



Due to the COVID-2019 State of Emergency, the City Council will be holding its meetings remotely using the web-based program, Zoom. City Councilors will be participating in this meeting remotely. 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 view the City Council meeting, please navigate to www.zoom.us and enter the Meeting ID# 842 4144 2753. To listen via telephone call 877-853-5257 and enter the Meeting ID # 842 4144 2753.

KEENE CITY COUNCIL
Council Chambers, Keene City Hall
April 1, 2021
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- March 18, 2021

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Mid-grant Public Hearings - Current CDBG Projects - Monadnock Food Co-op Expansion and SCS/Shelter Improvements
2. Water and Sewer Rate Presentation - Raftelis

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations
Energy and Climate Committee
Airport Development and Marketing Committee
Partner City Committee
Ashuelot River Park Advisory Board
2. Nomination
Energy and Climate Committee

C. COMMUNICATIONS

1. Kelly Ballard - Resignation - Heritage Commission
2. Dave Kirkpatrick/Cheshire TV - Requesting an Opportunity to Address City Councilors - Cheshire TV
3. Jan Manwaring/Pathways for Keene - Request to Use City Property - 4 on the 4th Road Race
4. Denise Meadows - Request to Convert Loading Zone Space on Railroad Street to a Mobile Vendor Space

D. REPORTS - COUNCIL COMMITTEES

1. Amended Request for Property Access off the Old Gilsum Road Through City of Keene Utility Road
2. Request for Use of City Property - Police Department Memorial Stone - Police Chief
3. Purchase of the Robert J. Prowse Memorial Bridge - City Engineer

4. Request for Exception from the Public Improvement Standards - City Engineer
5. Representative Joe Schapiro – Urging the City to Take a Position on HB 266
6. Relating to Proposed Congregate Living and Social Service License – Senior Planner
7. Continued Discussion – Requesting Minutes be Kept of Meetings Between the Mayor, the Charter Officers, and the Committee Chairs
8. Farmer’s Market of Keene – Requesting a Waiver or Reduction in Fees
9. Request to Accept 2021 Wellness Grant - Human Resources Director
10. Report on 2020 Donations and Request to Solicit Donations for 2021 - Human Resources Director
11. Lease Agreement for Airport Amusements – Runway Fund Park, LLC - Airport Director
12. NPDES Technical Assistance Change Order 2 - WWTP Operations Manager

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Land Development Code and Downtown Zoning
Ordinance O-2020-10A
Ordinance O-2020-11A

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. Darren Humphrey – Request to Use City Property

I. ORDINANCES FOR FIRST READING

1. Sewer Service and Industrial Pretreatment
Ordinance O-2021-02

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. In Appreciation of Daniel S. Lang Upon His Retirement
Resolution R-2021-09
2. Reallocation of Bond Funds – WWTP Permit
Resolution R-2021-14
3. Request to Endorse Carbon Fee & Dividend – Energy and Climate Committee
Resolution R-2021-18

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held on Thursday, March 18, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Mayor Hansel read into the record the Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04. He continued that the members of the City Council would be participating remotely. The Mayor asked that during the roll call for attendance, each Councilor identify their online presence and whether there are others with them in the room. Roll called: Stephen L. Hooper, Michael J. Remy, Janis O. Manwaring, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Raleigh C. Ormerod, Bettina A. Chadbourne, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers. Catherine I. Workman arrived late. Ward three Council seat vacant. A motion by Councilor Powers to accept the minutes from the March 4, 2021 regular meeting was duly seconded by Councilor Bosley and the motion passed on a roll call vote with 13 Councilors present and voting in favor. Councilor Workman was absent for the vote. Ward three Council seat vacant. The Mayor led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel began saying that all were saddened to hear of the passing of former Mayor Philip (Dale) Pregent this past Tuesday. Mayor Pregent served as a City Councilor at large from 2004-2007 and 2012-2013, and served as Keene's Mayor from 2008-2011. With his passing, Keene lost a great champion for our community and Mayor Hansel said we all remain thankful for his lifetime of contributions to the Elm City. The Mayor led a moment of silence.

Next, the Mayor congratulated Councilor Ormerod, who was elected to a seat on the Keene School Board at last week's election. The Mayor thanked the City Clerk, other Staff, volunteers, and election officials who held that election with the constraints of Covid-19, considering those elections always require a lot of dedicated work.

Lastly, Mayor Hansel reminded Councilors that there would be a Council workshop on the Keene Police Department CALEA accreditation on Tuesday, March 23, 2021 at 6:00 PM.

RESOLUTION R-2021-07 – IN APPRECIATION OF MICHAEL A. BURKE UPON HIS RETIREMENT

Mayor Hansel read into the record Resolution R-2021-07. A motion by Councilor Powers to adopt Resolution R-2021-07 in Appreciation of Michael A. Burke upon his retirement was duly seconded by Councilor Bosley and the motion passed unanimously on a roll call vote with 14 Councilors present and voting in favor. Ward three Council seat vacant.

ELECTION TO FILL WARD THREE COUNCIL VACANCY

Mayor Hansel reported that two candidates filed for the Ward Three Councilor vacancy, Bryan Lake and Andrew Madison. At this meeting, each candidate would in turn be granted audio and video access for five minutes to address the Council relative to the vacancy. As provided for in Section 37 of the Rules of Order, City Councilors would not be permitted to ask questions of the candidates. There being only two candidates, there would be no initial "primary" vote of the City Council to narrow the field of candidates. Voting would be by roll call, with each City

Councilor stating the name of his or her candidate choice. In the event that a City Councilor would not wish to vote for one of the candidates, the Councilor would vote "no." The candidate receiving eight votes – the majority – would be declared the winner. Mayor Hansel said in the event that no candidate for the vacancy received the “majority vote” of the elected City Council then he could: 1) establish an additional 14-day period for candidates to file, or 2) an elected Councilor could move to suspend that provision and ask for a second ballot. The candidate who is elected would be sworn in via Zoom and would commence their duties immediately, visiting City Hall to sign the necessary paperwork as soon as possible. The Mayor provided each candidate five minutes to address the City Council.

On conclusion of their presentations, Mayor Hansel called for the election of a candidate by City Council. On a roll call vote, Councilors Filiault, Jones, Johnsen, Greenwald and Bosley voted for Mr. Lake and Councilors Hooper, Remy, Manwaring, Giacomo, Williams, Ormerod, Chadbourne, Workman and Powers voted for Mr. Madison. Andrew M. Madison was declared elected.

Before having Councilor Madison take the oath of office, Mayor Hansel expressed his appreciation for Mr. Lake's interest in the position and encouraged him to consider running in the fall 2021 election and to contact the Mayor about other ways to serve his community.

City Attorney, Thomas Mullins, administered the oath of office. Councilor Madison took his seat at Ward Three Councilor.

The Mayor went on to announce that Councilor Madison would join the Municipal Services, Facilities & Infrastructure Committee as their new member, and Councilor Chadbourne would move to the Finance, Organization & Personnel Committee.

DECLARATION OF VACANCY

The City Clerk reported that Cory Watkins was nominated during the last Mayor's term and moved from the City almost immediately, having attended no meetings. The Mayor and Clerk have been unable to secure a written resignation but Mr. Watkins has communicated his desired to not continue verbally. Airport Director, David Hickling, requested that the Mayor declare this vacancy so others could serve. Mayor Hansel declared slot four of the Airport Development & Marketing Committee as vacant.

NOMINATIONS

Mayor Hansel made the following nominations to City boards and commissions. To the Energy & Climate Committee, Suzanne Butcher, with a term to expire December 31, 2023. To the Airport Development & Marketing Committee, Alona Florenz, with a term to expire December 31, 2023. To the Partner City Committee, Lena Kridlo, with a term to expire December 31, 2023. To the Ashuelot River Park Advisory Board, Ruzzel Zullo, with a term to expire December 31, 2022. Mayor Hansel tabled the nominations until the next regular meeting.

COMMUNICATION – DENISE THOMAS – RESIGNATION – ENERGY & CLIMATE COMMITTEE

A communication was received from Denise Thomas, resigning from the Energy & Climate Committee, to which she was confirmed recently. A motion by Councilor Powers to accept the resignation with appreciation for service was duly seconded by Councilor Bosley and the motion passed on a unanimous roll call vote with 15 Councilors present and voting in favor.

COMMUNICATION – DAVE KIRKPATRICK/CHESHIRE TV – PROPOSED
TERMINATION OF CONTRACT

A communication was received from the Executive Director of Cheshire TV, Dave Kirkpatrick, requesting a public hearing on the proposal to terminate the contract between the City of Keene and Cheshire TV. Mayor Hansel referred this communication to the City Manager, whose responsibility it is to negotiate ongoing contracts.

Councilor Filiault stated his concerns regarding the referral of this matter to the City Manager and urged the Mayor to honor the petitioner's request that this be discussed by the City Council. Mayor Hansel responded that the City Manager is responsible for overseeing a variety of contracts and in his opinion it was not within the Council's purview to examine those ongoing contracts. Mayor Hansel was unwilling to change his stated action.

Pursuant to Section 13 of the Rules of Order, Councilor Filiault challenged the ruling of the Chair. Councilor Greenwald seconded.

Councilor Filiault spoke to his challenge stating this was simply about transparency. Whenever a constituent asks to speak to the Council, he said there should be full transparency and they should be allowed to do so.

The Mayor in response stated that the City Council entrusts the City Manager with overseeing contracts for the City, which is not a responsibility of the City Council, and it would be an overstep for the Council to be involved in that way. The Mayor reiterated that his reason for sending this to Staff was because the communication addresses specifically the ongoing contract. Mayor Hansel continued that if there were some other interests in Cheshire TV or its ongoing arrangement with the City, then any Councilor was welcome to send a letter saying they want to examine the relationship between the City and Cheshire TV.

The Mayor noted that in voting on the challenge of the Chair, votes in favor would affirm the Mayor's action and votes in the negative would agree with the challenge and search for another sort of action.

On a roll call vote with 11 Councilors voting in favor, and Councilors Filiault, Williams, Jones and Greenwald in opposition, the Mayor's action was upheld and the communication from Mr. Kirkpatrick was referred to the City Manager.

MSFI REPORT – GRANT APPLICATION FOR TRANSPORTATION HERITAGE TRAIL –
CITY ENGINEER

Municipal Services, Facilities & Infrastructure Committee report read recommending othat the City Manager be authorized to do all things necessary to apply for a Transportation Alternatives Program grant for the Transportation Heritage Trail; and further, that the City Council forward a

support letter, signed by the Mayor, to the New Hampshire Department of Transportation on the project. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Giacomo. The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

MSFI REPORT – PRESENTATION ON HUNDRED NIGHTS

Municipal Services, Facilities & Infrastructure Committee report read recommending that the City Council accept the presentation on Hundred Nights as informational. Mayor Hansel filed the report as informational.

PLD REPORT – FARMERS MARKET OF KEENE – REQUESTING TO USE CITY PROPERTY AND REQUESTING A WAIVER OF REDUCTION IN FEES

Planning, Licenses & Development Committee report read recommending granting the motion according to the dates and terms indicated, with the financial matters to be discussed by the Finance, Organization & Personnel Committee.

A motion by Councilor Bosley was duly seconded by Councilor Greenwald to make the following amendment to the Committee report by replacing the recommendation with the following: Move to recommend that the Farmers' Market of Keene be granted permission to use 22 spaces along Gilbo Avenue as well as an additional 18 spaces on the other side of the median strip in the Commercial Street parking lot on Saturday from April 24, 2021 to Saturday, October 30, 2021, and 22 spaces along Gilbo Avenue on Tuesday from May 4, 2021 to Saturday, October 30, 2021. Said permission is subject to the following conditions: compliance with the customary licensing requirements of the City Council and obtainment of a City Food License from the Health Department. In addition, it is a recommendation that the Farmers' Market of Keene be allowed to erect sandwich board signs on City properties prior to the start of sales subject to the review and approval by City Staff with respect to the number and locations. The signs must be removed immediately after the sales are concluded. As part of the licensing conditions during the following NH emergency declaration due to the novel Corona Covid-19 and as amended the Farmer's Market of Keene shall follow, maintain, and monitor for social distancing of at least six feet from customers and vendors, provide adequate space for vendor and patron flow to maintain social distancing practices, prohibit product sampling, use non-porous tables that can be easily disinfected, discontinue the use of display items that cannot be cleaned and sanitized, have access to and utilize hand sanitizer between transactions, disinfect surfaces between customers, and follow any other requirements that may be issued by the City and/or State for health and safety of vendors, customers, and public. And further move to recommend that the request to waive or eliminate parking rental fees and electrical use be referred to the Finance, Organization and Personnel Committee for their review and recommendation.

In response to inquiry from Councilor Jones, Councilor Bosley said that during the Planning, Licenses & Development Committee meeting, Councilor Greenwald was unable to locate the text of this motion, and so the original motion above reported by the Clerk was to send the matter forward to Council for her to make this amendment with the full text and to send the necessary matters to Finance, Organization and Personnel Committee.

The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

PLD REPORT – GRANITE ROOTS BREWING – REQUESTING PERMISSION TO SELL ALCOHOL AT THE FARMERS' MARKET OF KEENE

Planning, Licenses & Development Committee report read recommending that Granite Roots Brewing be granted permission to sell alcohol at the 2021 Keene Farmers' Market on City property licensed to the Farmers' Market of Keene. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmers' Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws. During and following the State of New Hampshire Emergency Declaration due to the Novel Coronavirus (Covid-19) and as amended, Granite Roots Brewing shall be subject to, and shall comply with the licensing conditions applied to all vendors participating in the Farmers' Market of Keene; provided, however, that the City Manager is authorized to allow Granite Roots Brewing to offer individual product samples to patrons in accordance with the requirements of the State Liquor Commission, either at the conclusion of the State of Emergency as declared by the Governor, or at such time thereafter as determined to be appropriate by the City Manager. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

FOP REPORT – ACCEPTANCE OF DONATION – FIRE CHIEF

Finance, Organization & Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a donation of \$500.00 from Dr. Daniel Rath. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

FOP REPORT – LABORATORY RENOVATION DESIGN ENGINEERING CHANGE ORDER – WASTE WATER TREATMENT PLANT OPERATIONS MANAGER

Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute Change Order 1 to contract 04-21-22 with Underwood Engineers for engineering and technical services for upgrades to the existing heating and ventilation system in the Laboratory for an amount not to exceed \$4,400. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

FOP REPORT – ACCEPTANCE OF LOCAL SOURCE WATER PROTECTION GRANT – WASTE WATER TREATMENT PLANT OPERATIONS MANAGER

Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept and execute a Local Source Water Protection grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$8,500 for the installation of security fencing at Babbidge Reservoir. A motion by Councilor

Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

FOP REPORT – SUPPORT FOR MAST GRANT APPLICATION – PARKS, RECREATION AND FACILITIES DIRECTOR

Finance, Organization & Personnel Committee report read recommending that the City Manager be authorized to sign a letter of support of the staff's submission of a Monadnock Alliance for Sustainable Transportation (MAST) Grant. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

CITY MANAGER COMMENTS

The City Manager began her comments by announcing there would be a Council workshop on Tuesday, March 23 at 6:00 PM on the Police Department CALEA accreditation.

She went on to say that the annual “Green Up Keene” event where the community comes together to beautify Keene was set for Saturday, April 24. Typically, several hundred people participate to help clean our streets and parks. Last year, this event was canceled due to concerns around Covid-19. This year, there would be Covid-19 modifications: pre-registration was encouraged instead of the usual registration table, and there would be no-contact pick-up of bags and gloves at the Public Works Department. A map of groups and areas adopted would be posted on the City website.

The City Manager noted she was in the process of finalizing a budget for Fiscal Year 2022 to present to the Council. Everything must be finalized and off the printers at the end of March to allow for submission to the Council in May. Revenues have definitely been a concern this year due to impacts from Covid-19. The American Rescue Plan signed recently included an estimated allocation to the City of Keene of \$2.2 million over the next two years (50% this year and 50% one year later). Within the next 60 days, the Treasury Office would be providing guidance as to what would be considered an allowable expense. One category the City Manager was particularly interested in was the ability to apply these funds to offset our lost revenues moving into Fiscal Year 2022. In addition, we anticipate an infrastructure stimulus bill and the potential of earmarked projects in the near future. We have gone through a process internally to identify projects in our Capital Improvement Plan, which might qualify for these funding sources. We have an upcoming meeting with Kuster's office to discuss the various infrastructure projects the City has planned. We also have an upcoming meeting to discuss projects that might qualify for Northern Borders funding which is not part of the stimulus package. In addition, we are anticipating additional funds becoming available through the CDBG program. The City Manager would not know the parameters of the funding until the infrastructure bill and Treasury guidance comes out. In the meantime, she was preparing to respond quickly to access as much funding as possible and be as competitive as we can. If we are able to fund projects on our Capital Improvement Plan, it would help mitigate tax rate impacts in future budgets while also stimulating our local economy. She was planning a high-level update regarding these and other budget impacts at FOP in April before the Council's budget process starts in May.

The City Manager heard from Access AV that there is a delay in installing the final pieces of equipment to facilitate hybrid City Council Standing Committee meetings. The installation should have occurred this week and was now scheduled for March 29. She was hopeful that we can install, test, and be ready for the first cycle of Committee meetings on April 7 and 8.

The City Manager went on to announce the Clerk's office has recently changed the software application used for dog registration. Today was day 2 of the new Interware Software application and 234 dogs were registered, the majority of which were registered on-line. She was one of those 234 people. While there was a small fee to complete the transaction online, the City Manager said it was easy, convenient, and you can use a credit card or do an ACH transaction using a check. So far, the City Manager called this a successful roll-out of this application and another way our residents can access services from the comfort of their homes.

The City Manager continued with updates on Covid-19. At the weekly Covid-19 meeting with our partners on March 17 she learned that the State was looking to reduce the six-foot required distancing to 3 feet for educational institutions K through college. This is only for controlled and monitored educational classroom settings. It was also reported that the requirement to wear a mask is not likely to end anytime soon; likely not until we have reached 80% herd immunity. She heard from the Superintendent they have 530 staff members signed up to receive the Covid-19 vaccine, with 35% of staff scheduled or have already having received their first dose. Additional time slots are opening up for more appointments this Saturday. Today K-1st grades returned to four days of in-person learning weekly. Keene State College (KSC) reported that they had 18 positive cases and were still reporting a less than 1% positivity rate. KSC numbers have dropped considerably over the last two weeks (Their most recent peak was 02/22/21).

She continued that Cheshire Medical reported their testing positivity rate had increased from 6.4% positivity last week to 8.2% this week (these numbers do not include KSC – if they did the percent positive would be lower because of the number of tests they conduct each). The hospital also stated that they are admitting between four to six patients to the hospital on average for Covid-19 related illness. This is up a bit from the last report. The good news was that they were not seeing as much mortality with the cases they were seeing, likely at least in part due to the increased number of people vaccinated who are the most medically vulnerable. The hospital was beginning to also relax their visitation policies. The City Manager acknowledged the important role the hospital has played in the City's Covid-19 response and the data that Dr. Caruso shares with us each week had been a vital part of our decision making processes. The State's numbers have been difficult at times to reconcile in a timely fashion and so relying on information from our hospital about percent positives, hospital trends around capacity to treat the very sick, the mortality rates that they are seeing, and just overall data regarding the need for testing based on numbers of people seeking a Covid-19 test. This information has helped our emergency team make real time decisions and she could not thank the hospital enough for their partnership throughout this pandemic.

This afternoon during the Governor's press conference, the State's positivity rate had also ticked-up slightly to 3.6%. They announced 24% of the NH's population having received their first dose of vaccine and 12% being fully vaccinated. They plan to hold some additional regional vaccine

clinics this month and vaccinate another 20,000 people. Here in Keene at Krif Road we were vaccinating about 800 people daily at present. We are one of the most successful regions at getting the vaccine out the door. Soon our wastewater testing would include testing for Covid-19 variants. The City Manager said that starting Monday, March 22, anyone 50 or older would be able to register for the vaccine.

REPORT – RESIGNATION OF DAVID WHALEY – ASHUELOT RIVER PARK ADVISORY BOARD

Memorandum received from the Director of Parks, Recreation & Facilities recognizing David Whaley's resignation from the Ashuelot River Park Advisory Board, to which he served for three years. It was noted that Mr. Whaley provided great insight and time to the betterment of the park that was appreciated and would be missed. A motion by Councilor Powers to accept the resignation with appreciation for service was duly seconded by Councilor Bosley. The motion passed unanimously on a roll call vote with 15 Councilors present and voting in favor.

REPORT – REQUEST TO ENDORSE CARBON FEE & DIVIDEND – ENERGY & CLIMATE COMMITTEE

Memorandum received from the Energy & Climate Committee along with a draft resolution endorsing national legislation to reduce the costs of climate change. The memorandum indicated that at their regular meeting on March 3, 2021, the Energy and Climate Committee voted unanimously to recommend that the City Council adopt the resolution from the Clean Energy Team with reference to the City of Keene's Sustainable Energy Plan's goals. Mayor Hansel referred the memorandum and draft resolution to the Planning, Licenses & Development Committee.

REPORT – PROPOSED FORMATION OF THE GREATER GOOSE POND COMMITTEE – CONSERVATION COMMISSION

Memorandum received from the Conservation Commission indicating that at their regular meeting on February 16, 2021, the Commission voted unanimously to recommend that the City Council establish a Greater Goose Pond Forest Land Stewardship Committee with the charge to advise the City Council and other City boards and commissions regarding implementation of the 2019 Greater Goose Pond Forest Land Stewardship Plan including the stewardship of natural resources, preservation of wildlife habitat and forest ecology, and promotion of recreational and educational opportunities; and, that the committee should be comprised of members representing the following areas of expertise and interest: a representative from the Conservation Commission, a person with professional experience as an ecologist/biologist/naturalist, a professional forester, an abutter to the property or a resident of the nearby neighborhood, a representative of the New England Mountain Bike Association, a member of the community who is an active park user, a person with experience in community education and outreach, and a student representative from Keene State College or Antioch University New England. The report was referred to the Mayor's office and Mayor Hansel planned to meet with the Conservation Commission to get more information and see if this could happen with an ad hoc Committee.

03/18/2021

MORE TIME – KEVIN LEARY – AMENDED REQUEST FOR PROPERTY ACCESS OFF THE OLD GILSUM ROAD THROUGH CITY OF KEENE UTILITY ROAD

More time was granted by the Chair for the following items in Committee: Kevin Leary, - Amended Request for Property Access off the Old Gilsum Road; Representative Joe Schapiro – Urging the City of Keene to take a Position on HB 266; and, Councilor Filiault – Requesting Minutes be Kept of Meetings between the Mayor, Charter Officers and Committee Chairs.

PLD REPORT – ORDINANCE O-2021-01 – RELATING TO CHAPTER 18 BUILDING REGULATIONS

Planning, Licenses & Development Committee report read recommending the adoption of Ordinance O-2021-01. A motion by Councilor Bosley to adopt Ordinance O-2021-01 Relating to Chapter 18 Building Regulations was duly seconded by Councilor Greenwald. The motion passed on a unanimous roll call vote with 15 Councilors present and voting favor.

RESOLUTION R-2021-14 – REALLOCATION OF BOND FUNDS – WASTE WATER TREATMENT PLANT PERMIT

Memorandum received from the Wastewater Treatment Plant Operations Manager, and the Public Works Director, recommending that Resolution R-2021-14 be referred to the Finance, Organization and Personnel Committee. The memorandum was filed as informational. Mayor Hansel referred Resolution R-2021-14 to the Finance, Organization & Personnel Committee for review.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:18 PM.

A true record, attest:


City Clerk



PUBLIC HEARING

Notice is hereby given that two Public Hearings will be held on April 1, 2021 at 7:00 p.m. to discuss and hear public comment on current projects sponsored by the City of Keene under the federal Community Development Block Grant (CDBG) program. Projects to be discussed include 1) MEDC/Monadnock Food Co-op Expansion, and 2) SCS/Shelter Improvements. Due to the COVID-2019 State of Emergency, these hearings will be held remotely using the web-based platform Zoom. Members of the public will be able to access this public meeting by visiting <https://us02web.zoom.us/j/84241442753> or calling #1-877-853-5257 toll-free and entering the Meeting ID # 842 4144 2753. If you have trouble accessing the meeting, please call#1-603-757-0622 during the meeting.

Interested persons are invited to attend and provide comment. Please contact the City of Keene, 3 Washington Street, Keene, NH 03431, at 603-352-0133 five days in advance if you need assistance to attend or participate in the hearing. Anyone wishing to provide written comments should address them to the City Manager, City of Keene, 3 Washington Street, Keene, NH 03431 and submit them by the close of business on the day preceding the hearings.



City of Keene, N.H.
Transmittal Form

March 11, 2021

TO: Mayor and Keene City Council

FROM: Mayor George S. Hansel

ITEM: B.1.

SUBJECT: Confirmations

COUNCIL ACTION:

In City Council March 18, 2021.

The Mayor declared the vacancy and tabled the nominations to the next regular meeting.

ATTACHMENTS:

Description

Background_Butcher

Background_Florenz

Background_Kridlo

Background_Zullo

BACKGROUND:

I hereby declare a vacancy on the Airport Development and Marketing Committee for a term previously held by Cory Watkins. Mr. Watkins has moved out of the City of Keene and has verbally notified the City Clerk of his desire to resign the position.

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

Energy & Climate Committee

Suzanne Butcher, slot 9
44 Felt Road

Term to expire Dec. 31, 2023

Airport Development and Marketing Committee

Alona Florenz, slot 4
183 Arch Street

Term to expire Dec. 31, 2023

Partner City Committee

Lena Kridlo, slot 7
10 Homer Avenue

Term to expire Dec. 31, 2023

Ashuelot River Park Advisory Board

Ruzzel Zullo, slot 2

37 Kelleher Street

Term to expire Dec 31, 2022

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Wednesday, February 3, 2021 10:26 AM
To: HMattson@ci.keene.nh.us
Cc: PLittle@ci.keene.nh.us; THood@ci.keene.nh.us
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 02/03/2021 - 10:26</p>

<p>Submitted values are:</p>

First Name:

Suzanne

Last Name:

Butcher

Address

44 Felt Rd
Keene, NH 03431

Email:

Cell Phone:

603-313-5773

Please select the Boards or Commissions you would be interested in serving on:

Energy and Climate Committee

Employer:

retired

Occupation:

retired Foreign Service officer

Education:

M.A., Stanford

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

represented Keene in the NH House 2004-2010

Other Information/Relevant Experience:

Active in Keene's Clean Energy Team, submitted the proposal in 2019 to City Council for the 100% clean energy goal. Now I'll help work on getting us there!

While at the U.S. State Department, in 1986-1989 I coordinated development of the U.S. government position on protecting the ozone layer and creating the IPCC, so have experience working with industry, environmental

groups and scientists to shape workable plans to achieve environmental goals.

Please provide some references:

Ann Shedd

[REDACTED]

603-759-0077

References #2:

Nancy Gillard

[REDACTED]

603-357-0213

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Friday, March 5, 2021 3:20 PM
To: HMattson@ci.keene.nh.us
Cc: PLittle@ci.keene.nh.us; THood@ci.keene.nh.us
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Fri, 03/05/2021 - 15:20</p>

<p>Submitted values are:</p>

First Name:

Alona

Last Name:

Florenz

Address

183 Arch Street

Email:

Cell Phone:

6177772938

Home Phone:

6033523198

Please select the Boards or Commissions you would be interested in serving on:

Airport Development & Marketing Committee

Employer:

C&S

Occupation:

SVP, Corporate Development & FP&A

Education:

MBA

Have you ever served on a public body before?

No

Other Information/Relevant Experience:

Resident of Keene since 2009

Employed at C&S since 2008.

My current role involves providing financial analytics for business decisions at C&S (such as customer contract renewals).

Please provide some references:

Mike Remy

mremy@cswg.com

6039035481

References #2:

Curt Hansen

6033570532

December 15, 2020

Dear Mayor Hansel,

I was born in Frankfurt, Germany and grew up in Bad Homburg, just outside of Frankfurt. I graduated High School in Germany in 2006 and moved shortly after to Fairbanks, Alaska where I attended the University of Alaska, Fairbanks and also worked at KeyBank. After 4 years in Alaska I moved to El Paso, Texas where I attended Park University. In 2011 I moved back to Germany for 2 years and moved to Keene in 2013. In 2014 I graduated from Park University with a Bachelor of Science in Business Management, focused on Human Resources and International Business Relations. I received my US citizenship in 2012 and have been a dual citizen of Germany and the United States since.

My son and I live in our house in west Keene and we absolutely fell in love with the close-knit, friendly and helpful community. Noah attended the Montessori School on Railroad Street and is now attending Surry Village Charter School. I served on the Montessori board and have been active in the school's parents council. I started working for Wells Fargo Advisors as an account manager in 2014. In 2016, my team decided to leave Wells Fargo Advisors and opened a new office under Steward Partners Global Advisory at 34 West Street.

One of the first things I noticed when I moved to Keene was the sign "Partnerstadt Einbeck". It is very obvious that Keene and Einbeck have a strong relationship and I believe I could be of value to the city considering my German background. I have lived in the US for almost 14 year and in Keene for 7 years. Knowing both cultures could be a great asset to the partnercity committee, along with assisting in translations. I have family and friends in Germany and travel frequently (when there is no global pandemic of course), if there was ever a need for a personal visit to Einbeck by a committee representative, I would be more than happy to do so on my travels. Furthermore, I would welcome the opportunity to learn more about Keene, the committee and the city's work in the community.

I hope this answers some of your questions, I am more than happy to write a formal resume. Please let me know what else you may need.

Respectfully,
Lena Kridlo

10 Homer Ave
Keene, NH 03431

603 290 9828

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Monday, December 28, 2020 12:01 PM
To: HMattson@ci.keene.nh.us
Cc: PLittle@ci.keene.nh.us; THood@ci.keene.nh.us
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Mon, 12/28/2020 - 12:01</p>

<p>Submitted values are:</p>

First Name:

Ruzzel

Last Name:

Zullo

Address

37 Kelleher St.
Keene, NH 03431

Email:

Cell Phone:

6038522980

Home Phone:

6038522980

Please select the Boards or Commissions you would be interested in serving on:

Ashuelot River Park Advisory Board

Employer:

Monadnock Developmental Services

Occupation:

Adult Service Coordinator

Education:

Associate Degree in Creative Writing

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

I currently sit on the Board of Directors for the Monadnock International Film Festival

Other Information/Relevant Experience:

I attended The New Hampshire Institute of Art for a creative writing degree with a specific interest in

screenwriting. I work for Monadnock Developmental Services in New Hampshire. I sit on the board of the Monadnock international film Festival and brings experience with the proper behavior of a nonprofit board member. As a member of the board for the Monadnock international film Festival, I have great community connections that I can bring to the table.

Please provide some references:

Travis Rowe

[REDACTED]

603-903-8938

References #2:

Nancy Little

nancyl@mds-nh.org

603-540-9188



City of Keene, N.H.
Transmittal Form

March 24, 2021

TO: Mayor and Keene City Council

FROM: Mayor George S. Hansel

ITEM: B.2.

SUBJECT: Nomination

RECOMMENDATION:

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

Energy & Climate Committee

Bryan Lake

68 Timberlane Drive

Term to expire Dec. 31, 2021

ATTACHMENTS:

Description

Background_Lake

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Wednesday, December 16, 2020 3:31 PM
To: HMattson@ci.keene.nh.us
Cc: PLittle@ci.keene.nh.us; THood@ci.keene.nh.us
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 12/16/2020 - 15:31</p>

<p>Submitted values are:</p>

First Name:

Bryan

Last Name:

Lake

Address

68 Timberlane Dr, Keene NH

Email:

Cell Phone:

6033136774

Home Phone:

6033136774

Please select the Boards or Commissions you would be interested in serving on:

Ashuelot River Park Advisory Board, Energy and Climate Committee, College City Commission, Heritage Commission, Historic District Commission

Employer:

C&S Wholesale Grocers

Occupation:

Analyst, Procurement Decision Science

Education:

Bachelor of Science, Chemistry - KSC

Have you ever served on a public body before?

No

Other Information/Relevant Experience:

As a Keene native & 30 year resident, I have a desire to see the best for my hometown. This would be my first foray into the city government but I think that this could be a good opportunity to provide my time to the community and explore public service.

Below are comments for each board or commission I selected:

In regards to the CCC, I received my BS-Chemistry in December of 2014. While attending, for at least one year each I roomed on campus, rented an apartment on Roxbury St, and commuted from my parent's home on Gunn Rd.

In regards to the HD & Heritage Commissions , my father and grandfather owned the auto parts store at 43 Emerald St from the 1960's through the mid 2000's. I grew up in what was S&J and NAPA in that location. I'm also a member of the Amalgamated Squash Chowder & Development Corp, so a sense of this town's history is something that I'm often reminded of when I go to play at the historic squash court currently located near the Markem building.

In regards to the ARPA Board, although it has been many years I did partake in a summer camp that spent much of it's time in the RMOLL, arboretum, and canoeing on the river itself. I also took AP Environmental Science at KHS. I haven't been through the park in quite some time, but look forward to going for a walk there again soon.

In regards to the ECC, as a new homeowner in Keene and a proponent of clean, renewable, and sustainable energy, I have an interest in supporting Keene's energy future.

I will follow the above statements by saying that these are not necessarily provided as claims of expertise, but rather examples of the potentially relevant experiences I have had in relation to the general topics at hand. Also, I have selected a few boards & commissions that initially interested me but would be open to others if my service would be better utilized elsewhere. Having read a number of the minutes from each of these, if I were to pick only one for which to apply, it would likely be the HDC.

I appreciate your consideration for my potential addition to these boards & commissions.

Please provide some references:

Briana Hennigar

bhenniga@cswg.com

603-354-5372

References #2:

Matt Bartley

Mbartley@unfi.com

603-903-3669



City of Keene, N.H.
Transmittal Form

February 12, 2021

TO: Mayor and Keene City Council

FROM: Kelly Ballard

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Kelly Ballard - Resignation - Heritage Commission

ATTACHMENTS:

Description

Communication_Ballard

BACKGROUND:

Kelly Ballard is submitting her resignation from the Heritage Commission. Ms. Ballard has been a member of the Commission since February 2020.

Friday February 12, 2021

To the Mayor and City Council-

Please accept this letter as my resignation from the Heritage Commission.

All the best,

A handwritten signature in cursive script that reads "Kelly Ballard". The signature is written in dark ink and is positioned above the typed name and address.

Kelly Ballard
133 Cross Street
Keene, NH. 03431



City of Keene, N.H.
Transmittal Form

March 30, 2021

TO: Mayor and Keene City Council

FROM: Dave Kirkpatrick

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: Dave Kirkpatrick/Cheshire TV - Requesting an Opportunity to Address City Councilors -
Cheshire TV

ATTACHMENTS:

Description

Communication_Kirpatrick

BACKGROUND:

Dave Kirkpatrick, Executive Director of Cheshire TV is requesting an opportunity to address the current situation with Cheshire TV.

Cheshire TV

76 Winter Street
Keene, NH 03431
(603) 283-6621
dkirkpatrick@cheshiretv.org

March 29, 2021

To: Mayor and City Council

From: Dave Kirkpatrick

Subject: Cheshire TV

Dear Mayor and City Council,

I respectfully request the opportunity to discuss the current situation of Cheshire TV with the members of Keene City Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Kirkpatrick". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

Dave Kirkpatrick



City of Keene, N.H.
Transmittal Form

March 29, 2021

TO: Mayor and Keene City Council

FROM: Jan Manwaring/Pathways for Keene

THROUGH: Patricia A. Little, City Clerk

ITEM: C.3.

SUBJECT: Jan Manwaring/Pathways for Keene - Request to Use City Property - 4 on the 4th Road Race

ATTACHMENTS:

Description

Communication_Pathways for Keene

BACKGROUND:

Pathways for Keene is submitting their annual request for use of City property for the 4 on the 4th Road Race scheduled on July 4, 2021.



March 29, 2021

To the Mayor and City Council,

Pathways for Keene would like to hold the 4 on the 4th Road Race on Sunday, July 4, 2021. The event was canceled in 2020 due to the pandemic, so this year represents the 19th year for this race. We are requesting a license from the City of Keene, and we also have submitted an application for continued Community Event Status.

We appreciate the City's past support and are asking for this to continue. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jan Manwaring", written over a faint circular stamp.

Jan Manwaring

Secretary, Board of Directors



City of Keene, N.H.
Transmittal Form

March 16, 2021

TO: Mayor and Keene City Council

FROM: Denise Meadows/CC&D's Kitchen Market

THROUGH: Patricia A. Little, City Clerk

ITEM: C.4.

SUBJECT: Denise Meadows - Request to Convert Loading Zone Space on Railroad Street to a Mobile Vendor Space

ATTACHMENTS:

Description

Communication_Meadows

BACKGROUND:

Denise Meadows representing Charcoal Charlie Productions is requesting that the City Code be amended to allow an existing loading zone on Railroad Street be converted back to a mobile vendor space.



March 16, 2021

Mayor Hansel and Keene City Council;

CC&D's Kitchen Market is requesting a change in city ordinance to allow a mobile vending unit in the loading zone on Railroad Street, formally known as Railroad Square Truck Site. We are interested in vending in downtown Keene as part of our Pandemic recovery plan. We feel this space would be better and safer location to vend from instead of setting up on the allowed spot on the City sidewalk which would further congest the public walkway.

Thank you.

Sincerely,

Charcoal Charlie Pini and Denise Meadows
Charcoal Charlie Productions
CC&D's Kitchen Market
79 North Street
Keene, NH 03431



City of Keene, N.H.
Transmittal Form

March 24, 2021

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.1.

SUBJECT: Amended Request for Property Access off the Old Gilsum Road Through City of Keene Utility Road

RECOMMENDATION:

On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends acceptance of the communication from Mr. Leary for access to property off the Old Gilsum Road through the City of Keene utility road as informational.

BACKGROUND:

Chair Manwaring said that this discussion was about Kevin Leary requesting access to the Fontaine Property and not about what he might be doing on the property. The Chair welcomed the Director of Public Works/Emergency Management Director, Kurt Blomquist, who said that since the last meeting Staff had an opportunity to review the request by Mr. Leary for access to the Fontaine property through the water tower utility road. Meetings between the Director of Public Works, Director of Parks, Recreation & Facilities, the City Attorney, and Community Development Director led to Staff being unable to recommend granting Mr. Leary access to the water facility road at the end of Meetinghouse Lane for several reasons.

Staff determined that there are actually two easements involved. There is an easement that was granted to the City back in 1994 when what was known as "Drummer Village" was constructed. There is a section of property that abuts the end of Meetinghouse Lane that goes to the City water tower property, which is owned in common by Drummer Hill Village. Then there is a second easement that encompasses an additional property there that the City negotiated with the New Hampshire Society for Forestry back in approximately 2000. There have been problems with people accessing and vandalizing water properties, such as the graffiti on the Roxbury Street water tank. He continued that the challenge was trying to secure and maintain these facilities from unauthorized entry and potential damage due to very serious concern for those drinking water supplies, including the one in question, which serves Drummer Hill Village. There were concerns for Mr. Leary's activities attracting other nuisances, particularly motor vehicle activity. Additionally, there would be an additional burden to ensure this facility was maintained. The Director of Public Works continued that the residents have a certain level of expectation to see City vehicles in the area for regular maintenance, but there is an unwritten expectation of the neighbors not to see other vehicles.

The Director of Public Works explained the second easement, which is a conservation easement that the City granted to the Society for Preservation of NH Forests in 2009. As the grantor, the City reserved the right to continue operations, maintenance, and repair of the existing water supply facility. The provision stated that only the City would be able to access for the sole purpose of providing a public water supply system and he thought the City presented to the Society and the public that it would reserve those rights to use the land in this way only. For all of the aforementioned reasons, the Director of Public Works could not recommend granting

access to the water tower utility road.

The Director of Parks, Recreation & Facilities, Andy Bohannon, stated that he supported the Director of Public Works' recommendation. Mr. Bohannon and the Community Development Director, Rhett Lamb, communicated with the Society for Preservation of NH Forests, which provided a certificate of support for the Director of Public Works on this issue. Mr. Bohannon expressed concern for the Greater Goose Pond Forest with the potential for future motorized access that could result from Mr. Leary's activities

Chair Manwaring accepted comments from Mr. Leary, who recalled that he was a member of the Drummer Hill Association, the president of which submitted a letter to the City Council stating support for Mr. Leary accessing that road through the neighborhood's property access gate. Mr. Leary continued that he also spoke with the Society for Preservation of NH Forests, which provided him the deed and the stewardship plan. He said those documents do not contain any language that would specifically prohibit the City Council from allowing access to certain Goose Pond Properties for various forestry programs. He said that the surrounding properties would therefore be assessed and forested at some point and must be accessed at that time, when third parties would be allowed to make that crossing for the owners.

Mr. Leary continued that he had hired Alex Barrett, a licensed forester, who would help him carry out this work on the property. He said that his plans were highly in-line with the stewardship plans for the surrounding properties. Mr. Leary said that as a leaseholder, with financial obligations to the Fontaine Trust, he technically and legally had the right to access the Old Gilsum Road right-of-way. Still, after hearing that many people disagreed with motorized vehicles there, he initiated the current water utility road request as an effort to find an alternate route that would not interfere with Old Gilsum Road as an access point even though property owners and leases are to allowed access to the Old Gilsum Road. Mr. Leary questioned where the suggested access point is going to be. He continued that Old Gilsum Road and the gate at the bottom of the power lines on Court Street were the only two access points to the Goose Pond Forest for forestry, or to any of the private properties at the top of Drummer Hill not owned by the City. Mr. Leary concluded that this would not necessarily be ATV access, but rather to bring "a machine that contributes to this forestry company." He said that would be the extent of the access.

Chair Manwaring expressed confusion. She thought the original request was to use an ATV on Old Gilsum Road, then to use an ATV on the water tower road, and during all of that time there was no mention that she could recall of forestry equipment or an associated project. She asked if staff was aware of this forestry component.

The Director of Public Works shared the Chair's confusion. He stated his understanding from a previous conversation with Mr. Leary was that the request was to access the property by a motor vehicle and then there were comments about a small bobcat-style excavator and potentially another small vehicle for minor work/clearing.

