



Due to the COVID-2019 State of Emergency, the Planning, Licenses and Development Committee will be holding its meeting remotely using the web-based program, Zoom. Members of the public will be able to access this public meeting through a variety of options, described below. If you encounter any issues accessing this meeting, please call 603-757-0622 during the meeting. To access the meeting online navigate to *Zoom.us* and enter the Webinar ID #827 0184 6723. To listen via telephone call 877 853 5257 and enter the Meeting ID: #827 0184 6723. When the meeting is open for public comment, callers may press *9 if interested in commenting or asking questions.

City of Keene

New Hampshire

**PLANNING, LICENSES AND
DEVELOPMENT COMMITTEE**

AGENDA

Council Chambers A

March 10, 2021

7:00 PM

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

1. Farmers' Market of Keene - Request to Use City Property and Requesting a Waiver or Reduction in Fees
2. Granite Roots Brewing - Requesting Permission to Sell Alcohol at the Farmers' Market of Keene
3. Representative Joe Schapiro - Urging the City of Keene to Take a Position on HB 266
4. Councilor Filiault - Requesting Minutes be Kept of Meetings Between the Mayor, the Charter Officers and the Committee Chairs
5. Relating to Chapter 18 Building Regulations
Ordinance O-2021-01

MORE TIME ITEMS:

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

Non Public Session
Adjournment



City of Keene
Transmittal Form

March 5, 2021

TO: Planning, Licenses and Development Committee

FROM: Bruce Bickford, Farmers' Market of Keene

THROUGH: Patricia A. Little, City Clerk

ITEM: 1.

SUBJECT: Farmers' Market of Keene - Request to Use City Property and Requesting a Waiver or Reduction in Fees

ATTACHMENTS:

Description

Communication_Farmers Market

BACKGROUND:

The Farmers' Market of Keene is requesting the use of parking spaces on Gilbo Avenue for their members to vend their produce and wares on Saturdays starting April 1st and continuing to the end of October and on Tuesdays starting on May 4th and continuing to the end of October.

The Farmers' Market is also asking for a reduction in the charge associated with their use and/or "complimentary" parking for their customers.

March 4, 2021

To : City of Keene, New Hampshire

From : Farmers Market of Keene
P.O. Box 425
Keene N.H.

Council Members and Mayor,

The market would like to respectfully request the continued use of the parking spaces on Gilbo Ave for the season starting April 11 through October 31, 2021. Starting on April 11 Saturday hours from 9am-1pm and Tuesday May 4 hours from 3pm-6pm.

The market would also like to request the reduction or waiving of the fees.

Respectfully
Bruce Bickford
Ben [Signature]
Welpole, NH

P.S. An overdue but much appreciated thank you from the market to the city of Keene for assisting with another great season last year especially considering the circumstances.



City of Keene
Transmittal Form

February 19, 2021

TO: Mayor and Keene City Council

FROM: Fenella and Anthony Levick/Granite Roots Brewing

THROUGH: Patricia A. Little, City Clerk

ITEM: 2.

SUBJECT: Granite Roots Brewing - Requesting Permission to Sell Alcohol at the Farmers' Market of Keene

COUNCIL ACTION:

In City Council March 4, 2021.

Referred to the Planning, Licenses and Development Committee.

ATTACHMENTS:

Description

Communication _Granite Roots Brewing

BACKGROUND:

Fenella and Anthony Levick, Granite Roots Brewing, are requesting permission to sell alcohol at the Farmers' Market of Keene for the 2021 season. This is an annual request.

Granite Roots Brewing
244 N Main St
Mailing address 545 West Hill rd, Troy, NH 03465
Troy, NH 03465

The City of Keene
City Hall
Attention Heather Fitz-Simon
Keene, NH 03431

February 15, 2021

To Whom it may concern,

Granite Roots Brewing is writing once again to request permission to sell our beer at the Farmers Market of Keene for the 2021 season.

We will have 16 oz cans for sale this year.

The State of NH Liquor Commission has been informed of our request to sell our beer at the farmers market for this season 2021.

Please find enclosed the new Farmers Market Application . I have filled in what I can. Please fill in what you can and then forward the form to the NH Liquor Commission.

If you need anything further or need to contact me my cell number is 603 801 5444.

