSA requiring 30mph was in place a very long time. He said that any studies the City progresses with should show definitively if this is just a perception or if there is a speed problem that requires more cost devoted to enforcement, and what that cost would be.

Councilor Filiault recalled mentioning at a past meeting that Council sometimes turns simple issues into rocket science and he saw this heading that way. To be simple, he suggested asking staff to return with a comprehensive report. He said it is not complicated.

Chair Manwaring recognized Councilor Bosley who recalled personally witnessing a 10-year-old struck while riding their bike on the corner of Elm and Spruce Streets, where there is no four-way stop. While that was likely not a fatality, she thinks a report should focus not just on fatalities, but on strikes as well because even one child is too many. She was unsure for how many past years to collect data. Chief Russo said that a comprehensive review would only provide data, not the details of such incidences. He knew the instances Councilor Bosley spoke of, and he said the underlying causes of those incidences provide more important details than the strike data would. He said there is also data of reported child strikes when none actually occurred. The Public Works Director recalled a similar study in years past looking at pedestrian/bike-vehicle accidents over a five-year period; there were only three accidents near Davis Street, which he said was unsurprising. He agreed that historic data often does not match perceptions.

Chair Manwaring recognized Councilor Carl Jacobs, who said this is an important discussion and one the Council should respect as many citizens are bringing it forward. He recalled examples when Keene State College and Main Street America contributed as residents to a solution of buying a sign they wanted to help the City and neighborhood. He said that was a good model and neighbors should consider if they are willing to contribute similarly in other locations.

Chair Manwaring recognized Councilor Philip Jones, who thanked Councilor Bosley and Councilor David Richards for writing this letter to Council in an effort to be proactive instead of reactive, which he said is challenging in this context. He noted the issue of speeding before City Council dating back to Mayor Blastos, who first proposed traffic cameras, which were not then allowed under NH RSA. He recalled Council reducing the speed limit to 25mph on Pako Avenue, but said that did not control traffic; conversely, narrowing lanes there slowed the traffic. He suggested investing to place more permanent flashing speed monitors elsewhere throughout the City as a second reminder of what the speed is and what a driver is doing. He said in the past, Council has just done things to feel good, such as installing speed tables on North Lincoln Street as a “remedy” after a child was struck and killed by a driver under the influence. He cited long-term issues on Bradford Road; the City Engineer provided a workshop for residents, who were against the Complete Streets proposals because bikes were unwanted in the streets. He said staff has tried to solve this never-ending problem and he did not know the answer but thought it was more than just speed limits.

Chair Manwaring recognized John Dunnell (of 34 Lynwood Avenue), who lives in the Edgewood community. He complimented Councilor Filiault for keeping things in reality and for requesting simplicity. He said it is difficult to drive at 30mph on lower Main Street to the Swanzey line and then turn into his neighborhood with the same speed posted. He said it made no sense to him and he was not confident in a few week’s data. He encouraged the Committee to carry forward this request. He saw nothing wrong with 25mph throughout the City, and as long as the areas are defined, he does not think anyone will complain.

Chair Manwaring agreed that she was against rocket science but in looking at this issue, she hopes any report will define important things like roads, streets, and sidewalks.

Councilor Filiault moved to recommend that City staff be directed to conduct an analysis of speed limits in the City of Keene.

Councilor Filiault said he called for review of the “City” as opposed to “neighborhoods,” which is too ambiguous. He said staff knows what the Council is looking for.

Councilor Hooper seconded the motion.

Councilor Lamoureux asked in general the amount of staff time and cost this sort of review would require. Chief Russo and the Public Works Director agreed it would take a lot of time and money. The City Manager added that it depends on the scope of work but if analyzing speed limits and safety issues in the whole City, which staff can certainly do so, it would not have a quick turnaround. Councilor Lamoureux asked if any other communities have lowered the speed limit for their entire city. The Public Works Director was unaware but had not researched that question specifically. Councilor Lamoureux asked if Primex would be contacted and the City Attorney agreed to do so.

Councilor Hooper said that safety is a bottom line when he makes decisions and said the Council needs to seek the best solutions for these complex issues in neighborhoods and the City.

On a vote of 3-2, the Municipal Services, Facilities & Infrastructure Committee recommends that City staff be directed to conduct an analysis of speed limits in the City of Keene. Councilors Lamoureux and Sutherland opposed.



City of Keene, N.H.  
*Transmittal Form*

October 9, 2019

**TO:** Mayor and Keene City Council

**FROM:** Municipal Services, Facilities and Infrastructure Committee

**ITEM:** D.2.

**SUBJECT:** Authorization to Grant a Utility Easement – Public Works Department

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**COUNCIL ACTION:**

In City Council October 17, 2019.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the City manager be authorized to do all things necessary to negotiate and execute an amendment to the existing easement with Central Square Terrace Housing Associates Limited Partnership to allow for conduit and appurtenant equipment between the transformer and the Central Square Terrace building across the City of Keene parcel that contains the City Hall parking structure.