Councilor Filiault said he was also confused and he wanted to hear more from Mr. Leary because this seemed to be a different discussion than a few weeks ago regarding property use. The Councilor wanted to know what the access was for and what Mr. Leary would be doing. Mr. Leary replied that the original plan has always been to manage the property for wildlife and habitat improvements. He said he worked to find and within the last week has finally found a licensed contractor to help him establish a stewardship plan for the property so he does not conduct any unnecessary work. He has signed a contract with this licensed forester.

Mr. Leary continued that the original plan was for the legal access point off of the Old Gilsum Road. He reached out to community members to determine the correct access point and he was told that it would be the Old Gilsum Road. He began using an ATV to access the land with what he called his lessee's rights to begin work before learning that he needed formal permission from the City Council to access the property by a motor vehicle using Old Gilsum Road. He submitted that request and concerns were raised about motorized access to

Old Gilsum Road and so he sought alternate routes, which led to this amended request to use the water tower access road, thinking it might be better than Old Gilsum Road.

Vice Chair Giacomo said, he was also confused but thought he was beginning to understand. He asked that the City Attorney to comment on the legal aspect of does the lessee have the same legal rights for property access as the owners and if yes, what is the recourse, and what was the City Council's legal obligation.

The City Attorney, Tom Mullins, said that he was also confused, especially given comments about a third party contractor that the Attorney had not heard before. From the beginning, the City Attorney understood that Mr. Leary wanted to access the Fontaine property regularly by crossing over Old Gilsum Road with an ATV for purposes he had negotiated with Mr. Fontaine. The City Attorney said it changed at some point to Mr. Leary's statements of possibly less vehicle access and now some sort of forestry equipment. The City Attorney referred back to Vice Chair Giacomo and stated that property owners on a Class VI road have a right to access their properties over and across a Class VI road. However, the City is required to maintain that road and retains certain liability protections as a result. The public also retains rights to non-motorized use of the road. In looking through the information the City Attorney had to date, he had no evidence of an actual lease between Mr. Leary and the Fontaine's, but rather that Mr. Fontaine allowed Mr. Leary certain rights to use the property. Contrarily, the City Attorney believed there was a communication stating that it was not a lease. If there were a lease, he thought it was likely less complicated and with the property owners right to lease the property would become the right to access for the lessee. The City Attorney clarified that this was not legal advice to Mr. Leary or Mr. Fontaine, but the answer he had for the Councilor.

The City Attorney continued by stating he shared the Director of Public Works' concerns with allowing non-City access over the utility road, though he thought an agreement could be reached if the Council were inclined. The City Attorney continued that he had further concerns with third party access, which if the Council were inclined to approve, would require some sort of license, with an access description and insurance for use of City property.

Councilor Williams said he was wary of expanding access to ATV's where there was not access currently. Specifically, the Councilor just heard that Mr. Leary does not have a lease, which would make a difference to the Councilor in granting access to the land in one of these ways. He thought granting access in this way to someone without a lease would create precedent for others buying tiny properties in the Greater Goose Pond Forest along Old Gilsum Road and giving out ATV licenses to all their friends. He thought there needed to be a line somewhere in this issue and he thought a lease would be that line. The Councilor said he wanted to support forest management but needed to know more about the intended work. He continued that excavators are a big deal in the context of local wetlands and overall impacts. He thought the City could find ways to encourage stewardship and he could support limited access through the water tower road for that purpose. However, he said that was different from ATV access a few times annually. In addition to the impact on local habitats, ATV's lead to new informal roads, noise, and other stressors on nature. He suggested an option could be an electric vehicle such as a cargo bike, which he thought would be much less noticeable to other area users and he thought, was legal under today's standards. Councilor Williams concluded that the Conservation Commission was trying to establish a Greater Goose Pond Forest Stewardship Committee and he thought this would be a great question to send to such a Committee.

Councilor Madison said he shared Councilor Williams' concern about there being no lease. Councilor Madison was also concerned with ATV's accessing the road near the water tank, citing his familiarity with security as a growing issue for the water industry. He thought he was confused perhaps the most because he was new to the City Council. Still, Councilor Madison understood that this was a request for occasional ATV access, which had now seems to have graduated to equipment access including excavators, skid steers, or maybe something heavier. He was concerned with the potential impacts of such equipment to the utility road or Old Gilsum Road. Councilor Madison said that for him to feel comfortable considering access he would need to see a lease at bare minimum.

Councilor Filiault said that the proposal seemed to change over the weeks since first introduced and he was not blaming Mr. Leary, stating he thought Mr. Leary was doing his best to access properly but that the reason for access continued to change. The Councilor recommended that Mr. Leary take a few weeks to speak in more detail with the Director of Public Works and Director of Parks, Recreation & Facilities to put forward an accurate request. Councilor Filiault said he was also confused having gone through three meetings and he thought everyone needed to look at this with fresh eyes. He was not in a position to vote at this time.

Mr. Leary stated that he could speak for himself and the Fontaine's in asserting the Mr. Leary does bare financial obligation – an annual donation to the St. Jude's Children's Hospital in the Fontaine name that had already occurred once – and that there was an agreement in writing as to Mr. Leary's plans for the property. Mr. Leary said he shared that correspondence with Mr. Bohannon and so he did not understand why it was not shared with everyone. From the start, he said he reached out to the Director of Public Works and the Director of Parks, Recreation & Facilities with an initial correspondence to access the property, but he did not realize all he would have to go through to do so and some learning was necessary. Mr. Leary said the original access told to him by Mr. Bohannon was through the Old Gilsum Road with an ATV and following that direction, Mr. Leary said he bought an ATV in December strictly to carry equipment to the property and then he learned from Mr. Bohannon that he needed permission from the Council to do so.

Mr. Leary continued that from the beginning he made clear that he wanted to bring in a small tract excavator for the work this year. Therefore, Mr. Leary hired a forester to ensure what he does is in line with stewardship. The forester would be doing none of the work and would not be accessing the property with equipment as a third party, but rather he would be advising Mr. Leary's of the necessary work in order to make a better habitat on that property. He said that like any other forestry plan, the excavator should only need to access the property every 10 years. Mr. Leary said he forwarded the forestry contracts to Mr. Bohannon as well, stating that he was unaware with whom information needed to be shared.

Chair Manwaring welcomed public comment.

Eloise Clark of 1185 Roxbury Road said she was the Chair of the Conservation Commission when the conservation decree was enacted to protect the property. She was concerned about the precedent of opening the property to motorized vehicles. She was curious about the precedent for other logging operations.

Joan Van Saun of 62 Meetinghouse Road expressed concern for the spot at which the dirt road ends near the water tower, where a walking path extends to the start of Old Gilsum Road. She could not imagine an ATV on that path, stating it would erode the grass and she had never seen a motor vehicle there. While it was only approximately 1/16-mile in length, she was concerned.

The City Manager said one challenge was due to this request having evolved from Old Gilsum Road to the water tank and from an ATV to active forest management/equipment. She suggested the option to discard the request before the Committee at this meeting regarding access to the water tower property and Mr. Leary could submit a new request articulating his forestry plans and provide any additional documents to prove a lease agreement.

Councilor Filiault said he agreed with the City Manager but said it should be clear that wording in the new request must be completely different or the Council cannot rehear the matter until next calendar year per their Rules of Order. The City Manager said that issue could be prevented if the current request from Mr. Leary was accepted as informational and Mr. Leary submitted a new letter that the Staff and the Council could review.

Chair Manwaring stated her continued concern for ATV access to Old Gilsum Road, a Class VI road. Councilor Williams was happy to support a real conservation effort for that property, if possible, but agreed with needing more information from Mr. Leary beyond access issues for all parties to develop a best

approach. He supported accepting the request as informational.

Vice Chair Giacomo agreed that accepting as informational provides flexibility and allows the petitioner to return with something clearer that indicates the lease agreement. Councilor Madison concurred with the other Councilors and said it would be good to see a new proposal, proof of lease, information on the equipment types, and the frequency of this use.

Mr. Leary stated his understanding of what the Committee sought and added that he just hired the forester to complete the plan, which he thought would be complete in advance of the next MSFI Committee meeting, when he could also present the lease agreement.

If Mr. Leary planned to return for the next regular meeting the Councilor Filiault wondered why not place the matter on more time. The City Attorney responded that Mr. Leary withdrew his original request regarding ATV use on Old Gilsum Road and then submitted a different request for the water tank road, which were essentially two different matters. If returning with requests for the Class VI road, then the City Attorney said it should be noticed to that affect so that abutters and other interested parties could appear for the discussion.

Vice Chair Giacomo made the following motion, which Councilor Filiault seconded.

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends acceptance of the communication from Mr. Leary for access to property off the Old Gilsum Road through the City of Keene utility road. as informational.



City of Keene, N.H.
Transmittal Form

March 24, 2021

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.2.

SUBJECT: Request for Use of City Property - Police Department Memorial Stone - Police Chief

RECOMMENDATION:

On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended that the City Council approve the use of City property to place a Police Department memorial stone outside the Police Department at 400 Marlboro Street.

BACKGROUND:

Chair Manwaring welcomed Police Chief Steve Russo. The Chief introduced Detective Steve Lamears of the Keene Police Department who came to the Command Staff with this project that he had been leading for the past six months. Det. Lamears shared that in 2020 a dispatcher died of a sudden illness and there could be no funeral to honor that person as the KPD would normally due to Covid-19. Realizing this inability to honor members of the KPD as they would normally, the unions met and agreed on a design that served everyone in the building. The stone would be roughly six inches deep, two feet long, and three feet high. A copy of the design and proposed location would be in front of the KPD on Marlboro Street. . Given that the assistance would equate to use of tax dollars, Chief Russo was also seeking from the City Council whether it was appropriate and possible for the Director of Public Works to assist in the placement of the stone to minimize placement costs, which the unions were generating themselves.

The City Attorney asked the City Manager whether the Director of Public Works should be named directly in the motion and the City Manager said she thought this was possible without amending the proposed motion. Chief Russo said he had spoken with the Director of Public Works, who agreed because it would not cost them a lot of time or labor. The project was set to commence in approximately five months.

Councilor Filiault stated he was glad to hear it would take some time before this were completed, stating that hopefully by then it would be post-Covid-19 and everyone including the Councilors could attend and provide the deserved recognition.

Vice Chair Giacomo made the following motion, which Councilor Filiault seconded.

On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended that the City Council approve the use of City property to place a Police Department memorial stone outside the Police Department at 400 Marlboro Street.



City of Keene, N.H.
Transmittal Form

March 24, 2021

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.3.

SUBJECT: Purchase of the Robert J. Prowse Memorial Bridge - City Engineer

RECOMMENDATION:

On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended that the City Manager be authorized to do all things necessary to negotiate and execute a Bill of Sale along with Restrictive Covenants for the historical preservation of the Robert J. Prowse Memorial Bridge.

BACKGROUND:

Chair Manwaring welcomed the City Engineer, Don Lussier, who was excited to present this project. He recalled a discussion with this Committee recently on the Transportation Heritage Trail proposals in the 2021 Capital Improvement Program that were still a few year from execution. He said that the heart of the Transportation Heritage Trail project vision was to use three historic bridges to connect completed sections of the Cheshire Rail Trail, specifically the Industrial Heritage Trail that ends at Eastern Avenue today to the completed sections at the Swanzey town line in order to tell the story of how transportation changes have shaped Keene. The three bridges are the existing Stone Arch Bridge seen from RT-101, reusing parts of the Island Street Bridge that dates to WWII for rapid deployment on battlefields, and the Robert J. Prowse Memorial Bridge that carried Ash Street in Londonderry over I-93. The Prowse Bridge was the subject of this meeting's discussion.

This bridge in Londonderry had to be relocated and removed during the I-93 widening project but due to its historical significance, NH Department of Transportation (DOT) was required to find a way to preserve it. As such, DOT advertised the bridge for proposals and the City's was selected to reuse the bridge by constructing it over RT-101 for the Transportation Heritage Trail. Recently the City received the draft purchase and sale agreements with restrictive covenants. The City Engineer was before the City Council at this meeting to ensure the Council was comfortable with those five restrictive covenants to preserve the bridge's historic significance:

1. Our reuse, maintenance and repairs must preserve the historical integrity of the bridge.
2. The State Historic Preservation Office is allowed to inspect the bridge once installed.
3. The City will submit annual stewardship reports for 10 years.
4. The City will be responsible for future maintenance and must maintain the bridge in a state of good repair.
5. If not relocated by September 13, 2026, the NH DOT can elect to continue storing or scrap the bridge.

The City Engineer said the first covenant was not a problem and the City intended to do so. The second condition, which was to ensure the City meets their preservation duties and the periodic stewardship reports would occur through the City Engineer's office in the Public Works Department. The fourth covenant did not preclude the City from seeking grants or other funding, but the City would be responsible for maintaining it like all its other bridges. Regarding the fifth covenant, the City Engineer said that date was selected because the NH DOT agreement with the Federal Highway Administration required DOT to make efforts to find the bridge a

home for 10 years. He thought that if the City were making progress toward the bridge's eventual reuse even if the bridge were not lifted from that storage site by the date listed, that DOT would continue storing it for the City.

Councilor Filiault asked where the bridge was stored currently, how the bridge would get here, and who would pay for that transportation. The City Engineer said that the bridge was currently disassembled and stored in the central median of I-93 in Londonderry in a construction yard off on the northbound side. He continued that two years ago, University of New Hampshire Civil Engineering students assessed the potential reuse of this bridge, including logistics and costs of moving a 216-foot long disassembled bridge to Keene over highways. Those students received estimates from heavy haulers of approximately \$20,000 because it would be oversized and overweight despite being dis-assembled. The cost of the whole project was laid out in the CIP and transport was one of those costs. The vision was always for the City to pursue other funding opportunities to offset these costs. At this time, the City had already submitted a Transportation Alternatives Program grant application to pay for the first phase that would extend the trail to the bridge site and he anticipated applying for further grant funds for the remaining phases.

Chair Manwaring knew that Pathways for Keene was beginning fundraising for that bridge project and maybe other private entities would help as well.

Vice Chair Giacomo thanked the City Engineer for continued momentum on this project, calling it one of the most exciting projects in last year's CIP. He thought this was creative and would provide an amazing gateway into the City. He understood that the purchase price was \$1 and that there would be transportation costs but he asked whether there would be costs to the City before moving the bridge to Keene. The City Engineer said not immediately, but there would be costs (not included in the CIP) to prepare the site for the installation, including abutments and more. The City was under no obligation to provide security, fencing, or a covering for the bridge while it was stored and if it were damaged or vandalized before transport through no fault of the City's. The City reserved the right to walk away from the agreement if the bridge could no longer be used for the intended purpose.

Vice Chair Giacomo made the following motion, which Councilor Filiault seconded.

On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended that the City Manager be authorized to do all things necessary to negotiate and execute a Bill of Sale along with Restrictive Covenants for the historical preservation of the Robert J. Prowse Memorial Bridge.



City of Keene, N.H.
Transmittal Form

March 24, 2021

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.4.

SUBJECT: Request for Exception from the Public Improvement Standards - City Engineer

RECOMMENDATION:

On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that Liberty Utilities be granted an exception from Sec. 70-127(3) of the Public Improvement Standards in order to restore existing asphalt sidewalks on Roxbury St. with asphalt.

BACKGROUND:

Chair Manwaring welcomed the City Engineer again, who was accompanied by Andrew Mills and Steve Rokes of Liberty Utilities. This was a request for an exception to the City Utility Standards, specifically Section 70-127(3), which is the paragraph in City Code that sets the standard of concrete sidewalks. The request for a waiver resulted from a conversation between the City Engineer and Mr. Rokes on the site in question. Liberty Utilities wanted to replace their gas mains under Roxbury Street before the City completes its regular paving this summer. Unfortunately, Roxbury Street is one of Keene's concrete roadways and the City Engineer was not enthusiastic about cutting a trench down the center of it. After brainstorming, the two entities agreed to the option of placing the gas mains under the northern sidewalk of Roxbury Street, where today the sidewalks were asphalt and maintained by the Public Works Department. Roxbury Street is a main collector/artery street in the City and while asphalt sidewalks would not be the first choice, the sidewalk there today was in fair to poor condition. Staff saw locating the gas line under the sidewalk as an opportunity to improve conditions in the interim until the City could afford concrete sidewalks, while keeping Roxbury Street from degrading due to cuts in the concrete surface for this trench.

Councilor Williams asked what block of Roxbury Street was under discussion. The City Engineer said beginning at Harrison Street and going to Oak Street, connecting to sections improved previously. The City Engineer said Liberty Utilities already planned to replace all gas mains west of Beaver Brook as a part of utility work there and in that case the roadway would be torn-up already and so there was less concern.

Councilor Filiault said he might object normally because of standards but with the current condition of the sidewalks in question, this was a win-win because while they would not be concrete, new asphalt sidewalks would be much better than the current condition and so he was okay with the request.

Vice Chair Giacomo asked how this would relate to the rest of the Roxbury Street construction project. The City Engineer said this would occur in advance of the more significant and disruptive phases of the Roxbury Street project west of the river. This work was planned to begin as soon as Council voted and if Council denied this waiver, Liberty Utilities was prepared to proceed with replacement in the center of the roadway. If Council approved the waiver, then work would proceed under the northern sidewalks. He anticipated this work concluding before work west of Beaver Brook begins.

Mr. Rokes thanked the Councilors for this opportunity and agreed with Councilor Filiault's statement about this being a win-win. He reminded that there would still be some street crossings cut to connect gas on the northern side to the other sides such as at Gurnsey and South Lincoln Streets. He thanked the Council for considering this request.

Councilor Williams said that as a Ward Two Councilor he heard a lot of complaints about the Roxbury Street sidewalks and he was glad this was happening; it would be a great opportunity regardless of the asphalt.

Vice Chair Giacomo made the following motion, which Councilor Filiault seconded.

On a roll call vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that Liberty Utilities be granted an exception from Sec. 70-127(3) of the Public Improvement Standards in order to restore existing asphalt sidewalks on Roxbury St. with asphalt.



City of Keene, N.H.
Transmittal Form

March 24, 2021

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.5.

SUBJECT: Representative Joe Schapiro – Urging the City to Take a Position on HB 266

RECOMMENDATION:

On a roll call vote of 5 -0, the Planning, Licenses, and Development Committee recommends sending a letter of opposition to House Bill 266 relative to the enforcement of immigration laws and the prohibition of sanctuary policies to the Keene Legislative Delegation, all State Senators, and the Governor, and that the City Attorney be authorized to speak and testify on the City Council's behalf.

BACKGROUND:

Chair Bosley stated that the PLD Committee had placed this item on more time so that they would have the City Manager and the City Attorney present to speak to it, and they are here tonight. Chair Bosley asked Representative Joe Schapiro to speak about his letter.

Rep. Schapiro thanked the committee for this opportunity to speak about HB 266. He continued that to begin, he apologizes for his shock two weeks ago when this hearing was delayed. He did find the email that had come a day or two before, and he apologizes for not being on top of that. Chair Bosley replied that no apology is necessary; the committee is just glad that the issue was not super time-sensitive and Rep. Schapiro was able to return tonight.

Rep. Schapiro stated that HB 266 establishes the New Hampshire Anti-Sanctuary Act. He continued that similar or identical legislation have been promoted around the country by an extreme, anti-immigrant group called FAIR – Federation of American Immigration Reform. Through the years, FAIR's leaders have held views about the importance of maintaining an American, white majority. They have been promoting this type of legislation and have gotten many bills like this passed in 11 or 12 states.

He continued that there are numerous reasons why HB 266 is bad for NH and specifically for Keene. NH cherishes the principal of local control. This Bill gives inordinate power to the State to dictate how local municipalities, counties, and local law enforcement agencies do their jobs. Taking cookie-cutter legislation promoted by national organizations seeks to ensure that only the most zealous cooperation with Federal immigration enforcement agencies will be allowed. In doing so, it strips local entities of self-determination. Where communities currently, through democratic processes (such as this very meeting), determine how their values will be translated into policy, this Bill would dictate such policies. For example, no local law enforcement or City or County could make a policy that even discouraged asking about immigration status, and there is a whole list of things which the City, County, and local law enforcement would not be allowed to do. Will every resident who comes into a City facility be questioned about their citizenship? Will every community member reporting a crime or being questioned as a witness by law enforcement be required to divulge their immigration status? If this Bill passes, there cannot be a policy that disallows that. This will have a corrosive

effect on the level of trust between law enforcement and the people they serve. It will have a negative fiscal impact on local law enforcement agencies, whose limited budgets will be stretched by taking on the work of Federal immigration enforcement. It will create Constitutional conflicts, which are likely to lead to costly litigation. The Bill dictates that law enforcement must honor every civil detainer. This means seizing and holding individuals against their will without judicial review, which is clearly prohibited under the Fourth Amendment. The Keene City Attorney taught him that in 2017 when they did a Resolution, and it was the City Attorney who suggested that he bring this issue to the Mayor and the City Council to take a position on it.

Rep. Schapiro continued that finally, this Bill would not merely restrict local decision-making; it would actually criminalize local control by requiring the Attorney General's Office to investigate any alleged violations of this law and penalize local communities for a lack of compliance, making them ineligible for State funds. Legislation such as this is based on a series of falsehoods. Those who support such extreme, aggressive attempts to restrict immigration to our State would have us believe immigrants are dangerous, that they are criminals, that they will erode our communities, that they will take our jobs. To this he would ask: when was the last time you or a family member lost out on a job to an undocumented immigrant? HB 266, if enacted, would send the clear message to immigrants that they are not welcome here. It would slam the door in the face of individuals and families who seek the same thing that we all want: community, safety, opportunity to support ourselves, and a good education for our children. Not only do newcomers enrich our community culturally, they also create businesses and enhance our workforce. Finding workers, especially in the areas of agriculture, healthcare, and caring for the elderly, is a major challenge to our State. Do we really want to create an environment of hostility that discourages and repels people? By saying no to this Bill, the Committee has an opportunity to do more than defeat a flawed, constitutionally questionable piece of legislation. They have the opportunity to say yes to a vibrant, inclusive, and welcoming New Hampshire, the State that truly lives up to its potential.

Rep. Schapiro continued that he asks the PLD Committee to encourage the whole City Council to take a stand opposed to this bill, and to have the Mayor and the City Council communicate that opposition to the Legislature and the Governor.

Chair Bosley asked if there were questions from committee members.

Councilor Jones stated that he has known Rep. Schapiro for about 30 years, and he has always respected and appreciated him. He continued that of course, he supports Rep. Schapiro's opposition to HB 266. This is a shining moment. Over the many years he has been on the City Council, many people have asked the City Council to support or oppose legislative items, and it has always come from either staff, another City Councilor, or a private entity. The City Council has never had a Representative come to them. He appreciates it. It is good hearing this 'right from the horse's mouth.' He supported the Resolution the City Council adopted in 2017 and he supports the opposition to HB 266.

Rep. Schapiro stated that he knows many people come before the City Council to request the City Council take a stand or support a Resolution, which may seem like idealistic ideas that are irrelevant to the nuts and bolts of City government, like keeping the roads working and enforcing the local laws. He continued that if they look at the big picture, HB 266 is a terrible Bill for NH. If they look at the immediate picture, he thinks this will have a direct effect on cities like Keene. If the Police has to start enforcing these things, which nothing in Federal law says they have to do, it will cost money. And it will erode trust between our local law enforcement and the people of the community. He thinks it has real, specific consequences for localities, and not just Keene. He hopes the Mayor will write a letter to the Governor in cooperation with the mayors of other cities. Rep. Schapiro noted the County would also be dramatically affected and Sheriff Rivera took a courageous stand and developed policies about immigration and these are the kinds of policies that are being targeted.

Chair Bosley thanked Rep. Schapiro for bringing this forward. She stated that several members of the PLD Committee are relatively new, and it was important to re-read that Resolution the City Council passed in 2017

and see how this Bill would go against what the previous City Council had wanted. She saw in Rep. Schapiro's letter that he also mentioned having representation to testify. She asked if he has given any thought as to who from the City he would like to see testify. Or is he looking for a letter?

Rep. Schapiro replied that when he wrote the letter, he thought it would happen in a few days. Now that he thinks about it, that was rather naïve, and things take time, and there has to be a process of going through a hearing. The first ship has sailed. This Bill has been voted out of committee, recommended ought to pass, on a purely Democrat-Republican majority, 10-9. The next step is for it to go to the full House to be voted on. There are meetings on April 7, 8, and 9. He does not know if the wheels of City government will be in gear enough to have a decision made by then. He hopes so. The idea of testifying could still be relevant, if HB 266 passes the House and goes to the Senate, where it would have another hearing. That testimony could come from anyone in City government, but he thinks the City Attorney is very knowledgeable about this. He thinks a letter, sent by the Mayor to the Governor, that also gets communicated to House members or the Senate members, is more easily done. This could be done in time to communicate that opposition to the Senate, in the form of a letter to the Governor, saying that this would be bad for the City of Keene.

Chair Bosley stated that this will come out of the PLD Committee tonight and be voted on by the City Council on April 1.

Councilor Johnsen thanked Rep. Schapiro and stated that she appreciates the work he is doing. She continued that she knows there are some challenges going on in the House and she appreciates. She is glad to hear that someone could still speak to the Senate, and that is the beauty of this. Regarding Councilor Jones's comments, what happened when she was a Representative was that they used to meet with the mayor, and she thinks that is why it has not come through like this. She likes and appreciates that our Representative is here tonight. She hopes the Mayor is willing to support this. She thinks that if someone could go the Senate meeting, from her experience in the House, that that would be wonderful.

Rep. Schapiro stated that all testimony at the House and Senate is now remote, which makes it a little easier for people to testify. No one would have to travel to Concord.

Councilor Workman thanked Rep. Schapiro for coming to the PLD Committee tonight regarding this issue and why it is important to oppose it. She continued that she was a member of the Ad Hoc Racial Justice and Community Safety (AHRJCS) Committee, and that committee just put forth recommendations that will be coming forth in the future. Approval of HB 266 would definitely make those recommendations and vision much more difficult to see through.

Rep. Schapiro stated that in reference to what Councilor Johnsen said, about meeting with City staff about Bills at the beginning of the legislative session, they have done that, and he thinks the City Manager and the other City staff members have done a great job of bringing relevant Bills. He used to be very dismissive of Representatives he would talk to about certain Bills when they did not really know about those Bills, but it is a humbling experience to be in the House himself and have to keep track of a thousand Bills, including ones that are not in his committee. This may have come to him a little late to discuss it at their meetings with City staff.

Councilor Greenwald stated that he is extremely supportive of Rep. Schapiro's efforts, and as the sponsor of the 2017 Resolution, he is planning to have it read again, and he thinks they should do this periodically. The world just keeps changing, not necessarily in a good way, so we need to keep going back and back to: we do things right in Keene. We treat people as people, and that is not a political issue. That being said, he is curious about whether any of our local folks are supportive of HB 266. It is discouraging to hear that the Bill was passed in committee. Are there any local people the City Council might want to contact, and try to change their minds?

Rep. Schapiro stated that he does not believe there are any Keene Representatives on that committee, and if

there were, he does not think they would support the Bill. He continued that he could look further and see if there are any Cheshire County people on that committee and how they voted. But like he said, there are many, many issues now, unfortunately, that are strictly partisan votes and that was the way this was.

Councilor Johnsen stated that from her experience in listening to the Cheshire County Sheriff, she believes he would certainly be supportive of what Rep. Schapiro is asking. She continued that he might be someone for Rep. Schapiro to connect with, because he definitely does not want to have that control taken away. Rep. Schapiro replied that he and the Sheriff have communicated; he was hoping the Sheriff would be here tonight.

Chair Bosley asked for public comment.

Michele Chalice, of 25 Main St., stated that she wants to support Rep. Schapiro's request to oppose HB 266 for reasons that Keene is a humane community. She continued that it is her opinion that all Americans, except for Native Americans, are immigrants in this country. She appreciates what she is hearing tonight, and she hopes the City Council will be as welcoming to this idea as she has heard this evening.

Judith Reed of 20 Green Acres Rd. stated that she is an active member of the Keene Immigrant and Refugee Partnership, which was the organization that Rep. Schapiro represented in part when they brought forward the former statement that the City Council adopted a couple years ago. She continued that she is also a co-founder of Project Home, which has brought now five families and individuals into host homes in Keene. These people are asylum seekers, and not here illegally. They are legal residents while they are here pursuing their asylum cases and it is Project Home's aim to accompany them throughout their asylum cases to provide them a place to live and fulfill their basic needs. This Bill being proposed would throw cold water on both of these endeavors. The Keene Immigrant and Refugee Partnership's purpose is to help Keene continue to be and to be even more welcoming to all immigrants. It would also make life more difficult for anybody like an asylum seeker, who is here legally, but would be looked at askance and unfairly. There are such wonderful things going on in Keene. The outpouring of support for both these organizations has been heartening. This is a community that really cares about immigrants and cares about taking care of other human beings, and this legislation flies in the face of everything that she has seen Keene stand for. Thus, she appreciates Rep. Schapiro bringing this forward and the City Council's attention to it.

Nancy Kelley-Gillard of 72 Reservoir St. stated that she and her family are fortunate enough to have two lovely families in her neighborhood that they have gotten to know through Project Home. She continued that she is grateful for that, and she is grateful to live in Keene, and she applauds Rep. Schapiro for bringing this to the attention of the City. She echoes what everyone else has said. She hopes they can all comment during the time they can do public comment at the hearings.

Chair Bosley asked if there were any further questions or comments from the public. Hearing none, she asked if committee members had any further questions for Rep. Schapiro.

Rep. Schapiro stated that he received a text from Amanda Toll, asking how she could speak at this meeting. Chair Bosley invited Amanda Toll to speak.

Amanda Elizabeth Toll stated that she represents Cheshire 16 alongside Rep. Schapiro at the NH Statehouse, which encompasses the City of Keene. She continued that she is here in opposition to HB 266 and to encourage the City Council to oppose it. By allowing NH law enforcement to initiate investigations into immigration status this Bill will essentially turn NH law enforcement officers into Federal immigration officers. This will have xenophobic and racist implications, as it will open the door to profiling immigrants and racial and ethnic minorities. She feels confident that the vast majority of Keene residents would oppose this Bill and she knows that the elected Cheshire County Sheriff opposes it. Keene citizens appreciate the cultural, economic, humanitarian, and educational contributions of our immigrant friends and neighbors. We do not want to increase profiling in our community. Rather, we want immigrants to feel welcome and safe here. This city is

where Project Home, an organization that seeks to help asylum seekers, was founded. It is a city where people crowded into the Library on Thanksgiving 2017 to oppose family separations and to stand in solidarity with our immigrant communities. It is a city that had significant turnout to Black Lives Matter rallies in the wake of George Floyd's murder. She is proud to represent her constituents today by taking a stance against discrimination and she urges the PLD Committee to take a stance against this Bill as well.

Chair Bosley asked if members of the public had any further questions or comments.

Rep. Schapiro asked if this comes up at the City Council next week. Chair Bosley replied April 1. Rep. Schapiro asked, for his own edification, if there is opportunity for the public to speak at that meeting. Chair Bosley replied that tonight is the public's opportunity to weigh in. She continued that everyone from the City Council will have an opportunity to speak to their opinion regarding the PLD Committee's recommendation on the City Council floor, but they will not hear from the public then.

The City Attorney stated that he has a point of clarification. The City Council can have anyone it wants testify in connection with this Bill, but interestingly, the position of City Attorney is the only person in the City who requires direct authorization under the Code to appear before a legislative body on behalf of the City. Thus, if the PLD Committee is inclined to have him speak on this Bill that should be included in the motion.

Councilor Greenwald stated that that raises the question – is the City Attorney their first choice to speak? The City Attorney replied that from his perspective it does not have to be, but he just wanted the committee to know that if that was the case, they would have to authorize him. Chair Bosley asked for a conversation regarding who in the City the PLD Committee would like to see give testimony. Councilor Greenwald replied that he thinks the City Attorney is the right person, but he just wanted to put it out there. Chair Bosley replied that choosing the City Attorney sounds good to her. Councilor Jones stated that since the City Attorney is a charter officer, yes, the City Council can authorize him, but he does not think the City Council can authorize anyone else, such as the Police Chief – that would have to come from the City Manager. He continued that he thinks the City Council can only authorize the three charter employees. Chair Bosley asked if Councilor Jones is comfortable with the City Attorney being the one to give testimony.

Councilor Jones replied that he thinks the question is whether the City Attorney is comfortable. The City Attorney replied yes, he is happy to do it. He continued that as Rep. Schapiro and the others know, they spent a fair amount of time on this, and he had very serious issues back then with respect to the idea of a detainer outside a judicial process. It really does subject law enforcement members to Constitutional violation liability, and the City. This Bill basically opens that issue back up. That would certainly be one thing that, if the City Council wants him to go speak on this Bill, he will point out to the legislators. If you consider this particular Bill, which raises the Constitutional issue, in connection with the Bill that was out there to eliminate qualified immunity for public employees, most people think that is directed at law enforcement community it is basically directed at all municipal employees. If you pass a Bill that places Constitutional damages in play and a Bill that basically eliminates qualified immunity for public employees, you have a double whammy against people who work in the government with respect to the possibility of immigration violations. That includes not just the Police Department but our Social Services employees and everyone else, because if they violate Federal law by providing assistance to individuals in violation of Federal law they could be open to the damages, too. This Bill has significant ramifications to it.

Chair Bosley thanked the City Attorney for those comments and stated that at this point, she is convinced that he is the right one to testify on the City's behalf. Councilor Greenwald stated that the City Attorney certainly understands the issue and will represent the City very well.

Councilor Greenwald asked if it would make a difference to send the letter to all 400 or however many there are. Councilor Johnsen replied no. Rep. Schapiro replied that he does not know.

Chair Bosley asked if there were any further comments. Councilor Johnsen asked if the letter is coming from the Mayor or the City Council. Councilor Greenwald replied the Mayor on behalf of the City Council.

Councilor Greenwald made a motion, which was seconded by Councilor Jones.

On a vote of 5 -0, the Planning, Licenses, and Development Committee recommends sending a letter of opposition to House Bill 266 relative to the enforcement of immigration laws and the prohibition of sanctuary policies to the Keene Legislative Delegation, all State Senators, and the Governor, and that the City Attorney be authorized to speak and testify on the City Council's behalf.



City of Keene, N.H.
Transmittal Form

March 24, 2021

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.6.

SUBJECT: Relating to Proposed Congregate Living and Social Service License – Senior Planner

RECOMMENDATION:

On a roll call vote of 5 – 0, the Planning, Licenses and Development Committee recommends that the City Manager introduce an ordinance to City Council related to amendments to Chapter 46 of City Code, and the establishment of a Congregate Living and Social Service License.

BACKGROUND:

Chair Bosley asked to hear from Tara Kessler, Senior Planner.

Ms. Kessler stated that she is joined tonight by Med Kopczynski, Economic Development Director, and Rhett Lamb, Community Development Director. She continued that this is a continuation of a conversation that was started at the Joint Planning Board/Planning, Licenses, and Development Committee’s public workshop phase for the proposed Land Development Code. At that time, staff recommended that this proposed Congregate Living and Social Service License be separated from the proposed Land Development Code Ordinance, which was leaving the public workshop phase, for two reasons. One reason is staff had identified some concerns about the existing appeal process in Chapter 46 of the City Code, which is focused on licenses and permits. In addition, they also recognized that the amendments being made related to Congregate Living and Social Services Licenses were specific to Chapter 46, which is not proposed to be merged into the Land Development Code. It would remain its own chapter of the City Code, so they thought it was appropriate to separate the two, at least from an Ordinance standpoint. Tonight she will give an overview of some of what staff has been working on to update the language and the framework for this proposed license that they had started discussing with the PLD Committee through the Joint Committee public workshop phase. Ultimately, what they are looking for is feedback from the PLD Committee on this proposed framework and then some guidance/direction to submit an Ordinance to the City Council that would formalize these proposed amendments to Chapter 46 for a license.

Ms. Kessler stated that a handout was included in the agenda packet that has a lot in it, so she will not go through all of it, but it would be helpful to walk through some of the components of it. As a reminder, a number of the uses they are talking about are proposed uses to the City’s Zoning Code, new uses that would be permitted if the Land Development Code were adopted. They include drug treatment clinic, fraternity and sorority, group home (either large or small), group resource center, homeless shelter, lodging house, residential care facility, and residential drug and alcohol treatment facility. They do have lodging house and group home as existing uses that occur today and lodging houses require an annual license through Chapter 46. With the proposed Land Development Code there are amendments proposed to the definitions of those uses and also the standards for which those uses would be allowed. Tonight’s discussion is focused on an operating license. So for these uses, at least as proposed in the Land Development Code, any new uses would first require a

Conditional Use Permit issued by the Planning Board to operate as a use. That would have its own review process and criteria. This license would be something that a business or entity that operates any of those uses would need to obtain, in an initial instance to operate the use, but also to renew each year thereafter. It is focused more on how that business and entity operates and functions, and not so much related to the ability of that use to operate on the site as granted by the Planning Board through a Conditional Use Permit. This license would apply to existing uses that operate today but might fall under a different category of Zoning Use in the Code, because these nine uses are not in existence today; but it would also apply to any future or new uses that would be proposed if the Land Development Code is adopted.

Ms. Kessler continued that if the Land Development Code is adopted, the City recognizes that there are a number of existing businesses that might fall into one of those use categories, and they would propose that those existing businesses be given at least a year of time to obtain a license, and then each year thereafter they would have to renew that license. Any new businesses that were to be proposed and fall within one of those categories of uses after the Land Development Code takes effect, if it is adopted, would need to obtain a license in order to operate their use. Existing businesses would have a grace period to pull together a license application and come before the City and new businesses would have to obtain their license in order to begin operation immediately.

She continued that staff is also proposing that there be a schedule in place for when licenses would need to be renewed each year. If you obtained an initial license in May for a group home, you would not have to renew that license until June of the next year if June is the date that they propose to be the schedule for all group home licenses to be renewed.

Ms. Kessler stated that regarding the question of who issues the license, this question is what staff raised initially as a concern with the existing language in Chapter 46. Currently there are three categories of licenses that are reviewed and approved by the City Council. Those include the lodging house license, street fair licenses, and community events. The issue staff raised is that the current appeal process for the City Council decisions on these licenses is to the City Manager, City Clerk, and Police Chief. There is a conflict there in that the City Clerk and City Manager are Charter Officers and employees of the City Council, so staff wanted to create a fairer and more straightforward process for these licenses, which they expect to be higher in volume than what you typically see for lodging houses and street fairs and community events. They are proposing the creation of a Licensing Board that would be a public body, with members (potentially five) appointed by the City Council. The appeal entity to that board would be the City Council. Because of that, they are recommending that City Councilors not be part of the composition of the Licensing Board, nor staff that are in enforcement roles, such as Police, Fire, or Code, in that they may have a role in testifying on behalf of an application or providing a recommendation on an application. Staff thinks there should be some parameters for who could be a member of the Licensing Board and who would be qualified. Some thoughts around that are a certain number of citizens from the community, potentially a staff member from a non-enforcement role, or a member of the Planning Board. The Licensing Board meetings would be open to the public. All license applications would go to the board to be acted on either for their initial application or renewal, or any need to hold public hearings to address potential violations or questions about suspension or revocation of licenses. The Licensing Board would have a few options for how they would side on an application. Staff's goal was to try and provide more structure than there is today in Chapter 46, for this Licensing Board to have an understanding of how they act on these applications and what the criteria and parameters are for action on applications.

Ms. Kessler stated that regarding the process, in the first instance, if an entity that falls into one of those use categories and needs to either obtain an initial license or if they are seeking to renew a license, they would submit an application to the Community Development Department, and staff would review the materials and ensure that everything that is required for an application is present and that the application is complete. They would then send the application to other City departments for review. For instance, the Fire, Police, and Code Departments would review what types of inspections have been conducted on that property in the past year,

and any known violations that are attributed to that property related to Police violations or Life Safety violations. Staff would prepare a report with a recommendation to the Licensing Board for their public hearing on the application. They have, staff is proposing, 30 days from the receipt of a complete application to when this Licensing Board would have to hold a public hearing. That public hearing would give an opportunity to members of the public to speak, although it is important to note that staff is not proposing that abutters be notified in advance or that a legal notice be posted for these meetings. They do want to make sure there is an opportunity built into that meeting for public testimony.

Ms. Kessler continued that the Licensing Board would have a few options for how they might act on an application, at least with reviewing an initial or renewal application. They could either approve, approve with conditions, deny, or continue a license hearing to another meeting. The appeal process staff is proposing would be that any party that is aggrieved, whether it is the license applicant or somebody else who might be affected by the decision of the Licensing Board, could appeal the decision to the City Council within 30 days. That is the basic outline.

She continued that she just addressed the process for an initial license application and the renewal license application. If at any point during the course of a year between when the license is issued or renewed it is brought to the attention of the Licensing Board that there are significant violations happening with respect to the terms of the license, or if there are any grounds for suspension or revocation, then the Licensing Board could hold a public hearing and review the violations that have been brought forth. Staff is proposing some criteria or guidance for that board and how they might act on a hearing related to violations. Those options would include either placing the applicant on a provisional license, which would give them the opportunity to continue to operate their use except under certain conditions, and that could license be for a shorter timeframe than the issuance of an annual license. For instance, if somebody was in violation of their management plan, which is a requirement of the application, the Licensing Board could say they will give the entity a month to show that they are getting back in compliance with their management plan and they can continue to operate but under certain conditions. Then the entity would have to come back to the Licensing Board and demonstrate that they met those conditions and that they are back in compliance. The other options would be, depending on the severity and/or frequency of the violation, the Licensing Board could choose to suspend the license for a period not to exceed a year, or they could revoke the license, which would be cessation of the use and the owner would no longer be able to operate, but that would be an extreme circumstance.