Sincerely yours,



Fenella D Levick
Anthony D Levick

RECEIVED
CITY OF KEENE

FEB 19 2021

OFFICE OF
CITY CLERK



**State of New Hampshire
Liquor Commission
Division of Enforcement & Licensing**

Date Petition Received: _____
Date Petition Approved: _____
CFS: _____ Approved By: _____

FARMERS' MARKET

Type: BREWERY Submitted by: FENELLA LAVIDA
Trade Name: GRANITE ROOTS BREWING LLC Email: graniteroots.fenella@gmail.com
License Number: 293018 Phone: 603-801-5444
Address: 545 W. Hill RD, TROY, NH Date: 02/15/2021

Location/Name of Market: THE FARMERS MARKET OF KEENE

Address: #5 GILBO AVE City/Town: KEENE

Day(s) of Week: SATURDAYS ONLY Date from 05/0/21 to 10/3/21

Time from 9 ^{AM}/_{PM} to 1 ^{AM}/_{PM}

Approved by Department of Agriculture Yes No

Attach Diagram (Required Only for Tastings)

Print this form and have it signed by City/Town Official where the Farmers' Market is being held.
Once signed, please email form to: audit@liquor.nh.gov.

-----City/Town Use Only Below-----

The _____, Governing Body or other Appointed Designee, hereby approves _____ to attend the Farmers' Market for

Retail Tasting Retail/Tasting.

Print Name/Title Signature Date



City of Keene
Transmittal Form

February 16, 2021

TO: Mayor and Keene City Council

FROM: Representative Joe Schapiro

THROUGH: Patricia A. Little, City Clerk

ITEM: 3.

SUBJECT: Representative Joe Schapiro - Urging the City of Keene to Take a Position on HB 266

COUNCIL ACTION:

In City Council March 4, 2021.

Referred to the Planning, Licenses and Development Committee.

ATTACHMENTS:

Description

Communication - Schapiro

HB266

BACKGROUND:

Representative Joe Schapiro is urging the City of Keene to take a position on HB 266, relative to enforcement of immigration laws and prohibition of sanctuary policies. He is also requesting to have a relevant staff member testify or otherwise communicate that position.

February 10, 2021

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

RECEIVED
CITY OF KEENE

FEB 16 2021

OFFICE OF
CITY CLERK

Mayor Hansel and Keene Councilors,

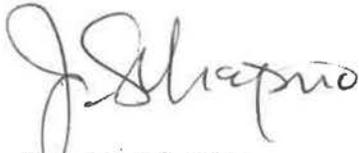
I am writing to bring your attention to HB 266, relative to enforcement of immigration laws and prohibition of sanctuary policies. This bill requires municipalities and local law enforcement to cooperate in the most zealous fashion with federal immigration enforcement entities. It also proposes investigation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

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

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

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

Sincerely,



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

HB 266-FN-LOCAL - AS INTRODUCED

2021 SESSION

21-0196
06/05

HOUSE BILL

266-FN-LOCAL

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

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

COMMITTEE: Municipal and County Government

ANALYSIS

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

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

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

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

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

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

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

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

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

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

24 (b) Maintaining such information;

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

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

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

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

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

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

HB 266-FN-LOCAL - AS INTRODUCED

- Page 3 -

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

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

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

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

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

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

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

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

24 103-A:4 Complaint Process; Penalties.

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

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

HB 266-FN-LOCAL - AS INTRODUCED

- Page 4 -

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

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

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

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

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

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

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

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

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

FISCAL IMPACT: State County Local None

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

COUNTY:

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

LOCAL:

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

METHODOLOGY:

This bill includes the following provisions:

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

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

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

AGENCIES CONTACTED:

Department of Justice



City of Keene
Transmittal Form

March 2, 2021

TO: Mayor and Keene City Council

FROM: Councilor Randy Filiault

THROUGH: Patricia A. Little, City Clerk

ITEM: 4.

SUBJECT: Councilor Filiault - Requesting Minutes be Kept of Meetings Between the Mayor, the Charter Officers and the Committee Chairs

COUNCIL ACTION:

In City Council March 4, 2021.

Referred to the Planning, Licenses and Development Committee.

ATTACHMENTS:

Description

Communication_Filiault

BACKGROUND:

Councilor Filiault is requesting that a minute taker be present at the bi-weekly meetings of City staff and the Committee Chairs.