**BACKGROUND:**

The City Engineer, Don Lussier, referred to a request the City received from Keene Housing, which has substantial renovations underway on the Central Square Terrace (CST) property adjacent to City Hall. Part of the work is to move the electrical system and switchboard up and out of the basement where it is currently stored but is prone to moisture. They contacted the City about rerunning conduits. While reviewing that request, it became clear there were discrepancies in the historic property deals when the City built the parking garage.

The City Engineer used a map to orient viewers, demonstrating how the Central Square Terrace building extends toward Main Street. In 1984, the predecessor to Keene Housing gave the City the parking garage area in return for the CST breezeway area. Shortly after, CST needed back a portion of the parking lot land for utilities and received an easement from the City to place a transformer that remains there today. He showed the 3.6' gap between the transformer and CST's property line. The request before the Committee was to amend the 1984 easement for a transformer to include the area between the transformer and the property line so CST can lawfully run conduits and install equipment.

Councilor Sutherland made the following motion, which Councilor Filiault seconded.

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the City manager be authorized to do all things necessary to negotiate and execute an amendment to the existing easement with Central Square Terrace Housing Associates Limited Partnership to allow for conduit and appurtenant equipment between the transformer and the Central Square Terrace building across the City of

Keene parcel that contains the City Hall parking structure.



City of Keene, N.H.  
*Transmittal Form*

October 9, 2019

**TO:** Mayor and Keene City Council

**FROM:** Municipal Services, Facilities and Infrastructure Committee

**ITEM:** D.3.

**SUBJECT:** Katie Schwerin – Public Art Proposal

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**COUNCIL ACTION:**

In City Council October 17, 2019.  
Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the proposed public arts display by Katie Schwerin to be placed at the Dillant Hopkins Airport be referred to the City Manager to review the proposed display in accordance with Resolution R-2018-22 and possible acceptance by the City.

**BACKGROUND:**

Chair Manwaring welcomed Katie Schwerin (of Gilsum) and Adam Schepker (of Harrisville). Ms. Schwerin recalled the City Council approved the public art installation of a labyrinth on a parcel of Dillant Hopkins Airport property, off Airport Road. At that time, the plan was to install two accompanying sculptures on the site, but they were yet to be detailed to propose to the Council and answer questions. She noted to being the first to apply for a public art display through the City's new policy and felt part of the policy that is missing was to have the art reviewed by local artists, who were invited to speak at this meeting. She asked some artists to visit the site for the first time and their first response was that the labyrinth is placed beautifully in the hillside and the whole view from the labyrinth in the natural setting is important for the piece of art. She showed photos of two sculptures proposed; she noted that only one sculpture was included in the application as the other pended details and she was unsure if separate application would be required. Ms. Schwerin and Mr. Schepker described the two sculptures:

1. Martina Mueller (of New York) created an aluminum cast sculpture and all parts are complete pending fundraising for the final, expensive bronze finish.
2. Mr. Schepker created a nearly complete geometric sculpture created from metal salvaged from the bases of airport runway lights.

Ms. Schwerin commented that a local artist pointed out that the first statue feels more connected to the landscape, so a location was suggested closer to the labyrinth. Mr. Schepker feels his sculpture is more industrial and connected to the airport so placement has been suggested along the trail across from the airport, which connects to the labyrinth site. He said it would help show that the path exists and give the area an artistic touch for pedestrians. He also said this is an extension of the art movement in Keene, like the Walldogs festival.

The Public Works Director, Kurt Blomquist, said this is exciting work and he recalled working on the public arts policy with the Director of Parks, Recreation & Facilities. The first step in the policy is for the artists to present their ideas to this Committee, who then refer them to the staff process of completeness to ensure all parts of the Ordinance are met, if the City wants to accept the art donation, and if it is an appropriate reflection of the community.

The City Manager, Elizabeth Dragon, said the applicant would not need to return with another application for the second sculpture because staff review would follow, at which time she said the application could be amended. Chair Manwaring thought the entire process was through the Director of Parks, Recreation & Facilities last time and that he presented a complete package about the art before coming to the Committee. Ms. Schwerin recalled she chose to present before the Committee a second time regarding the labyrinth. The Public Works Director said this is an exciting first step and he will work closely with the Director of Parks & Recreation and Rebecca Landry, who is overseeing the airport currently.

Ms. Schwerin said she would be happy to donate these sculptures to the City but she thought the City was disinclined to do so because of insurances. The proposal before the Committee stated that Machina Arts would own the sculptures and therefore the insurances. Mr. Schepker thought that Machina Arts' ownership would relieve the issue of possible future maintenance for the City; Ms. Schwerin said they are permanent structures so if there were would be maintenance issues.