Finally, Ms. Kessler continued, there is the criteria the Licensing Board would use to make decisions or evaluate applications. When reviewing initial applications and applications for renewal of licenses, the Licensing Board would be looking to see whether the use is in compliance with their submitted operations management plan as well as in compliance with all local, State, and Federal codes and regulations, especially those related to building, fire, and life safety. That operations and management plan requires a fair amount of information, including security plan, life safety plan, staff training and procedures plan, health and safety plan, emergency response plan, neighborhood relations plan, and building and site maintenance procedures. Thus, the applicant would be including that plan in their application and then the Licensing Board would be evaluating or holding them to the plan that they have submitted, including all of those elements just mentioned.

Other factors they would use when reviewing and acting on a license application would be to make sure the character of the use does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area and that the use does not produce public health or safety concerns in connection with traffic, pedestrians, public infrastructure, and Police or Fire Department actions. The Licensing Board could issue conditions on the license at any point, even if it is an annual license or renewal license, but they should be related to the operation of the use.

Ms. Kessler continued that there are two other sets of criteria that staff put forth. None of this is actually included in the lodging house license process today, so they are trying to get this guidance but also clear criteria that could be used for both the Licensing Board and for the applicants to know what decisions on licenses are

being held against. There is a proposed list for grounds for suspension or revocation or placing a license on a provisional status. This list of criteria would be used to determine what would cause a license holder to be brought before the Licensing Board to determine whether or not their license should be suspended, revoked, or placed on a conditional or provisional status. Those include: fraud, misrepresentation or false statements contained in the application for the license or in the carrying out of the use for which the license is issued, substantial violations of Chapter 46, substantial violation of local Codes and safety regulations, any violation of a restriction or condition placed on the license, or if the licensee is determined to be routinely conducting the use in a manner that is a substantial or unreasonable nuisance to the public health, safety, or welfare, or refusal to permit an inspection or any interference with an authorized City Enforcement Officer performing inspections required by Chapter 46.

Finally, Ms. Kessler noted that staff heard from Councilors and Planning Board members in the Joint Committee process concerns that there was not clear enough or objective enough set of criteria for the Licensing Board to use in making a determination as to whether to suspend, revoke, or place on probationary status. It is really difficult to try and create a clear, set threshold for which a license would be suspended or revoked, because this applies to so many different types of uses and each use and its operation will be unique. The types of violations may vary and may have varying degrees of impact, thus, staff feels like if they could give the Licensing Board some parameters to weigh decisions versus giving them set thresholds, it might be a preferred process for trying to address so many different types of situations. In the Licensing Board's effort or role of trying to determine whether to place a licensee on a provisional license, suspend, or revoke a license, these are the factors that they would be considering: the circumstances leading to the violation; the owner or operator's history of violations; the extent of deviation from the terms and conditions of the license and from the licensee's approved operation and management plan; the severity of the violation, including the degree of impact to the clients and/or surrounding area; the duration and frequency of the violation; and the owner/operator's efforts to comply with the licensing requirements.

Ms. Kessler stated that she will be happy to answer questions. She continued that staff is looking for guidance. Their next step would be to draft this Ordinance and have it introduced to City Council on April 15, to ideally have it come back to the PLD Committee on April 21. Ultimately, if this is moving forward it would need to be voted on at the same time as the proposed Land Development Code, because they do go together. The Land Development Code establishes these uses, and notes that these uses need to obtain a license in order to operate. She asked if Mr. Lamb or Mr. Kopczynski had anything to add.

Mr. Kopczynski stated that he thinks that is a good synopsis for right now. He continued that he is interested in feedback from the members of the public or the PLD Committee. It is a little difficult to provide bright line standards; as Ms. Kessler said, there are so many different variables.

Mr. Lamb reminded the committee that this was part of the strategy from the beginning, as they took on this difficult task of identifying and creating processes to improve congregate living and social service uses. The community really wants to make sure that we do not let these uses impose on quality of life in neighborhoods and one way to do that is this license process, because it provides for this continuing, ongoing review.

Chair Bosley asked if there were any questions from the committee. She continued that that was a lot of information to absorb, but they have been talking about this at length at the Joint Committee meetings.

Councilor Jones asked if it is correct that many of these licenses are uses under many of the new Zones under conditional use. Ms. Kessler replied yes, all of the nine uses that she just talked about, in the proposed Code, would only be allowed first by a Conditional Use Permit issued by the Planning Board. That is, any *new* uses in those categories. Councilor Jones asked: if these licenses were approved by the Licensing Board, do you still have to go through the Conditional Use Permit as in Article 13.5 of the Land Use Code? Ms. Kessler replied yes, that would come first. In the first instance, that Conditional Use Permit, if granted, would give the owner of that use the ability to operate that use. It is similar to if a use was allowed in Zoning by Special

Exception, it would need to go to the Zoning Board of Adjustment for approval before it can establish the use. In this instance they would need to go before the Planning Board to get approval before they could establish the use.

Councilor Jones asked why go to the Planning Board first; why not do the license first? Mr. Lamb replied primarily because Zoning establishes the use pattern and the evaluation of the Conditional Use Permit really is this assessment of whether or not the use is compatible with the neighborhood and the Zoning surrounding the neighborhoods, whereas the license gets closer to the operation of each individual business associated with a use that is subject to a Conditional Use Permit.

Councilor Jones replied that it could happen where the Zoning is approved but the license is denied, but it cannot happen vice versa. Chair Bosley replied that in an initial case she does not think that would be a real potential. She continued that they would have criteria to meet with the Licensing Board, to get their initial license, and then at the review process there could be potential for ramifications for violations for some part of their originally license. Councilor Jones asked if she is saying the Planning Board would go first. Chair Bosley replied yes, they would receive the Conditional Use Permit through the Planning Board to operate the use on the site, and then they would need to submit an application for an operating license to the Licensing Board, which would initially be approved with the understanding that they have submitted safety and management plans to the Licensing Board. After a year of operation, it would be reviewed, just like with a City Council license that was granted, and the license could have conditions placed on it by the Licensing Board. The original license would have been given with information about what the expectations would be. Then in the year following, you would have the Code, Fire, and everyone submitting any reviews that needed to happen, and an opportunity for the public to speak again; it would be very similar to the City Council process now.

Councilor Jones replied that he understands all of that. He continued that the part he wants to ask about is: if the Planning Board denies the Conditional Use Permit, that negates any reason to apply for a license? Chair Bosley and Mr. Lamb replied correct. Chair Bosley added that the Conditional Use Permit applies to the land, not the business, so that Conditional Use Permit, once approved, could transition to other entities that wanted to operate on that lot. Councilor Jones stated that he just wanted to know what the process would be if one was approved and the other was denied.

Chair Bosley stated that the other thing she wants to point out is these licenses are relative to the proposed Land Development Code but this would also transfer the other licenses that are before the PLD Committee and City Council, through this Licensing Board, such as sidewalk cafes, outdoor events; all of those licenses would go through this new Licensing Board and the PLD Committee would then be the appeal board. Councilor Jones replied that he understands that part.

Chair Bosley asked if there were more questions or comments from the committee. Hearing none, she stated that she would like to make a couple comments herself. She thinks the majority of the Licensing Board members should be members of the public/Keene and maybe a representative from staff if that is reasonable, but having the voice of the community involved in this process is really important. She continued that she also looked at the calendar. As a committee member who has been to a lot of meetings, she sees that there are only six months of scheduled meetings. She suggests a shift in those dates to the winter months instead of the summer months, because she thinks people would be more willing to meet in the winter instead of giving up their summer evenings to talk about licenses.

Chair Bosley asked for public comment.

Tom Savastanos stated that he reviewed this licensing language pretty closely and he feels a lot of care has gone into it, which he appreciates. He continued that he had a couple questions. He thinks his comments apply to group homes in general, because that is mostly what he has been following, though obviously it carries over into the other uses as well. There can be well-run group homes that are also good neighbors, and there could be

poorly-run group homes that are not good neighbors and not good for the residents served or the city at large, and not good for well-run group homes, because they give them a bad name. He believes, partially from his social services background, that group homes can be good neighbors. One of his questions, as he reviewed the language, is: there is an 'operations and management plan' which includes a 'neighborhood relations plan.' He wonders if that could be fleshed out more. What would be an example of a neighborhood relations plan, or what should that include? He thinks that people in the neighborhoods of group homes can sort of be the first backstop in seeing issues that are arising in poorly-run group homes. Also, in terms of the definition of "group home," both for large and small, it says "*unrelated natural persons who are in need of personal care services and/or are in need of supervision, and that may include non-medical drug and alcohol rehabilitation.*" He would say that regarding people undergoing drug or alcohol rehabilitation in a group home, that group home could be well-run or poorly-run. Does that definition imply in-house supervision? That is his concern. That also ties into this whole thing about licensing. It is there in the language, "*in need of supervision,*" but he does not know if that is of a nature that is residential supervision, ongoing, or something else. It would help with the licensing process if there is good supervision. That tends to be a well-run group home.

Chair Bosley asked if members of the public had any further questions. Hearing none, she stated that she will go back to the committee then, because they need to give some direction on this. Do they feel comfortable with how this was presented to move forward and asking that the City Manager introduce an Ordinance? Or are there other changes or clarifications that need to be made? Hearing no response, she stated that it seems like the committee is comfortable with the language as it was submitted to them.

Councilor Greenwald stated that he liked Chair Bosley's comment about the dates. He asked, does the Ordinance need a change to have those dates reflected? Mr. Lamb replied that it is actually something that the City Clerk has been incorporating into Chapter 46 already under some circumstances, so they are trying to spread out the licensing process so it fits people's schedules. Yes, they can make that change.

Mr. Savastanos asked if the neighborhood relations plan is something that Mr. Lamb, Ms. Kessler, or Mr. Kopczynski could give any input about. What is included in that?

Ms. Kessler replied that in the Land Development Code itself they provide a bit more detail, but it is still open-ended. She continued that the neighborhood relations plan is intended to establish provisions for how the operator of the use would be communicating with adjacent property owners and the City, including the Police Department or any other entities that might be important. Each plan might look a little different depending on what the use is. A group resource center might have a very different neighborhood relations plan than that of a homeless shelter, but it is intended to establish those guidelines for how the operator of the use intends to commit to communications with its abutting property owners, the neighborhood, and the City, Police Department, and other emergency services that might be needed or connected to the operation of that use. The Licensing Board would be evaluating that as part of the operations management plan and the public would also have an opportunity to comment on that when a license is being applied for before that board.

Chair Bosley stated that it is great that staff has taken all of the feedback they were given during the Joint Committee meetings and really crafted a lot of language here that helps the neighbors feel that there is some avenue for them to have a voice, and to have some protections, and for people who are applying for these licenses to have some protections as well, knowing that there is a review process and they know what expectations are going to be asked of them from the beginning. Both sides of that are important.

Councilor Jones stated that usually the City's Ordinances take effect at the time they are passed, unless they have a take effect date built in. He asked if they want to have a take effect date that coincides with the Land Development Code so they come about together, or if they want this Ordinance to happen before then. Ms. Kessler replied that they would need to go together, so a take effect date would be written into both the Ordinance related to the license and the Ordinance related to the Land Development Code and it would be the same take effect date. Councilor Jones replied that is what he thought. Chair Bosley stated that they will continue to hear license applications here until that date. That will give time to find people to serve on the

board.

Mr. Kopczynski stated that on the Ordinances themselves, he thinks they are going to put together kind of a score card, because there are several of them that are in motion that have to come together at the same time.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5 – 0, the Planning, Licenses and Development Committee recommends that the City Manager introduce an ordinance to City Council related to amendments to Chapter 46 of City Code, and the establishment of a Congregate Living and Social Service License.



City of Keene, N.H.
Transmittal Form

March 24, 2021

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.7.

SUBJECT: Continued Discussion – Requesting Minutes be Kept of Meetings Between the Mayor, the Charter Officers, and the Committee Chairs

RECOMMENDATION:

On a roll call vote of 5-0, the Planning, Licenses, and Development Committee referred the matter to the full City Council for their wisdom and discussion.

BACKGROUND:

Chair Bosley asked to hear from Councilor Filiault.

Councilor Filiault stated that they have had a couple weeks to think things over and he has spoken with a couple PLD Committee members. He continued that he knows staff is lined up to oppose. He appreciates and agrees with some of their opinions, but he has heard some comments on this issue in the past couple weeks and one was “Well, this isn’t the purview of the City Council.” He reminds the City Council that everything that comes before them is within their purview. Eight votes of the City Council is their purview. While some members of City staff might disagree with him, he reminds staff that they work for the City Council, not vice versa.

Councilor Filiault stated that he still stands by his request for a minute-taker or an audio version of the minutes at the meetings of the committee chairs and City staff. Once again, it is simply about transparency. It is also to give the other 12 Councilors the opportunity to have access to the exact meetings and exactly what was said at a scheduled meeting. If they cannot have an audio recording and cannot have a minute-taker, then he will be in contact with the Keene Sentinel and the Monadnock Radio Group and recommend that the media cover it, so they can have accurate minutes. Ever since this meeting was brought together a few years ago by the former mayor, he was always uncomfortable about not having minutes taken. Of his years on the City Council, 12 years have been as a Chair or Vice Chair and he would have never allowed a meeting he chaired to go without minutes, if it was a scheduled meeting. There are impromptu meetings among Councilors and staff, and phone calls, which he understands. But this is a scheduled meeting at City Hall and should have a minute-taker.

Councilor Greenwald stated that he was a committee chair for more than a few years, and he believes that during that time is when these meetings originated. He continued that they really are agenda review meetings. The phrase “administrative” has been used. It is a way to prep the committee chairs on what is coming up on the next agenda, to see if they have any questions. It is very handy to have the City Manager, City Attorney, and City Clerk all in one room answering those questions. There is not a lot of crosstalk between the committee chairs. It just gives the chairs a heads up as to what is coming. He has given this a lot of thought, looking for a compromise. It is not for him to do, it is not for a motion, it is not for the Rules of Order. There is no reason, in his mind, why any Councilor, with some advance notice, could sit in on this meeting. There is nothing super top secret going on. They would have to look out for the quorum, which means there could not

be three Councilors from the same committee there, but if some Councilors are so interested in hearing what is coming up at the next committee meeting, fine, come on down. They probably will not find it all that interesting. This compromise is something that the Mayor would have to decide. But that is his two cents' worth. Maybe that would satisfy people's curiosity. Everyone wants to be in the know of what is going on, and when they are not, they start to get suspicious. If there is a conversation happening, share the information. After the meetings [that he attended as a chair], he made it a point to get with his four committee members and say "Here is what is going on; here is what we are working on." The chairs have to have the information to run a decent committee meeting. If Chair Bosley did not have the background of what was being talked about this evening, she would be sitting there asking questions. He does not want to see these meetings go away, but he would open it up to the City Council to be there. Hopefully that would satisfy everyone. But that is not for him to decide; that would be the Mayor's prerogative.

Chair Bosley stated that the Mayor was an attendee at some point tonight but she is not sure if he is still present.

Councilor Johnsen stated that her good friend Councilor Filiault knows her thinking. She continued that she sees these meetings as planning meetings. It is like if you were getting ready to make a dinner, you would put out everything you need in order to cook it, and it really is not the rest of the family's concern about what you are going to use for ingredients. This is an administrative meeting. When she was in the House of Representatives, they did not go to the Speaker's meetings. That was not their place. The Speaker met with his other administrative folks. When she was Chair of the Council at Keene State College she met with the other officers. If other people want to come, fine, but they did not need another meeting to go to. This is a meeting in which they say "This is what is going to happen." In all appreciation for where Councilor Filiault is coming from, she thinks this is up to the Mayor, and if he wants to have a meeting with his administration he has a right to. She does not think the PLD Committee should be imposing their thoughts there.

Chair Bosley stated that she appreciates Councilor Johnsen's perspective on that, because she has been chairing this committee for about a year and a half now and this meeting [in question] has been super important to her from a process standpoint. As she spoke about in the last committee meeting, she would hate to see these meetings go away because of this difficulty and these concerns. She does not have a problem with anyone attending this meeting and sitting through the conversation if there is a curiosity, but being a chair is a lot of work. She has learned how much preparation goes into this. She has a job, and probably spent four hours of her business day today preparing for the PLD Committee meeting this evening, and that was not including the meeting that they are talking about. A lot of preparation goes into being able to run the meeting smoothly and to know who is going to be attending and to read all of those Resolutions that they wrote four years ago so she is prepared to ask the right questions, and to know how to direct the Vice Chair about who they should amend motions to, regarding if they should be sending letters to the President of the United States or to the Senate, and so on and so forth. They did all kinds of amazing things tonight, but that involves her knowing every detail of what is going on for every one of these subjects, and for that to happen, she needs support. Thus, she will stand her ground; she needs to continue having these [agenda preparation] meetings and have them continue the way they have been working.

Councilor Workman stated that she was disappointed to see the two options available as motions for tonight. She continued that she was hoping that by putting it on more time, they would allow Councilor Filiault to come to a compromise with City staff. But again, she heard reasons being that they do not want to create a public body, and she wholeheartedly agrees with that. There are complications to doing that. She also does not want to see the meetings end. She believes that they have merit. She heard that if minutes were taken it would take up too much time from other official business and job responsibilities, so again she is with Councilor Greenwald in wishing there was a compromise. She thinks the best and most feasible, time-efficient option would be some type of audio recording, so if you wanted to listen to that meeting you could, at your own leisure. She personally would not be able to attend meetings bi-weekly in the middle of the business day. She does not want to drag out the topic. She would like to see it go to the full City Council and see what everyone

has to say, not just the five PLD Committee members.

Councilor Greenwald stated that for a bit of clarification: this discussion about what is happening is not involving a decision coming from City staff at all. He continued that City staff comes to the meetings to feed information to the committee chairs. It is a procedural operation that originated from the Mayor's Office. In terms of the motions, maybe this needs to be clarified to all the Councilors: the motions they get [from staff] are just suggestions. The committee can do whatever they want with them. It is an improvement to do a little less ad-libbing, but definitely if a committee member does not like the recommended motion they can step up and do whatever they want with it. This decision [about the agenda preparation meetings] really comes down to what the Mayor wants to do.

Councilor Jones stated that he agrees with Councilor Workman that this should go for discussion by the full City Council, so there should be some kind of workable motion coming out of the PLD Committee. He continued that he likes Councilor Greenwald's idea of inviting Councilors who want to be at these meetings, as long as they do not violate the sunshine laws. That being said, he thinks maybe they should have a motion (but his words right now are not a motion) to grant requesting Councilors be issued a written summary or audio recording of said meetings. This way they could find out what was spoken about. He chaired the PLD Committee for 15 years and the MSFI Committee for two years, and they used to do it a different way, but he knows what happens when you speak to staff - that is when you hear about all of the options that could have been exercised and you narrow it down to one or two and sometimes that can be good for other Councilors to hear. He thinks they would be able to do that. He disagrees with having a minute-taker, calling anything "minutes," or approving minutes, but he thinks there is a happy compromise here.

Chair Bosley stated that it is not her prerogative to say who the Mayor invites to these meetings, but she is open to that idea as well. She continued that at the City Council meetings, whenever communications come in, what she, personally, has learned to do is: as they go through those communications at City Council meetings, she has her agenda and listens to what the Mayor is saying for referrals to committees and writes notes about which items are going to which committees. If there is a topic that is on more time, or if there is a topic someone hears is being referred to the PLD Committee, if that is a concern of that person's, she would suggest that person reach out to the Mayor and ask if there is a way to participate in that meeting. That is a PLD Committee member's opportunity and cue to know what is coming. If a City Council meeting is Thursday and the [agenda preparation] meeting is Monday, you would have a few days over the weekend to reach out to the Mayor to discuss that.

Councilor Filiault stated that he appreciated Councilor Greenwald's comment that Councilors could show up, but some of them work and do not have the opportunity to show up even if they wanted to. Thus, once again, if another Councilor shows up and you cannot, you are still hearing their second hand opinion of what was said. With all due respect to everyone here tonight, he has heard no reasonable reason of why they could not have an audio recording. He is hearing excuses. Why could someone not just pop a recorder down in the middle of it and record the minutes? He understands that the meeting is 'boring.' But it allows the other 12 Councilors to go back at any time to hear what was said, not just the next day or two days later. It seems like if it is a committee meeting or a City Council meeting they can go back quite a ways and look, especially now that these are all recorded by Cheshire TV and there are Minute-takers, but that one particular meeting has nothing. There is no way Councilors can go back and look at what was said, even if it was 'boring.' He might want to go back 30 days to listen to something discussed at the meeting that he did not hear. If there is just an audio recorder put down in the middle of the table - that is not cumbersome. That takes up nobody's time and does not get in the way of anything. Anything beyond that is, to him, an excuse. It raises a red flag with him. Why would they not want to have the minutes taken or just a recording? He does not understand that. He is not saying it is a conspiracy and does not think anything is going on, but it leaves reasonable doubt about why they are digging in so hard not to have at least an audio recording of these meetings. Most Councilors cannot be there during daytime meetings.

Chair Bosley stated that every member of the City Council has the opportunity to call and have an unrecorded conversation with any charter member of the City, at any time. She continued that Councilor Filiault is basically saying he wants to take away the right of the chairs to have unrecorded meetings with the charter officers to discuss issues that are coming before the City Council. Every single Councilor has that right. Thus, she does not understand why Councilor Filiault is hammering on this particular meeting that he himself has said he does not think there is anything questionable going on at. There are many meetings like this; there are agenda review meetings for Planning Board, an agenda review meeting for the Joint Committee that is also with the chair of the Planning Board, and so on and so forth. Where does this end? Is she to be recorded at every single meeting that she has with City staff because she is a chair? Is that what Councilor Filiault is suggesting?

Councilor Filiault replied no. He continued that these meetings started a couple years ago. They are scheduled meetings that happen every two weeks. They are not impromptu meetings or like the situations in which Councilors might call each other or somebody makes an impromptu comment. His opinion is when elected officials are meeting with City staff and policy is being discussed, there should be minutes. He is not hearing a logical reason why they cannot just plop down a recorder.

Chair Bosley stated that she understands that Councilor Filiault's point is that because it is a scheduled meeting he wants to differentiate it from these other conversations that happen between Councilors and staff, but she does not draw that differentiation. She continued that Councilor Filiault is allowed to call the City Manager, the City Attorney, or the City Clerk at any time to discuss any item on the agenda and she does not need to be privy to that conversation.

Councilor Filiault replied that that is not a scheduled meeting; that is his point. Chair Bosley replied that it does not make a difference to her. Councilor Filiault replied that they need to agree to disagree. Chair Bosley replied yes, and she respects his opinion and wishes they had a compromise, because she wants to try and meet in the middle. For her, that is opening up the meeting. Councilor Filiault is welcome to come. But she does not want to feel like she is in a position where she cannot speak to the charter officers without feeling the need to be recorded.

Councilor Filiault stated that again, many Councilors are unable to make it to those meetings, and so, he suggests that the Keene Sentinel or the Monadnock Radio Group send a reporter to cover the meeting. Chair Bosley replied that those meetings are for City staff and Councilors, not for media. Councilor Filiault replied that that raises red flags all over the place for him.

Mayor George Hansel stated that he has been listening to this debate. He continued that when Councilor Filiault brought this up, he felt like there was an insinuation that there is something improper or 'behind closed doors' going on with this issue being brought up, and he cannot emphasize enough that that is not the case. He would say, especially during COVID, City staff and himself and individual Councilors have gone out of their way to engage the public in new ways that they never did before. They are soliciting public input in many ways and in many ways he thinks they are being more transparent now than they have ever been. He wants to make sure that there is not an insinuation that anyone is putting any stock in, that they are not being transparent, because they most certainly are. In regards to these meetings, he does not have a problem with it if a Councilor has a special interest in something on the agenda and wants to give him a call. They can talk about it. The Councilor can come to the meeting if they feel it is necessary, although he does not think they will get much out of that. These are administrative meetings and he cannot emphasize that enough. They are not with a public body. The three committee chairs do not represent a public body that is making recommendations to the City Council or taking any other sort of legislative action. That is where it stands. He is open to working with the Councilors who feel that they are not in the know. He knows it has been difficult with COVID and the City is constantly looking for new and creative ways to keep the City Council informed and keep the public informed. He is open to working with people but he does not see any sort of warranted action here that is necessary.

City Manager Elizabeth Dragon stated that she apologizes for not being here the night the PLD Committee first

talked about this, and she does not want to rehash things they have already spoken about, but she wonders if there was a clear explanation of what occurs at these meetings. She continued that they have drafts of the agenda for the committees that they go through, and it is very administrative in nature. They talk about who will be speaking, who is speaking from staff, who is going to be coming from the public, whether they have to share screens, whether there are PowerPoints, and so on and so forth. As Chair Bosley said, other boards are doing the same thing, such as the Planning Board and the Zoning Board of Adjustment – it is no different. They are preparing for upcoming public meetings, but the meeting they are having is an administrative meeting. Also, these meetings have been going on long before she arrived at the City of Keene, and she is going on four years. She does not know exactly when they were created, but she knows that recently, because this topic came up in the past, the Mayor is very careful to make sure they only discuss items that are on the agenda. She can say, prior to that, sometimes they would veer off the agenda a little bit. If there was a conversation about something that might be coming up, they might talk about that, but that was with the prior administration and there are now very clear boundaries at these meetings that they follow what is on the agenda, whether it is an upcoming agenda or a more time item. Sometimes the chairs will ask when a more time item is coming back, what they are waiting for, and/or what needs to happen. She does not know if that was explained at the previous meeting when the PLD Committee discussed this, but she wants to make sure everyone knows that. What happens at these meetings is no different than what happens at the planning meetings for the ZBA or the Planning Board or any other public board.

The City Manager continued that also, there was an insinuation at the beginning that City staff was lined up to oppose this, and that is incorrect as well. She thinks that there are concerns related to this, and questions about where they draw the line, and what a public body is and what is not, which are questions they have been talking about and debating internally, so they can understand for themselves. It is important to clarify that.

Councilor Workman stated that she keeps hearing two different arguments. She continued that one thing that she wants to reiterate and drive home is that for her, this has to do with access to information and everyone receiving that information equally. They keep saying “yes, that information is available to all City Councilors via the agenda,” but the agenda she got yesterday at 4:00 PM was for today’s meeting at 7:00 PM, so she was given 27 hours’ notice. The chairs of the three committees were present at a meeting she believes happened on Monday afternoon, so they had information much sooner than the other 12 Councilors.

Chair Bosley replied that just to clarify what she does and how these meetings go for her: on Monday she sat down with a draft agenda, with the five agenda items listed with their headlines, and the more time items at the bottom. During that meeting, there is a conversation about each item. There is no other documentation provided to the chairs. She receives all of that documentation at the same time as other Councilors receive it, usually on Tuesdays. She spent her day today reading 37 pages of an agenda packet to go along with this meeting. She did have the privy of knowing that, for instance, regarding the HB 266 item, she said to the City Clerk, “I believe there was a Resolution that the City Council had passed in prior years, is that accurate?”, and the City Clerk said “Yes, and this is when it was passed,” and she said, “Great, can you please put that in the agenda packet?” She (Chair Bosley) did not have a copy of it and had not read it; she saw it at the same time that it was made available to the other Councilors on Tuesday. She did have the knowledge to ask for it, and if she had not, the City Clerk might have said to her, “There is also a Resolution that was done years ago. Would you like me to include it or not?” and she could have said yes or no. That is the level of information that is being passed to the chairs. It is not that she is getting anything special and detailed. It is a process. She likes to know the process of what to expect. For example, the questions that she asked tonight are ones she normally might have asked inside of this meeting. If she had thought of it, she would have asked City Manager, regarding Mr. Humphrey’s request to use City property, “Has staff had a protocol meeting? Is it even called a protocol meeting? What does staff do when someone applies for a sidewalk license? Since this is not a sidewalk license, what would the process be for them to do this? Has that all happened? What should I expect? Should this go on more time because we haven’t done that? Should we even be hearing it yet?” Those are the kinds of questions she is asking. She is not seeing Mr. Humphrey’s request; she is not seeing his plan; she did not know what it looked like. It is basically high level information and she is able to ask questions

in order to coordinate an effective meeting on Wednesday.

Chair Bosley continued that she knows it is difficult, but the meeting is usually 15 minutes, so if other Councilors can come for 15 minutes to see what happens, they will get a real idea of what is actually happening there. It is difficult to see that chairs maybe get more information than other committee members, but there is an amazing weight and amount of responsibility that goes along with this position, and you have to be well-informed, and able to commit to giving that time. It is a burden. She spent six months as a committee member before she became a chair, and it was a drastic difference in the amount of effort that she has to put in every night at these meetings. She has gone above and beyond to try and keep her committee in the loop on all things process related that are odd or different, or to let people know to look in their agenda packet for certain things. To have someone behave as though she might be doing something suspicious or has some privilege is really disheartening for her because she puts so much effort into trying to do a good job. She is trying to not take this personally; she knows Councilor Filiault is not directing this at her, personally, or saying he has a concern about her transparency, but she feels that they are all doing the best they can.

Councilor Greenwald stated that they could probably talk about this until tomorrow morning. He continued that he is looking at [recommended motion] option #3. The whole City Council is going to get into this discussion anyway. Option #3, for comments, is to refer this without recommendation to the City Council for open discussion.

Councilor Filiault stated that regarding Chair Bosley's comments, he chaired committees for 12 years. He understands the work, because he did it. He understands what Chair Bosley is saying. His point is: those 12 years when he was a chair, if this type of meeting had come up during that time, and he met with City staff and someone said "We should have a recording of it for the other 12 Councilors," he would have absolutely said yes. He continued that as a matter of fact, he would have "no" if there were *not* minutes taken, because that is the type of Councilor that he is. Just like Chair Bosley, he was a hard-working chair and put many hours into it, but he was a stickler for transparency. With all due respect to everything people said tonight, he still has not heard one good reason about why a recorder could not be dropped in the middle of the meetings. He is hearing all of the "reasons" why not, but they are all just excuses. Where he works, they have minutes among the crews, and they plop down a recorder in the middle of it, so if the rest of the crew was not there they can hear exactly what was said afterwards. He is not insinuating bad things are going on. He realizes that most of these meetings are rather boring. But if there is a recording, every word is there, not just someone's opinion of what was said. Years ago, if a Councilor had brought this up, it would have been, "Yeah, we'll put a recorder down in the middle of it, of course." He realizes things have changed, but once again to Chair Bosley, there is no accusation being made. He knows how hard the full City Council works. There are no insinuations other than transparency.

Councilor Johnsen stated that she is with Councilor Greenwald. She continued that she likes to see them as a team, and she thinks this is the most intelligent group of people with whom she has worked in a long time. She is impressed with everyone here, and she has been on a lot of committees. She feels like it is a threat to say, "Well, I'm going to go to the newspaper or Cheshire TV ought to tape this." That is pushing it too far. The chairs and charter officers have a right to plan the meeting, period. It is not her business and she does not even want to know.

Councilor Jones stated that he thinks they should roll along with Councilor Greenwald's suggested motion, because they are going to hear all of this all over again on Thursday night.

Councilor Greenwald made the following motion, which was seconded by Councilor Workman.

On a vote of 5-0, the Planning, Licenses, and Development Committee referred the matter to the full City Council for their wisdom and discussion.



City of Keene, N.H.
Transmittal Form

March 25, 2021

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.8.

SUBJECT: Farmer's Market of Keene – Requesting a Waiver or Reduction in Fees

RECOMMENDATION:

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends a waiver of the parking rental fee as well as the \$60.00 access fee to the City's electrical service for the 2021 season of the Farmer's Market.

BACKGROUND:

Economic Development Director Med Kopczynski addressed the committee first and stated the Farmer's Market comes before the City each year with a request to utilize spaces. Formerly, they used spaces in the Commercial Street lot, but have now moved to Gilbo Avenue. This year they are requesting two things; utilization of spaces and any help the City can provide with reference to the cost of parking and the cost of their electrical access.

Mr. Kopczynski noted this year has been difficult for all businesses; these businesses will need help get themselves back on their feet. He added anything the City can do to do to bring traffic downtown would help. He explained the Farmer's Market brings people downtown and they pay for parking spaces, which would otherwise go unused. Their patrons visit local restaurants and might do some local shopping.

Councilor Hooper asked whether the Market would still be open on Tuesdays and Saturdays. Mr. Kopczynski answered in the affirmative.

City Manager Elizabeth Dragon stated staff is in support of this request. She indicated the City is in support of providing free parking for the Farmer's Market but anyone who visits the market will be required to pay for parking. The Manager noted the parking fund has been struggling financially since the pandemic. The parking fund is entirely self-funded and any revenue received pays to run the parking program as well as many of the beautification efforts and maintenance downtown. The Manager stated this year the City will be receiving some Covid relief funds to offset this loss and he felt Federal relief will help with providing this financial assistance.

Councilor Ormerod noted the City made some concessions last year and asked how the City can determine if providing this assistance will make good economic sense moving forward. He clarified the relief funds will offset the assistance the City is providing. The Manager agreed, in that the parking fund will be able to recuperate some of the lost expenses, staff feels it makes sense to grant this request.

Councilor Chadbourne clarified the City will be waving both the electric cost and the parking cost. Mr. Kopczynski answered in the affirmative. The Councilor went on to say the City has had a long standing relationship with the Farmer's Market and at one point the City was looking for land on Water Street, or an area next to the Ashuelot Park and for each of those instances, the Market was going to receive free space. She felt

the City has always looked at helping the Farmer's Market and they have been included in many decisions.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends a waiver of the parking rental fee of \$932.00 as well as the \$60.00 access fee to the City's electrical service for the 2021 season of the Farmer's Market.

The City Manager addressed the committee and stated she had just received an email from the Economic Development Director regarding the Farmer's Market item, which calls for a specific amount for parking (\$900). Mr. Kopczyński does not feel this is an accurate number for the spaces they would need. The Manager asked whether the motion could be amended to say "waive the cost of parking for the footprint needed for the Farmer's Market" which will give staff more flexibility. The Manager asked for the City Attorney's opinion. Attorney Mullins stated because the meeting has not adjourned and this is a committee process, he felt it would be appropriate to reconsider the first motion, second the motion and take a vote on that motion.

Councilor Ormerod made a motion to reconsider the motion for the Farmer's Market Requesting a Waiver or Reduction in Fees. The motion was seconded by Councilor Chadbourne, which motion was unanimously approved by a roll call vote.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends a waiver of the parking rental fee as well as the \$60.00 access fee to the City's electrical service for the 2021 season of the Farmer's Market.



City of Keene, N.H.
Transmittal Form

March 25, 2021

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.9.

SUBJECT: Request to Accept 2021 Wellness Grant - Human Resources Director

RECOMMENDATION:

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept the wellness grant from Health Trust to be used for employee wellness activities in 2021.

BACKGROUND:

Human Resources Director Beth Fox stated she was here regarding the Wellness Grant from Health Trust to assist with employee activities. Last year the City received \$2,000 and organized activities the Health Trust was offering as the City. She noted the City was not able to organize the usual activities because of Covid. Some of the funds were used for healthy food and to build employee morale.

This year the grant has been increased to \$2,375 because the City met the goals set for the organization. Ms. Fox expressed her appreciation for these funds.

Councilor Hooper made the following motion, which was seconded by Councilor Chadbourne.

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept the wellness grant from Health Trust to be used for employee wellness activities in 2021.



City of Keene, N.H.
Transmittal Form

March 25, 2021

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.10.

SUBJECT: Report on 2020 Donations and Request to Solicit Donations for 2021 - Human Resources Director

RECOMMENDATION:

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to accept donations associated with 2021 solicitation efforts, should they occur related to employee activities.

BACKGROUND:

Ms. Fox began by expressing her appreciation to the organizations who provided donations this past year. She noted to a donation from Delta Dental who donated 200 oral care kits and Target donated gift cards to purchase toiletries. The City also received gift cards, which the City used to provide incentive to employees for getting their flu shots.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to accept donations associated with 2021 solicitation efforts, should they occur related to employee activities.



City of Keene, N.H.
Transmittal Form

March 25, 2021

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.11.

SUBJECT: Lease Agreement for Airport Amusements – Runway Fund Park, LLC - Airport Director

RECOMMENDATION:

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a lease with Runway Fun Park LLC for a parcel of land at the airport.

BACKGROUND:

Airport Director David Hickling was the next speaker who stated there is a group that is interested in acquiring the land on Old Homestead Highway and turn it into the same type of use the site previously was used for; restaurant, go cart activities etc. The City has an appraiser to obtain a fair market value to begin negotiations.

Councilor Chadbourne asked if the City has ever considered selling this land and asked if it was beneficial for the City to continue to be property owners. Mr. Hickling in response stated because this property was purchased with FAA monies, the City will need to put those funds towards the Federal share of capital projects and any revenue received from the sale of the property could not be put towards the general fund; however, by leasing the land the funds would go towards the operating budget.

Councilor Hooper noted this is another effort to build up the airport and thanked staff for their efforts.

Councilor Ormerod stated this will help bring people into the area and is an economic development multiplier.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a lease with Runway Fun Park LLC for a parcel of land at the airport.



City of Keene, N.H.
Transmittal Form

March 25, 2021

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.12.

SUBJECT: NPDES Technical Assistance Change Order 2 - WWTP Operations Manager

RECOMMENDATION:

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute Change Order 2 with Weston & Sampson Engineers to perform technical services for the City's National Pollution Discharge Elimination System (NPDES) permit renewal process for an amount not to exceed \$25,000 for contract 04-13-18.

BACKGROUND:

WWTP Operations Manager Aaron Costa was the next speaker. Mr. Costa explained the City's Wastewater Treatment Plant is permitted by the Environmental Protection Agency (EPA) to discharge treated wastewater into the Ashuelot River and this process is done 24/7 365 days of the year at an average flow of about 3 million gallons per day.

The City executed a \$95,000 contract with Weston and Sampson Engineers in 2016 for technical assistance. Since that time the City has been preparing for the permit renewal process. On May 20, 2020, the City received its draft NPDES permit. In August 2020, the City executed Amendment 1 with Weston and Sampson for additional technical assistance on this permit renewal. Those funds have been spent. Due to ongoing negotiations with the EPA extra funds are needed for engineering and legal assistance.

Weston and Sampson has provided a scope for Amendment 2 for an amount not to exceed \$25,000 for the additional work which includes meetings with Public Works staff, City Manager and outside legal counsel, develop documents and utilize their engineering expertise for specific technical issues as needed.

Mr. Costa noted the change order exceeds the City Manager's authority and hence Council approval is required for this change order.

Councilor Hooper noted the amount of money always stuns him and asked whether this permitting was a complex process. Mr. Costa agreed this was a complex process; the permit has many different facets to it and has many different technical aspects. There is also expertise in the field that are required that City staff does not have. He added there is also legal counsel, Drummond & Woodsum Attorneys at Law assisting with this process. The Councilor clarified this work is mandated. Mr. Costa stated the EPA issues a discharge permit for the wastewater treatment plant, which is good for five years. However, it ends up being more like 10 – 12 years. The last time the City was issued a permit was in 1994, the current permit was given to the City in 2007 and the final permit is likely going to be received this year.

Councilor Ormerod stated he appreciates the complexity of this item and hoped the City is budgeting for this

work appropriately. Public Works Director, Kurt Blomquist stated the last permit cost the City close to \$300,000 in technical and legal expense. At the present time, the City is doing fairly well with the cost. The last time there was an appeal the City pursued through the courts. Mr. Costa noted the City has spent \$147,000 in technical and legal expenses.

Chair Powers noted if the City is discharging 3 million gallons into the Ashuelot River, it is the City's responsibility to make sure it is done correctly, and the way to do that is to obtain this type of technical assistance.

Councilor Hooper made the following motion, which was seconded by Councilor Chadbourne.

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute Change Order 2 with Weston & Sampson Engineers to perform technical services for the City's National Pollution Discharge Elimination System (NPDES) permit renewal process for an amount not to exceed \$25,000 for contract 04-13-18.



City of Keene, N.H.
Transmittal Form

March 30, 2021

TO: Mayor and Keene City Council
FROM: Joint Committee of PLD and Planning Board
ITEM: F.1.
SUBJECT: Land Development Code and Downtown Zoning

RECOMMENDATION:

Move to recommend that the Mayor set a Public Hearing date for O-2020-10A and O-2020-11A for April 15, 2021.

ATTACHMENTS:

Description

O-2020-10A_Clean Version

O-2020-11A_Clean Version

O-2020-10A_RedLined Version

O-2020-11A_Redlined Version

Maps of Existing and Proposed Downtown Zoning

Summary of Proposed Changes in LDC

BACKGROUND:

Ordinances O-2020-10A and O-2020-11A relate to the establishment of the City of Keene Land Development Code and changes to the City's downtown zoning districts. These ordinances represent a multi-year effort through the Building Better Together initiative to create a regulatory process that is more simple, efficient, and thoughtful, and were identified as a priority strategy in the City's Comprehensive Master Plan and Comprehensive Economic Development Plan.

The Land Development Code unites the City's regulations related to land use and development, which are currently located in many different documents/sections of regulations, into one code that is easier to understand and navigate. In addition, this code incorporates a more streamlined format, graphics, and tables to enhance readability. A more detailed summary of the changes proposed in this Land Development Code is included in the attached document "Summary Document of LDC – April 2021."

The full text of the proposed Land Development Code (as amended by the Joint Committee) is available at www.keenebuildingbetter.com/ldc, and via the following link (due to size constraints it was not possible to attach this document):

[https://6e24e34f-bed6-4534-94d4-](https://6e24e34f-bed6-4534-94d4-6e180a2f4f39.filesusr.com/ugd/dde330_4ada70c3a31545509044685867748d03.pdf)

[6e180a2f4f39.filesusr.com/ugd/dde330_4ada70c3a31545509044685867748d03.pdf](https://6e24e34f-bed6-4534-94d4-6e180a2f4f39.filesusr.com/ugd/dde330_4ada70c3a31545509044685867748d03.pdf)

In addition to a reorganization of the regulations, the Land Development Code and Ordinance O-2020-11A proposes to update the City's zoning districts in the downtown by replacing the Central Business District and Central Business Limited Districts with six new zoning districts (*Downtown Core, Downtown Growth, Downtown Limited, Downtown Edge, Downtown Transition, Downtown Institutional Campus*). These districts are proposed to encourage new development

that is either compatible with the existing form and pattern of the built environment in the downtown or is guiding development in a manner consistent with the objectives of the City's Comprehensive Master Plan and other established community goals. The attached maps show both the existing zoning in the downtown, the areas subject to change with this ordinance, and the proposed zoning changes in the downtown.