TIME RECEIVED

March 2, 2021 at 7:58:09 PM PST

REMOTE CSID

11 Fax

DURATION

32

PAGES

1

STATUS

Received

MAR 02 2021 TUE 07:58 PM Monodnock Ford

FAX NO. 609.651.1193

8.001.001

To: Mayor Hausel and Keene City Council

From: City Councilor Randy L. Filiault

Re: Minute Taker

Date: March 2, 2021

As many of you may remember, last year I requested the City of Keene provide a minute taker to be present at the bi-weekly meeting of City staff and committee chairs. I am again respectfully requesting this to be implemented. Every city councilor is equally elected and we all have an equal vote. We should all have equal access to information discussed by City staff and the three committee chairs.

Recent events highlight the need for *all* elected city councilors have access to pertinent information being discussed. Currently, such transparency doesn't exist. With no minute taker, the remaining twelve city councilors have no formal access to what was discussed at these meetings.

This is not acceptable. Transparency in government is a must. I look forward to discussing this matter at our next week of committee meetings.

Respectfully Submitted,
Randy Filiault



City of Keene
Transmittal Form

March 1, 2021

TO: Mayor and Keene City Council

FROM: Tara Kessler, Senior Planner

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 5.

SUBJECT: Relating to Chapter 18 Building Regulations

COUNCIL ACTION:

In City Council March 4, 2021.

Referred to the Planning, Licenses and Development Committee.

RECOMMENDATION:

That the attached Ordinance, O-2021-01, relating to Chapter 18 Building Regulations be referred to the Planning, Licenses, and Development Committee for review and recommendation to City Council.

ATTACHMENTS:

Description

Ordinance O-2021-01

BACKGROUND:

In anticipation of the upcoming City Council public hearing on ordinances O-2020-10 and O-2020-11, relating to the proposed Land Development Code and changes to the City's downtown zoning, City staff are recommending that the following language be temporarily removed from Section 18-27(a) of Chapter 18 "Building Regulations" of the City Code of Ordinances:

"Building permits shall not be issued for applications made after the first legal notice of proposed changes in the building code or zoning ordinance has been posted pursuant to the provisions of RSA 675:7; and the proposed changes in the building code or the zoning ordinance would, if adopted, justify refusal of such permit."

It is anticipated that the first legal notice for the City Council public hearing on these ordinances would be posted on April 2, 2021. However, the proposed ordinances, if adopted, would not take effect until July 1, 2021.

Given the extraordinary and substantial nature of the regulatory changes proposed in these ordinances, and the lengthy period of time between the anticipated legal notice of the City Council public hearing (April 2) and the take effect date of these proposed regulations (July 1), it would be burdensome to both permit seekers and city staff reviewing building permits to enforce this section of the regulations during this time period.

City staff are recommending that this section of Chapter 18 be reinstated after the proposed Land Development Code takes effect in July, and will submit an ordinance at that time to restore this language.



CITY OF KEENE

Ordinance O-2021-01

Twenty One

In the Year of Our Lord Two Thousand and

AN ORDINANCE **Relating to Chapter 18 Building Regulations**

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by removing the text that is bolded and stricken below from Section 18-27(a) "Permits Required."

Section 18-27(a) "*Permits Required*. Any person, who intends to erect a building, structure, or sign; alter an existing building, structure, or sign; or construct or demolish any building, structure, or sign; or change the occupancy of a building or structure, shall obtain permits from the code enforcement department and if applicable, the fire department, before the work has begun. This requirement includes any type of work, which is regulated by the building and fire codes enforced by the city. The code enforcement and fire departments may approve minor repair work without the requirement of a permit provided such approval is not in violation of the codes and all permit applications for the code enforcement department and the fire department shall be distributed by the code enforcement department. Incomplete applications shall be rejected. ~~Building permits shall not be issued for applications made after the first legal notice of proposed changes in the building code or zoning ordinance has been posted pursuant to the provisions of RSA 675:7; and the proposed changes in the building code or the zoning ordinance would, if adopted, justify refusal of such permit.~~"

George S. Hansel, Mayor

In City Council March 4, 2021.
Referred to the Planning, Licenses,
and Development Committee.


City Clerk