Councilor Sutherland recalled serving on the former Airport Advisory Committee and learning that the path in question across from the airport once led to a tower that has since been leveled because people were climbing it. He asked if there was concern for children climbing these proposed sculptures. Mr. Schepker said kids could find the need to climb the sculptures but they would be structurally sound. Councilor Sutherland said he was thinking outside the box for locations and security. He wondered if Mr. Schepker's sculpture would be aptly placed against a wall at the airport. He suggested staff consider safety with final approval.

Councilor Hooper thought both sculptures were very good and said he supports the arts in general and at the airport. He thinks this is another welcome to Keene for airport visitors. He agreed that both sculptures belong at the airport but in different locations for the reasons mentioned.

Chair Manwaring recognized Councilor Carl Jacobs, who was happy to hear reference to the policy he, staff, and many others worked on for a few years. He said this is another good step to adjust after gaining familiarity with the process. Obviously, he said art should be structurally sound, beautiful, and appropriate to place. Councilor Filiault applauded Councilor Jacobs for spearheading the arts program for years, which has finally come to fruition with these great projects. Councilor Jacobs said it feels good.

Chair Manwaring recognized Craig Scottwell, a local artist and Director of the NH Institute of Fine Arts MFA program. He applauded the City for its hard work to gain a tremendous identity and relationship with the arts. He thinks the labyrinth fits into the hillside, which is why it should be untroubled by the other art.

Chair Manwaring said she loves the labyrinth and hears the same from others.

The Public Works Director said this would take at least two Council cycles to return to this Committee, because higher priority City projects come first and details of the sculptures remain undone. He will bring it back to Committee as soon as all is finalized, though construction is not expected during the winter months.

Councilor Lamoureux made the following motion, which Councilor Filiault seconded.

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the proposed public arts display by Katie Schwerin to be placed at the Dillant Hopkins Airport be referred to the City

Manager to review the proposed display in accordance with Resolution R-2018-22 and possible acceptance by the City.



City of Keene, N.H.  
*Transmittal Form*

October 9, 2019

**TO:** Mayor and Keene City Council  
**FROM:** Planning, Licenses and Development Committee  
**ITEM:** J.1.  
**SUBJECT:** Relating to Zone Change – 560/580 Main Street

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**COUNCIL ACTION:**

In City Council October 17, 2019.  
Memorandum filed as informational.  
Voted unanimously to adopt Ordinance O-2019-12.

**RECOMMENDATION:**

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2019-12.

**ATTACHMENTS:**

Description

Ordinance O-2019-12

**BACKGROUND:**

Community Development Director Rhett Lamb stated that this is the ordinance brought forth by the Community Development Department to modify the zoning and amend the zoning map, to effect the property on 560/580 Main Street, which the City has owned for centuries. He continued that a portion of the lot, closest to Route 12, is currently zoned “commerce,” and they are recommending changing it to “industrial,” as that is what the rest of the lot is. It would make the area consistent across the board.

Mr. Lamb continued that the proposed ordinance went to the joint Planning Board/Planning, Licenses, and Development Committee, and the Planning Board recommended that the proposal is consistent with the City’s Comprehensive Master Plan. A public hearing was held last week before the City Council. The last step in the process is for the Planning, Licenses, and Development Committee to provide a recommendation to the City Council.

Chair Richards stated that the City Council has been through this with several different steps, so he thinks they are ready to act on the item. He asked if anyone on the committee had questions or concerns. Hearing none, he asked if anyone from the public had questions or concerns. Vice Chair Jones reminded him that now that a public hearing has been held, the public can no longer comment. Chair Richards agreed. He asked for a motion.

Councilor Hansel made the following motion, which was seconded by Councilor O’Connor.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2019-12.



# CITY OF KEENE

O-2019-12

Nineteen

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

AN ORDINANCE .....~~Relating to Change of Zone~~---560 Main Street.....

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

That Chapter 102, the Zoning Ordinance of the City of Keene, New Hampshire, as amended, be and hereby further amended by changing the zoning designation on the Zoning Map of the City of Keene, as adopted by the Keene City Council on December 15, 1977, as part of Chapter 102 entitled, "ZONING", of the said Ordinances, from Commerce (COM) to Industrial (I), on a portion of the following parcel so that the entire parcel will designated Industrial:

114-12-000

560 Main Street

  
Kendall W. Lane, Mayor

In City Council July 18, 2019.  
Referred to the Joint Planning Board  
and Planning, Licenses and Development  
Committee.

  
Deputy City Clerk

A true copy;  
Attest:

  
Assistant City Clerk