These ordinances were introduced to the City Council for a first reading in October of 2020. The Joint Committee of the PLD and Planning Board public workshop on these ordinances ran from November 9, 2020 through February 8, 2021. Based on feedback from the public participating in the workshop phase and recommendations from City staff, the Joint Committee made amendments to these ordinances, which are incorporated into the A-versions of the Ordinances attached to this memo.

The motions made by the Joint Committee at its meeting on February 8, 2021 on these ordinances are included below. Full sets of all Joint Committee meeting minutes are included on the Committee's webpage at: <https://ci.keene.nh.us/joint-planning-board-planning-licenses-and-development-committee>

- *"A motion was made by Councilor Kate Bosely that the Joint Committee amend O-2020-10 and O-2020-11 in accordance with the amendments proposed in the Memorandum dated February 1, 2021 included in the meeting packet for the February 8, 2021 Joint Committee meeting, including, but not limited to, the removal of Congregate Living and Social Services licensing provisions from O-2020-10, which is to be presented in a separate ordinance for submission to the City Council, and in accordance with the following amendments presented by City staff at the February 8, 2021 meeting:*

-Changes to the definition of Domestic Violence Shelter in Section 8.3.4.A of the proposed Land Development Code.

-Changes to Section 25.4 related to the amendment process for Articles 19 through 21 and sections of 25.10 through 25.15 of the proposed Land Development Code related to the Planning Board and Historic District Commission regulations and application procedures.

The motion was seconded by Councilor Mitch Greenwald and approved unanimously by roll call vote."

- *"A motion was made by Mayor George Hansel that the Planning Board finds O-2020-10-A and O-2020-11-A consistent with the City of Keene Comprehensive Master Plan. The motion was seconded by Councilor Michael Remy and approved unanimously by roll call vote."*
- *"A motion was made by Councilor Mitch Greenwald that the Planning Licenses and Development Committee request the Mayor set a public hearing on O-2020-10-A and O-2020-11-A. The motion was seconded by Councilor Phil Jones and approved unanimously by roll call vote."*



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty
Relating to City of Keene Land Development Code

AN ORDINANCE

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

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. Add Chapter 100, "Land Development Code" to the Code of Ordinances, which shall read as presented in the attached document entitled, City of Keene, New Hampshire Land Development Code dated April 2021. This draft document contains amended versions of the City's Zoning Regulations, Subdivision Regulations, Site Plan Regulations, Historic District Regulations, Floodplain Regulations, Public Improvement Standards (referred to as Public Infrastructure Standards), Earth Excavation Regulations, and all related application and review procedures.
2. Remove the following sections of the Code of Ordinances in their entirety.
 - a. Chapter 18. Article V. "Historic Districts"
 - b. Chapter 34. "Environment"
 - c. Chapter 54. "Natural Resources"
 - d. Chapter 70. "Public Improvement Standards"
 - e. Chapter 102. "Zoning"
 - f. Appendix B. Fee Schedule. Chapter 54. "Natural Resources". Article II. "Floodplain"
 - g. Appendix B. Fee Schedule. Chapter 54. "Natural Resources". Article III. "Land Filling and Excavation"
 - h. Appendix B. Fee Schedule. Chapter 70. "Public Improvement Standards"
 - i. Appendix B. Fee Schedule. Chapter 74. "Sign Code"
 - j. Appendix B. Fee Schedule. Chapter 102. "Zoning"
3. Delete the stricken text and add the bolded underlined text in the following sections of the Code of Ordinances.
 - a. Chapter 18. "Building Regulations." Article I. "In General." Sec. 18-2. "Definitions."
*"Lodginghouse shall mean any dwelling for ~~more than four~~ **between 5 and 16** unrelated **natural** persons, which ~~lets~~ **provides separate rooms for** sleeping accommodations **for a fee** for a transient or permanent basis, without personal care services, ~~with or without meals, but~~ **and** without separate cooking facilities for individual occupants. **A lodginghouse may include separate living quarters for an on-site property manager.** For purposes of this **article**, the term lodginghouse shall not include a hotel or motel."*
 - b. Chapter 18. Article III. "Property and Housing Standards." Section 18-259. "Sanitary Facilities."
*"(4) Sanitary facilities, shared facilities—~~Lodging House~~ **Congregate Living Uses.** At least one water closet, lavatory, and bathtub or shower shall be provided for all ~~lodginghouses~~ **congregate living uses, as defined in Chapter 100, Article 8 in the City Code of Ordinances,** for up to four rooms used as bedrooms. All such facilities*

shall be located within the building housing the sleeping rooms. Said facilities shall be accessible from a common hall, passageway, or a room used in common (lounge) and shall be not more than one story removed from any persons sharing such facilities. Such facilities shall not be located in a basement.”

- c. Chapter 18. Article III. “Property and Housing Standards.” Section 18-307. “Determination of the housing standards enforcement officer; issuance of orders, posting of placards.”

“(c) Any dwelling, dwelling unit or lodginghouse congregate living use as defined in Chapter 100, Article 8 of the City Code of Ordinances, which has been determined unfit for human habitation and which has been placarded as such by the housing standards enforcement officer shall be vacated within a reasonable time as required by the housing officer. No owner shall rent to any person for human habitation, and no person shall occupy, any dwelling or dwelling unit which has been determined unfit for human habitation and which has been placarded by the housing officer after the date which the officer has required the dwelling or dwelling unit to be vacated.”

- 4. Add the following language to Chapter 2, Article 5 “Boards and Commissions”, Division 15

“Planning Board,” relating to the powers of the Planning Board with respect to establishing a Minor Project Review Committee.

“(37) [*The Planning Board shall*] have the authority to delegate its site review powers and duties in regard to minor site plans to a committee of technically qualified administrators chosen by the Planning Board from the departments of public works, community development, or other similar departments in the City, in accordance with NH RSA 674:43(III). The process and procedures for this committee, which shall be known as the Minor Project Review Committee, are set forth herein in Article 25 of Chapter 100 of the City Code of Ordinances.”

- 5. Add to Appendix B of the City Code of Ordinances, “Chapter 100. Land Development Code (LDC) Fee Schedule,” which shall read as follows.

“Chapter 100. Land Development Code (LDC) Fee Schedule

§14.3 Sustainable Energy Efficient Development Overlay District Incentive	
Application Fee.....	\$100.00
§22.4 Service Connection Permit	
Engineering Inspection Fees.....	\$55.00 per hour
Residential, Institutional or Commercial Building Service Connection Permit.....	\$15.00
Industrial Building Service Connection Permit.....	\$30.00
§25.3 Zoning Text or Zoning Map Amendment	
Application Fee.....	\$100.00
Published Public Notice Fee.....	\$90.00
§25.4 Land Development Code Amendment	
Application Fee.....	\$100.00
Published Public Notice Fee.....	\$90.00

§25.5 Zoning Variance Application Fee.....	\$100.00
§25.6 Zoning Special Exception Application Fee.....	\$100.00
§25.7 Expansion or Enlargement of a Nonconforming Use Application Fee.....	\$100.00
§25.8 Equitable Waiver of Zoning Dimensional Requirements Application Fee.....	\$100.00
§25.9 Zoning Administrator Written Interpretation Application Fee.....	\$125.00
§25.10 Subdivision Review	
Subdivision Application Fee.....	\$200.00 + \$100.00 per lot
Conservation Residential Development Subdivision Application Fee....	\$200.00 + \$100.00 per lot
Boundary Line Adjustment Application Fee.....	\$100.00 + \$20.00 per lot
Voluntary Merger Application Fee.....	\$100.00 + \$20.00 per lot
Request to extend expiration of conditionally approved subdivision.....	\$25.00 for 1st request, \$50 for each request thereafter
§25.11 Planning Board Advice and Comment Application Fee.....	\$25.00
§25.12 Site Plan Review	
Major Site Plan Application Fee.....	\$250.00 + \$0.05 per sf gross floor area of new construction
Minor Site Plan Application Fee.....	\$250.00 + \$0.05 per sf gross floor area of new construction
Request to modify an approved site plan.....	\$250.00 + \$0.05 per sf gross floor area of new construction
Request to extend expiration of conditionally approved site plan.....	\$25.00 for 1st request, \$50 for each request thereafter
§25.13 Administrative Planning Review Review Fee.....	\$125.00
§25.14 Conditional Use Permit (CUP)	
Telecommunications CUP Application Fee.....	\$300.00
Hillside Protection CUP Application Fee.....	\$100.00
Surface Water Protection CUP Application Fee.....	\$100.00
Congregate Living and Social Services CUP Application Fee.....	\$100.00
Solar Energy System CUP Application Fee.....	\$100.00
§25.15 Historic District Certificate of Appropriateness (COA)	

Major Project Application Fee.....\$50.00
 Minor Project Application Fee.....\$25.00
 Request to modify an approved Major Project COA.....\$50.00

§25.16 Street Access Permit
 Application Fee.....\$50.00

§25.17 Floodplain Development Permit
 Floodplain Development Permit Application Fee.....\$50.00 + \$100 per acre (or portion thereof) of special flood hazard area proposed to be altered

§25.18 Sign Permit
 Applications with a total project cost of \$5,000 or greater).....\$100.00 + \$10.00 per \$1,000 of total project value
 Applications with a total project value less than \$5,000.....\$100.00

§25.19 Earth Excavation Permit
 Application Fee.....\$50.00

Mailed Public Notice:
 Postage for Certified mail.....Current USPS certified mail rate
 Postage for First Class mail.....Current USPS First Class mail rate

Published Notice (*unless otherwise specified in this Land Development Code Fee Schedule, the published public notice fee shall be as specified below*):
 Printing fee for legal advertisement in newspaper.....\$62

Recording Fee:
 Recording Fee.....Current Cheshire County Registry of Deeds Fee, Including LCHIP fee”

Effective Date of this Ordinance: September 1, 2021

 George Hansel, Mayor



CITY OF KEENE

Ordinance O-2020-11-A

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

Relating to Change of Zone – Downtown Keene Zoning Update

AN ORDINANCE

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

That 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 City of Keene, New Hampshire Code of Ordinances, as amended, be hereby further amended as follows.

1. The following zoning districts shall be established on the City of Keene Zoning Map as presented on the attached map, “O-2020-11 – Proposed Downtown Keene Zoning.”
 - a. Downtown Core (DT-C)
 - b. Downtown Edge (DT-E)
 - c. Downtown Growth (DT-G)
 - d. Downtown Institutional Campus (DT-I)
 - e. Downtown Limited (DT-L)
 - f. Downtown Transition (DT-T)

2. The parcels listed in the below table shall change zoning districts from the zoning district listed in the column labeled “Current Zoning District” to the zoning district in the column labeled “Proposed Zoning District.”

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
585028000000000	124 Water St	(BGR) Business Growth & Reuse	(DT-G) Downtown Growth
585027000000000	122 Water St	(BGR) Business Growth & Reuse	(DT-G) Downtown Growth
585008000000000	4 Crossfield St	(CB) Central Business	(DT-T) Downtown Transition
585024000000000	88 Water St	(CB) Central Business	(DT-T) Downtown Transition
585023000000000	84 Water St	(CB) Central Business	(DT-T) Downtown Transition
585025000000000	92 Water St	(CB) Central Business	(DT-T) Downtown Transition
568046000000000	67 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568052000000000	57 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554097000000000	47 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554087000000000	37 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554081000000000	27 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554082000000000	17 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568072000000000	82 Washington St	(CB) Central Business	(DT-L) Downtown Limited

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
568071000000000	74 Washington St	(CB) Central Business	(DT-L) Downtown Limited
568070000000000	64 Washington St	(CB) Central Business	(DT-L) Downtown Limited
568069000000000	50 Washington St	(CB) Central Business	(DT-L) Downtown Limited
568056000000000	11 Vernon St	(CB) Central Business	(DT-L) Downtown Limited
568055000000000	1 Elm St	(CB) Central Business	(DT-L) Downtown Limited
568051000000000	31 Vernon St	(CB) Central Business	(DT-L) Downtown Limited
568050000000000	0 Court St	(CB) Central Business	(DT-L) Downtown Limited
568049000000000	49 Court St	(CB) Central Business	(DT-L) Downtown Limited
568054000000000	34 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568053000000000	28 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568022000000000	34 Court St	(CB) Central Business	(DT-C) Downtown Core
568021000000000	26 Court St	(CB) Central Business	(DT-C) Downtown Core
568020000000000	12 Court St	(CB) Central Business	(DT-C) Downtown Core
568019000000000	33 Winter St	(CB) Central Business	(DT-C) Downtown Core
575047000000000	60 Winter St	(CB) Central Business	(DT-C) Downtown Core
575046000000000	76 Winter St	(CB) Central Business	(DT-C) Downtown Core
575048000000000	55 West St	(CB) Central Business	(DT-C) Downtown Core
575049000000000	33 West St	(CB) Central Business	(DT-C) Downtown Core
568003000000000	37 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568002000000000	38 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568001000000000	43 Central Sq	(CB) Central Business	(DT-C) Downtown Core
575052000000000	48 Central Sq	(CB) Central Business	(DT-C) Downtown Core
575051000000000	50 Central Sq	(CB) Central Business	(DT-C) Downtown Core
575050000000000	19 West St	(CB) Central Business	(DT-C) Downtown Core
568062000000000	23 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568060000000000	7 Court St	(CB) Central Business	(DT-C) Downtown Core
568061000000000	32 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568063000000000	20 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568064000000000	26 Washington St	(CB) Central Business	(DT-C) Downtown Core
568065000001000	32 Washington St	(CB) Central Business	(DT-C) Downtown Core
568066000000000	34 Washington St	(CB) Central Business	(DT-C) Downtown Core
568067000000000	38 Washington St	(CB) Central Business	(DT-C) Downtown Core
568068000000000	40 Washington St	(CB) Central Business	(DT-C) Downtown Core
568057000000000	10 Vernon St	(CB) Central Business	(DT-C) Downtown Core
568058000000000	32 Washington St	(CB) Central Business	(DT-C) Downtown Core
568059000000000	32 Vernon St	(CB) Central Business	(DT-C) Downtown Core
569056000000000	31 Washington St	(CB) Central Business	(DT-C) Downtown Core
568073000000000	3 Washington St	(CB) Central Business	(DT-C) Downtown Core
568074000000000	4 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568075000000000	1 Central Sq	(CB) Central Business	(DT-C) Downtown Core
569057000000000	40 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
575053000000000	2 Main St	(CB) Central Business	(DT-C) Downtown Core

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
574006000000000	25 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574005000000000	37 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574004000000000	43 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574001000000000	65 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574014000000000	92 Church St	(CB) Central Business	(DT-C) Downtown Core
574013000000000	11 Ninety-Third St	(CB) Central Business	(DT-C) Downtown Core
574034000000000	18 Ninety-Third St	(CB) Central Business	(DT-C) Downtown Core
574012001000000	17 Ninety-Third St	(CB) Central Business	(DT-C) Downtown Core
574011000000000	78 Railroad St	(CB) Central Business	(DT-C) Downtown Core
574010000000000	76 Railroad St	(CB) Central Business	(DT-C) Downtown Core
574003000000000	15 Roxbury Plaza	(CB) Central Business	(DT-C) Downtown Core
574002000000000	21 Roxbury Plaza	(CB) Central Business	(DT-C) Downtown Core
574008000000000	0 Church St	(CB) Central Business	(DT-C) Downtown Core
574009000000000	37 Church St	(CB) Central Business	(DT-C) Downtown Core
575055000000000	42 Main St	(CB) Central Business	(DT-C) Downtown Core
575056000000000	64 Main St	(CB) Central Business	(DT-C) Downtown Core
574007000000000	16 Church St	(CB) Central Business	(DT-C) Downtown Core
575054000000000	22 Main St	(CB) Central Business	(DT-C) Downtown Core
574042000000000	0 Railroad St	(CB) Central Business	(DT-C) Downtown Core
575057000000000	82 Main St	(CB) Central Business	(DT-C) Downtown Core
575058000000000	88 Main St	(CB) Central Business	(DT-C) Downtown Core
574041000000000	0 Cypress St	(CB) Central Business	(DT-C) Downtown Core
585007000000000	96 Dunbar St	(CB) Central Business	(DT-C) Downtown Core
585006000000000	88 Dunbar St	(CB) Central Business	(DT-C) Downtown Core
585005000000000	78 Dunbar St	(CB) Central Business	(DT-C) Downtown Core
575059000000000	100 Main St	(CB) Central Business	(DT-C) Downtown Core
575060000000000	102 Main St	(CB) Central Business	(DT-C) Downtown Core
575061000000000	106 Main St	(CB) Central Business	(DT-C) Downtown Core
575062000000000	110 Main St	(CB) Central Business	(DT-C) Downtown Core
574043000000000	12 Eagle Ct	(CB) Central Business	(DT-C) Downtown Core
574040000000000	75 Railroad St	(CB) Central Business	(DT-C) Downtown Core
575006000000000	115 Main St	(CB) Central Business	(DT-C) Downtown Core
575007000000000	101 Main St	(CB) Central Business	(DT-C) Downtown Core
575008000000000	89 Main St	(CB) Central Business	(DT-C) Downtown Core
575011000000000	87 Main St	(CB) Central Business	(DT-C) Downtown Core
575012000000000	81 Main St	(CB) Central Business	(DT-C) Downtown Core
575013000000000	2 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core
575014000000000	12 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core
575024000000000	49 Main St	(CB) Central Business	(DT-C) Downtown Core
575025000000000	45 Main St	(CB) Central Business	(DT-C) Downtown Core
575026000000000	35 Main St	(CB) Central Business	(DT-C) Downtown Core
575027000000000	0 Lamson St	(CB) Central Business	(DT-C) Downtown Core
575022000000000	19 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
575023000000000	0 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core
575038000000000	70 West St	(CB) Central Business	(DT-C) Downtown Core
575037000000000	60 West St	(CB) Central Business	(DT-C) Downtown Core
575036000000000	43 Saint James St	(CB) Central Business	(DT-C) Downtown Core
575035000000000	49 Saint James St	(CB) Central Business	(DT-C) Downtown Core
575034000000000	44 West St	(CB) Central Business	(DT-C) Downtown Core
575033000000000	34 West St	(CB) Central Business	(DT-C) Downtown Core
575028000000000	17 Federal St	(CB) Central Business	(DT-C) Downtown Core
575032000000000	20 West St	(CB) Central Business	(DT-C) Downtown Core
575031000000000	1 Main St	(CB) Central Business	(DT-C) Downtown Core
575030000000000	15 Main St	(CB) Central Business	(DT-C) Downtown Core
575029000000000	27 Main St	(CB) Central Business	(DT-C) Downtown Core
584070000000000	120 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
584069000000000	104 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
584068000000000	80 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575017000000000	0 School St	(CB) Central Business	(DT-G) Downtown Growth
575016000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
584072000000000	85 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575001000000000	5 Wilson St	(CB) Central Business	(DT-G) Downtown Growth
584073000000000	59 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575002000000000	6 Wilson St	(CB) Central Business	(DT-G) Downtown Growth
575003000000000	12 Wilson St	(CB) Central Business	(DT-G) Downtown Growth
584074000000000	43 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575009000000000	20 Commercial St	(CB) Central Business	(DT-G) Downtown Growth
575004000000000	31 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
584075000000000	37 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575005000000000	7 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575010000000000	0 Commercial St	(CB) Central Business	(DT-G) Downtown Growth
575015000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575021000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575020000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575019000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575040000000000	100 West St	(CB) Central Business	(DT-G) Downtown Growth
575039000000000	86 West St	(CB) Central Business	(DT-G) Downtown Growth
575041000000000	104 West St	(CB) Central Business	(DT-G) Downtown Growth
574038000000000	158 Water St	(CB) Central Business	(DT-G) Downtown Growth
574039000000000	0 Water St	(CB) Central Business	(DT-G) Downtown Growth
585029000000000	152 Water St	(CB) Central Business	(DT-G) Downtown Growth
585026000000000	0 Water St	(CB) Central Business	(DT-G) Downtown Growth
567001000000000	0 Ashuelot St	(CBL) Central Business Ltd.	(HD) High Density
576014000000000	30 Ashuelot St	(CBL) Central Business Ltd.	(COM) Commerce
576016000000000	29 Ashuelot St	(CBL) Central Business Ltd.	(COM) Commerce

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
576017000000000	9 Ashuelot St	(CBL) Central Business Ltd.	(COM) Commerce
576018000000000	189 West St	(CBL) Central Business Ltd.	(COM) Commerce
569059000000000	88 Roxbury St	(CBL) Central Business Ltd.	(DT-T) Downtown Transition
569058000000000	80 Roxbury St	(CBL) Central Business Ltd.	(DT-T) Downtown Transition
584060000000000	147 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584059000000000	0 Davis St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584058000000000	21 Davis St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584061000000000	143 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584062000000000	133 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584063000000000	125 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584064000000000	12 Emerald St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
569065000000000	98 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
569066000000000	106 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
569107000000000	103 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
569108000000000	93 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
569109000000000	81 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574015000000000	100 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574016000000000	110 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574017000000000	116 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574033000000000	115 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574036000002000	110 Railroad St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574036000000000	0 Railroad St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
584067000000000	48 Emerald St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
584066000000000	38 Emerald St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
584065000000000	32 Emerald St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576001000000000	122 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576002000000000	166 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576003000000000	172 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576005000000000	0 Gilbo Ave	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576004000000000	194 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
574036000000000	0 Railroad St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
584001000000000	122 Main St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585003000000000	10 Dunbar St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585002000000000	11 Eagle Ct	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585004000000000	16 Dunbar St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585001000000000	24 Dunbar St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585083000000000	36 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
585084000000000	50 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
585085000000000	56 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
585045000000000	84 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590086000000000	91 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590087000000000	89 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
590088000000000	83 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590089000000000	71 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590090000000000	67 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590094000000000	59 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590093000000000	57 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590095000000000	53 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590096000000000	47 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
585086000000000	33 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
583027000000000	60 Foundry St	(COM) Commerce	(DT-E) Downtown Edge
583033000000000	0 Emerald St	(COM) Commerce	(DT-E) Downtown Edge
583028000000000	152 Davis St	(COM) Commerce	(DT-E) Downtown Edge
583030000000000	55 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
584042000000000	134 Davis St	(COM) Commerce	(DT-E) Downtown Edge
584043000000000	56 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
584044000000000	66 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
591007000000000	131 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592037000000000	141 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592036000000000	147 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592035000000000	165 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
583029000000000	81 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
592033000000000	185 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592034000000000	0 Foundry St	(COM) Commerce	(DT-E) Downtown Edge
583026000000000	38 Foundry St	(COM) Commerce	(DT-E) Downtown Edge
592032000000000	195 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592031000000000	223 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
583034000000000	160 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
583033001001000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
583033001000000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
583032000000000	1 Ralston St	(COM) Commerce	(DT-G) Downtown Growth
583031000000000	19 Ralston St	(COM) Commerce	(DT-G) Downtown Growth
583039000000000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
576007000000000	149 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
575018000000000	0 School St	(COM) Commerce	(DT-G) Downtown Growth
584071000000000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
576006000000000	0 Gilbo Ave	(COM) Commerce	(DT-G) Downtown Growth
585082000000000	196 Main St	(COM) Commerce	(DT-G) Downtown Growth
584003000000000	174 Main St	(COM) Commerce	(DT-G) Downtown Growth
584002000000000	162 Main St	(COM) Commerce	(DT-G) Downtown Growth
585014000000000	17 Dunbar St	(COM) Commerce	(DT-G) Downtown Growth
569015000000000	18 Spring St	(HD) High Density	(DT-T) Downtown Transition
569016000000000	20 Spring St	(HD) High Density	(DT-T) Downtown Transition
569017000000000	30 Spring St	(HD) High Density	(DT-T) Downtown Transition

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
569018000000000	38 Spring St	(HD) High Density	(DT-T) Downtown Transition
569019000000000	52 Spring St	(HD) High Density	(DT-T) Downtown Transition
569020000000000	58 Spring St	(HD) High Density	(DT-T) Downtown Transition
569054000000000	47 Spring St	(HD) High Density	(DT-T) Downtown Transition
569053000000000	57 Spring St	(HD) High Density	(DT-T) Downtown Transition
569062000000000	28 Roxbury Ct	(HD) High Density	(DT-T) Downtown Transition
569061000000000	22 Roxbury Ct	(HD) High Density	(DT-T) Downtown Transition
569060000000000	16 Roxbury Ct	(HD) High Density	(DT-T) Downtown Transition
585013000000000	19 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585012000000000	31 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585011000000000	41 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585010000000000	57 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585009000000000	65 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585022000000000	74 Water St	(HD) High Density	(DT-T) Downtown Transition
585021000000000	68 Water St	(HD) High Density	(DT-T) Downtown Transition
585020000000000	60 Water St	(HD) High Density	(DT-T) Downtown Transition
585019000000000	54 Water St	(HD) High Density	(DT-T) Downtown Transition
585018000000000	48 Water St	(HD) High Density	(DT-T) Downtown Transition
585017000000000	42 Water St	(HD) High Density	(DT-T) Downtown Transition
585016000000000	32 Water St	(HD) High Density	(DT-T) Downtown Transition
585015000000000	26 Water St	(HD) High Density	(DT-T) Downtown Transition
584057000000000	29 Davis St	(HD) High Density	(DT-T) Downtown Transition
584056000000000	37 Davis St	(HD) High Density	(DT-T) Downtown Transition
584055000000000	47 Davis St	(HD) High Density	(DT-T) Downtown Transition
584052000000000	59 Davis St	(HD) High Density	(DT-T) Downtown Transition
584053000000000	47 Wilson St	(HD) High Density	(DT-T) Downtown Transition
584054000000000	43 Wilson St	(HD) High Density	(DT-T) Downtown Transition
584051000000000	71 Davis St	(HD) High Density	(DT-T) Downtown Transition
584050000000000	75 Davis St	(HD) High Density	(DT-T) Downtown Transition
584049000000000	87 Davis St	(HD) High Density	(DT-T) Downtown Transition
584048000000000	97 Davis St	(HD) High Density	(DT-T) Downtown Transition
584047000000000	107 Davis St	(HD) High Density	(DT-T) Downtown Transition
584046000000000	121 Davis St	(HD) High Density	(DT-T) Downtown Transition
584045000000000	125 Davis St	(HD) High Density	(DT-T) Downtown Transition
591001000000000	283 Main St	(HD) High Density	(DT-I) Downtown Institutional Campus
584006000000000	161 Main St	(HD) High Density	(DT-G) Downtown Growth
584004000000000	27 Winchester St	(HD) High Density	(DT-G) Downtown Growth
584005000000000	199 Main St	(HD) High Density	(DT-G) Downtown Growth
574037000000000	93 Railroad St	(I) Industrial	(DT-G) Downtown Growth
576019000000000	171 West St	(O) Office	(DT-T) Downtown Transition
576024000000000	17 Wilder St	(O) Office	(DT-T) Downtown Transition
576025000000000	151 West St	(O) Office	(DT-T) Downtown Transition

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
576026000000000	143 West St	(O) Office	(DT-T) Downtown Transition
576030000000000	129 West St	(O) Office	(DT-T) Downtown Transition
575042000000000	117 West St	(O) Office	(DT-T) Downtown Transition
575045000000000	105 West St	(O) Office	(DT-T) Downtown Transition
575044000000000	86 Winter St	(O) Office	(DT-T) Downtown Transition
568006000000000	41 School St	(O) Office	(DT-T) Downtown Transition
568007000000000	75 Winter St	(O) Office	(DT-T) Downtown Transition
568008000000000	67 Winter St	(O) Office	(DT-T) Downtown Transition
568009000000000	61 Winter St	(O) Office	(DT-T) Downtown Transition
568010000000000	8 Middle St	(O) Office	(DT-T) Downtown Transition
568011000000000	16 Middle St	(O) Office	(DT-T) Downtown Transition
568012000000000	22 Middle St	(O) Office	(DT-T) Downtown Transition
568013000000000	28 Middle St	(O) Office	(DT-T) Downtown Transition
568026000000000	38 Middle St	(O) Office	(DT-T) Downtown Transition
568034000000000	61 Summer St	(O) Office	(DT-T) Downtown Transition
568035000000000	53 Summer St	(O) Office	(DT-T) Downtown Transition
568036000000000	45 Summer St	(O) Office	(DT-T) Downtown Transition
568037000000000	39 Summer St	(O) Office	(DT-T) Downtown Transition
568038000000000	31 Summer St	(O) Office	(DT-T) Downtown Transition
568039000000000	21 Summer St	(O) Office	(DT-T) Downtown Transition
568040000000000	56 Court St	(O) Office	(DT-T) Downtown Transition
568041000000000	70 Court St	(O) Office	(DT-T) Downtown Transition
568042000000000	82 Court St	(O) Office	(DT-T) Downtown Transition
568023000000000	42 Court St	(O) Office	(DT-T) Downtown Transition
568024000000000	18 Summer St	(O) Office	(DT-T) Downtown Transition
568025000000000	37 Middle St	(O) Office	(DT-T) Downtown Transition
568014000000000	29 Middle St	(O) Office	(DT-T) Downtown Transition
568015000000000	33 Center St	(O) Office	(DT-T) Downtown Transition
568016000000000	27 Center St	(O) Office	(DT-T) Downtown Transition
568017000000000	23 Center St	(O) Office	(DT-T) Downtown Transition
568018000000000	17 Center St	(O) Office	(DT-T) Downtown Transition
568048000000000	55 Court St	(O) Office	(DT-T) Downtown Transition
568047000000000	61 Court St	(O) Office	(DT-T) Downtown Transition
568045000000000	73 Court St	(O) Office	(DT-T) Downtown Transition
568044000000000	81 Court St	(O) Office	(DT-T) Downtown Transition
554107000000000	83 Court St	(O) Office	(DT-T) Downtown Transition
554106000000000	91 Court St	(O) Office	(DT-T) Downtown Transition
554085000000000	112 Washington St	(O) Office	(DT-T) Downtown Transition
554084000000000	106 Washington St	(O) Office	(DT-T) Downtown Transition
554083000000000	100 Washington St	(O) Office	(DT-T) Downtown Transition
569001000000000	85 Washington St	(O) Office	(DT-T) Downtown Transition
569013000000000	69 Washington St	(O) Office	(DT-T) Downtown Transition
569014000000000	57 Washington St	(O) Office	(DT-T) Downtown Transition

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
590097000000000	222 Main St	(O) Office	(DT-T) Downtown Transition
590098000000000	226 Main St	(O) Office	(DT-T) Downtown Transition
590099000000000	232 Main St	(O) Office	(DT-T) Downtown Transition
590101000000000	238 Main St	(O) Office	(DT-T) Downtown Transition
590100000000000	246 Main St	(O) Office	(DT-T) Downtown Transition
590109000000000	266 Main St	(O) Office	(DT-T) Downtown Transition
590110000000000	272 Main St	(O) Office	(DT-T) Downtown Transition

3. The Gilbo Avenue Design Overlay District and the Downtown Railroad Property Redevelopment Overlay District shall be removed from the Zoning Map.

4. The following parcels shall be removed from the Sustainable Energy Efficient Development (SEED) Overlay District.

- 575010000000000 (0 Commercial St)
- 575009000000000 (20 Commercial St)
- 585008000000000 (4 Crossfield St)
- 574041000000000 (0 Cypress St)
- 584059000000000 (0 Davis St)
- 584058000000000 (21 Davis St)
- 584057000000000 (29 Davis St)
- 584056000000000 (37 Davis St)
- 584055000000000 (47 Davis St)
- 584052000000000 (59 Davis St)
- 584051000000000 (71 Davis St)
- 584050000000000 (75 Davis St)
- 584049000000000 (87 Davis St)
- 584048000000000 (97 Davis St)
- 584047000000000 (107 Davis St)
- 584046000000000 (121 Davis St)
- 584045000000000 (125 Davis St)
- 584042000000000 (134 Davis St)
- 583028000000000 (152 Davis St)
- 585003000000000 (10 Dunbar St)
- 585004000000000 (16 Dunbar St)
- 585014000000000 (17 Dunbar St)
- 585013000000000 (19 Dunbar St)
- 585001000000000 (24 Dunbar St)
- 585012000000000 (31 Dunbar St)
- 585011000000000 (41 Dunbar St)
- 585010000000000 (57 Dunbar St)
- 585009000000000 (65 Dunbar St)
- 585005000000000 (78 Dunbar St)
- 585006000000000 (88 Dunbar St)
- 585007000000000 (96 Dunbar St)
- 585002000000000 (11 Eagle Ct)
- 574043000000000 (12 Eagle Ct)
- 583033000000000 (0 Emerald St)
- 583033001001000 (0 Emerald St)
- 575005000000000 (7 Emerald St)
- 584064000000000 (12 Emerald St)
- 575004000000000 (31 Emerald St)
- 584065000000000 (32 Emerald St)
- 584075000000000 (37 Emerald St)
- 584066000000000 (38 Emerald St)
- 584074000000000 (43 Emerald St)
- 584067000000000 (48 Emerald St)
- 584073000000000 (59 Emerald St)
- 584068000000000 (80 Emerald St)
- 584072000000000 (85 Emerald St)
- 584069000000000 (104 Emerald St)
- 584070000000000 (120 Emerald St)
- 583034000000000 (160 Emerald St)
- 583035000000000 (220 Emerald St)
- 583026000000000 (38 Foundry St)
- 583027000000000 (60 Foundry St)
- 592034000000000 (0 Foundry St)
- 575013000000000 (2 Gilbo Ave)
- 575014000000000 (12 Gilbo Ave)
- 575015000000000 (0 Gilbo Ave)
- 575016000000000 (0 Gilbo Ave)
- 575012000000000 (81 Main St)
- 575057000000000 (82 Main St)
- 575011000000000 (87 Main St)
- 575058000000000 (88 Main St)
- 575008000000000 (89 Main St)
- 575059000000000 (100 Main St)
- 575007000000000 (101 Main St)
- 575060000000000 (102 Main St)
- 575061000000000 (106 Main St)
- 575062000000000 (110 Main St)
- 575006000000000 (115 Main St)
- 584001000000000 (122 Main St)
- 584063000000000 (125 Main St)

- 584062000000000 (133 Main St)
- 584061000000000 (143 Main St)
- 584060000000000 (147 Main St)
- 584006000000000 (161 Main St)
- 584002000000000 (162 Main St)
- 584003000000000 (174 Main St)
- 585082000000000 (196 Main St)
- 584005000000000 (199 Main St)
- 574035000000000 (0 Railroad St)
- 574036000000000 (0 Railroad St)
- 574037000000000 (93 Railroad St)
- 574040000000000 (75 Railroad St)
- 574041000000000 (51 Railroad St)
- 574042000000000 (0 Railroad St)
- 574036000003000 (0 Railroad St)
- 583029000000000 (81 Ralston St)
- 583030000000000 (55 Ralston St)
- 583031000000000 (19 Ralston St)
- 583032000000000 (1 Ralston St)
- 584043000000000 (56 Ralston St)
- 584044000000000 (66 Ralston St)
- 575017000000000 (0 School St)
- 574039000000000 (0 Water St)
- 585026000000000 (0 Water St)
- 585015000000000 (26 Water St)
- 585016000000000 (32 Water St)
- 585017000000000 (42 Water St)
- 585018000000000 (48 Water St)
- 585019000000000 (54 Water St)
- 585020000000000 (60 Water St)
- 585021000000000 (68 Water St)
- 585022000000000 (74 Water St)
- 585023000000000 (84 Water St)
- 585024000000000 (88 Water St)
- 585025000000000 (92 Water St)
- 585027000000000 (122 Water St)
- 585028000000000 (124 Water St)
- 585029000000000 (152 Water St)
- 574038000000000 (158 Water St)
- 575001000000000 (5 Wilson St)
- 575002000000000 (6 Wilson St)
- 575003000000000 (12 Wilson St)
- 584053000000000 (47 Wilson St)
- 584054000000000 (43 Wilson St)
- 591007000000000 (131 Winchester St)
- 592031000000000 (223 Winchester St)
- 592032000000000 (195 Winchester St)
- 592033000000000 (185 Winchester St)
- 592035000000000 (165 Winchester St)
- 592036000000000 (147 Winchester St)
- 592037000000000 (141 Winchester St)
- 584004000000000 (27 Winchester St)

Effective Date of this Ordinance: September 1, 2021

George Hansel, Mayor

Relating to City of Keene Land Development Code

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. Add Chapter 100, "Land Development Code" to the Code of Ordinances, which shall read as presented in the attached document entitled, City of Keene, New Hampshire Land Development Code dated ~~April 2021~~ October 2020. This draft document contains amended versions of the City's Zoning Regulations, Subdivision Regulations, Site Plan Regulations, Historic District Regulations, Floodplain Regulations, Public Improvement Standards (referred to as Public Infrastructure Standards), Earth Excavation Regulations, and all related application and review procedures.
2. Remove the following sections of the Code of Ordinances in their entirety.
 - a. Chapter 18. Article V. "Historic Districts"
 - b. Chapter 34. "Environment"
 - ~~c. Chapter 46. Article X. "Lodginghouses"~~
 - ~~c.~~ Chapter 54. "Natural Resources"
 - ~~e.~~ Chapter 70. "Public Improvement Standards"
 - ~~f.~~ Chapter 102. "Zoning"
 - ~~g.~~ Appendix B. Fee Schedule. Chapter 54. "Natural Resources". Article II. "Floodplain"
 - ~~h.~~ Appendix B. Fee Schedule. Chapter 54. "Natural Resources". Article III. "Land Filling and Excavation"
 - ~~i.~~ Appendix B. Fee Schedule. Chapter 70. "Public Improvement Standards"
 - ~~j.~~ Appendix B. Fee Schedule. Chapter 74. "Sign Code"
 - ~~k.~~ Appendix B. Fee Schedule. Chapter 102. "Zoning"
3. Delete the stricken text and add the bolded underlined text in the following sections of the Code of Ordinances.
 - a. Chapter 18. "Building Regulations." Article I. "In General." Sec. 18-2. "Definitions."

*"Lodginghouse shall mean any dwelling for ~~more than four~~ **between 5 and 16** unrelated **natural** persons, which ~~lets~~ **provides separate rooms for** sleeping ~~accommodations for~~ **a fee for a transient or permanent basis**, without personal care services, ~~with or without meals, but~~ **and** without separate cooking facilities for individual occupants. **A lodginghouse may include separate living quarters for an on-site property manager.** For purposes of this **article**, the term lodginghouse shall not include a hotel or motel."*
 - b. Chapter 18. Article III. "Property and Housing Standards." Section 18-259. "Sanitary Facilities."

*"(4) Sanitary facilities, shared facilities—~~Lodging House~~ **Congregate Living Uses**. At least one water closet, lavatory, and bathtub or shower shall be provided for all ~~lodginghouses~~ **congregate living uses, as defined in Chapter 100, Article 8 in the City Code of Ordinances**, for up to four rooms used as bedrooms. All such facilities shall be located within the building housing the sleeping rooms. Said facilities shall be*

accessible from a common hall, passageway, or a room used in common (lounge) and shall be not more than one story removed from any persons sharing such facilities. Such facilities shall not be located in a basement.”

- c. Chapter 18. Article III. “Property and Housing Standards.” Section 18-307. “Determination of the housing standards enforcement officer; issuance of orders, posting of placards.”

“(c) Any dwelling, dwelling unit or ~~lodginghouse~~ **congregate living use as defined in Chapter 100, Article 8 of the City Code of Ordinances**, which has been determined unfit for human habitation and which has been placarded as such by the housing standards enforcement officer shall be vacated within a reasonable time as required by the housing officer. No owner shall rent to any person for human habitation, and no person shall occupy, any dwelling or dwelling unit which has been determined unfit for human habitation and which has been placarded by the housing officer after the date which the officer has required the dwelling or dwelling unit to be vacated.”

- ~~d. Chapter 46. Article I. “In General.” Section 46-1. “Definitions.”~~

~~“Lodginghouse means any dwelling for more than four persons, which lets sleeping accommodations for a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants. For purposes of this article the term lodging house shall not include a hotel or motel.”~~

- ~~e. Chapter 46. Article II. “Licensing Generally.” Section 46-63. “Designated licensing officials.”~~

Lodging house	City council
<u>Congregate Living and Social Services</u>	<u>City Council</u>

- ~~f. Appendix B. “Fee Schedule.” Chapter 46. “Licenses and Permits.”~~

~~“§46-593. Lodginghouse license fee.....165.00 **§46-569. Congregate Living and Social Services license fee.....\$165.00**”~~

- 4. Add the following language to Chapter 2, Article 5 “Boards and Commissions”, Division 15

“Planning Board,” relating to the powers of the Planning Board with respect to establishing a Minor Project Review Committee.

“(37) [*The Planning Board shall*] have the authority to delegate its site review powers and duties in regard to minor site plans to a committee of technically qualified administrators chosen by the Planning Board from the departments of public works, community development, or other similar departments in the City, in accordance with NH RSA 674:43(III). The process and procedures for this committee, which shall be known as the Minor Project Review Committee, are set forth herein in Article 25 of Chapter 100 of the City Code of Ordinances.”

5. ~~Replace Chapter 46, Article X, “Lodginghouses” with the full text included below.~~

~~“ARTICLE X. CONGREGATE LIVING AND SOCIAL SERVICES LICENSE~~

~~Sec. 46-561. — Applicability.~~

~~From and after the effective date of the ordinance from which this Article derives no person shall keep, permit or suffer to exist any of the following congregate living or social services uses as defined in Chapter 100, Article 8 of the City Code of Ordinances without first having obtained a congregate living and social services license from the licensing authority for each property location.~~

- ~~a) Drug Treatment Clinic~~
- ~~b) Group Home, Large~~
- ~~c) Group Home, Small~~
- ~~d) Fraternity/Sorority~~
- ~~e) Group Resource Center~~
- ~~f) Homeless Shelter~~
- ~~g) Lodginghouse~~
- ~~h) Residential Care Facility~~
- ~~i) Residential Drug/Alcohol Treatment Facility~~

~~Sec. 46-562. — Application and License Renewal Requirements.~~

~~In addition to the application requirements of Division 4 of this Chapter, the following information shall be required of an applicant for a congregate living and social services license and may be used by the licensing authority in evaluation of an application and annual renewal for such license.~~

- ~~1. Description of the property location including street address and tax map parcel number.~~
- ~~2. Description of the client population to be served, including a description of the services provided to the clients or residents of the facility and of any support or personal care services provided on or off site.~~
- ~~3. Description of the size and intensity of the facility, including information about: the number of occupants, including residents, clients, staff, visitors, etc.; maximum number of beds or persons that may be served by the facility; hours of operation; size and scale of buildings or structures on the site; and size of outdoor areas associated with the use.~~
- ~~4. For congregate living uses, the average length of stay for residents/occupants of the facility.~~
- ~~5. Name, phone number, and address of the property owner.~~
- ~~6. Name, phone number, and address of a person acting as the operator, if not the owner, who will serve as a point of 24-hour contact for the public and the City.~~
- ~~7. Evidence that all required licenses, permits or authority to operate have been obtained.~~
- ~~8. An Operations and Management Plan, which shall be based on industry standard “Best Management Practices”, and, at a minimum, shall address the following:~~
 - ~~a. A security plan that includes provisions for onsite security including lighting, security cameras, and/or other measures appropriate to provide for adequate health and safety of clients and management.~~
 - ~~b. A life safety plan that demonstrates compliance with the State Minimum Building Code and Fire Codes.~~
 - ~~c. Staff training and procedures plan.~~
 - ~~d. Health and safety plan.~~

- e. ~~An emergency response plan that establishes procedures for addressing emergency situations and for coordinating with local emergency service providers.~~
- f. ~~A neighborhood relations plan that includes provisions for communicating with adjacent property owners and the City of Keene, including the Keene Police Department.~~
- g. ~~Building and site maintenance procedures.~~
- h. ~~In addition to the materials listed above, homeless shelters shall be required to submit the following information as part of an Operations and Management Plan:
 - i. ~~Rules of conduct and registration system for guests, including procedures for screening registered sex offenders and for separating individual guests and families with children.~~
 - ii. ~~Policies and procedures for denying access to the homeless shelter when at maximum capacity or the determination that a person is unsuited for the facility, and how the immediate sheltering needs of individuals who may be turned away from the shelter will be handled.~~~~

~~Sec. 46-563.—Compliance.~~

- 1. ~~Prior to the issuance of an initial license, and prior to the reissuance of an annual license, all appropriate City enforcement officers shall make or cause to be made an inspection to determine if all applicable laws, ordinances, codes, permits, rules and regulations have been complied with, including but not limited to applicable operations and management plans submitted by the applicant as part of their license application.~~
- 2. ~~The licensing authority shall either grant or to deny the license application within 30 calendar days of the receipt of the application. The licensing authority shall provide notice of its decision on the application in writing to the applicant.
 - a. ~~In the event that the application is denied, the licensing authority shall provide a written statement to the applicant stating the specific reasons for the denial.~~~~
- 3. ~~Any person aggrieved by the decision of the licensing authority to issue or to deny a license may appeal such decision as provided in Section 46-94 of the City Code of Ordinances.~~

~~Sec. 46-564.—Expiration.~~

~~Each congregate living and social services license issued under this Article shall expire on July 1 of the year subsequent to its issuance date notwithstanding the date of the initial issuance. No postponements of the expiration date shall be granted except for good cause shown and as determined by the licensing authority; provided that the license has been applied for prior to the annual expiration date.~~

~~Sec. 46-565.—Display.~~

~~Any congregate living and social services license issued pursuant to this Article shall be displayed in a prominent place on the exterior ground floor near the front door of the building.~~

~~Sec. 46-566.— Suspension or Revocation.~~

- ~~1.— A congregate living and social services license may be suspended for a stated period of time for cause, or revoked for cause, by the licensing authority on complaint of one of the City’s enforcement officers, stating the specific basis for the suspension or revocation, the necessary corrective action to be taken, and the effective date of the suspension or revocation for non-compliance.
 - ~~a.— Notice shall be sufficient if sent by certified mail to the property owner and to the operator of the facility at the addresses listed on the license application form.~~~~
- ~~2.— A congregate living and social services license may be suspended immediately if the licensing authority determines that immediate suspension is required to protect public health or safety.~~
- ~~3.— Any suspension or revocation may be appealed as provided by Section 46-94 of the City Code of Ordinances.~~

~~Sec. 46-567.— Enforcement.~~

~~For the purposes of this Article, the licensing authority shall be the City of Keene City Council. Where compliance with zoning, building, plumbing, electrical and housing codes may be concerned, the enforcement officer shall be the Building and Health Official, and where fire and life safety codes may be concerned, the enforcement officer shall be the Fire Chief.~~

~~Sec. 46-568.— Penalties.~~

~~Any person who operates a congregate living or social services use as listed in Section 46-561 of this Article without having first obtained a congregate living and social services license in accordance with this Article, or who operates such a use without a valid license, shall be subject to a violation in accordance with City Code, Section 1-15 and subject to a fine of \$250.00.~~

~~Sec. 46-569.— Fee.~~

~~The fee for each congregate living and social services license application shall be as set forth in the schedule of fees in Appendix B of the City Code of Ordinances.~~

~~Sees. 46-570—46-620.— Reserved.”~~

6.5. Add to Appendix B of the City Code of Ordinances, “Chapter 100. Land Development Code (LDC) Fee Schedule,” which shall read as follows.

“Chapter 100. Land Development Code (LDC) Fee Schedule

§14.3 Sustainable Energy Efficient Development Overlay District Incentive
Application Fee.....\$100.00

§22.4 Service Connection Permit	
Engineering Inspection Fees.....	\$55.00 per hour
Residential, Institutional or Commercial Building Service Connection Permit.....	\$15.00
Industrial Building Service Connection Permit.....	\$30.00
§25.3 Zoning Text or Zoning Map Amendment	
Application Fee.....	\$100.00
Published Public Notice Fee.....	\$90.00
§25.4 Land Development Code Amendment	
Application Fee.....	\$100.00
Published Public Notice Fee.....	\$90.00
§25.5 Zoning Variance	
Application Fee.....	\$100.00
§25.6 Zoning Special Exception	
Application Fee.....	\$100.00
§25.7 Expansion or Enlargement of a Nonconforming Use	
Application Fee.....	\$100.00
§25.8 Equitable Waiver of Zoning Dimensional Requirements	
Application Fee.....	\$100.00
§25.9 Zoning Administrator Written Interpretation	
Application Fee.....	\$125.00
§25.10 Subdivision Review	
Subdivision Application Fee.....	\$200.00 + \$100.00 per lot
Conservation Residential Development Subdivision Application Fee....	\$200.00 + \$100.00 per lot
Boundary Line Adjustment Application Fee.....	\$100.00 + \$20.00 per lot
Voluntary Merger Application Fee.....	\$100.00 + \$20.00 per lot
Request to extend expiration of conditionally approved subdivision.....	\$25.00 for 1st request, \$50 for each request thereafter
§25.11 Planning Board Advice and Comment	
Application Fee.....	\$25.00
§25.12 Site Plan Review	
Major Site Plan Application Fee.....	\$250.00 + \$0.05 per sf gross floor area of new construction
Minor Site Plan Application Fee.....	\$250.00 + \$0.05 per sf gross floor area of new construction
Request to modify an approved site plan.....	\$250.00 + \$0.05 per sf gross floor area of new construction
Request to extend expiration of conditionally approved site plan.....	\$25.00 for 1st request, \$50 for each request thereafter

§25.13 Administrative Planning Review
Review Fee.....\$125.00

§25.14 Conditional Use Permit (CUP)
Telecommunications CUP Application Fee.....\$300.00
Hillside Protection CUP Application Fee.....\$100.00
Surface Water Protection CUP Application Fee.....\$100.00
Congregate Living and Social Services CUP Application Fee.....\$100.00
Solar Energy System CUP Application Fee.....\$100.00

§25.15 Historic District Certificate of Appropriateness (COA)
Major Project Application Fee.....\$50.00
Minor Project Application Fee.....\$25.00
Request to modify an approved Major Project COA.....\$50.00

§25.16 Street Access Permit
Application Fee.....\$50.00

§25.17 Floodplain Development Permit
Floodplain Development Permit Application Fee.....\$50.00 + \$100 per acre (or portion thereof) of special flood hazard area proposed to be altered

§25.18 Sign Permit
Applications with a total project cost of \$5,000 or greater).....\$100.00 + \$10.00 per \$1,000 of total project value
Applications with a total project value less than \$5,000.....\$100.00

§25.19 Earth Excavation Permit
Application Fee.....\$50.00

Mailed Public Notice:
Postage for Certified mail.....Current USPS certified mail rate
Postage for First Class mail.....Current USPS First Class mail rate

Published Notice (*unless otherwise specified in this Land Development Code Fee Schedule, the published public notice fee shall be as specified below*):

Printing fee for legal advertisement in newspaper.....\$~~25~~62

Recording Fee:
Recording Fee.....Current Cheshire County Registry of Deeds Fee, Including LCHIP fee”

Effective Date of Ordinance: September 1, 2021

George Hansel, Mayor

Relating to Change of Zone – Downtown Keene Zoning Update

That 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 City of Keene, New Hampshire Code of Ordinances, as amended, be hereby further amended as follows.

1. The following zoning districts shall be established on the City of Keene Zoning Map as presented on the attached map, “O-2020-11 – Proposed Downtown Keene Zoning.”
 - a. Downtown Core (DT-C)
 - b. Downtown Edge (DT-E)
 - c. Downtown Growth (DT-G)
 - d. Downtown Institutional Campus (DT-I)
 - e. Downtown Limited (DT-L)
 - f. Downtown Transition (DT-T)

2. The parcels listed in the below table shall change zoning districts from the zoning district listed in the column labeled “Current Zoning District” to the zoning district in the column labeled “Proposed Zoning District.”

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
585028000000000	124 Water St	(BGR) Business Growth & Reuse	(DT-G) Downtown Growth
585027000000000	122 Water St	(BGR) Business Growth & Reuse	(DT-G) Downtown Growth
585008000000000	4 Crossfield St	(CB) Central Business	(DT-T) Downtown Transition
585024000000000	88 Water St	(CB) Central Business	(DT-T) Downtown Transition
585023000000000	84 Water St	(CB) Central Business	(DT-T) Downtown Transition
<u>585025000000000</u>	<u>92 Water St</u>	<u>(CB) Central Business</u>	<u>(DT-T) Downtown Transition</u>
568046000000000	67 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568052000000000	57 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554097000000000	47 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554087000000000	37 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554081000000000	27 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
554082000000000	17 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
568072000000000	82 Washington St	(CB) Central Business	(DT-L) Downtown Limited
568071000000000	74 Washington St	(CB) Central Business	(DT-L) Downtown Limited
568070000000000	64 Washington St	(CB) Central Business	(DT-L) Downtown Limited
568069000000000	50 Washington St	(CB) Central Business	(DT-L) Downtown Limited
568056000000000	11 Vernon St	(CB) Central Business	(DT-L) Downtown Limited
568055000000000	1 Elm St	(CB) Central Business	(DT-L) Downtown Limited
568051000000000	31 Vernon St	(CB) Central Business	(DT-L) Downtown Limited
568050000000000	0 Court St	(CB) Central Business	(DT-L) Downtown Limited
568049000000000	49 Court St	(CB) Central Business	(DT-L) Downtown Limited
568054000000000	34 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568053000000000	28 Mechanic St	(CB) Central Business	(DT-L) Downtown Limited
568022000000000	34 Court St	(CB) Central Business	(DT-C) Downtown Core
568021000000000	26 Court St	(CB) Central Business	(DT-C) Downtown Core
568020000000000	12 Court St	(CB) Central Business	(DT-C) Downtown Core
568019000000000	33 Winter St	(CB) Central Business	(DT-C) Downtown Core
575047000000000	60 Winter St	(CB) Central Business	(DT-C) Downtown Core
575046000000000	76 Winter St	(CB) Central Business	(DT-C) Downtown Core
575048000000000	55 West St	(CB) Central Business	(DT-C) Downtown Core
575049000000000	33 West St	(CB) Central Business	(DT-C) Downtown Core
568003000000000	37 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568002000000000	38 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568001000000000	43 Central Sq	(CB) Central Business	(DT-C) Downtown Core
575052000000000	48 Central Sq	(CB) Central Business	(DT-C) Downtown Core
575051000000000	50 Central Sq	(CB) Central Business	(DT-C) Downtown Core
575050000000000	19 West St	(CB) Central Business	(DT-C) Downtown Core
568062000000000	23 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568060000000000	7 Court St	(CB) Central Business	(DT-C) Downtown Core
568061000000000	32 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568063000000000	20 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568064000000000	26 Washington St	(CB) Central Business	(DT-C) Downtown Core
568065000001000	32 Washington St	(CB) Central Business	(DT-C) Downtown Core
568066000000000	34 Washington St	(CB) Central Business	(DT-C) Downtown Core
568067000000000	38 Washington St	(CB) Central Business	(DT-C) Downtown Core
568068000000000	40 Washington St	(CB) Central Business	(DT-C) Downtown Core
568057000000000	10 Vernon St	(CB) Central Business	(DT-C) Downtown Core
568058000000000	32 Washington St	(CB) Central Business	(DT-C) Downtown Core
568059000000000	32 Vernon St	(CB) Central Business	(DT-C) Downtown Core
569056000000000	31 Washington St	(CB) Central Business	(DT-C) Downtown Core
568073000000000	3 Washington St	(CB) Central Business	(DT-C) Downtown Core
568074000000000	4 Central Sq	(CB) Central Business	(DT-C) Downtown Core
568075000000000	1 Central Sq	(CB) Central Business	(DT-C) Downtown Core
569057000000000	40 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
575053000000000	2 Main St	(CB) Central Business	(DT-C) Downtown Core

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
574006000000000	25 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574005000000000	37 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574004000000000	43 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574001000000000	65 Roxbury St	(CB) Central Business	(DT-C) Downtown Core
574014000000000	92 Church St	(CB) Central Business	(DT-C) Downtown Core
574013000000000	11 Ninety-Third St	(CB) Central Business	(DT-C) Downtown Core
574034000000000	18 Ninety-Third St	(CB) Central Business	(DT-C) Downtown Core
574012001000000	17 Ninety-Third St	(CB) Central Business	(DT-C) Downtown Core
574011000000000	78 Railroad St	(CB) Central Business	(DT-C) Downtown Core
574010000000000	76 Railroad St	(CB) Central Business	(DT-C) Downtown Core
574003000000000	15 Roxbury Plaza	(CB) Central Business	(DT-C) Downtown Core
574002000000000	21 Roxbury Plaza	(CB) Central Business	(DT-C) Downtown Core
574008000000000	0 Church St	(CB) Central Business	(DT-C) Downtown Core
574009000000000	37 Church St	(CB) Central Business	(DT-C) Downtown Core
575055000000000	42 Main St	(CB) Central Business	(DT-C) Downtown Core
575056000000000	64 Main St	(CB) Central Business	(DT-C) Downtown Core
574007000000000	16 Church St	(CB) Central Business	(DT-C) Downtown Core
575054000000000	22 Main St	(CB) Central Business	(DT-C) Downtown Core
574042000000000	0 Railroad St	(CB) Central Business	(DT-C) Downtown Core
575057000000000	82 Main St	(CB) Central Business	(DT-C) Downtown Core
575058000000000	88 Main St	(CB) Central Business	(DT-C) Downtown Core
574041000000000	0 Cypress St	(CB) Central Business	(DT-C) Downtown Core
585007000000000	96 Dunbar St	(CB) Central Business	(DT-C) Downtown Core
585006000000000	88 Dunbar St	(CB) Central Business	(DT-C) Downtown Core
585005000000000	78 Dunbar St	(CB) Central Business	(DT-C) Downtown Core
575059000000000	100 Main St	(CB) Central Business	(DT-C) Downtown Core
575060000000000	102 Main St	(CB) Central Business	(DT-C) Downtown Core
575061000000000	106 Main St	(CB) Central Business	(DT-C) Downtown Core
575062000000000	110 Main St	(CB) Central Business	(DT-C) Downtown Core
574043000000000	12 Eagle Ct	(CB) Central Business	(DT-C) Downtown Core
574040000000000	75 Railroad St	(CB) Central Business	(DT-C) Downtown Core
575006000000000	115 Main St	(CB) Central Business	(DT-C) Downtown Core
575007000000000	101 Main St	(CB) Central Business	(DT-C) Downtown Core
575008000000000	89 Main St	(CB) Central Business	(DT-C) Downtown Core
575011000000000	87 Main St	(CB) Central Business	(DT-C) Downtown Core
575012000000000	81 Main St	(CB) Central Business	(DT-C) Downtown Core
575013000000000	2 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core
575014000000000	12 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core
575024000000000	49 Main St	(CB) Central Business	(DT-C) Downtown Core
575025000000000	45 Main St	(CB) Central Business	(DT-C) Downtown Core
575026000000000	35 Main St	(CB) Central Business	(DT-C) Downtown Core
575027000000000	0 Lamson St	(CB) Central Business	(DT-C) Downtown Core
575022000000000	19 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
575023000000000	0 Gilbo Ave	(CB) Central Business	(DT-C) Downtown Core
575038000000000	70 West St	(CB) Central Business	(DT-C) Downtown Core
575037000000000	60 West St	(CB) Central Business	(DT-C) Downtown Core
575036000000000	43 Saint James St	(CB) Central Business	(DT-C) Downtown Core
575035000000000	49 Saint James St	(CB) Central Business	(DT-C) Downtown Core
575034000000000	44 West St	(CB) Central Business	(DT-C) Downtown Core
575033000000000	34 West St	(CB) Central Business	(DT-C) Downtown Core
575028000000000	17 Federal St	(CB) Central Business	(DT-C) Downtown Core
575032000000000	20 West St	(CB) Central Business	(DT-C) Downtown Core
575031000000000	1 Main St	(CB) Central Business	(DT-C) Downtown Core
575030000000000	15 Main St	(CB) Central Business	(DT-C) Downtown Core
575029000000000	27 Main St	(CB) Central Business	(DT-C) Downtown Core
584070000000000	120 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
584069000000000	104 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
584068000000000	80 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575017000000000	0 School St	(CB) Central Business	(DT-G) Downtown Growth
575016000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
584072000000000	85 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575001000000000	5 Wilson St	(CB) Central Business	(DT-G) Downtown Growth
584073000000000	59 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575002000000000	6 Wilson St	(CB) Central Business	(DT-G) Downtown Growth
575003000000000	12 Wilson St	(CB) Central Business	(DT-G) Downtown Growth
584074000000000	43 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575009000000000	20 Commercial St	(CB) Central Business	(DT-G) Downtown Growth
575004000000000	31 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
584075000000000	37 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575005000000000	7 Emerald St	(CB) Central Business	(DT-G) Downtown Growth
575010000000000	0 Commercial St	(CB) Central Business	(DT-G) Downtown Growth
575015000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575021000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575020000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575019000000000	0 Gilbo Ave	(CB) Central Business	(DT-G) Downtown Growth
575040000000000	100 West St	(CB) Central Business	(DT-G) Downtown Growth
575039000000000	86 West St	(CB) Central Business	(DT-G) Downtown Growth
575041000000000	104 West St	(CB) Central Business	(DT-G) Downtown Growth
574038000000000	158 Water St	(CB) Central Business	(DT-G) Downtown Growth
574039000000000	0 Water St	(CB) Central Business	(DT-G) Downtown Growth
585029000000000	152 Water St	(CB) Central Business	(DT-G) Downtown Growth
585026000000000	0 Water St	(CB) Central Business	(DT-G) Downtown Growth
585025000000000	92 Water St	(CB) Central Business	(DT-G) Downtown Growth
567001000000000	0 Ashuelot St	(CBL) Central Business Ltd.	(HD) High Density
576014000000000	30 Ashuelot St	(CBL) Central Business Ltd.	(COM) Commerce
576016000000000	29 Ashuelot St	(CBL) Central Business Ltd.	(COM) Commerce

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Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
576017000000000	9 Ashuelot St	(CBL) Central Business Ltd.	(COM) Commerce
576018000000000	189 West St	(CBL) Central Business Ltd.	(COM) Commerce
569059000000000	88 Roxbury St	(CBL) Central Business Ltd.	(DT-T) Downtown Transition
569058000000000	80 Roxbury St	(CBL) Central Business Ltd.	(DT-T) Downtown Transition
584058000000000	21 Davis St	(CBL) Central Business Ltd.	(DT-T) Downtown Transition
584060000000000	147 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584059000000000	0 Davis St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584058000000000	21 Davis St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584061000000000	143 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584062000000000	133 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584063000000000	125 Main St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
584064000000000	12 Emerald St	(CBL) Central Business Ltd.	(DT-C) Downtown Core
569065000000000	98 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
569066000000000	106 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
569107000000000	103 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
569108000000000	93 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
569109000000000	81 Roxbury St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574015000000000	100 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574016000000000	110 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574017000000000	116 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574033000000000	115 Church St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574036000002000	110 Railroad St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
574036000000000	0 Railroad St	(CBL) Central Business Ltd.	(DT-E) Downtown Edge
584067000000000	48 Emerald St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
584066000000000	38 Emerald St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
584065000000000	32 Emerald St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576001000000000	122 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576002000000000	166 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576003000000000	172 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576005000000000	0 Gilbo Ave	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
576004000000000	194 West St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
574036000000000	0 Railroad St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
584001000000000	122 Main St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585003000000000	10 Dunbar St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585002000000000	11 Eagle Ct	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585004000000000	16 Dunbar St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585001000000000	24 Dunbar St	(CBL) Central Business Ltd.	(DT-G) Downtown Growth
585083000000000	36 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
585084000000000	50 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
585085000000000	56 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
585045000000000	84 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590086000000000	91 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge

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Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
590087000000000	89 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590088000000000	83 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590089000000000	71 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590090000000000	67 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590094000000000	59 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590093000000000	57 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590095000000000	53 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
590096000000000	47 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
585086000000000	33 Marlboro St	(COM) Commerce	(DT-E) Downtown Edge
583027000000000	60 Foundry St	(COM) Commerce	(DT-E) Downtown Edge
583033000000000	0 Emerald St	(COM) Commerce	(DT-E) Downtown Edge
583028000000000	152 Davis St	(COM) Commerce	(DT-E) Downtown Edge
583030000000000	55 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
584042000000000	134 Davis St	(COM) Commerce	(DT-E) Downtown Edge
584043000000000	56 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
584044000000000	66 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
591007000000000	131 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592037000000000	141 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592036000000000	147 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592035000000000	165 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
583029000000000	81 Ralston St	(COM) Commerce	(DT-E) Downtown Edge
592033000000000	185 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592034000000000	0 Foundry St	(COM) Commerce	(DT-E) Downtown Edge
583026000000000	38 Foundry St	(COM) Commerce	(DT-E) Downtown Edge
592032000000000	195 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
592031000000000	223 Winchester St	(COM) Commerce	(DT-E) Downtown Edge
583034000000000	160 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
583033001001000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
583033001000000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
583032000000000	1 Ralston St	(COM) Commerce	(DT-G) Downtown Growth
583031000000000	19 Ralston St	(COM) Commerce	(DT-G) Downtown Growth
583039000000000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
576007000000000	149 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
575018000000000	0 School St	(COM) Commerce	(DT-G) Downtown Growth
584071000000000	0 Emerald St	(COM) Commerce	(DT-G) Downtown Growth
576006000000000	0 Gilbo Ave	(COM) Commerce	(DT-G) Downtown Growth
585082000000000	196 Main St	(COM) Commerce	(DT-G) Downtown Growth
584003000000000	174 Main St	(COM) Commerce	(DT-G) Downtown Growth
584002000000000	162 Main St	(COM) Commerce	(DT-G) Downtown Growth
585014000000000	17 Dunbar St	(COM) Commerce	(DT-G) Downtown Growth
569015000000000	18 Spring St	(HD) High Density	(DT-T) Downtown Transition
569016000000000	20 Spring St	(HD) High Density	(DT-T) Downtown Transition
569017000000000	30 Spring St	(HD) High Density	(DT-T) Downtown Transition

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
569018000000000	38 Spring St	(HD) High Density	(DT-T) Downtown Transition
569019000000000	52 Spring St	(HD) High Density	(DT-T) Downtown Transition
569020000000000	58 Spring St	(HD) High Density	(DT-T) Downtown Transition
569054000000000	47 Spring St	(HD) High Density	(DT-T) Downtown Transition
569053000000000	57 Spring St	(HD) High Density	(DT-T) Downtown Transition
569062000000000	28 Roxbury Ct	(HD) High Density	(DT-T) Downtown Transition
569061000000000	22 Roxbury Ct	(HD) High Density	(DT-T) Downtown Transition
569060000000000	16 Roxbury Ct	(HD) High Density	(DT-T) Downtown Transition
585013000000000	19 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585012000000000	31 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585011000000000	41 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585010000000000	57 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585009000000000	65 Dunbar St	(HD) High Density	(DT-T) Downtown Transition
585022000000000	74 Water St	(HD) High Density	(DT-T) Downtown Transition
585021000000000	68 Water St	(HD) High Density	(DT-T) Downtown Transition
585020000000000	60 Water St	(HD) High Density	(DT-T) Downtown Transition
585019000000000	54 Water St	(HD) High Density	(DT-T) Downtown Transition
585018000000000	48 Water St	(HD) High Density	(DT-T) Downtown Transition
585017000000000	42 Water St	(HD) High Density	(DT-T) Downtown Transition
585016000000000	32 Water St	(HD) High Density	(DT-T) Downtown Transition
585015000000000	26 Water St	(HD) High Density	(DT-T) Downtown Transition
584057000000000	29 Davis St	(HD) High Density	(DT-T) Downtown Transition
584056000000000	37 Davis St	(HD) High Density	(DT-T) Downtown Transition
584055000000000	47 Davis St	(HD) High Density	(DT-T) Downtown Transition
584052000000000	59 Davis St	(HD) High Density	(DT-T) Downtown Transition
584053000000000	47 Wilson St	(HD) High Density	(DT-T) Downtown Transition
584054000000000	43 Wilson St	(HD) High Density	(DT-T) Downtown Transition
584051000000000	71 Davis St	(HD) High Density	(DT-T) Downtown Transition
584050000000000	75 Davis St	(HD) High Density	(DT-T) Downtown Transition
584049000000000	87 Davis St	(HD) High Density	(DT-T) Downtown Transition
584048000000000	97 Davis St	(HD) High Density	(DT-T) Downtown Transition
584047000000000	107 Davis St	(HD) High Density	(DT-T) Downtown Transition
584046000000000	121 Davis St	(HD) High Density	(DT-T) Downtown Transition
584045000000000	125 Davis St	(HD) High Density	(DT-T) Downtown Transition
591001000000000	283 Main St	(HD) High Density	(DT-I) Downtown Institutional Campus
584006000000000	161 Main St	(HD) High Density	(DT-G) Downtown Growth
584004000000000	27 Winchester St	(HD) High Density	(DT-G) Downtown Growth
584005000000000	199 Main St	(HD) High Density	(DT-G) Downtown Growth
574037000000000	93 Railroad St	(I) Industrial	(DT-G) Downtown Growth
576019000000000	171 West St	(O) Office	(DT-T) Downtown Transition
576024000000000	17 Wilder St	(O) Office	(DT-T) Downtown Transition
576025000000000	151 West St	(O) Office	(DT-T) Downtown Transition

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
576026000000000	143 West St	(O) Office	(DT-T) Downtown Transition
576030000000000	129 West St	(O) Office	(DT-T) Downtown Transition
575042000000000	117 West St	(O) Office	(DT-T) Downtown Transition
575045000000000	105 West St	(O) Office	(DT-T) Downtown Transition
575044000000000	86 Winter St	(O) Office	(DT-T) Downtown Transition
568006000000000	41 School St	(O) Office	(DT-T) Downtown Transition
568007000000000	75 Winter St	(O) Office	(DT-T) Downtown Transition
568008000000000	67 Winter St	(O) Office	(DT-T) Downtown Transition
568009000000000	61 Winter St	(O) Office	(DT-T) Downtown Transition
568010000000000	8 Middle St	(O) Office	(DT-T) Downtown Transition
568011000000000	16 Middle St	(O) Office	(DT-T) Downtown Transition
568012000000000	22 Middle St	(O) Office	(DT-T) Downtown Transition
568013000000000	28 Middle St	(O) Office	(DT-T) Downtown Transition
568026000000000	38 Middle St	(O) Office	(DT-T) Downtown Transition
568034000000000	61 Summer St	(O) Office	(DT-T) Downtown Transition
568035000000000	53 Summer St	(O) Office	(DT-T) Downtown Transition
568036000000000	45 Summer St	(O) Office	(DT-T) Downtown Transition
568037000000000	39 Summer St	(O) Office	(DT-T) Downtown Transition
568038000000000	31 Summer St	(O) Office	(DT-T) Downtown Transition
568039000000000	21 Summer St	(O) Office	(DT-T) Downtown Transition
568040000000000	56 Court St	(O) Office	(DT-T) Downtown Transition
568041000000000	70 Court St	(O) Office	(DT-T) Downtown Transition
568042000000000	82 Court St	(O) Office	(DT-T) Downtown Transition
568023000000000	42 Court St	(O) Office	(DT-T) Downtown Transition
568024000000000	18 Summer St	(O) Office	(DT-T) Downtown Transition
568025000000000	37 Middle St	(O) Office	(DT-T) Downtown Transition
568014000000000	29 Middle St	(O) Office	(DT-T) Downtown Transition
568015000000000	33 Center St	(O) Office	(DT-T) Downtown Transition
568016000000000	27 Center St	(O) Office	(DT-T) Downtown Transition
568017000000000	23 Center St	(O) Office	(DT-T) Downtown Transition
568018000000000	17 Center St	(O) Office	(DT-T) Downtown Transition
568048000000000	55 Court St	(O) Office	(DT-T) Downtown Transition
568047000000000	61 Court St	(O) Office	(DT-T) Downtown Transition
568045000000000	73 Court St	(O) Office	(DT-T) Downtown Transition
568044000000000	81 Court St	(O) Office	(DT-T) Downtown Transition
554107000000000	83 Court St	(O) Office	(DT-T) Downtown Transition
554106000000000	91 Court St	(O) Office	(DT-T) Downtown Transition
554085000000000	112 Washington St	(O) Office	(DT-T) Downtown Transition
554084000000000	106 Washington St	(O) Office	(DT-T) Downtown Transition
554083000000000	100 Washington St	(O) Office	(DT-T) Downtown Transition
569001000000000	85 Washington St	(O) Office	(DT-T) Downtown Transition
569013000000000	69 Washington St	(O) Office	(DT-T) Downtown Transition
569014000000000	57 Washington St	(O) Office	(DT-T) Downtown Transition

Tax Map Parcel #	Street Address	Current Zoning District	Proposed Zoning District
590097000000000	222 Main St	(O) Office	(DT-T) Downtown Transition
590098000000000	226 Main St	(O) Office	(DT-T) Downtown Transition
590099000000000	232 Main St	(O) Office	(DT-T) Downtown Transition
590101000000000	238 Main St	(O) Office	(DT-T) Downtown Transition
590100000000000	246 Main St	(O) Office	(DT-T) Downtown Transition
590109000000000	266 Main St	(O) Office	(DT-T) Downtown Transition
590110000000000	272 Main St	(O) Office	(DT-T) Downtown Transition

3. The Gilbo Avenue Design Overlay District and the Downtown Railroad Property Redevelopment Overlay District shall be removed from the Zoning Map.

4. The following parcels shall be removed from the Sustainable Energy Efficient Development (SEED) Overlay District.

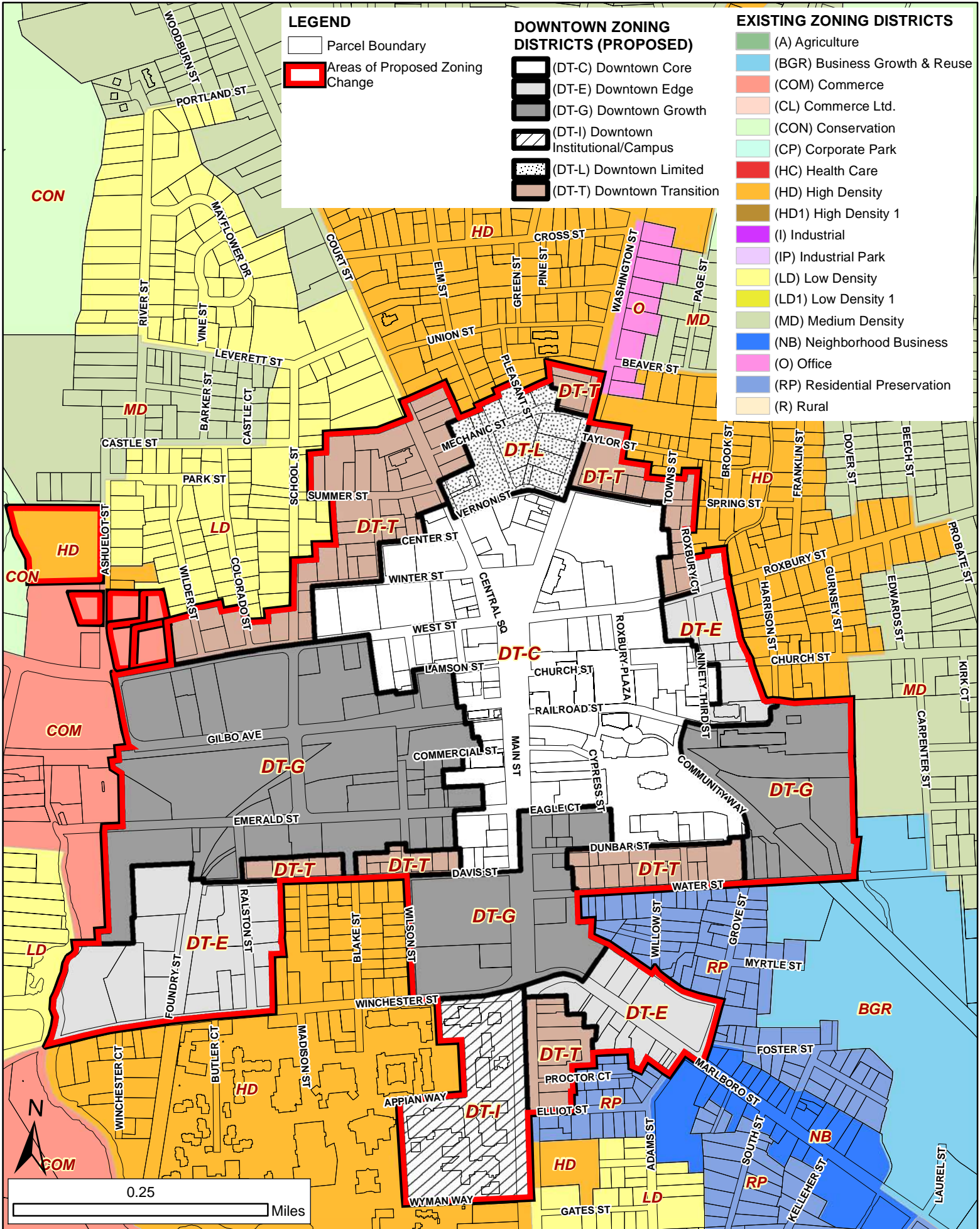
- 575010000000000 (0 Commercial St)
- 575009000000000 (20 Commercial St)
- 585008000000000 (4 Crossfield St)
- 574041000000000 (0 Cypress St)
- 584059000000000 (0 Davis St)
- 584058000000000 (21 Davis St)
- 584057000000000 (29 Davis St)
- 584056000000000 (37 Davis St)
- 584055000000000 (47 Davis St)
- 584052000000000 (59 Davis St)
- 584051000000000 (71 Davis St)
- 584050000000000 (75 Davis St)
- 584049000000000 (87 Davis St)
- 584048000000000 (97 Davis St)
- 584047000000000 (107 Davis St)
- 584046000000000 (121 Davis St)
- 584045000000000 (125 Davis St)
- 584042000000000 (134 Davis St)
- 583028000000000 (152 Davis St)
- 585003000000000 (10 Dunbar St)
- 585004000000000 (16 Dunbar St)
- 585014000000000 (17 Dunbar St)
- 585013000000000 (19 Dunbar St)
- 585001000000000 (24 Dunbar St)
- 585012000000000 (31 Dunbar St)
- 585011000000000 (41 Dunbar St)
- 585010000000000 (57 Dunbar St)
- 585009000000000 (65 Dunbar St)
- 585005000000000 (78 Dunbar St)
- 585006000000000 (88 Dunbar St)
- 585007000000000 (96 Dunbar St)
- 585002000000000 (11 Eagle Ct)
- 574043000000000 (12 Eagle Ct)
- 583033000000000 (0 Emerald St)
- 583033001001000 (0 Emerald St)
- 575005000000000 (7 Emerald St)
- 584064000000000 (12 Emerald St)
- 575004000000000 (31 Emerald St)
- 584065000000000 (32 Emerald St)
- 584075000000000 (37 Emerald St)
- 584066000000000 (38 Emerald St)
- 584074000000000 (43 Emerald St)
- 584067000000000 (48 Emerald St)
- 584073000000000 (59 Emerald St)
- 584068000000000 (80 Emerald St)
- 584072000000000 (85 Emerald St)
- 584069000000000 (104 Emerald St)
- 584070000000000 (120 Emerald St)
- 583034000000000 (160 Emerald St)
- 583035000000000 (220 Emerald St)
- 583026000000000 (38 Foundry St)
- 583027000000000 (60 Foundry St)
- 592034000000000 (0 Foundry St)
- 575013000000000 (2 Gilbo Ave)
- 575014000000000 (12 Gilbo Ave)
- 575015000000000 (0 Gilbo Ave)
- 575016000000000 (0 Gilbo Ave)
- 575012000000000 (81 Main St)
- 575057000000000 (82 Main St)
- 575011000000000 (87 Main St)
- 575058000000000 (88 Main St)
- 575008000000000 (89 Main St)
- 575059000000000 (100 Main St)
- 575007000000000 (101 Main St)
- 575060000000000 (102 Main St)
- 575061000000000 (106 Main St)
- 575062000000000 (110 Main St)
- 575006000000000 (115 Main St)
- 584001000000000 (122 Main St)
- 584063000000000 (125 Main St)

- 58406200000000 (133 Main St)
- 58406100000000 (143 Main St)
- 58406000000000 (147 Main St)
- 58400600000000 (161 Main St)
- 58400200000000 (162 Main St)
- 58400300000000 (174 Main St)
- 58508200000000 (196 Main St)
- 58400500000000 (199 Main St)
- 57403500000000 (0 Railroad St)
- 57403600000000 (0 Railroad St)
- 57403700000000 (93 Railroad St)
- 57404000000000 (75 Railroad St)
- 57404100000000 (51 Railroad St)
- 57404200000000 (0 Railroad St)
- 574036000003000 (0 Railroad St)
- 58302900000000 (81 Ralston St)
- 58303000000000 (55 Ralston St)
- 58303100000000 (19 Ralston St)
- 58303200000000 (1 Ralston St)
- 58404300000000 (56 Ralston St)
- 58404400000000 (66 Ralston St)
- 57501700000000 (0 School St)
- 57403900000000 (0 Water St)
- 58502600000000 (0 Water St)
- 58501500000000 (26 Water St)
- 58501600000000 (32 Water St)
- 58501700000000 (42 Water St)
- 58501800000000 (48 Water St)
- 58501900000000 (54 Water St)
- 58502000000000 (60 Water St)
- 58502100000000 (68 Water St)
- 58502200000000 (74 Water St)
- 58502300000000 (84 Water St)
- 58502400000000 (88 Water St)
- 58502500000000 (92 Water St)
- 58502700000000 (122 Water St)
- 58502800000000 (124 Water St)
- 58502900000000 (152 Water St)
- 57403800000000 (158 Water St)
- 57500100000000 (5 Wilson St)
- 57500200000000 (6 Wilson St)
- 57500300000000 (12 Wilson St)
- 58405300000000 (47 Wilson St)
- 58405400000000 (43 Wilson St)
- 59100700000000 (131 Winchester St)
- 59203100000000 (223 Winchester St)
- 59203200000000 (195 Winchester St)
- 59203300000000 (185 Winchester St)
- 59203500000000 (165 Winchester St)
- 59203600000000 (147 Winchester St)
- 59203700000000 (141 Winchester St)
- 58400400000000 (27 Winchester St)

Effective Date of Ordinance: September 1, 2021

George Hansel, Mayor

Ordinance #O-2020-11A Proposed Downtown Keene Zoning (updated 3/25/21)



CITY OF KEENE, NH LAND DEVELOPMENT CODE

CHANGE SUMMARY



Overview of major changes proposed to Keene's land use regulations in O-2020-10A & O-2020-11A related to the establishment of a Land Development Code and changes to downtown zoning districts.



BACKGROUND

Purpose

This proposed Land Development Code (LDC) is a major component of the Building Better Together project (keenebuildingbetter.com), which aims to provide a simpler and more intuitive roadmap for development to occur in the City of Keene. Guided by the principles below, the LDC is a reorganization and consolidation of the City's regulations related to the use and development of land.



SIMPLE.

Updated regulations will be easy to navigate and will include graphics to outline a clear process, from start to finish.



EFFICIENT.

The updated structure will be more streamlined, making the review and approval process clearer and easier to administer.



THOUGHTFUL.

This update will help guide us into the future, while protecting the crucial elements that make Keene a great place to live, work and play.

What's Included?

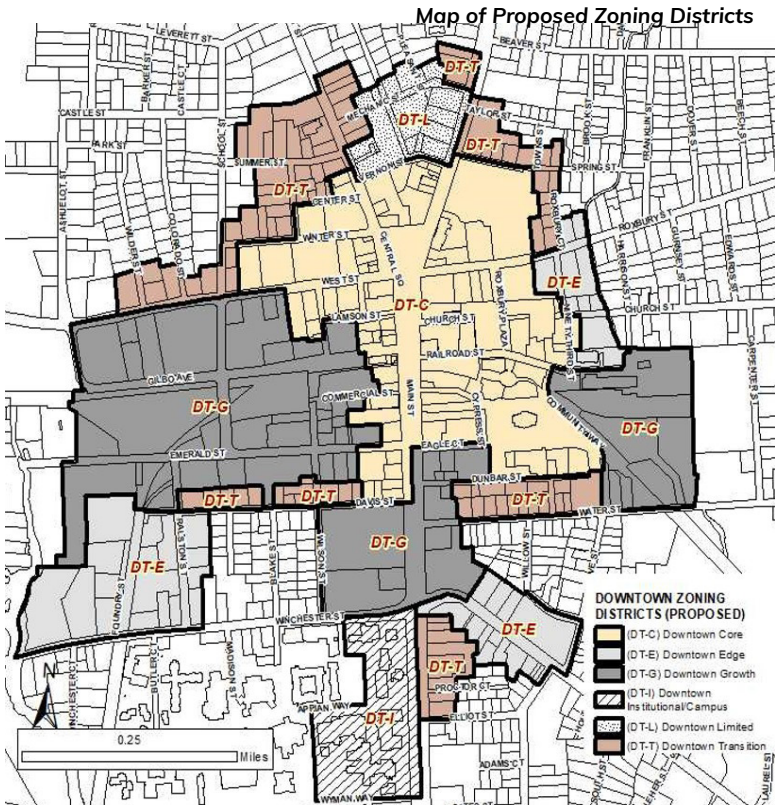
The following existing regulations are proposed to be incorporated in this LDC:

- Planning Board Site Plan & Subdivision Regulations
- Planning Board Development Standards
- Historic District Regulations
- Chapter 102 (Zoning), Chapter 54 (Natural Resources) & Chapter 70 (Public Improvement Standards) of the City Code of Ordinances

Downtown Zoning Update

In addition to a reorganization of regulations, this LDC proposes to update/modernize Keene's downtown zoning by replacing the Central Business and Central Business Limited Zoning Districts with 6 new downtown zoning districts (See Map to Right).

These districts were established to encourage new development that is either compatible with the existing form and pattern of the built environment, or is guiding development in a manner consistent with the objectives of the City's Comprehensive Master Plan and other established community goals.



REVIEW OF MAJOR CHANGES

This Summary Document provides a high-level overview of the changes proposed in each Article of the LDC. More information is available at: www.keenebuildingbetter.com/ldc.

Article 1. Introductory Provisions

- This Article establishes the title, purpose, applicability, rules of interpretation and measurement for the entire LDC.
- Unlike the current zoning regulations, this section provides guidance for how to measure or interpret dimensional standards and terms (e.g. setbacks, area, lot coverage, height, etc.). This Article includes graphics to illustrate these measurements in a visual format.
- There are new terms included in the measurements section related to the proposed Downtown Zoning Districts (e.g. *Built-to Zone*, *Build-to Percentage*, *Transparency*, *Stepback*, *Optional Corner Tower Element*).

Article 2. Establishment of Zoning Regulations & Map

- This Article identifies the City's 24 zoning districts, that serve as the City's "underlying" or "base" zoning districts, as well as the City's official zoning map. Eighteen of these districts are existing, and 6 are newly proposed for areas of the downtown.
- This Article also lists the City's Overlay Zoning Districts, which are listed in Table 2-2.
- Table 2-1 of this Article groups these zoning districts into 5 categories (*Residential*, *Downtown*, *Commercial*, *Industrial*, *Special Purpose*) for simplicity. The current zoning regulations make reference to some of these categories; however, they are never defined. This table, is an effort to provide greater clarity as to which districts are "residential zoning districts," and so on.
- The current zoning regulations reference two zoning districts that do not exist on the official zoning map (*Conservation Residential Development and Industrial Park Limited*). These districts are not included in this proposed LDC.

- There are 6 proposed downtown zoning districts (*Downtown Core*, *Downtown Growth*, *Downtown Limited*, *Downtown Edge*, *Downtown Transition*, *Downtown Institutional Campus*), which are described in Article 4. The Central Business and Central Business Limited Districts, are proposed to be replaced by some of these downtown districts, and are not included in this proposed LDC. O-2020-11A provides a detailed description of the parcels subject to change zoning districts.
- The Overlay Districts that are included in Table 2-2 are existing; however, this draft LDC proposes to remove the existing Gilbo Ave Design Overlay District and the Downtown Railroad Property Redevelopment District, and to modify the SEED Overlay District. O-2020-11A describes the parcels proposed to be removed from the SEED Overlay District. In general, these overlay districts are outdated and have not been recently applied. The proposed changes to the downtown zoning districts incorporate many of the previously established goals of these overlay districts.

Article 3. Residential Zoning Districts

- This Article provides the purpose, dimensional standards, and permitted uses for each of the residential zoning districts (*Rural*, *Residential Preservation*, *Low Density-1*, *Low Density*, *Medium Density*, *High Density*, *High Density-1*).
- Unlike the current Zoning Regulations, all of the zoning district specific information for each district is included in one place in this proposed LDC. This statement applies to Articles 4 – 7 as well.

Article 4. Downtown Zoning Districts

- This Article describes the 6 proposed zoning districts that are specific to the downtown area. The proposed purpose, permitted uses, and dimensional standards of each district are included.
- These districts were developed following an analysis of the existing site conditions and development pattern of the downtown.

Article 5. Commercial Zoning Districts

- This Article provides the purpose, dimensional standards, and permitted uses for each of the commercial zoning districts (*Commerce, Commerce Limited, Business Growth & Reuse, Neighborhood Business, Office*).

Article 6. Industrial Zoning Districts

- This Article provides the purpose, dimensional standards, and permitted uses for each of the industrial zoning districts (*Corporate Park, Industrial, Industrial Limited*).

Article 7. Special Purpose Zoning Districts

- This Article provides the purpose, dimensional standards, and permitted uses for each of the special purpose zoning districts (*Health Care, Conservation, Agriculture*).

Article 8. Permitted Uses

- This Article includes Table 8-1, which lists all of the permitted principal uses by zoning district. It is a quick reference guide for anyone seeking to identify where certain uses are allowed in the City. Currently, permitted uses are included in the district sections of the Zoning Regulations. There is inconsistency among the terms for uses in these sections, and this LDC attempts to correct this problem.
- This LDC proposes to allow for multiple principal uses on any lot in the City (*i.e. mixed uses*), with the exception of lots in residential zoning districts, as long as each use is permitted in the zoning district per Table 8-1.
- This LDC provides criteria for the Zoning Administrator to use in making a determination of whether a use, which is not listed in Table 8-1, would be permitted in a zoning district. Although the Zoning Administrator makes similar determinations today, there are no criteria in the current Zoning Regulations for making such decisions.
- Section 8.3 lists the definitions of all permitted uses in Table 8-1, and includes any use limitations associated with a permitted use. An

example of a use limitation is the requirement that any multifamily dwelling in the Medium Density District be limited to 3 units.

- This LDC proposes the introduction of new uses (*e.g. art gallery, cultural facility, event venue, bar, solar energy system, etc.*), and the replacement of certain uses (*e.g. assembling, historic site, institutional use*) with broader terms (*e.g. "industrial, heavy" instead of "rendering plant", "asphalt plant", "tannery", etc.*) or, in some instances, with more specific terms (*e.g. replacing "institutional use" with "community center", "cultural facility", "place of worship", etc.*).
- This LDC proposes minor modifications to the permitted uses in districts across the City.
- Significant changes to uses proposed in this LDC are the introduction of congregate living and social services uses (*listed in Table 8-1 and defined in Section 8.3.4*) and the introduction of small, medium, and large scale solar energy systems as permitted uses. Many of the proposed congregate living and social services uses and solar energy system uses would be permitted in certain districts by a Conditional Use Permit (CUP) issued by the Planning Board. Articles 15 and 16 address the CUP criteria for these proposed uses.
- Section 8.4 includes guidance for the allowance of accessory uses on lots in the City. Currently, the Zoning Regulations state that accessory uses are permitted in all zoning districts but may not exceed 25% of the total ground floor area of the main structure. This LDC removes this limit, and replaces it with criteria that address the nature of the accessory use or structure and its relationship with the primary use or building.

Article 9. Parking & Driveways

- This Article consolidates the requirements related to on-site parking spaces, lots, and areas, including driveways, into one section. Today, parking requirements span numerous regulations and sections of City Code.
- Table 9-1 in this draft LDC provides a ratio of the minimum number of parking spaces on a

site (off-street) required for each permitted use included in the draft. The current Zoning Regulations include minimum parking requirements that are outdated and do not align consistently with the permitted uses.

- The minimum requirements proposed in Table 9-1 were developed with consideration for local land uses and parking demand; however, national standards such as the ITE Parking Generation Manual were also consulted.
- Currently, no on-site parking is required in the Central Business District. As this LDC proposes to replace the Central Business District with new downtown districts, staff worked with a traffic planning consultant to evaluate the potential land use impacts for either expanding or reducing the geographic areas where this exemption from having to provide on-site parking is allowed. Based on the consultant's recommendations, this LDC proposes to allow for the exemption from requiring on-site parking in the Downtown Core, Downtown Growth, and Downtown Limited Districts. This proposal would be an expansion of the area served by public parking from the present Central Business District. However, residential uses would be required to provide 1 parking space on-site for every dwelling unit.
- As the lots and uses of land in the City can vary significantly, and the goals of the Comprehensive Master Plan are to promote alternative modes of transport and infill development, this LDC proposes the option for a reduction in the minimum on-site parking requirements. Following the criteria established in Section 9.2.7, a reduction of up to 10% of these minimum parking requirements may be requested from the Zoning Administrator, and a reduction of up to 50% may be requested from the Zoning Board of Adjustment.
- This LDC proposes to increase the distance allowed for remote/off-site parking from 300-ft to 1,000-ft.
- This Article proposes general design standards for parking lots in the City, as well as specific

location and screening requirements for parking located on lots in the downtown zoning districts in Table 9-4. The proposed parking lot screening requirements in Section 9.4.4 are a revision of the existing standards, which are included in both the Zoning Regulations and in the Planning Board Regulations.

Article 10. Sign Regulations

- This Article reorganizes and reformats the sign regulations, which are in the Zoning Regulations, to be easier to understand. Graphics are included to display sign measurements and the various sign types.
- This draft addresses sign regulations for the proposed downtown zoning districts.

Article 11. Surface Water Protection Overlay District

- This existing overlay zoning district establishes a surface water protection buffer that places limitations on the types of activities that would be permitted within either 30-ft or 75-ft of a surface water (including wetlands, rivers, lakes, vernal pools, etc) depending on the zoning district. Certain activities would require approval in the form of a Conditional Use Permit from the Planning Board.
- This LDC allows the Planning Board to grant a reduction of the surface water buffer width from either 75-ft to 30-ft or 30-ft to 10-ft.
- This LDC removes the requirement that surface waters be deducted from the calculation of minimum lot size.

Article 12. Hillside Protection Overlay District

- Sections of the existing Hillside Protection Overlay District were reorganized in this LDC, and graphics are included in this Article.
- This LDC removes the requirement that all prohibitive slopes and 50% of precautionary slopes be deducted from calculating minimum lot size.

Article 13. Telecommunications Overlay District

- This Article includes updated language and standards for the Telecommunications Overlay District. The edits made to this section were intended to make these standards consistent with NH RSA 12-K and current federal regulations.

Article 14. SEED Overlay District

- This Article modifies the existing Sustainable Energy Efficient Design (SEED) Overlay District in response to the proposed changes to uses and dimensional requirements with the downtown zoning districts. The area of the existing SEED District is reduced significantly in this LDC.

Article 15. Congregate Living & Social Services Conditional Use Permit

- This Article proposes standards for the Planning Board in its review of conditional use permits for certain congregate living and social services uses, including domestic violence shelter, residential care facility, drug treatment clinic, lodginghouse, group home, fraternity/sorority, residential drug/alcohol treatment facility, homeless shelter, and group resource center.

Article 16. Solar Energy System Conditional Use Permit

- This Article proposes standards for the Planning Board in its review of conditional use permits for large- and medium-scale, ground-mounted solar energy systems.
- Small-scale solar energy systems, which occupy 2,000 sf of land area or less, and roof-mounted solar energy systems would be allowed as an accessory use in all zoning districts without a conditional use permit but subject to certain conditions, which are listed in Section 8.4.

Article 17. Anti-Nuisance Standards

- Currently, this section is referred to as Site Impact Standards in the Zoning Regulations. This LDC renames these standards “Anti-Nuisance Standards.”

- This LDC proposes to change the noise limits from 70 dBA at the property line to the limits listed in Table 17-1 of this Article. This table proposes daytime and nighttime limits, as well as varying limits for residential zoning districts and all other zoning districts.

Article 18. Non-Conformities

- This Article addresses the rules for expanding or enlarging a legally nonconforming use or structure, or changing a nonconforming use to another use. This LDC proposes minor modifications to the existing language in the Zoning Regulations for nonconformities, and includes standards for addressing nonconforming lots.

Article 19. Subdivision Regulations

- Currently, all subdivisions need to comply with the Planning Board’s Development Standards and there are not specific standards for subdivision review. This LDC includes standards for subdivisions specifically.
- The regulations related to conservation residential development subdivisions are consolidated in this Article, and were updated to include a more streamlined application/review process, to provide more flexible dimensional requirements, and to increase the density allowed in these types of subdivisions. Currently, regulations for this type of subdivision are in the Zoning Ordinance and in the Planning Board Site Plan and Subdivision Regulations.

Article 20. Site Development Standards

- This LDC removes development standards that are addressed by other regulations (e.g. *Floodplains*) or are typically enforced by state agencies (e.g. *air quality*).
- Some development standards are consolidated in this LDC as they address similar site impacts (e.g. *surface water and wetlands, and traffic and comprehensive access management*).
- This LDC proposes to edit the noise standard to reflect the sound limits addressed in Article 17.

- More specific screening and architectural / visual appearance standards are included in this LDC.
- This LDC proposes changes to the light level limits in the lighting standards, including a propose to increase the Uniformity Ratio to 5:1 from 4:1.
- Additional architectural and visual appearance standards are proposed in this LDC to provide greater clarity.

Article 21. Historic District Regulations

- This LDC proposes to exempt buildings (new development or redevelopment of existing buildings) younger than 50-years from being subject to this Article. All new development, which is not single- or two-family dwellings, would be subject to the Site Development Standards and site plan review procedures in this LDC. Currently, all structures and buildings in the Downtown Historic District are subject to the regulations in this Article.

Article 22. Street & Access Standards

- This Article is currently in the City Code of Ordinances as Chapter 70 – Public Improvement Standards and is proposed to be included in this LDC.

Article 23. Floodplain Regulations

- This Article is currently in the City Code of Ordinances as Chapter 54 – Natural Resources.
- This LDC proposes to remove outdated references to the Ash Swamp Brook flood area, which was removed from the FEMA map in 2006.
- This LDC proposes to remove the 3-ft lower elevation limitation on compensatory storage, which allows for greater options in where compensatory storage may be located.
- A 5-year time period is included in the definition of Substantial Improvement in this LDC, where the current regulations do not specify a period of time.

Article 24. Earth Excavation Overlay District

- The existing Earth Excavation Overlay District and the Planning Board's Earth Excavation Regulations were reorganized and incorporated in this LDC.
- Article 25 of this draft LDC establishes criteria that the Planning Board would apply in reviewing and deciding on applications for an earth excavation permit.

Article 25. Application Procedures

- This Article includes an overview of the roles and responsibilities of the review and decision making authorities included in this LDC; outlines common application submittal and review procedures; and provides a description of the specific application, review, and filing procedures for the various types of zoning, planning, historic district, and permit decision processes.
- This LDC proposes the creation of a Minor Project Review Committee, as allowed by NH RSA 674:43,III, which would be composed of City staff and would assume the duties of the Planning Board for the review and approval of minor site plan review applications. With this proposal is a revision to the thresholds for the types of development that would require either Planning Board (Major Proejcts), Site Review Committee (Minor Projects) or Administrative Planning Review.

Article 26. Appeals

- This Article addresses the appeal process for the various decisions of board, committees, and/or administrators with respect to the standards, regulations and processes in the LDC.

Article 27. Enforcement

- This Article includes language related to the authority of the Building and Health Official and/or the Public Works Director to enforce the standards in the LDC.

Article 28. Definitions

- This section defines terms in this LDC.



City of Keene, N.H.
Transmittal Form

March 24, 2021

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: H.1.
SUBJECT: Darren Humphrey – Request to Use City Property

RECOMMENDATION:

On a vote of 5 – 0, the Planning, Licenses, and Development Committee recommends placing this item on more time to allow Mr. Humphrey to submit a feasible plan for outdoor seating.

BACKGROUND:

Chair Bosley recognized Darren Humphrey and asked him to speak to his request. Mr. Humphrey's audio was not intelligible. After giving it a few more minutes and offering Mr. Humphrey technology advice, Chair Bosley stated that the PLD Committee will skip to item 3) now and return to item 2) afterwards, to see if Mr. Humphrey's technology issues have been resolved.

At 8:15 PM, Chair Bosley returned to this agenda item and asked to hear from Mr. Humphrey.

Mr. Humphrey stated that his request is to open up a patio outside of Trax Club this summer. Chair Bosley replied that she saw that in his request he had outlined a drawing, but she did not see dimensions on it. She asked if his intention was to have a capacity of about 60 patrons. Mr. Humphrey replied roughly, give or take depending on COVID-19 restrictions. After COVID-19 it would be a little more. The space is about 1,200 square feet. Chair Bosley stated that she saw there is also a request relating to potentially having music and other entertainment outside. Mr. Humphrey replied yes, similar to Modest Man and what everyone else has been doing. Chair Bosley asked if there would be an area cordoned off or if that would be inside. Mr. Humphrey replied obviously inside the patio area. He does not believe he can use any other area.

Chair Bosley asked to hear from City staff. Andy Bohannon, Parks, Recreation, and Facilities Director, stated that he wants to give a brief history regarding Railroad Square and the use of this grassy area immediately adjacent to the Square. He continued that the Keene Property Owners' Association participated in and contributed to the improvements accepted by the City Council, now known as the brick pavers in Railroad Square, in the late 1980s and early 1990s. As a result of the direction from that action, the City Council has revised through the years versions of the new, now current Resolution R-2015-29, which is in the PLD Committee agenda packet tonight. This version clearly indicates in the continuation of the intent of Railroad Square that commercial activity was not encouraged and focused on the activities highlighted in the third "WHEREAS," which states: "*The types of activities that are permissible in Central Square Common and Railroad Square include educational events, community events, political activities, recreational events, and charitable solicitation.*"

However, in the last revision, which was included in the packet tonight, the City provided the last "WHEREAS," which states "*The grassed-in area immediately abutting the pavers in Railroad Square may*

be used for commercial activity under the provisions of the Sidewalk Café License, with the condition that any tables and chairs be removed when Railroad Square is utilized by any community event licensed by the City Council or any event scheduled through the Keene Parks, Recreation, and Facilities Department.”

Mr. Bohannon continued that before the PLD Committee tonight is a request for a general license to use City property. This type of license was meant for parking spaces, right-of-ways, but not parks. Because of this general license and the language in the license states “*including, but not limited to,*” they are trying to make something fit that does not belong. Staff does not support the use of the space for this purpose. Future development of the area is beneficial for the City to determine its best use, and perhaps those conversations happen at higher levels, such as the CIP development, now that the future of the Arts and Culture Corridor is uncertain. But for now, the staff needs more time, if the PLD Committee were to move forward tonight. Based on the letter of request and drawings before the committee tonight, staff needs to determine the capacity for the area. The applicant stated that he intends for 60 or more people to be there. How does that relate to Code related concerns related to the restroom capacity? The outside seating also contributes to the inside seating, and what does that allow for? There is a Code requirement related to that. The drawing also indicates a potential deck on City property. What would that deck entail? There are specific guidelines for that. The applicant also suggested the removal of a tree, which City staff would not support. The applicant suggests live entertainment and Staff would need further explanation of how that would impact that particular space. Based on the license, they want to make sure Mr. Humphrey understands that the limitations of time and that all activity would end by 8:30 PM. There is residential neighborhood surrounding Railroad Square. These limitations have come about because of the many complaints in the past related to noise in Railroad Square in general. Mr. Bohannon noted that staff will need to see a drawing drawn to scale. This site is adjacent to the bike path and there are setbacks to the bikepath that need to be retained. Staff will need to review the Federal grant that funded the bikepath to determine its impact on the request from Mr. Humphrey. In order to fully consider the request, Mr. Humphrey needs to provide additional resources that details his proposed use of the space.

Joe Byk of 37 Church St., also known as Carriage House, stated that the backside faces the small, green, triangle park on Railroad Square. He continued that he is giving input as a neighbor. Formerly, Scores was in this location and they had ‘head-banger music’ that rattled his windows and one of his neighbors had to wear earplugs. Scores went out of business and now it is Trax, and it is still really noisy. This is a residential neighborhood. He pays about \$8,000 in taxes and he is not a whiner, because there are dumpster trucks that come to the Monadnock Food Coop and Kilkenny’s at 5:00 AM, and they are not supposed to arrive until 6:00 AM, and that is not a big deal and he loves living here. But at 1:00 AM when the bar closes down, drunk people come out yelling at each other and swearing. The bottom line is this is a residential neighborhood. To increase noise and activity that this neighborhood experiences is premature. He suggests the City send an Officer to the area at 12:45 AM until 1:15 AM. People go from the bar to the Wells St. parking lot and yell and swear, every Saturday night. He continued that if the PLD Committee is inclined to grant the application, maybe they can give Mr. Humphrey a probationary, 30-day license. Chair Bosley stated that she hears what Mr. Byk is saying and it sounds like he is concerned about the increase in the disturbance to the neighborhood by adding this outdoor space.

Stephen Bragdon of 51 Railroad St. stated that he is in the building to the left of the bar. He continued that when Scores was there it was an issue, and since the Trax Club has opened it is no better, and probably a little worse. Really what this is about is how well the bar releases its patrons. He would start by agreeing with Mr. Bohannon that they do not have enough specifics about what Mr. Humphrey intends. The space is a lot larger, he thinks, than what used to be there. Having 60 people outside at 9:00, 10:00, or 11:00 PM is a recipe for disaster. On the other hand, he likes to sit out and have a beer now and then. The real issue here is not what Mr. Humphrey is requesting, but how it is policed and what restrictions are placed on it. Mr. Bohannon brought up a lot of good points that have to be addressed before they even get to a point of allowing this. To compare the Trax Club to Scores, it seems to him that the crowd is rougher and the noise is louder.

Kürt Blomquist, Public Works Director/Emergency Management Director, stated that as Mr. Bohannon

indicated, in many ways this is a unique space. He continued that it is a space that the Parks, Recreation, and Facilities Department manages for the activities that go on there, but it is the Public Works Department staff who maintains the space, both the brick paver area and the grass area. As part of downtown it is an area that the Department, particularly the Highway Division, takes great pride in. Trax will be his fourth user of the space. Previously, the space had about six tables, which was the maximum they were able to fit in. As Mr. Bohannon indicated, staff would not be recommending removal of the tree. It provides shade for that area. One of the unique challenges of Railroad Square is it was originally designed back in the 1980s for all the water to flow from Main St. to the green space; that is what makes sense as natural storm water retention area. Unfortunately, that green space is where the previous occupants of what is now Trax is [used]. The other issue is that when that was originally built there were no accesses from that building onto that space. Those accesses have been created over time. It really was not designed, originally, to support that kind of access.

Mr. Blomquist continued that one of the other issues is the use of space. They have tried to place conditions on it, such that the petitioner needs to return the space back to as close to what it was previously, which is very difficult. You probably have seen, walking down Main St., these places where there are sidewalk cafes and someone is utilizing the grass area and it wears out. Even the construction of a deck is going to change that space. It will kill the grass and vegetation that is currently there. Also, the City has incurred additional cost. Unfortunately, the last business owner left and the Public Works Department had to go in and clean out the items that he had constructed to separate his space from the general public area. Those are things he hopes the City Council keeps in mind as they are considering this particular request. He knows it may not feel equitable, because the businesses that front on Main St. have some opportunity just because of the configuration of the space. But again, many businesses will complain all around Main St. that they cannot do it out front because they have the median, and so on and so forth. Unfortunately, it is just the way the space is configured. As Mr. Bohannon has indicated, this is a space that they have been recommending for years to have some additional work done, particularly design work, to make it compatible with being able to create outdoor dining or outdoor activities such as this, that is more destructive than the traditional concerts.

Councilor Greenwald stated that going back in time, Railroad Tavern was there, and the firm answer when the proprietor asked about outdoor seating was "No how, no way." He continued that they did move forward with the other operations that were there, and what he is hearing is it was not a roaring success. He does not think it was overly terrible, but the noise level needs to be controlled, as people have said. It is an issue that needs to be watched. He does not want the current petitioner to be stigmatized because of previous people who were there. The City Council is encouraging outdoor dining, and made accommodations for Modest Man and food trucks. He is all in favor of being optimistic. That being said, no how, no way is he going to support that tree being cut. He also wants to know from someone who knows these things, how close can you walk around a tree before you kill it? He wants to be aware of protecting the perimeter. Sixty people outside is way more than he is comfortable with. He does want to allow something, but he needs to see a real site plan, not just this little sketch. He needs to see something bigger that shows the street, the Co op, and so on and so forth, and gives a sense of the entire area so they can really work with it.

Councilor Greenwald continued that finally, he is trying to make this happen, to give Mr. Humphrey a chance for his business. He wants to make whatever permission the City Council grants very, very conditional, such as a 30- or 60-day license. Certainly not a license renewing in perpetuity. If it cannot be maintained properly, then it should not be there. They need to protect the residents in the surrounding area. The other restaurants and bars manage to keep their sidewalk activity under control. He has not counted the bars on Main St. but it is a pretty staggering number. He thinks they can work with it, but they need some real detail, and he certainly would not be comfortable voting for anything other than more time this evening.

Chair Bosley stated that she seconds everything Councilor Greenwald just said. She continued that she agrees that the tree is non-starter for her; they need to keep the tree. She also needs to have a real sense of what is going out there. Sixty people feels like an entire restaurant that would be seated outside, and if these are mingling, standing, drinking patrons, she would have concerns about disturbance in that residential area and

they need to have some sort of indication of what the management plan would be and how it would be adhered to in order to keep the disturbance out of the neighborhood. She would like to see something potentially be able to happen here, but it needs a lot more refining and a lot more work and guidance from the City.

Councilor Greenwald asked if the establishment is currently open. Mr. Humphrey replied that Trax has been open for a few weeks now on Thursday, Friday, and Saturday nights. He continued that they are trying to get back into business but it has not been easy. Chair Bosley replied that she understands; the City Council wants to see people coming back downtown and frequenting businesses there.

Mr. Humphrey stated that he is fine with everything they said; the tree does not have to go. He continued that he would like to have 1,000 people out there but he realizes that probably about 30 is better. He can give them a better plan. Regarding the comments from neighbors, he asks them to please come to him. He can quell the noise at night; that is not a big deal. No, he cannot control all of the people all of the time, but he can try. We were all young once. When people get alcohol in their systems, they get loud. It is not easy to quell a lot of people. It is anyone from 21 to 60 years old. They are all guilty. His plan is to have a nice restaurant outside, just like everyone else. He does not know how he will do a deck. That place needs something so the water does not become a problem, as staff has said. He does not know the best way to do it. In the past, they have put rocks down. Maybe he would lay a bed of rocks down and then build a slight, leveled deck raised up with cement blocks, or maybe a pallet deck. He needs to refine that a bit more.

Chair Bosley asked the City Manager if it would be appropriate for the staff to work with Mr. Humphrey to help him refine his plans as they do for event protocols. The City Manager replied yes, certainly they can do something with Mr. Humphrey. She continued that in fact, last year she and other City staff went out and did a site visit and they did provide some initial feedback at that time. This is the first plan staff has seen since that site visit, and they would be happy to have more conversations with him and help come up with a plan that is more acceptable to the City Council.

Rhett Lamb, Community Development Director/Assistant City Manager, stated that he reiterates what Mr. Bohannon said earlier with respect to Code. He continued that there are Building Codes, and perhaps Health Codes and Fire Codes that come into play for all of this. Thus, certainly while staff is willing to work with Mr. Humphrey on concepts and designs, limitations may be based on Code, especially if there is a suggestion that some sort of construction would take place.

Chair Bosley replied that she thinks that is even more reason for staff to work hand in hand with Mr. Humphrey so that there can some clarity as to which Codes need to be followed and how limitations in size of that outdoor patio might be based on, say, bathroom capacity or the interior capacity. All of those things need to get clarified so that Mr. Humphrey has an idea of what he can work with, and then see if there is a path forward together.

The City Manager stated that she would be concerned if the patio extended any further into the grassy area where there is irrigation because if you walk down there, you will see what has happened, from where the patio has been in the past. She continued that it is a much smaller space than what Mr. Humphrey was originally hoping for, because the City does have a concern about the irrigation system that is in that grassy area and would not want to expand any further than it has been in the past.

Councilor Johnsen stated that she really liked what Councilor Greenwald said. She continued that she would like to see something happen. It sounds like there have been some good suggestions here, working together with the City Manager. She really supports folks who are trying to get back on their feet, and yet, she knows that that area unfortunately has some drug issues and if there is music, sometimes that perpetuates the sense of a noisy environment. Thus, there are pros and cons. She will support it as long as Mr. Humphrey and the City work together as recommended.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5 – 0, the Planning, Licenses, and Development Committee recommends placing this item on more time to allow Mr. Humphrey to submit a feasible plan for outdoor seating.



City of Keene, N.H.
Transmittal Form

March 29, 2021

TO: Mayor and Keene City Council

FROM: Kürt D. Blomquist, PE, Public Works Director/Emergency Management Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: I.1.

SUBJECT: Sewer Service and Industrial Pretreatment

RECOMMENDATION:

That Ordinance O-2021-02, Relating to Sewer Service, be read and referred to the Municipal Services, Facilities and Infrastructure Committee.

ATTACHMENTS:

Description

Ordinance O-2021-02

BACKGROUND:

The US Environmental Protection Agency (EPA) issues to the City of Keene a National Pollutant Discharge Elimination System (NPDES) Permit for the Keene Wastewater Treatment Plant (WWTP). As part of the NPDES Permit issued in November of 2007 the City was required to modify its Sewer Use Ordinance (SUO) section of the Keene City Code to "...conform to all changes in the Federal regulations that pertain to the implementation and enforcement of the industrial pretreatment program...", including complying with changes to NH Department of Environmental Service (NHDES) regulations, and to send the proposed changes to EPA and NHDES for review and approval.

The City hired Teton Environmental to review the City's SUO and this work included identifying changes required by EPA's "Streamlining Rule", identifying other areas where the City's SUO differs from EPA and State of New Hampshire's model SUOs, and to make recommendation on changes. Teton also reviewed the City Code for overall clarity and worked with City staff to develop a final document. The proposed changes were presented to the City's Significant Industrial Users (SIU) and the Towns of Swanzey and Marlborough, which did not indicate any concerns. The proposed changes were then reviewed by City Council and unanimously approved for submittal to EPA and NHDES for its review and approval on March 20, 2008. In December of 2020, EPA responded with approval of the proposed changes presented by the City. The Industrial Pretreatment Coordinator modified the draft changes to reflect minor SUO changes instituted in 2019 and 2020. Per request of NHDES, the changes were resubmitted to NHDES for review. NHDES has recently concurred with the additional changes. City staff has completed the necessary updates in ordinance form.

Additionally, Section 98-330 of the SUO section of the Keene City Code of Ordinances addresses specific industrial pollutant discharge limitations, or "Local Limits". Local discharge limits are intended to provide the protections from industrial wastewater, including:

- Protect the City's collection system
- Protect City workers from toxic atmospheres in the collection system
- Protect the biological treatment process from lethal or inhibitory doses of pollutants
- Protect the Ashuelot River by preventing the pass-through of untreated pollutants through the WWTP

The City's current local discharge limits were adopted in 1979 and are generic limits that do not reflect the site specific characteristics of the Keene WWTP and the Ashuelot River. EPA requires that the City adopt technically-based site specific limits.

The City contracted with Teton Environmental to evaluate local conditions and develop site-specific limits in 2006 and the report was submitted to EPA in 2007. In July 2010, EPA responded to the City's Report with a recommendation that the City evaluate alternative pollutant allocation methodologies. The City provided a response in October 2010 and began a review of allocation options. City staff met with representatives from all SIUs and from the Towns of Swanzey and Marlborough to explain three allocation options and pros and cons of each. Stakeholders unanimously stated their preference for the use of a method known as "mass allocation". This option allows the greatest degree of flexibility for industries, a greater degree of compliance with permit limits, the greatest growth allowance to be set aside for new businesses or business expansion, and maintains protection of the WWTP, the environment, and worker health and safety.

A preliminary examination of data indicated that improved pollutant removal efficiencies observed at the Keene Wastewater Treatment Plant (WWTP), along with other factors, had changed some of the underlying assumptions upon which the 2007 Report was based and was likely to result in changes to local limits calculations. A revised report based upon the new data was submitted to EPA in February 2012. In 2015, once again due to changes in underlying assumptions, the City submitted a revised report to EPA utilizing the mass allocation method which continued to be supported by stakeholders, and which was once again approved by City Council.

In December 2020, EPA approved the 2015 report. Changes in Section 98-330, Specific Discharge Limitations, reflect those changes.



CITY OF KEENE

Ordinance O-2021-02

In the Year of Our Lord Two Thousand and Twenty-one

AN ORDINANCE An Ordinance Relating to Sewer Service

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

That the Ordinances of the City of Keene, as amended are hereby further amended, by deleting in its entirety Article V. "Sewer Ordinance" and Article VI. Industrial Pretreatment" in its entirety and inserting in its place the following:

ARTICLE V. SEWER SERVICE

DIVISION 1. GENERALLY

Sec. 98-271. Abbreviations / Definitions.

The following abbreviations, when used in this Article, shall have the following designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - United States Environmental Protection Agency
- gpd - Gallons per day
- IDP - Industrial Wastewater Discharge Permit
- mg/L - Milligrams per liter
- NHDES - New Hampshire Department of Environmental Services
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- RSA - New Hampshire Revised Statute Annotated
- SIC - Standard Industrial Classification
- TSS - Total Suspended Solids
- USC - United States Code

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized Representative of the User means

- a. If the user is a corporation:

i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedure

b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

c. If the user is a federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

d. The individuals described in paragraphs (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

e. If the authorization under paragraph (d) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (d) of this section must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the pollutant control prohibitions of this Code. BMPs may also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius expressed in milligrams per liter (mg/L).

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and that conveys it to the building sewer, beginning five feet (1.5 meters) beyond the foundation walls of the building or structure.

Building sewer means that part of the drainage system which extends from the end of the building drain and conveys its discharges to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

Bypass means intentional diversion of waste streams from any portion of an industrial user's treatment facility.

Categorical pretreatment standards means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with section 307(b) and (c) of the Clean Water Act, which applies to a specific category of industrial users and which is found in 40 CFR 401--471, subchapter N.

City means the City of Keene, New Hampshire, Cheshire County, a municipality of the State of New Hampshire, acting by and through its City Council and through its authorized representatives, including the Director.

Composite sample means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Dilution means any increase in the use of water as a partial or complete substitute for adequate treatment to achieve compliance with a limitation on the discharge of pollutants.

Director means the director of public works or an authorized deputy, agent, or representative.

Domestic wastewater and *sanitary sewage* mean normal water carried from household and toilet wastes or waste (such as human excrement and gray water) from sanitary conveniences of residences, commercial buildings, and industrial plants; excluding groundwater, surface water, stormwater, industrial wastewater and unpolluted water.

Easement means an acquired legal right for the specific use of land owned by others.

Environmental Protection Agency or EPA means the United States Environmental Protection Agency or, the Region 1 Water Management Division Director, or other duly authorized official of the agency.

Existing source means any source of discharge that is not a “New Source.”

Floatable oil means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage means the animal and vegetable matter resulting from the handling, preparation, cooking and serving of foods.

Grab sample means a single sample that is taken from a wastestream without regard to the flow in the wastestream and represents the characteristics of the wastestream only at that time and place.

Health officer means the public health director for the city or an authorized designee.

Holding tank means a tank which receives wastewater and has no outlet.

Industrial user. See *User*.

Industrial wastes means any liquid, gaseous, solid waste substance or pollutant from any process or from development of any natural resource by industry, manufacturing, trade, business or governmental entity, as distinct from domestic or sanitary wastes.

Industrial wastewater means any wastewater that contains industrial waste, as distinct from sanitary sewage or unpolluted water.

Instantaneous limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference means a discharge that, alone or in conjunction with other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and which causes a violation of the WWTP's National Pollution Discharge Elimination System (NPDES) permit, including an increase in the magnitude or duration of a violation, or prevents the WWTP from using its chosen sludge use or disposal practice in accordance with Section 405 of the Clean Water Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations

contained in any State biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; and the 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal.

Local limits mean specific, enforceable numerical limits, as required by EPA, on the types and quantities of pollutants that may be discharged to the POTW. Local limits are established by the city and approved by EPA, and are distinct from State and federal limitations on the discharge of industrial wastewater to the POTW.

May means is allowed (permissive). See *Shall*.

Medical/Infectious waste means any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. Medical/infectious waste does not include any hazardous waste regulated under RSA 147-A. (Ref. RSA 125-N:2, VIII)

Minor industrial user means small industries and some commercial users (restaurants, auto repair shops, etc.) whose individual discharges do not significantly impact the treatment system, degrade receiving water quality, or contaminate sludge. Industries which have the potential to discharge a nondomestic or process waste stream, or slug flow, but at the present time may discharge only a sanitary waste, are included in this group.

Natural outlet means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New source means

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under 40 CFR chapter I, subchapter N, parts 405-471, which will be applicable to such source if such standards are, thereafter, promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of this definition, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) "Construction of a new source" has commenced if the owner or operator has begun or caused to begin, as part of a continuous on-site construction program:

(a) Any placement, assembly, or installation of facilities or equipment;

(b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(c) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Noncontact cooling water means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product and is not degraded in quality by mixing with or addition of process waste or pollutants other than heat.

Pass through means a discharge that exits the WWTP to surface waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, causes a violation of the WWTP NPDES permit or of applicable water quality criteria, including an increase in the magnitude or duration of a violation.

Person means any individual, partnership, copartnership, firm, company, association, joint stock company, trust, estate, society, corporation or group, government agency, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, and local governmental entities.

pH means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ion in grams, per liter of solution.

Pharmaceutical waste means a prescription drug, as defined by RSA 318:1, XVII, or a nonprescription or proprietary medicine, as defined by RSA 318:1, XVIII, which is no longer suitable for its intended purpose or is otherwise being discarded.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, garbage, wastewater treatment sludges, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirement means any substantive or procedural pretreatment requirement, other than a pretreatment standard, applicable to industrial users.

Pretreatment Standards or *Standards* mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Private wastewater disposal system means a wastewater disposal system, other than a public or community system, which receives either human excreta or liquid waste or both from one or more premises. Included within the scope of this definition are septic tanks, soil absorption systems, privies, chemical-type toilets, composting toilets and such other types as may be prescribed in regulations by the health officer.

Prohibited Discharge Standard or *Prohibited Discharge* means an absolute prohibition against the discharge of a certain substance. Prohibited discharge standards appear in Section 98-328 of this Code.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public sewer means a pipe or conduit that carries wastewater, stormwater, groundwater, subsurface water, or unpolluted water from any source, which is controlled by a governmental agency or public utility.

Publicly Owned Treatment Works or *POTW* means a “treatment works,” as defined by Section 212 of the Clean Water Act (33 U.S.C. §1292) that is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sanitary sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a POTW wastewater treatment plant. The term also means the municipality that has jurisdiction over discharges to and the discharges from such a treatment works.

Radiological waste means radioactive waste as regulated by RSA 125-F.

Sanitary sewage. See Domestic wastewater.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of groundwaters, stormwaters and surface waters that are not admitted intentionally.

Screening level means a numerical value for a pollutant concentration above which actions are initiated to evaluate, prevent or reduce adverse environmental or health and safety impacts. A screening level may be adjusted upward or downward within an IDP to account for site-specific conditions at the point of discharge and administered as a local limit.

Septage or *Septic Tank Waste* means any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only domestic wastewater.

Septic tank means a tank which receives wastewater allowing the solids to separate and the majority of the water to leave through an overflow, thereby increasing the concentration of solids remaining in the tank.

Sewer means a pipe or conduit that carries wastewater, stormwater, groundwater, subsurface water, or unpolluted water from any source.

Sewer service or *building sewer* means that part of the drainage system which extends from the end of the building drain and conveys its discharges to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

Shall means is mandatory. See *May*.

Significant indirect discharger means an industrial user that:

- (a) Discharges an average of ten thousand (10,000) gallons per day (gpd) or more of industrial wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Discharges medical/infectious waste, pharmaceutical waste, or radiological waste [unless exempted by the city under paragraph (4) of this definition];
or

(c) Is otherwise a significant industrial user.

Significant industrial user means an industrial user that is, except as provided in paragraphs (3) and (4) of this definition:

(1) An industrial user subject to categorical pretreatment standards; or

(2) An industrial user that:

(a) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of industrial wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;

(d) Is determined by the city to have an impact or a potential for impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of the sludge, the system's effluent quality, or air emissions generated by the systems.

(3) The city may determine that an industrial user subject to categorical pretreatment standards under §403.6 and 40 CFR chapter I, subchapter N is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(a) The industrial user, prior to the city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(b) The industrial user annually submits the certification statement required in §403.12(q) together with any additional information necessary to support the certification statement; and

(c) The industrial user never discharges any untreated concentrated wastewater.

(4) Upon determining that a user meeting the criteria in paragraph 2 of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Significant noncompliance means a significant industrial user that meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken during a six-month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits, for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, times the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, reports on compliance with compliance schedules, and any other reports required by the pretreatment coordinator;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations, which may include the violation of Best Management Practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

Slug means:

1. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 98-328 of this Code; or
2. Any discharge of any pollutant, including biochemical oxygen demand, of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or adversely affect the collection system and/or performance of the POTW.

Storm drain or *Storm sewer* means a drain or sewer for conveying stormwater, groundwater, subsurface water or unpolluted water from any source.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt.

Superintendent means the superintendent of the wastewater treatment plant or an authorized designee.

Suspended solids or *Total suspended solids (TSS)* means the total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in EPA Method 160.2 and referred to as "nonfilterable residue."

Total toxic organics means the summation of all quantifiable values greater than 0.01 mg/L for the following organic compounds:

Acenaphthene.
Acrolein.
Acrylonitrile.
Benzene.
Benzidine.
Carbon tetrachloride (tetrachloromethane).
Chlorobenzene.
1,2,4-trichlorobenzene.
Hexachlorobenzene.
1,2-dichloroethane.
1,1,1-trichloroethane.
Hexachloroethane.
1,1-dichloroethane.
1,1,2-trichloroethane.
1,1,2,2-tetrachloroethane.
Chloroethane.
Bis (2-chloroethyl) ether.
2-chloroethyl vinyl ether (mixed).

2-chloronaphthalene.
2,4,6-trichlorophenol.
Parachlorometa cresol.
Chloroform (trichloromethane).
2-chlorophenol.
1,2-dichlorobenzene.
1,3-dichlorobenzene.
1,4-dichlorobenzene.
3,3-dichlorobenzidine.
1,1-dichloroethylene.
1,2-trans dichloroethylene.
2,4-dichlorophenol.
1,2-dichloropropane (1,3-dichloropropene).
2,4-dimethylphenol.
2,4-dinitrotoluene.
2,6-dinitrotoluene.
1,2-diphenylhydrazine.
Ethylbenzene.
Fluoranthene.
4-chlorophenyl phenyl ether.
4-bromophenyl phenyl ether.
Bis (2-chloroisopropyl) ether.
Bis (2-chloroethoxy) methane.
Methylene chloride (dichloromethane).
Methyl chloride (chloromethane).
Methyl bromide (bromomethane).
Bromoform (tribromomethane).
Dichlorobromomethane.
Chlorodibromomethane.
Hexachlorobutadiene.
Hexachlorocyclopentadiene.
Isophorone.
Naphthalene.
Nitrobenzene.
2-nitrophenol.
4-nitrophenol.
2,4-dinitrophenol.
4,6-dinitrophenol.
4,6-dinitro-o-cresol.
N-nitrosodimethylamine.
N-nitrosodiphenylamine.
N-nitrosodi-n-propylamine.
Pentachlorophenol.
Phenol.
Bis (2-ethylhexyl) phthalate.
Butyl benzyl phthalate.

Di-n-butyl phthalate.
Di-n-octyl phthalate.
Diethyl phthalate.
Dimethyl phthalate.
1,2-benzanthracene [benzo(a)anthracene].
Benzo(a)pyrene [3,4-benzopyrene].
3,4-benzofluoranthene [benzo(b)fluoranthene].
11,12-benzofluoranthene [benzo(k)fluoranthene].
Chrysene.
Acenaphthylene.
Anthracene.
1,12-benzoperlene.
Fluorene.
Phenanthrene.
1,2,5,6-dibenzanthracene [dibenzo(a, h)anthracene].
Indeno(1,2,3-cd)pyrene [2,3-o-phenylene pyrene].
Pyrene.
Tetrachloroethylene.
Toluene.
Trichloroethylene.
Vinyl chloride [chloroethylene].
Aldrin.
Dieldrin.
Chlordane (technical mixture and metabolites).
4,4-DDT.
4,4-DDE (p,p-DDX).
4,4-DDD (p,p-TDE).
Alpha endosulfan.
Endosulfan sulfate.
Endrin.
Endrin aldehyde.
Heptachlor.
Heptachlor epoxide (BHC-hexachlorocyclohexane).
Alpha-BHC.
Beta-BHC.
Gamma-BHC.
Delta-BHC.
PCB's (polychlorinate biphenyls).
PCB-1242 (arochlor 1242).
PCB-1254 (arochlor 1254).
PCB-1221 (arochlor 1221).
PCB-1232 (arochlor 1232).
PCB-1248 (arochlor 1248).
PCB-1260 (arochlor 1260).
PCB-1016 (arochlor 1016).
Toxaphene.

2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD).

Unpolluted water means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. This does not include noncompliance due to operational error, improperly designed facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

User (or Industrial User) means a person who discharges industrial wastewater to the POTW of the city.

Wastewater means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

Wastewater treatment plant (WWTP) means that portion of the POTW that is designed to provide treatment of sanitary sewage and industrial wastewater

Watercourse means a natural or artificial channel for the passage of water either continuously or intermittently.

Cross references: Definitions generally, § 1-2.

Sec. 98-272. Restrictions.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or objectionable waste. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this article. Except as provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater. The use of portable chemical toilets is allowed at construction sites and for other purposes provided the wastes are properly disposed off site.

Sec. 98-273. Requirement for connection.

The owner of any house, building, structure, or property used for human habitation or occupancy, including but not limited to dwellings, places of employment, and recreational facilities, situated within the city, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with this article within 90 days after receipt of notice to do so, provided that such public sewer is within 300 feet of such house, building, structure, or property and provided that such public sewer is within 100 feet of any portion of the property line of such property measured on a straight line from the sewer to the property line, with such straight line measurement running only through the public way. The city council may grant a waiver if it is demonstrated that the house, building or property is served with an adequate alternative sewage disposal system that is in compliance with the requirement in City of Keene Code of Ordinances, chapter 98, article IV, private waste disposal, is designed by a designer licensed in the State of New Hampshire, and is approved for construction by the New Hampshire Department of Environmental Services after January 1, 1985.

Sec. 98-274. Small commercial structures.

Small commercial structures of less than 150 square feet of interior space, such as permanent kiosks and booths, with not more than one person employed therein shall not be required to install water closets (toilets) or lavatories (sinks) within the structure, provided that such facilities are available within a nearby structure on a permanent basis by an agreement in writing. Establishments selling food of any kind shall have lavatories. The maximum distance of travel from the person's usual working place to the facilities shall not exceed 250 or 500 feet if entirely under cover.

Secs. 98-275--98-295. Reserved.

DIVISION 2. BUILDING SEWERS AND CONNECTIONS

Sec. 98-296. Permit required.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director.

Sec. 98-297. Classes of permits; permit application and fees.

There shall be two classes of building sewer permits: (i) for residential, institutional and commercial service where only sanitary wastewater is produced, and (ii) for service establishments producing industrial wastes. In either case, the owner or an agent shall make application on a form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director. A permit and

inspection fee as set forth in the schedule of fees in appendix B to this Code shall be paid to the city at the time the application is filed.

Sec. 98-298. Responsibility for costs.

All costs and expenses incidental to the installation and connection of building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 98-299. New discharges.

Any person proposing a new discharge into the sewer system or a substantial change in the volume or character of pollutants that are discharged into the system shall notify the director at least 60 days prior to the proposed change or connection. Proposed new discharges from residential, institutional or commercial sources involving loading exceeding 50 population equivalents (5,000 gpd), any new industrial waste, or any flow increase greater than twenty percent (20%) of existing discharge into the POTW, or that could cause interference with the POTW or have an adverse effect on the receiving water or otherwise endanger life, limb, public property or constitute a nuisance, shall be approved by the NHDES Water Division. Approvals for industrial waste shall be obtained in accordance with Article VI of this Code.

Sec. 98-300. Services.

The following shall apply to building sewer services:

(a) *Separate sewers.* A separate and independent building sewer shall be provided for every building. However, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, however, the city shall not assume any obligation or responsibility for damage caused by or resulting from any such single connection. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the director, to meet all standards adopted by and available at the department and standards set forth in other articles of this Code.

(b) *Materials to be used.* The size, slope, alignment, materials of construction for a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate sections of the Standards of Design and

Construction for Sewerage and Wastewater Treatment Facilities (chapter Env-Ws 700) of the NHDES, Water Division shall apply.

(c) *Elevation.* Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor or at least four feet below grade. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted in accordance with the city plumbing code, as set forth in chapter 18, article II, division 6, and discharged to the building sewer.

(d) *Surface water runoff.* No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

(e) *Materials shall conform to code.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes set forth in article II of chapter 18 or other applicable rules and regulations of the city, and to the requirements of the NHDES. All such connections shall be made gastight and watertight and verified by proper testing. The department shall make or oversee the making of all sewer connections and shall make or oversee the laying, relaying and repair all sewer service pipes. Nothing in this subsection shall prevent the director from contracting the work to private contractors or permitting the property owner to do such work himself to the city specifications. The cost of such work shall be charged to the owner of the property so served. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

(f) *Inspection.* The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the director.

(g) *Excavation procedures.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Any person owning pipes laid in the city streets or highways desiring to relay or repair the pipes or install a new service connection shall, before digging up any ground where the pipes are laid, apply to the director as provided under section 82-32 pertaining to excavation of highways and section 82-36 pertaining to obstruction of highways. All streets sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the director at the expense of the applicant.

(h) *State approval required.* The following is an excerpt from the regulations of the NHDES: "Except for special reasons, the NHDES will approve plans for new systems, extensions, or replacement sewers only when designed upon a separate

plan, in which rainwater from roofs, streets, and other areas, and groundwater from foundation drains are excluded."

Secs. 98-301--98-325. Reserved.

DIVISION 3. LIMITATIONS ON USE OF PUBLIC SEWERS

Sec. 98-326. Marlborough interceptor.

In accordance with the U.S. EPA Special Condition #21, any proposed connection to the city sewer interceptor line extending from Optical Avenue to the Marlborough town line or to any lateral sewer line connected to this interceptor shall require special review. If the property being connected contains wetlands or floodplains, connection may be prohibited. The mere existence of floodplain or wetland on a portion of a lot does not in and of itself preclude connection to the sewer line. It is the direct placement of a building or any portion of a building on wetlands or floodplains or the placement of fill on floodplains or wetlands on top of which would be located a building which would prohibit connection.

Sec. 98-327. Discharge of unpolluted water.

No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or unpolluted cooling water to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the director. Industrial cooling water or process waters require a NPDES permit prior to discharge to a storm drain or natural outlet.

Sec. 98-328. Prohibited discharges.

General Prohibitions: No person shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, State, or local pretreatment standards or requirements.

Specific Prohibitions: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) *Explosives.* Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas, or any waste stream with a closed cup flashpoint less than 140 degrees Fahrenheit or 60 degrees Celsius as determined using methods specified in 40 CFR 261.21.

(2) *Corrosive wastes.* Any waters or wastes having a pH lower than 5.5 or higher than 12.0 standard units or having any other corrosive property capable of causing

damage or hazard to structures, equipment and/or personnel of the wastewater treatment plant or collection system.

(3) *Substances which cause obstruction.* Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater treatment plant or collection system, such as but not limited to fats, oils and greases; wipes; ashes; bones; cinders; sand; mud; straw; shavings; metal; glass; rags; plastics; wood; unground garbage; hair; paper; dishes, cups; paper towels, either whole or ground by garbage grinders.

(4) *Substances which cause interference, pass through, nuisance.* Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW, constitute a hazard to humans or animals, create a public nuisance, exceed any categorical pretreatment standards, or cause pass through.

(5) Wastewater containing such concentrations or quantities of pollutants that its introduction to the POTW could cause a treatment process upset and subsequent loss of treatment ability.

(6) *Temperature.* Wastewater sufficiently hot to cause the influent at the wastewater treatment plant to exceed 104 degrees Fahrenheit, 40 degrees Celsius, or cause inhibition of biological activity at the wastewater treatment plant.

(7) *Oils.* Wastewater containing more than 100 milligrams per liter (mg/L) of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin. Wastewater from industrial plants containing floatable oils, fat, or grease. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(8) *Fume toxicity.* Any pollutants that result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems.

(9) *Trucked or hauled pollutants.* Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(10) *Miscellaneous wastes.* The discharge of all medical/infectious waste, pharmaceutical waste, or radiological waste is subject to review by the director. Any discharge not in conformance with site-specific requirements established by the director is prohibited.

(11) *Fail toxicity testing.* Wastewater causing, alone or in conjunction with other sources, the wastewater treatment plant's effluent or biosolids to fail a toxicity test.

(12) Hazardous waste. Any hazardous waste listed or designated by the NHDES under Env-Hw 400.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Sec. 98-329. Limited discharge.

The substances, materials, waters, or waste described in this section shall be limited to discharges of concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; will not otherwise endanger lives, limb, or public property; or constitute a nuisance. The director may set limitations stricter than the limitations established in this section if in the director's opinion such stricter limitations are necessary to meet the objectives of this section. In forming this opinion as to the acceptability, the director will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction in the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste by the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated are as follows:

(1) Properly shredded garbage. Any garbage that has not been properly shredded (see section 98-271). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation and operation of any garbage grinder at a non-residential location shall be subject to the review and approval of the director, and grease and solids pretreatment may be required.

(2) Toxic substances. Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the director, the NHDES, or the United States EPA for such materials; any water or wastes containing pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.

(3) Odor-producing substances. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the director.

(4) *Radioactive wastes.* Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations.

(5) *Slug flows.* Quantities of flow, concentrations or both, which constitute a slug, as defined in this article. Industrial users shall immediately notify the pretreatment coordinator of any slug or waste discharged by such user to the POTW or of any discharge which, alone or in conjunction with any other waste, has the potential to cause harm or create a problem at the wastewater treatment plant, in the collection system, or to the environment or worker safety.

(6) *Untreatable wastes.* Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a degree that the wastewater treatment plant cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(7) *Color.* Wastewater that imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently, in the opinion of the director, could impart color to the treatment facility's effluent, thereby violating the city's NPDES permit.

(8) *Flammable atmospheres.* Wastewater that causes a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%) of the Lower Explosive Limit.

(9) *Other wastes.* Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Sec. 98-330. Specific discharge limitations.

(a) Maximum Allowable Industrial Loadings. The following numerical pollutant loading limitations are established to protect against pass-through and interference. For all users connected to sewer lines that are tributary to the City of Keene POTW, the director will not issue permits that in combination with other industrial loads exceed the values in the following table:

POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)	POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)
Cadmium	0.013	Mercury	0.005
Chromium (total)	7.99	Nickel	1.47

POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)	POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)
Copper	0.93	Silver	0.10
Cyanide	1.22	Zinc	3.67
Lead	0.14	-	-

All limitations for metals represent total metals. To administer these allowable loadings through IDPs, the director may impose concentration-based limitations, or mass limitations. For industrial users, the values written into IDPs for the above pollutants shall apply at the end of the industrial wastestream and prior to dilution with non-industrial wastewaters.

Unless specifically identified in an IDP, an industrial user is not allowed to discharge the locally limited pollutants at concentrations greater than background concentrations.

(b) Screening Levels. Screening levels are numerical values above which actions are initiated to evaluate, prevent or reduce potential adverse impacts on the POTW, the environment, and/or human health and safety. Screening levels are developed as needed using the methodology of the director. The pollutants in the following table (list is not all inclusive) are representative of concentrations above which pollutants shall not be discharged to the POTW without approval of the director:

POLLUTANT	SCREENING LEVEL
Arsenic	0.032 mg/L
Selenium	0.30 mg/L
Total toxic organics	5.0 mg/L
Sulfite	2.0 mg/L
Sulfate	20.0 mg/L
Sulfide	20.0 mg/L

If any of the screening levels are exceeded, repeat analysis may be required by the director to verify compliance or noncompliance with that screening level. If noncompliance is indicated, then the industrial user may be required, at the discretion of the director, to conduct an appropriate engineering evaluation at the industrial user's expense to determine the potential impact of the discharge of this pollutant to the POTW or alternatively, to develop a Best Management Practices plan specifically addressing the pollutant that exceeds the screening level. This study or plan shall be approved by and conducted under the supervision of the director. Should the evaluation indicate the impact to be unsatisfactory, the

industrial user shall reduce the pollutant concentration to a satisfactory level. If the evaluation supports development of an alternate site-specific limitation, then the screening level may, at the discretion of the director, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge.

If an industrial user proposes to discharge at concentrations greater than the concentration-based screening level maintained by the director, then the industrial user may be required to conduct the evaluations described in the previous paragraph. Should the evaluations support an alternate site-specific limitation, then the screening level may, at the discretion of the director, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge.

(c) *Best Management Practices.* The director may develop or require the user to develop Best Management Practices (BMPs) to implement Sections 98-329 and 98-330. Such BMPs shall be considered local limits and pretreatment standards for the purposes of this Code.

Sec. 98-331. Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the director and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the director for treatment, provided that such agreements do not contravene any requirements of existing federal or state laws and/or regulations promulgated thereunder and are compatible with any user charge and industrial cost recovery system in effect and do not waive applicable categorical pretreatment standards.

Sec. 98-332. Compliance by dilution.

It shall be illegal to meet the requirements of this article by diluting wastes in lieu of proper treatment.

Sec. 98-333. Options for dealing with noncompliant discharges.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in sections 98-326 through 98-330 pertaining to limitations on use of the public sewers, the director may do any or all of the following:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.

- (3) Require control over the quantities and rates of discharge.
- (4) Require payment for all costs incurred in correcting damage to the sewer system and/or flushing or removing such wastes from the sewer system.
- (5) Begin enforcement proceedings according to the city's enforcement response plan approved by the EPA.

Sec. 98-334. Interceptors

(a) Grease and oil interceptors shall be provided, in accordance with the plumbing code adopted by the city, or when required by the director, for the pretreatment of liquid wastes containing floatable grease or flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All pretreatment devices shall be of a type and capacity approved by the plumbing code adopted by the city, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by the appropriate means of the captured material in accordance with State of New Hampshire licensing laws and shall maintain records of the dates and means of disposal which are subject to review by the pretreatment coordinator. The director has the authority to require other specific actions to reduce the discharge of grease into the POTW as necessary. Removal or modification of grease pretreatment equipment is prohibited unless written approval from the director is granted. Installation of fixtures with potential for grease-laden wastewater must be approved by the director.

(b) A Dental practice which manages dental amalgam shall install and maintain an amalgam separator in accordance with federal and/or state regulations.

Sec. 98-335. Approved test methods.

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this article shall be determined in accordance with the EPA approved methods published in the Code of Federal Regulations, title 40, part 136 (40 CFR 136), unless otherwise specified in an applicable categorical pretreatment standard. When an approved method is not available, the pretreatment coordinator will determine which alternate method is to be used. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the pretreatment coordinator.

Sec. 98-336. Sample collection.

Samples collected to satisfy reporting requirements must be obtained through appropriate sampling and analysis performed during the period covered

by the report, and must be representative of conditions occurring during the reporting period.

A. Except as indicated in Section B and C below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the pretreatment coordinator. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 98-423 and 98-426, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the pretreatment coordinator may authorize a lower minimum. For the reports required by Section 98-421, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

D. The integrity of all samples shall be protected by following established chain-of-custody practices for all required samples. A copy of these practices is available from the director. Sampling and chain-of-custody records shall be maintained in accordance with the IDP and copies shall be submitted as part of each analytical report.

Sec. 98-337. Right of revision.

The discharge standards and requirements set forth in this Article are established for the purpose of preventing discharges to the POTW that would harm the public sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream or wastewater treatment plant biosolids; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

To meet these objectives, the director may, from time to time, review and set more stringent standards or requirements than those established in this Article if the director determines that such more stringent standards or requirements are necessary to meet the above objectives. In forming this determination, the director may give consideration to such factors as the quantity of waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability at the wastewater treatment plant, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the director.

The director shall allow affected industrial users reasonable time, in the opinion of the director, to comply with any changes to the local limits. The conditions and schedule for compliance shall accompany the written notification of amended local limits.

Secs. 98-338--98-355. Reserved.

DIVISION 4. ENTRY, SEPTAGE, ENFORCEMENT

Sec. 98-356. Detection and prevention.

(a) *Imminent endangerment.* The city may, after informal notice to the industry discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of persons or any discharge presenting or which may present an endangerment to the environment or which threatens to interfere with operation of the public sewers or wastewater treatment facilities. Actions which may be taken by the city include ex parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the industry.

(b) *Monitoring and surveillance.* The city shall as necessary sample and analyze the wastewater discharges of contributing industries and conduct surveillance and inspection activities to identify, independently of information supplied by such industries, occasional and continuing noncompliance with industrial pretreatment standards. Each industry will be billed directly for costs incurred for analysis of its wastewater. All industries discharging to the POTW shall allow unrestricted, safe and easy access to personnel of the city, the NHDES and the EPA for the purposes of investigating and sampling discharges from the industries. This access shall include copying and inspecting any records pertaining to the discharge or disposal of wastewater or chemical wastes and any records that have been compiled pursuant to pretreatment programs.

(c) *Investigations.* The city shall investigate instances of noncompliance with industrial pretreatment standards and requirements.

(d) *Public information and participation.* Information and data submitted to the city under this article relating to wastewater discharge characteristics shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person providing the report. Other such information shall be available to the public at least to the extent provided by 40 CFR part 25 section 2.302. All data pertaining to the characteristics of chemical composition of the wastewater shall be available for public information and inspection. None will be considered confidential. The city shall comply with the public participation requirements of 40 CFR 25 in the enforcement of industrial pretreatment standards and requirements.

Sec. 98-357. Handling of septic tank (septage) and Hauled Industrial waste.

(a) *Generally.* Septic tank waste and the discharge from holding tanks will be accepted into the sewer system at a designated receiving structure within the treatment plant area at such times as are established by the director, provided such wastes do not contain unusual toxics or pollutant material and provided such discharge does not violate any other special requirements established by the director. There shall be no unrestricted access to the septage discharging facility. The director may allow discharge of holding tank waste from nonindustrial sources at a designated area in the collection system outside of the wastewater treatment plant area.

(b) *Permits.* Permits to use such facilities shall be under the jurisdiction of the director. Fees for dumping septage will be established as part of the user charge system. The director shall have authority to limit or refuse the disposal of such wastes, if such disposal would interfere with the treatment plant operation.

(c) *Hauled Industrial Wastes.* All procedures for the disposal of such wastes shall be in conformance with the operating policy of the wastewater treatment plant director, and disposal shall be accomplished under the director's supervision unless specifically permitted otherwise. The discharge of industrial wastes as industrial septage requires prior approval of the NHDES Water Division.

(d) *Sampling.* The city shall as necessary sample and analyze the discharges from septage haulers to identify occasional and continuing noncompliance with these standards. Each hauler will be billed directly for costs incurred for analysis of its wastewater.

(e) *Septage source form required.* Before any septage or holding tank waste is discharged, a form shall be turned in to the director describing the source of the waste. The director shall determine whether a sample is needed from each load of septage or holding tank waste.

Sec. 98-358. Powers and authority of inspectors.

(a) *Right of entry.* The director and other duly authorized city employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of, but not limited to, inspection, observation, measurement, sampling and testing pertinent to discharge to the public sewer system in accordance with this article in order to determine compliance with this article and any IDP or order issued hereunder. If the director has been refused access, then the director may obtain an administrative inspection warrant under RSA 595-B.

(b) *Obtaining information.* The pretreatment coordinator or any federal or state official is authorized to obtain information concerning industrial processes which include but are not limited to those which have a bearing on the kind and source of discharge to the wastewater collection system. The industry may not withhold information considered confidential. The pretreatment coordinator may hold certain information that is not available for public review, but the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(c) *Inspectors' responsibilities.* While performing the necessary work on private properties referred to in this section, the director shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees. The city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the company to maintain safe conditions as required in section 98-390 pertaining to the structure for collecting samples.

(d) Where a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director will be permitted to enter without delay for the purposes of performing specific responsibilities.

(e) The director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 98-359. Annual fee for industrial users.

Industrial users will be assessed an annual fee by the city to defray the administrative costs of the industrial discharge permits (IDP) program. The fee shall be calculated as set forth in the schedule of fees in appendix B to this Code.

Sec. 98-360. Violations.

(a) *Destruction.* Any person causing obstruction, destruction, or other impairment to any part of the sewer system, treatment plant, pumping stations or any appurtenance shall be subject to the full penalties of the criminal law. This penalty shall be classified as aggravated criminal mischief, a class B felony. The maximum sentence for this crime is imprisonment for 3 1/2 years to seven years and a fine of \$2,000.00.

(b) *Penalties.* Any person found to be violating any section of this article except subsection (a) of this section pertaining to destruction may be served by the city with written Notice of Violation stating the nature of the violation. The offender shall, within the period of time stated in such notice, comply with all specific required actions, including providing an explanation for the noncompliance and corrective actions initiated. A user's timely response to a Notice of Violation in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action without first issuing a Notice of Violation.

Remedies for these violations shall include but are not limited to the following:

(1) Demand by the pretreatment coordinator of a specific action to be performed by the user. Such action(s) may include, but are not limited to development of a compliance schedule and/or best management practices plan.

(2) IDP termination.

(3) Civil forfeiture up to \$10,000.00 per violation per day (Ref. RSA 149-I:6).

(4) Judicial injunctive relief.

(5) Shutting off the water supply at the facility's water service to prevent further discharge.

(6) Blockage of the public sewer to halt discharge.

(c) *Criminal penalties.* Any person who shall continue any violation beyond the time limit provided for in subsection (b) of this section shall be subject to criminal penalties in the form of fines in the amount not exceeding \$1,000.00 per day, per violation. Fines shall be assessed from the first day of the violation. Additionally, any violation beyond the time limit provided for in subsection (b) of this section may be referred to the state for criminal prosecution under its powers as stated in RSA 485-A:22.

(d) *Procedure for shutting off water supply.* If the director decides it is necessary to shut off the water supply to a facility for noncompliance other than an immediate endangerment to the environment, sewer workers, wastewater treatment plant, or the public health, the following approach will be taken:

(1) Written explanation of the violation with an opportunity for the user's explanation.

(2) Administrative order from the director requiring the user to come into compliance. The order shall include deadlines for reaching stages of compliance.

(3) A show cause hearing in front of the director and city manager to show cause as to why the water should not be shut off.

(4) Certified notice sent with a shutoff date.

(5) Water shutoff at service.

(e) *Restoration of service.* To return service, the user must demonstrate that compliance will be achieved and must show what changes have been made to prevent the violation from recurring.

(f) *Non-discharge violation penalties.* Any nondischarge violations of the industrial discharge permits are subject but not limited to the following penalties:

(1) Administrative order from the director.

(2) Show cause hearing before one or all of the following: the pretreatment coordinator, the director, and the city council.

(3) IDP termination.

(4) Civil prosecution if an order from the director is disobeyed.

(g) *Reimbursement of costs.* Any costs incurred by the city in enforcing any violations can be collected from the industrial user if the issue is resolved in favor of the city.

(h) *Public notice of significant noncompliance.* At least once each year the pretreatment coordinator will publish a notice in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction served by the POTW a listing of industrial users found to be in significant noncompliance of either this article or federal regulations listed in 40 CFR.

(i) *Nonexclusive remedies.* The remedies provided for in this Code are not exclusive. The city may take any, all, or any combination of these actions against a noncompliant user.

Secs. 98-361--98-385. Reserved.

ARTICLE VI. INDUSTRIAL PRETREATMENT

DIVISION 1. GENERALLY

Sec. 98-386. Applicability.

All persons discharging or having the potential to discharge industrial wastewater into the city's POTW shall comply with applicable requirements of federal and state industrial pretreatment regulations, as amended, in addition to the requirements of this article. No industrial wastewater shall be directed to a sewer that is not connected to the POTW.

Sec. 98-387. Pretreatment of industrial wastewater.

(a) All industrial wastewater shall be pretreated in accordance with federal regulations contained in 40 CFR and state regulations as listed in RSA 485-5:A and this article to the extent required by applicable federal categorical pretreatment standards, state pretreatment standards, or standards established by the director, whichever is more stringent. Federal categorical pretreatment standards, as listed in 40 CFR Chapter I, Subchapter N, Parts 405 to 471, when promulgated, if more stringent, will supersede any local standards for the same pollutant. Users shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Article V of this Code within the time limitations specified by EPA, the State, or the director, whichever is more stringent.

(b) Where pretreatment or flow equalizing facilities are provided or required for any industrial wastewater, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(c) Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sanitary sewage wastestreams from industrial wastestreams, and impose such other conditions as are deemed necessary to protect the POTW and determine the user's compliance with the requirements of this Code.

(d) The director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An IDP may be issued solely for flow equalization.

(e) Users with the potential to discharge flammable substances shall, at the discretion of the director, install and maintain an approved combustible gas detection meter and alarm.

(f) The director may require specific operation and maintenance activities and frequencies for any pretreatment system or device.

Sec. 98-388. Approval of pretreatment plans required.

If the director permits the pretreatment or equalization of industrial wastewater, the design and installation of the pretreatment facilities shall be subject to the review and approval of the director and the NHDES Water Division, and shall be subject to the requirements of all applicable codes, ordinances and laws, and fees. If applicable, plans and specifications for any pretreatment facility shall be stamped/sealed and signed by a professional engineer registered in the State of New Hampshire who shall be responsible for the design. Such facilities shall not be connected until such approval is obtained in writing. Plans and specifications for a proposed treatment facility shall be the result of the design of a professional engineer. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this article.

Sec. 98-389. Bypass of pretreatment systems.

(a) The required industrial wastewater pretreatment system shall not be bypassed at any time, even if such a bypass does not result in a violation, unless:

(1) Bypass was necessary to prevent loss of life, personal injury, or severe property damage.

(2) There are no feasible alternatives. These alternatives shall not include the absence of adequate backup equipment or bypass during routine preventative maintenance of the pretreatment equipment.

(b) If the user anticipates the need to bypass the treatment system, the user must notify the pretreatment coordinator at least ten days ahead of time. If the bypass is not anticipated, the user must orally notify the pretreatment coordinator within 24 hours after becoming aware of the bypass. The oral notice must be followed within five (5) days by a written description of the bypass, its cause, its duration, exact times and dates (actual or expected) and what has been done to rectify the problem and prevent it from recurring.

Sec. 98-390. Structure for collecting samples.

When required by the director, the owner of any property serviced by a building sewer carrying industrial wastewater shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the director. The structure shall be installed by the owner at the owner's expense and shall be operated and maintained by the owner so as to be in good working order, safe and accessible at all times. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy at a frequency approved by the director. The failure of an owner to keep its monitoring facility in good working order shall not be grounds for the owner to claim that sample results are unrepresentative of its discharge.

Sec. 98-391. Monitoring required.

All industries discharging into a public sewer shall perform such monitoring as the director or duly authorized city employees may reasonably require, including installation, use and maintenance of monitoring equipment; keeping records; and reporting the results of such monitoring to the pretreatment coordinator. Such records shall be made available upon request by the pretreatment coordinator to other agencies having jurisdiction over discharges to the receiving water.

Sec. 98-392. Information required.

The pretreatment coordinator may require a user of sewer services to provide information needed to determine compliance with this article. These requirements may include the following:

- (1) Wastewater discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes and products affecting wastewater volume and quality.

(4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.

(5) A plot plan of sewers on the user's property showing sewer and pretreatment facility locations.

(6) Details of wastewater pretreatment facilities.

(7) Details of systems to prevent and control the losses of materials through spills to the public sewer.

Sec. 98-393. Spill control.

When directed to do so by the pretreatment coordinator, the industrial user shall develop, submit for approval, and implement such a plan to control slug discharges as defined in section 98-271. The plan shall contain at least the following elements:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for promptly notifying the POTW of slug discharges, including any discharge that would violate a specific prohibition under section 98-328 pertaining to prohibited discharges and section 98-329 pertaining to limited discharges, with procedures for followup written notification within five days;

(4) If necessary, procedures to prevent adverse impact from accidental spills including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents, and/or measures and equipment for emergency response; and

(5) If necessary, followup practices to limit the damage suffered by the treatment plant or the environment.

Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

Sec. 98-394. Best management practices plans.

The director may develop or require any person discharging wastes into the POTW to develop and implement, at their own expense, a Best Management Practices Plan (BMP Plan), also referenced as a pollution prevention plan.

Documentation demonstrating implementation or compliance with best management practices shall be created, retained, and made available as required.

The review and approval of such BMP Plans by the city shall in no way relieve the user from the responsibilities of modifying their facilities as necessary to produce a discharge acceptable to the city in accordance with the provisions of this Code.

Secs. 98-395--98-420. Reserved.

DIVISION 2. REPORTING REQUIREMENTS

Sec. 98-421. Significant industrial users.

Significant industrial users shall submit periodic reports at least twice a year in June and December or as required after the compliance date of such pretreatment standard or, for a new source, after commencement of the discharge into the wastewater treatment plant. These reports shall indicate the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flows for these process units. If required, it shall also include an indication of mass of applicable pollutants discharged, and reasonable measure of the user's long term production rate, and production rate during the reporting period. In cases where a pretreatment standard or an IDP requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user.

If a user subject to the reporting requirement in this article monitors any pollutant more frequently than required by the director, using the procedures prescribed in Sections 98-336 of this Code, the results of this monitoring shall be included in the report and will be used to determine compliance.

The report shall contain a certification statement which asserts that applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the pretreatment coordinator. The reports must be signed and certified in accordance with Section 98-424 of this Code.

Sec. 98-422. Categorical industrial users.

Categorical industrial users shall submit periodic reports as required indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being

met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the city. Reports submitted under this section shall be signed by an authorized representative.

Sec. 98-423. Baseline monitoring reports.

Within either one hundred eighty (180) days subsequent to the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to, or scheduled to discharge to the POTW, shall submit to the director a report that contains the information listed in paragraph (B), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a baseline monitoring report. A list of information required for baseline monitoring reports can be obtained from the director. If necessary, a new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall provide estimates of its anticipated flow and quantity of pollutants to be discharged.

Sec. 98-424. Signatories and certification.

All IDP applications and user reports submitted under this article shall be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Sec. 98-425. Compliance schedule and progress reports.

Compliance schedules for meeting federal categorical pretreatment standards shall meet all applicable federal requirements. The director may require compliance schedules including identification of major milestones and completion dates.

Each user subject to a compliance schedule pursuant to this article shall report on progress toward meeting compliance as follows: Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the pretreatment coordinator indicating whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply; the reason for the delay; and the steps being taken by the industrial user to return to the schedule established.

Sec. 98-426. Ninety-day reports.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, as described in 40 CFR 403.12(d) or, for a new source, following the commencement of the introduction of wastewater into the POTW, any industrial user subject to categorical pretreatment standards shall submit a report to the pretreatment coordinator containing the information described in 40 CFR 403.12(d). All compliance reports must be signed and certified in accordance with Section 98-424 of this Code.

Sec. 98-427. Violation indicated by self-monitoring report.

If a violation is indicated by a report as provided in this article, the wastewater must be resampled and the results must then be submitted to the pretreatment coordinator within 30 days after becoming aware of the violation. The user must notify the pretreatment coordinator, either orally or in writing, of a violation within 24 hours after he becomes aware of it.

Sec. 98-428. Monitoring records.

Industrial users subject to the reporting requirements under this article shall maintain records of information resulting from monitoring activities required to prepare such reports, including documentation associated with Best Management Practices, required by this Code or IDP and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Such records shall be maintained for a minimum of five years and shall be made available for inspection and copying by the city and authorized state or federal personnel. Such reports shall include the following:

- (1) The date, exact place, method and time of the sampling and the name of the person taking the sample.
- (2) The dates analyses were performed.
- (3) The laboratory performing the analyses.
- (4) The analytical techniques and methods used.
- (5) The results of such analyses.

Sec. 98-429. Records retention.

In addition to the recordkeeping requirements in Sec. 98-428, all records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities shall be retained and preserved by the industrial user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Sec. 98-430. Date of receipt of reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

Sec. 98-431. Reports from other industrial users.

All non-significant users and users not required to obtain an IDP, shall provide reports to the pretreatment coordinator as the pretreatment coordinator may require.

Sec. 98-432. Reports of changed conditions.

Each user must notify the director of any planned significant changes to the user's operations in accordance with the requirements of Section 98-484.

Sec. 98-433. Reports of slugs or potentially adverse discharges.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug, that may adversely impact the POTW, the user shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be initiated by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this Code. This report must be signed and certified in accordance with Section 98-424 of this Code.

(c) Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.

(d) The permittee shall notify the city immediately of any changes at its facility that may affect the potential for a slug discharge. The city may require the permittee to develop or modify a Slug Control Plan or take other actions to control slug discharges.

Secs. 98-434--98-450. Reserved.

DIVISION 3. CATEGORICAL PRETREATMENT STANDARDS

Sec. 98-451. General

The categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated into the Code and will be administered by the director in accordance with the requirements of 40 CFR Part 403.

Sec. 98-452. Notification.

The city shall provide timely notification to appropriate industries of applicable categorical pretreatment standards. Upon promulgation of the categorical pretreatment standards for a particular industrial subcategory, the categorical pretreatment standards, if more stringent than limitations imposed under this Code for sources in that subcategory, shall, on the compliance date of the categorical pretreatment standards, immediately supersede the limitations imposed under this Code.

Sec. 98-453. Compliance date for categorical standards.

Compliance with categorical pretreatment standards shall be achieved within three years of the date such standards are effective, unless a shorter compliance time is specified in the standards.

Sec. 98-454. Categorical compliance report.

The need for categorical compliance reports under this division shall be fulfilled by the reporting requirements outlined in section 98-422 pertaining to reporting requirements for categorical industrial users.

Secs. 98-455--98-475. Reserved.

DIVISION 4. INDUSTRIAL DISCHARGE PERMITS (IDPs)

Sec. 98-476. Required.

The discharge of any industrial wastewater to the city's POTW from a significant indirect discharger is prohibited without a valid industrial discharge

permit (IDP). The director may require other users to obtain IDPs, or submit an application for an IDP within sixty (60) days of the request, as necessary to execute the purposes of this Code.

Sec. 98-477. Application contents.

Persons subject to this division shall submit an application for an industrial discharge permit containing information required under applicable federal and state industrial pretreatment reporting regulations. The director is authorized to prepare a form for this purpose and may periodically require users to update this information.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. All applications must be signed and certified in accordance with Section 98-424 of this Code.

Sec. 98-478. Amendment required.

An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to the city POTW after the compliance date of such standards unless an amendment to its industrial discharge permit has been issued by the city.

Sec. 98-479. Application for amendment.

Within 90 days after the effective date of a categorical pretreatment standard, an industry subject to such standards shall submit an application for an industrial discharge permit amendment. The application shall contain the information outlined under section 98-477, except that the compliance certification for pretreatment or operation and maintenance statement must be signed by a qualified professional and must contain the certification statement in Section 98-424 of this Code.

Sec. 98-480. IDP conditions.

(a) The industrial discharge permit will outline the general and specific conditions under which the industrial wastewater is accepted for treatment at the city's wastewater treatment plant. Specifically, included in the permit are the following:

(1) Pretreatment and self-monitoring facilities required.

(2) Self-monitoring, sampling, reporting, inspection, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on federal, State, and local law.

(3) Effluent limitations, including Best Management Practices, categorical pretreatment standards, local limits, and the general and specific prohibitions from this Code that apply to the industrial wastewater.

(4) Listing of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by this Code, applicable State and federal laws, rules and regulations.

(5) Requirements to control a Slug Discharge, if determined by the director to be necessary.

(6) Industry name, street/ mailing address along with daytime phone number, along with dates of IDP issuance and expiration, and effective date. The permit will be in effect for a specified time period, not to exceed five years. A new application will be filed with the pretreatment coordinator by the industry a minimum of 180 days before the permit expires.

(7) Requirement for city approval prior to any increased or new discharge.

(8) Requirement for the industry to provide a copy of the IDP to the DES upon request.

(b) The permit may be revoked by the city for noncompliance or modified so as to conform to discharge limitation requirements that are enacted by local, federal or state rules and/or regulations.

(c) Any violation of the terms and conditions of an IDP shall be deemed a violation of this Code and subjects the permittee to the enforcement actions set out in this Code. Obtaining an IDP does not relieve a permittee of its obligation to comply with all federal and State pretreatment standards or requirements or with any other requirements of federal, State, and local law, including those that become effective during the term of the IDP.

(d) IDPs shall be terminated upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided in accordance with Section 98-483 of this Code. All IDPs issued to a particular user are void upon the issuance of a new IDP to that user.

Sec. 98-481. IDP appeals.

Any person, including the user, may petition the director to reconsider the terms of an IDP within thirty (30) days of notice of its issuance.

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing user must indicate the IDP provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the IDP.

(c) The effectiveness of the IDP shall not be stayed pending the appeal.

(d) If the director fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an IDP, not to issue an IDP, or not to modify an IDP shall be considered final administrative actions for purposes of judicial review.

Sec. 98-482. IDP modification.

The director may modify an IDP for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, State, or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of IDP issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the water quality in the receiving waters;

(e) Violation of any terms or conditions of the IDP;

(f) Misrepresentations or failure to fully disclose all relevant facts in the IDP application or in any required reporting;

(g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(h) To correct typographical or other errors in the IDP; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator.

Sec. 98-483. IDP transfer.

IDPs may be transferred to a new owner or operator only if the permittee provides at least sixty (60) days advance notice to the director, and the director approves the IDP transfer. The notice to the director must include a written certification by the new owner or operator that:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes that generate wastewater to be discharged to the POTW;

(b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledges full responsibility for complying with the existing IDP. Failure to provide advance notice of a transfer renders the IDP void as of the date of facility transfer.

Sec. 98-484. Proposals for new or changed discharges.

Each user proposing a new discharge or a change in volume or character of its existing discharge must notify the pretreatment coordinator at least 60 days prior to the commencement of such discharge.

(a) The pretreatment coordinator may require the user to submit such information as deemed necessary to evaluate the proposed change, including the submittal of an IDP application under Section 98-477 of this Code and all information required by the NHDES for an Industrial Wastewater Discharge Request (IDR) under the Env-Wq 305 Pretreatment of *Industrial Wastewater* rules.

(b) Upon approval of the IDR request by the city it will be submitted by the city to the NHDES Water Division based on information submitted by the user. All applicable NHDES Water Division review fees shall be provided by the user.

(c) Upon approval of the IDR by the NHDES Water Division, the director will issue an IDP under Section 98-480 of this Code or modify an existing IDP under Section 98-482 of this Code in response to changed conditions or anticipated changed conditions.

Sec. 98-485. IDP termination.

The director may terminate a user's IDP for good cause, including but not limited to the following:

(a) Violation of IDP conditions;

- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (d) Misrepresentation or failure to fully disclose all relevant facts in the IDP application;
- (e) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- (f) Falsifying self-monitoring reports;
- (g) Tampering with monitoring equipment;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to provide requested information;
- (l) Failure to provide advance notice of the transfer of a permitted facility;
- (m) Discharging wastewater that presents an imminent hazard to the public health, safety or welfare, or to the local environment; or
- (n) Violation of any pretreatment standard or requirement, or this Code or order issued hereunder, or any applicable State or federal law.

Sec. 98-486. IDP reissuance.

A user with an expiring IDP shall apply for reissuance of the IDP by submitting a complete IDP application, in accordance with Section 98-477 of this Code, a minimum of one hundred eighty (180) days prior to the expiration of the user's existing IDP. Under no circumstances shall the permittee continue to discharge without an effective permit. An expired IDP will continue to be effective and enforceable (i.e., administratively extended) until the IDP is reissued if:

- (a) The industrial user has submitted a complete IDP application at least one hundred eighty (180) days prior to the expiration date of the user's existing permit; or

(b) The failure to reissue the IDP, prior to expiration of the previous IDP, is not due to any act or failure to act on the part of the industrial user.

Secs. 98-487--98-500. Reserved.

DIVISION 5. MISCELLANEOUS

Sec. 98-501. Validity.

If a provision of this Code is found to be in conflict with any provision of zoning, building, safety or health or other code of the city, the State of New Hampshire, or the federal government existing on or subsequent to the effective date of this Code, that provision which in the judgment of the city establishes the higher standard of safety and protection shall prevail.

Sec. 98-502. Interpretation.

The provisions of this Code with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to installing or constructing connections to sewers or drains, and other technical matters shall be interpreted and administered by the director acting in and for the City of Keene, New Hampshire through the city council.

Secs. 98-503--98-510. Reserved.

Sec. 98-512. - Sewer rates and charges.

(a) *Sewer rates.* Rates and charges for sewer service should be based on the quantity of water delivered to the premises as measured by and registered on the water meter or other method for a flat-rate estimation and shall be as set forth in the schedule of fees in appendix B to this Code.

(b) *Septage and holding tank charges.* Charges for the disposal of septic waste (septage) and holding tank waste (domestic sewage) shall be based on the load's actual volume, rounded up to the nearest 100-gallon increment, based on the readings taken by city staff, provided the sanitary truck's owner has installed and maintains, at his own expense, a sight tube of such design as approved by the wastewater treatment plant chief operator. If the owner does not install such a sight tube, the charge shall be based on the measured capacity in gallons of the sanitary tank truck as licensed by the state department of environmental services, water supply and pollution control division, water quality and permit compliance bureau.

The charges for septage and for each load of septic waste and the charge for holding tank waste and for each load of holding tank waste shall be as set forth in the schedule of fees in appendix B to this Code.

The public works director may establish rules to govern septage and holding tank waste disposal into the sewer system or wastewater treatment plant.

(c) *Surcharge.* Based on review and evaluation of industrial wastewater characteristics by the Director, where the strength or characteristics of sewage accepted into the public sewers exceeds the standards set forth, a surcharge may be added to the normal sewer service bill. For the purpose of fixing surcharge rates, the characteristics indicating sewage strength have been divided into two groups as follows:

<i>Group 1</i>	Suspended solids	250—400 ppm
	BOD	250—400 ppm
<i>Group 2</i>	Suspended solids	In excess of 400 ppm
	BOD	In excess of 400 ppm

All of the sewage in group 1 shall have a surcharge of 20 percent of the normal bill, and all of the sewage in group 2 shall have a surcharge of 50 percent of the normal bill.

(d) *Water not going to sewer of residential users.* A residential consumer (owner) who indicates that less than 100 percent of his waste as indicated by the meter is not returned to the sewer may, with the permission of the public works director, add a second standard meter at the consumer's cost for meter and plumbing installation. The second meter will be located adjacent to the normal water meter, near the service entrance. There will be a tee in the line on the street side of the meter so that water will only be metered once. A separate pipe from the second meter will convey water only to those uses or fixtures approved and inspected from time to time by the director as not contributing to sewer flow. The installation and final inspection of such meter is to be under the supervision of the water division. The consumer will be billed once a year for this second meter for water only according to what billing section they are in, either October, November or December. The reading will be taken by the water division. The residents who have a meter installed as per this subsection to

meter water not going into the sewer shall receive no summer discount as provided in subsection (g) of this section pertaining to a summer discount.

(e) Water not going to sewer of commercial or industrial user. If a commercial or industrial consumer indicates that less than 100 percent of his water consumption as indicated by the meter is returned to the sewer, the director and the consumer shall devise an appropriate method of fixing a percentage of consumption that may include use of meters, estimates, etc. The agreement arrived at shall be in writing, with three copies distributed as follows: one to the consumer, one to the department, and one to the city comptroller.

Mayor George S. Hansel

Twenty-one

An Ordinance Relating to Sewer Service

That the Ordinances of the City of Keene, as amended are hereby further amended, by deleting in its entirety Article V. "Sewer Ordinance" and Article VI. "Industrial Pretreatment" in its entirety and inserting in its place the following:

ARTICLE V. SEWER SERVICE

DIVISION 1. GENERALLY

Sec. 98-271. Abbreviations / Definitions.

The following abbreviations, when used in this Article, shall have the following designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - United States Environmental Protection Agency
- gpd - Gallons per day
- IDP - Industrial Wastewater Discharge Permit
- mg/L - Milligrams per liter
- NHDES - New Hampshire Department of Environmental Services
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- RSA - New Hampshire Revised Statute Annotated
- SIC - Standard Industrial Classification
- TSS - Total Suspended Solids
- USC - United States Code

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized Representative of the User means

- a. If the user is a corporation:

- i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedure
- b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- c. If the user is a federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
- d. The individuals described in paragraphs (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.
- e. If the authorization under paragraph (d) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (d) of this section must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the pollutant control prohibitions of this Code. BMPs may also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius expressed in milligrams per liter (mg/L).

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and that conveys it to the building sewer, beginning five feet (1.5 meters) beyond the foundation walls of the building or structure.

Building sewer means that part of the drainage system which extends from the end of the building drain and conveys its discharges to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

Bypass means intentional diversion of waste streams from any portion of an industrial user's treatment facility.

Categorical pretreatment standards means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with section 307(b) and (c) of the Clean Water Act, which applies to a specific category of industrial users and which is found in 40 CFR 401--471, subchapter N.

City means the City of Keene, New Hampshire, Cheshire County, a municipality of the State of New Hampshire, acting by and through its City Council and through its authorized representatives, including the Director.

Composite sample means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Dilution means any increase in the use of water as a partial or complete substitute for adequate treatment to achieve compliance with a limitation on the discharge of pollutants.

Director means the director of public works or an authorized deputy, agent, or representative.

Domestic wastewater and *sanitary sewage* mean normal water carried from household and toilet wastes or waste (such as human excrement and gray water) from sanitary conveniences of residences, commercial buildings, and industrial plants; excluding groundwater, surface water, stormwater, industrial wastewater and unpolluted water.

Easement means an acquired legal right for the specific use of land owned by others.

Environmental Protection Agency or EPA means the United States Environmental Protection Agency or, the Region 1 Water Management Division Director, or other duly authorized official of the agency.

Existing source means any source of discharge that is not a “New Source.”

Floatable oil means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage means the animal and vegetable matter resulting from the handling, preparation, cooking and serving of foods.

Grab sample means a single sample that is taken from a wastestream without regard to the flow in the wastestream and represents the characteristics of the wastestream only at that time and place.

Health officer means the public health director for the city or an authorized designee.

Holding tank means a tank which receives wastewater and has no outlet.

Industrial user. See *User.*

Industrial wastes means any liquid, gaseous, solid waste substance or pollutant from any process or from development of any natural resource by industry, manufacturing, trade, business or governmental entity, as distinct from domestic or sanitary wastes.

Industrial wastewater means any wastewater that contains industrial waste, as distinct from sanitary sewage or unpolluted water.

Instantaneous limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference means a discharge that, alone or in conjunction with other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and which causes a violation of the WWTP's National Pollution Discharge Elimination System (NPDES) permit, including an increase in the magnitude or duration of a violation, or prevents the WWTP from using its chosen sludge use or disposal practice in accordance with Section 405 of the Clean Water Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations

contained in any State biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; and the 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal.

Local limits mean specific, enforceable numerical limits, as required by EPA, on the types and quantities of pollutants that may be discharged to the POTW. Local limits are established by the city and approved by EPA, and are distinct from State and federal limitations on the discharge of industrial wastewater to the POTW.

May means is allowed (permissive). See *Shall*.

Medical/Infectious waste means any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. Medical/infectious waste does not include any hazardous waste regulated under RSA 147-A. (Ref. RSA 125-N:2, VIII)

Minor industrial user means small industries and some commercial users (restaurants, auto repair shops, etc.) whose individual discharges do not significantly impact the treatment system, degrade receiving water quality, or contaminate sludge. Industries which have the potential to discharge a nondomestic or process waste stream, or slug flow, but at the present time may discharge only a sanitary waste, are included in this group.

Natural outlet means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New source means

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under 40 CFR chapter I, subchapter N, parts 405-471, which will be applicable to such source if such standards are, thereafter, promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of this definition, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) "Construction of a new source" has commenced if the owner or operator has begun or caused to begin, as part of a continuous on-site construction program:

(a) Any placement, assembly, or installation of facilities or equipment;

(b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(c) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Noncontact cooling water means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product and is not degraded in quality by mixing with or addition of process waste or pollutants other than heat.

Pass through means a discharge that exits the WWTP to surface waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, causes a violation of the WWTP NPDES permit or of applicable water quality criteria, including an increase in the magnitude or duration of a violation.

Person means any individual, partnership, copartnership, firm, company, association, joint stock company, trust, estate, society, corporation or group, government agency, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, and local governmental entities.

pH means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ion in grams, per liter of solution.

Pharmaceutical waste means a prescription drug, as defined by RSA 318:1, XVII, or a nonprescription or proprietary medicine, as defined by RSA 318:1, XVIII, which is no longer suitable for its intended purpose or is otherwise being discarded.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, garbage, wastewater treatment sludges, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirement means any substantive or procedural pretreatment requirement, other than a pretreatment standard, applicable to industrial users.

Pretreatment Standards or *Standards* mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Private wastewater disposal system means a wastewater disposal system, other than a public or community system, which receives either human excreta or liquid waste or both from one or more premises. Included within the scope of this definition are septic tanks, soil absorption systems, privies, chemical-type toilets, composting toilets and such other types as may be prescribed in regulations by the health officer.

Prohibited Discharge Standard or *Prohibited Discharge* means an absolute prohibition against the discharge of a certain substance. Prohibited discharge standards appear in Section 98-328 of this Code.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public sewer means a pipe or conduit that carries wastewater, stormwater, groundwater, subsurface water, or unpolluted water from any source, which is controlled by a governmental agency or public utility.

Publicly Owned Treatment Works or *POTW* means a “treatment works,” as defined by Section 212 of the Clean Water Act (33 U.S.C. §1292) that is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sanitary sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a POTW wastewater treatment plant. The term also means the municipality that has jurisdiction over discharges to and the discharges from such a treatment works.

Radiological waste means radioactive waste as regulated by RSA 125-F.

Sanitary sewage. See Domestic wastewater.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of groundwaters, stormwaters and surface waters that are not admitted intentionally.

Screening level means a numerical value for a pollutant concentration above which actions are initiated to evaluate, prevent or reduce adverse environmental or health and safety impacts. A screening level may be adjusted upward or downward within an IDP to account for site-specific conditions at the point of discharge and administered as a local limit.

Septage or *Septic Tank Waste* means any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only domestic wastewater.

Septic tank means a tank which receives wastewater allowing the solids to separate and the majority of the water to leave through an overflow, thereby increasing the concentration of solids remaining in the tank.

Sewer means a pipe or conduit that carries wastewater, stormwater, groundwater, subsurface water, or unpolluted water from any source.

Sewer service or *building sewer* means that part of the drainage system which extends from the end of the building drain and conveys its discharges to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

Shall means is mandatory. See *May*.

Significant indirect discharger means an industrial user that:

- (a) Discharges an average of ten thousand (10,000) gallons per day (gpd) or more of industrial wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Discharges medical/infectious waste, pharmaceutical waste, or radiological waste [unless exempted by the city under paragraph (4) of this definition];
or

(c) Is otherwise a significant industrial user.

Significant industrial user means an industrial user that is, except as provided in paragraphs (3) and (4) of this definition:

(1) An industrial user subject to categorical pretreatment standards; or

(2) An industrial user that:

(a) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of industrial wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;

(d) Is determined by the city to have an impact or a potential for impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of the sludge, the system's effluent quality, or air emissions generated by the systems.

(3) The city may determine that an industrial user subject to categorical pretreatment standards under §403.6 and 40 CFR chapter I, subchapter N is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(a) The industrial user, prior to the city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(b) The industrial user annually submits the certification statement required in §403.12(q) together with any additional information necessary to support the certification statement; and

(c) The industrial user never discharges any untreated concentrated wastewater.

(4) Upon determining that a user meeting the criteria in paragraph 2 of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Significant noncompliance means a significant industrial user that meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken during a six-month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits, for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, times the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, reports on compliance with compliance schedules, and any other reports required by the pretreatment coordinator;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations, which may include the violation of Best Management Practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

Slug means:

1. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 98-328 of this Code; or
2. Any discharge of any pollutant, including biochemical oxygen demand, of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or adversely affect the collection system and/or performance of the POTW.

Storm drain or *Storm sewer* means a drain or sewer for conveying stormwater, groundwater, subsurface water or unpolluted water from any source.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt.

Superintendent means the superintendent of the wastewater treatment plant or an authorized designee.

Suspended solids or *Total suspended solids (TSS)* means the total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in EPA Method 160.2 and referred to as "nonfilterable residue."

Total toxic organics means the summation of all quantifiable values greater than 0.01 mg/L for the following organic compounds:

Acenaphthene.
Acrolein.
Acrylonitrile.
Benzene.
Benzidine.
Carbon tetrachloride (tetrachloromethane).
Chlorobenzene.
1,2,4-trichlorobenzene.
Hexachlorobenzene.
1,2-dichloroethane.
1,1,1-trichloroethane.
Hexachloroethane.
1,1-dichloroethane.
1,1,2-trichloroethane.
1,1,2,2-tetrachloroethane.
Chloroethane.
Bis (2-chloroethyl) ether.
2-chloroethyl vinyl ether (mixed).

2-chloronaphthalene.
2,4,6-trichlorophenol.
Parachlorometa cresol.
Chloroform (trichloromethane).
2-chlorophenol.
1,2-dichlorobenzene.
1,3-dichlorobenzene.
1,4-dichlorobenzene.
3,3-dichlorobenzidine.
1,1-dichloroethylene.
1,2-trans dichloroethylene.
2,4-dichlorophenol.
1,2-dichloropropane (1,3-dichloropropene).
2,4-dimethylphenol.
2,4-dinitrotoluene.
2,6-dinitrotoluene.
1,2-diphenylhydrazine.
Ethylbenzene.
Fluoranthene.
4-chlorophenyl phenyl ether.
4-bromophenyl phenyl ether.
Bis (2-chloroisopropyl) ether.
Bis (2-chloroethoxy) methane.
Methylene chloride (dichloromethane).
Methyl chloride (chloromethane).
Methyl bromide (bromomethane).
Bromoform (tribromomethane).
Dichlorobromomethane.
Chlorodibromomethane.
Hexachlorobutadiene.
Hexachlorocyclopentadiene.
Isophorone.
Naphthalene.
Nitrobenzene.
2-nitrophenol.
4-nitrophenol.
2,4-dinitrophenol.
4,6-dinitrophenol.
4,6-dinitro-o-cresol.
N-nitrosodimethylamine.
N-nitrosodiphenylamine.
N-nitrosodi-n-propylamine.
Pentachlorophenol.
Phenol.
Bis (2-ethylhexyl) phthalate.
Butyl benzyl phthalate.

Di-n-butyl phthalate.
Di-n-octyl phthalate.
Diethyl phthalate.
Dimethyl phthalate.
1,2-benzanthracene [benzo(a)anthracene].
Benzo(a)pyrene [3,4-benzopyrene].
3,4-benzofluoranthene [benzo(b)fluoranthene].
11,12-benzofluoranthene [benzo(k)fluoranthene].
Chrysene.
Acenaphthylene.
Anthracene.
1,12-benzoperlene.
Fluorene.
Phenanthrene.
1,2,5,6-dibenzanthracene [dibenzo(a, h)anthracene].
Indeno(1,2,3-cd)pyrene [2,3-o-phenylene pyrene].
Pyrene.
Tetrachloroethylene.
Toluene.
Trichloroethylene.
Vinyl chloride [chloroethylene].
Aldrin.
Dieldrin.
Chlordane (technical mixture and metabolites).
4,4-DDT.
4,4-DDE (p,p-DDX).
4,4-DDD (p,p-TDE).
Alpha endosulfan.
Endosulfan sulfate.
Endrin.
Endrin aldehyde.
Heptachlor.
Heptachlor epoxide (BHC-hexachlorocyclohexane).
Alpha-BHC.
Beta-BHC.
Gamma-BHC.
Delta-BHC.
PCB's (polychlorinate biphenyls).
PCB-1242 (arochlor 1242).
PCB-1254 (arochlor 1254).
PCB-1221 (arochlor 1221).
PCB-1232 (arochlor 1232).
PCB-1248 (arochlor 1248).
PCB-1260 (arochlor 1260).
PCB-1016 (arochlor 1016).
Toxaphene.

2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD).

Unpolluted water means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. This does not include noncompliance due to operational error, improperly designed facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

User (or Industrial User) means a person who discharges industrial wastewater to the POTW of the city.

Wastewater means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

Wastewater treatment plant (WWTP) means that portion of the POTW that is designed to provide treatment of sanitary sewage and industrial wastewater

Watercourse means a natural or artificial channel for the passage of water either continuously or intermittently.

Cross references: Definitions generally, § 1-2.

Sec. 98-272. Restrictions.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or objectionable waste. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this article. Except as provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater. The use of portable chemical toilets is allowed at construction sites and for other purposes provided the wastes are properly disposed off site.

Sec. 98-273. Requirement for connection.

The owner of any house, building, structure, or property used for human habitation or occupancy, including but not limited to dwellings, places of employment, and recreational facilities, situated within the city, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with this article within 90 days after receipt of notice to do so, provided that such public sewer is within 300 feet of such house, building, structure, or property and provided that such public sewer is within 100 feet of any portion of the property line of such property measured on a straight line from the sewer to the property line, with such straight line measurement running only through the public way. The city council may grant a waiver if it is demonstrated that the house, building or property is served with an adequate alternative sewage disposal system that is in compliance with the requirement in City of Keene Code of Ordinances, chapter 98, article IV, private waste disposal, is designed by a designer licensed in the State of New Hampshire, and is approved for construction by the New Hampshire Department of Environmental Services after January 1, 1985.

Sec. 98-274. Small commercial structures.

Small commercial structures of less than 150 square feet of interior space, such as permanent kiosks and booths, with not more than one person employed therein shall not be required to install water closets (toilets) or lavatories (sinks) within the structure, provided that such facilities are available within a nearby structure on a permanent basis by an agreement in writing. Establishments selling food of any kind shall have lavatories. The maximum distance of travel from the person's usual working place to the facilities shall not exceed 250 or 500 feet if entirely under cover.

Secs. 98-275--98-295. Reserved.

DIVISION 2. BUILDING SEWERS AND CONNECTIONS

Sec. 98-296. Permit required.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director.

Sec. 98-297. Classes of permits; permit application and fees.

There shall be two classes of building sewer permits: (i) for residential, institutional and commercial service where only sanitary wastewater is produced, and (ii) for service establishments producing industrial wastes. In either case, the owner or an agent shall make application on a form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director. A permit and

inspection fee as set forth in the schedule of fees in appendix B to this Code shall be paid to the city at the time the application is filed.

Sec. 98-298. Responsibility for costs.

All costs and expenses incidental to the installation and connection of building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 98-299. New discharges.

Any person proposing a new discharge into the sewer system or a substantial change in the volume or character of pollutants that are discharged into the system shall notify the director at least 60 days prior to the proposed change or connection. Proposed new discharges from residential, institutional or commercial sources involving loading exceeding 50 population equivalents (5,000 gpd), any new industrial waste, or any flow increase greater than twenty percent (20%) of existing discharge into the POTW, or that could cause interference with the POTW or have an adverse effect on the receiving water or otherwise endanger life, limb, public property or constitute a nuisance, shall be approved by the NHDES Water Division. Approvals for industrial waste shall be obtained in accordance with Article VI of this Code.

Sec. 98-300. Services.

The following shall apply to building sewer services:

(a) *Separate sewers.* A separate and independent building sewer shall be provided for every building. However, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, however, the city shall not assume any obligation or responsibility for damage caused by or resulting from any such single connection. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the director, to meet all standards adopted by and available at the department and standards set forth in other articles of this Code.

(b) *Materials to be used.* The size, slope, alignment, materials of construction for a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate sections of the Standards of Design and

Construction for Sewerage and Wastewater Treatment Facilities (chapter Env-Ws 700) of the NHDES, Water Division shall apply.

(c) *Elevation.* Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor or at least four feet below grade. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted in accordance with the city plumbing code, as set forth in chapter 18, article II, division 6, and discharged to the building sewer.

(d) *Surface water runoff.* No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

(e) *Materials shall conform to code.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes set forth in article II of chapter 18 or other applicable rules and regulations of the city, and to the requirements of the NHDES. All such connections shall be made gastight and watertight and verified by proper testing. The department shall make or oversee the making of all sewer connections and shall make or oversee the laying, relaying and repair all sewer service pipes. Nothing in this subsection shall prevent the director from contracting the work to private contractors or permitting the property owner to do such work himself to the city specifications. The cost of such work shall be charged to the owner of the property so served. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

(f) *Inspection.* The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the director.

(g) *Excavation procedures.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Any person owning pipes laid in the city streets or highways desiring to relay or repair the pipes or install a new service connection shall, before digging up any ground where the pipes are laid, apply to the director as provided under section 82-32 pertaining to excavation of highways and section 82-36 pertaining to obstruction of highways. All streets sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the director at the expense of the applicant.

(h) *State approval required.* The following is an excerpt from the regulations of the NHDES: "Except for special reasons, the NHDES will approve plans for new systems, extensions, or replacement sewers only when designed upon a separate

plan, in which rainwater from roofs, streets, and other areas, and groundwater from foundation drains are excluded."

Secs. 98-301--98-325. Reserved.

DIVISION 3. LIMITATIONS ON USE OF PUBLIC SEWERS

Sec. 98-326. Marlborough interceptor.

In accordance with the U.S. EPA Special Condition #21, any proposed connection to the city sewer interceptor line extending from Optical Avenue to the Marlborough town line or to any lateral sewer line connected to this interceptor shall require special review. If the property being connected contains wetlands or floodplains, connection may be prohibited. The mere existence of floodplain or wetland on a portion of a lot does not in and of itself preclude connection to the sewer line. It is the direct placement of a building or any portion of a building on wetlands or floodplains or the placement of fill on floodplains or wetlands on top of which would be located a building which would prohibit connection.

Sec. 98-327. Discharge of unpolluted water.

No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or unpolluted cooling water to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the director. Industrial cooling water or process waters require a NPDES permit prior to discharge to a storm drain or natural outlet.

Sec. 98-328. Prohibited discharges.

General Prohibitions: No person shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, State, or local pretreatment standards or requirements.

Specific Prohibitions: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) *Explosives.* Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas, or any waste stream with a closed cup flashpoint less than 140 degrees Fahrenheit or 60 degrees Celsius as determined using methods specified in 40 CFR 261.21.

(2) *Corrosive wastes.* Any waters or wastes having a pH lower than 5.5 or higher than 12.0 standard units or having any other corrosive property capable of causing

damage or hazard to structures, equipment and/or personnel of the wastewater treatment plant or collection system.

(3)*Substances which cause obstruction.* Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater treatment plant or collection system, such as but not limited to fats, oils and greases; wipes; ashes; bones; cinders; sand; mud; straw; shavings; metal; glass; rags; plastics; wood; unground garbage; hair; paper; dishes, cups; paper towels, either whole or ground by garbage grinders.

(4)*Substances which cause interference, pass through, nuisance.* Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW, constitute a hazard to humans or animals, create a public nuisance, exceed any categorical pretreatment standards, or cause pass through.

(5) Wastewater containing such concentrations or quantities of pollutants that its introduction to the POTW could cause a treatment process upset and subsequent loss of treatment ability.

(6)*Temperature.* Wastewater sufficiently hot to cause the influent at the wastewater treatment plant to exceed 104 degrees Fahrenheit, 40 degrees Celsius, or cause inhibition of biological activity at the wastewater treatment plant.

(7)*Oils.* Wastewater containing more than 100 milligrams per liter (mg/L) of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin. Wastewater from industrial plants containing floatable oils, fat, or grease. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(8)*Fume toxicity.* Any pollutants that result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems.

(9)*Trucked or hauled pollutants.* Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(10)*Miscellaneous wastes.* The discharge of all medical/infectious waste, pharmaceutical waste, or radiological waste is subject to review by the director. Any discharge not in conformance with site-specific requirements established by the director is prohibited.

(11)*Fail toxicity testing.* Wastewater causing, alone or in conjunction with other sources, the wastewater treatment plant's effluent or biosolids to fail a toxicity test.

(12) *Hazardous waste.* Any hazardous waste listed or designated by the NHDES under Env-Hw 400.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Sec. 98-329. Limited discharge.

The substances, materials, waters, or waste described in this section shall be limited to discharges of concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; will not otherwise endanger lives, limb, or public property; or constitute a nuisance. The director may set limitations stricter than the limitations established in this section if in the director's opinion such stricter limitations are necessary to meet the objectives of this section. In forming this opinion as to the acceptability, the director will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction in the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste by the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated are as follows:

(1) *Properly shredded garbage.* Any garbage that has not been properly shredded (see section 98-271). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation and operation of any garbage grinder at a non-residential location shall be subject to the review and approval of the director, and grease and solids pretreatment may be required.

(2) *Toxic substances.* Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the director, the NHDES, or the United States EPA for such materials; any water or wastes containing pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.

(3) *Odor-producing substances.* Any waters or wastes containing odor-producing substances exceeding limits which may be established by the director.

(4) *Radioactive wastes.* Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations.

(5) *Slug flows.* Quantities of flow, concentrations or both, which constitute a slug, as defined in this article. Industrial users shall immediately notify the pretreatment coordinator of any slug or waste discharged by such user to the POTW or of any discharge which, alone or in conjunction with any other waste, has the potential to cause harm or create a problem at the wastewater treatment plant, in the collection system, or to the environment or worker safety.

(6) *Untreatable wastes.* Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a degree that the wastewater treatment plant cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(7) *Color.* Wastewater that imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently, in the opinion of the director, could impart color to the treatment facility's effluent, thereby violating the city's NPDES permit.

(8) *Flammable atmospheres.* Wastewater that causes a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%) of the Lower Explosive Limit.

(9) *Other wastes.* Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Sec. 98-330. Specific discharge limitations.

(a) Maximum Allowable Industrial Loadings. The following numerical pollutant loading limitations are established to protect against pass-through and interference. For all users connected to sewer lines that are tributary to the City of Keene POTW, the director will not issue permits that in combination with other industrial loads exceed the values in the following table:

POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)	POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)
Cadmium	0.013	Mercury	0.005
Chromium (total)	7.99	Nickel	1.47

POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)	POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lb/day)
Copper	0.93	Silver	0.10
Cyanide	1.22	Zinc	3.67
Lead	0.14	-	-

All limitations for metals represent total metals. To administer these allowable loadings through IDPs, the director may impose concentration-based limitations, or mass limitations. For industrial users, the values written into IDPs for the above pollutants shall apply at the end of the industrial wastestream and prior to dilution with non-industrial wastewaters.

Unless specifically identified in an IDP, an industrial user is not allowed to discharge the locally limited pollutants at concentrations greater than background concentrations.

(b) Screening Levels. Screening levels are numerical values above which actions are initiated to evaluate, prevent or reduce potential adverse impacts on the POTW, the environment, and/or human health and safety. Screening levels are developed as needed using the methodology of the director. The pollutants in the following table (list is not all inclusive) are representative of concentrations above which pollutants shall not be discharged to the POTW without approval of the director:

POLLUTANT	SCREENING LEVEL
Arsenic	0.032 mg/L
Selenium	0.30 mg/L
Total toxic organics	5.0 mg/L
Sulfite	2.0 mg/L
Sulfate	20.0 mg/L
Sulfide	20.0 mg/L

If any of the screening levels are exceeded, repeat analysis may be required by the director to verify compliance or noncompliance with that screening level. If noncompliance is indicated, then the industrial user may be required, at the discretion of the director, to conduct an appropriate engineering evaluation at the industrial user's expense to determine the potential impact of the discharge of this pollutant to the POTW or alternatively, to develop a Best Management Practices plan specifically addressing the pollutant that exceeds the screening level. This study or plan shall be approved by and conducted under the supervision of the director. Should the evaluation indicate the impact to be unsatisfactory, the

industrial user shall reduce the pollutant concentration to a satisfactory level. If the evaluation supports development of an alternate site-specific limitation, then the screening level may, at the discretion of the director, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge.

If an industrial user proposes to discharge at concentrations greater than the concentration-based screening level maintained by the director, then the industrial user may be required to conduct the evaluations described in the previous paragraph. Should the evaluations support an alternate site-specific limitation, then the screening level may, at the discretion of the director, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge.

(c) *Best Management Practices.* The director may develop or require the user to develop Best Management Practices (BMPs) to implement Sections 98-329 and 98-330. Such BMPs shall be considered local limits and pretreatment standards for the purposes of this Code.

Sec. 98-331. Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the director and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the director for treatment, provided that such agreements do not contravene any requirements of existing federal or state laws and/or regulations promulgated thereunder and are compatible with any user charge and industrial cost recovery system in effect and do not waive applicable categorical pretreatment standards.

Sec. 98-332. Compliance by dilution.

It shall be illegal to meet the requirements of this article by diluting wastes in lieu of proper treatment.

Sec. 98-333. Options for dealing with noncompliant discharges.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in sections 98-326 through 98-330 pertaining to limitations on use of the public sewers, the director may do any or all of the following:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.

- (3) Require control over the quantities and rates of discharge.
- (4) Require payment for all costs incurred in correcting damage to the sewer system and/or flushing or removing such wastes from the sewer system.
- (5) Begin enforcement proceedings according to the city's enforcement response plan approved by the EPA.

Sec. 98-334. Interceptors

- (a) Grease and oil interceptors shall be provided, in accordance with the plumbing code adopted by the city, or when required by the director, for the pretreatment of liquid wastes containing floatable grease or flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All pretreatment devices shall be of a type and capacity approved by the plumbing code adopted by the city, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by the appropriate means of the captured material in accordance with State of New Hampshire licensing laws and shall maintain records of the dates and means of disposal which are subject to review by the pretreatment coordinator. The director has the authority to require other specific actions to reduce the discharge of grease into the POTW as necessary. Removal or modification of grease pretreatment equipment is prohibited unless written approval from the director is granted. Installation of fixtures with potential for grease-laden wastewater must be approved by the director.
- (b) A Dental practice which manages dental amalgam shall install and maintain an amalgam separator in accordance with federal and/or state regulations.

Sec. 98-335. Approved test methods.

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this article shall be determined in accordance with the EPA approved methods published in the Code of Federal Regulations, title 40, part 136 (40 CFR 136), unless otherwise specified in an applicable categorical pretreatment standard. When an approved method is not available, the pretreatment coordinator will determine which alternate method is to be used. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the pretreatment coordinator.

Sec. 98-336. Sample collection.

Samples collected to satisfy reporting requirements must be obtained through appropriate sampling and analysis performed during the period covered

by the report, and must be representative of conditions occurring during the reporting period.

A. Except as indicated in Section B and C below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the pretreatment coordinator. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 98-423 and 98-426, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the pretreatment coordinator may authorize a lower minimum. For the reports required by Section 98-421, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

D. The integrity of all samples shall be protected by following established chain-of-custody practices for all required samples. A copy of these practices is available from the director. Sampling and chain-of-custody records shall be maintained in accordance with the IDP and copies shall be submitted as part of each analytical report.

Sec. 98-337. Right of revision.

The discharge standards and requirements set forth in this Article are established for the purpose of preventing discharges to the POTW that would harm the public sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream or wastewater treatment plant biosolids; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

To meet these objectives, the director may, from time to time, review and set more stringent standards or requirements than those established in this Article if the director determines that such more stringent standards or requirements are necessary to meet the above objectives. In forming this determination, the director may give consideration to such factors as the quantity of waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability at the wastewater treatment plant, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the director.

The director shall allow affected industrial users reasonable time, in the opinion of the director, to comply with any changes to the local limits. The conditions and schedule for compliance shall accompany the written notification of amended local limits.

Secs. 98-338--98-355. Reserved.

DIVISION 4. ENTRY, SEPTAGE, ENFORCEMENT

Sec. 98-356. Detection and prevention.

(a) *Imminent endangerment.* The city may, after informal notice to the industry discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of persons or any discharge presenting or which may present an endangerment to the environment or which threatens to interfere with operation of the public sewers or wastewater treatment facilities. Actions which may be taken by the city include ex parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the industry.

(b) *Monitoring and surveillance.* The city shall as necessary sample and analyze the wastewater discharges of contributing industries and conduct surveillance and inspection activities to identify, independently of information supplied by such industries, occasional and continuing noncompliance with industrial pretreatment standards. Each industry will be billed directly for costs incurred for analysis of its wastewater. All industries discharging to the POTW shall allow unrestricted, safe and easy access to personnel of the city, the NHDES and the EPA for the purposes of investigating and sampling discharges from the industries. This access shall include copying and inspecting any records pertaining to the discharge or disposal of wastewater or chemical wastes and any records that have been compiled pursuant to pretreatment programs.

(c) *Investigations.* The city shall investigate instances of noncompliance with industrial pretreatment standards and requirements.

(d) *Public information and participation.* Information and data submitted to the city under this article relating to wastewater discharge characteristics shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person providing the report. Other such information shall be available to the public at least to the extent provided by 40 CFR part 25 section 2.302. All data pertaining to the characteristics of chemical composition of the wastewater shall be available for public information and inspection. None will be considered confidential. The city shall comply with the public participation requirements of 40 CFR 25 in the enforcement of industrial pretreatment standards and requirements.

Sec. 98-357. Handling of septic tank (septage) and Hauled Industrial waste.

(a) *Generally.* Septic tank waste and the discharge from holding tanks will be accepted into the sewer system at a designated receiving structure within the treatment plant area at such times as are established by the director, provided such wastes do not contain unusual toxics or pollutant material and provided such discharge does not violate any other special requirements established by the director. There shall be no unrestricted access to the septage discharging facility. The director may allow discharge of holding tank waste from nonindustrial sources at a designated area in the collection system outside of the wastewater treatment plant area.

(b) *Permits.* Permits to use such facilities shall be under the jurisdiction of the director. Fees for dumping septage will be established as part of the user charge system. The director shall have authority to limit or refuse the disposal of such wastes, if such disposal would interfere with the treatment plant operation.

(c) *Hauled Industrial Wastes.* All procedures for the disposal of such wastes shall be in conformance with the operating policy of the wastewater treatment plant director, and disposal shall be accomplished under the director's supervision unless specifically permitted otherwise. The discharge of industrial wastes as industrial septage requires prior approval of the NHDES Water Division.

(d) *Sampling.* The city shall as necessary sample and analyze the discharges from septage haulers to identify occasional and continuing noncompliance with these standards. Each hauler will be billed directly for costs incurred for analysis of its wastewater.

(e) *Septage source form required.* Before any septage or holding tank waste is discharged, a form shall be turned in to the director describing the source of the waste. The director shall determine whether a sample is needed from each load of septage or holding tank waste.

Sec. 98-358. Powers and authority of inspectors.

(a) *Right of entry.* The director and other duly authorized city employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of, but not limited to, inspection, observation, measurement, sampling and testing pertinent to discharge to the public sewer system in accordance with this article in order to determine compliance with this article and any IDP or order issued hereunder. If the director has been refused access, then the director may obtain an administrative inspection warrant under RSA 595-B.

(b) *Obtaining information.* The pretreatment coordinator or any federal or state official is authorized to obtain information concerning industrial processes which include but are not limited to those which have a bearing on the kind and source of discharge to the wastewater collection system. The industry may not withhold information considered confidential. The pretreatment coordinator may hold certain information that is not available for public review, but the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(c) *Inspectors' responsibilities.* While performing the necessary work on private properties referred to in this section, the director shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees. The city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the company to maintain safe conditions as required in section 98-390 pertaining to the structure for collecting samples.

(d) Where a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director will be permitted to enter without delay for the purposes of performing specific responsibilities.

(e) The director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 98-359. Annual fee for industrial users.

Industrial users will be assessed an annual fee by the city to defray the administrative costs of the industrial discharge permits (IDP) program. The fee shall be calculated as set forth in the schedule of fees in appendix B to this Code.

Sec. 98-360. Violations.

(a) *Destruction.* Any person causing obstruction, destruction, or other impairment to any part of the sewer system, treatment plant, pumping stations or any appurtenance shall be subject to the full penalties of the criminal law. This penalty shall be classified as aggravated criminal mischief, a class B felony. The maximum sentence for this crime is imprisonment for 3 1/2 years to seven years and a fine of \$2,000.00.

(b) *Penalties.* Any person found to be violating any section of this article except subsection (a) of this section pertaining to destruction may be served by the city with written Notice of Violation stating the nature of the violation. The offender shall, within the period of time stated in such notice, comply with all specific required actions, including providing an explanation for the noncompliance and corrective actions initiated. A user's timely response to a Notice of Violation in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action without first issuing a Notice of Violation.

Remedies for these violations shall include but are not limited to the following:

(1) Demand by the pretreatment coordinator of a specific action to be performed by the user. Such action(s) may include, but are not limited to development of a compliance schedule and/or best management practices plan.

(2) IDP termination.

(3) Civil forfeiture up to \$10,000.00 per violation per day (Ref. RSA 149-I:6).

(4) Judicial injunctive relief.

(5) Shutting off the water supply at the facility's water service to prevent further discharge.

(6) Blockage of the public sewer to halt discharge.

(c) *Criminal penalties.* Any person who shall continue any violation beyond the time limit provided for in subsection (b) of this section shall be subject to criminal penalties in the form of fines in the amount not exceeding \$1,000.00 per day, per violation. Fines shall be assessed from the first day of the violation. Additionally, any violation beyond the time limit provided for in subsection (b) of this section may be referred to the state for criminal prosecution under its powers as stated in RSA 485-A:22.

(d) *Procedure for shutting off water supply.* If the director decides it is necessary to shut off the water supply to a facility for noncompliance other than an immediate endangerment to the environment, sewer workers, wastewater treatment plant, or the public health, the following approach will be taken:

(1) Written explanation of the violation with an opportunity for the user's explanation.

(2) Administrative order from the director requiring the user to come into compliance. The order shall include deadlines for reaching stages of compliance.

(3) A show cause hearing in front of the director and city manager to show cause as to why the water should not be shut off.

(4) Certified notice sent with a shutoff date.

(5) Water shutoff at service.

(e) *Restoration of service.* To return service, the user must demonstrate that compliance will be achieved and must show what changes have been made to prevent the violation from recurring.

(f) *Non-discharge violation penalties.* Any nondischarge violations of the industrial discharge permits are subject but not limited to the following penalties:

(1) Administrative order from the director.

(2) Show cause hearing before one or all of the following: the pretreatment coordinator, the director, and the city council.

(3) IDP termination.

(4) Civil prosecution if an order from the director is disobeyed.

(g) *Reimbursement of costs.* Any costs incurred by the city in enforcing any violations can be collected from the industrial user if the issue is resolved in favor of the city.

(h) *Public notice of significant noncompliance.* At least once each year the pretreatment coordinator will publish a notice in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction served by the POTW a listing of industrial users found to be in significant noncompliance of either this article or federal regulations listed in 40 CFR.

(i) *Nonexclusive remedies.* The remedies provided for in this Code are not exclusive. The city may take any, all, or any combination of these actions against a noncompliant user.

Secs. 98-361--98-385. Reserved.

ARTICLE VI. INDUSTRIAL PRETREATMENT

DIVISION 1. GENERALLY

Sec. 98-386. Applicability.

All persons discharging or having the potential to discharge industrial wastewater into the city's POTW shall comply with applicable requirements of federal and state industrial pretreatment regulations, as amended, in addition to the requirements of this article. No industrial wastewater shall be directed to a sewer that is not connected to the POTW.

Sec. 98-387. Pretreatment of industrial wastewater.

(a) All industrial wastewater shall be pretreated in accordance with federal regulations contained in 40 CFR and state regulations as listed in RSA 485-5:A and this article to the extent required by applicable federal categorical pretreatment standards, state pretreatment standards, or standards established by the director, whichever is more stringent. Federal categorical pretreatment standards, as listed in 40 CFR Chapter I, Subchapter N, Parts 405 to 471, when promulgated, if more stringent, will supersede any local standards for the same pollutant. Users shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Article V of this Code within the time limitations specified by EPA, the State, or the director, whichever is more stringent.

(b) Where pretreatment or flow equalizing facilities are provided or required for any industrial wastewater, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(c) Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sanitary sewage wastestreams from industrial wastestreams, and impose such other conditions as are deemed necessary to protect the POTW and determine the user's compliance with the requirements of this Code.

(d) The director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An IDP may be issued solely for flow equalization.

(e) Users with the potential to discharge flammable substances shall, at the discretion of the director, install and maintain an approved combustible gas detection meter and alarm.

(f) The director may require specific operation and maintenance activities and frequencies for any pretreatment system or device.

Sec. 98-388. Approval of pretreatment plans required.

If the director permits the pretreatment or equalization of industrial wastewater, the design and installation of the pretreatment facilities shall be subject to the review and approval of the director and the NHDES Water Division, and shall be subject to the requirements of all applicable codes, ordinances and laws, and fees. If applicable, plans and specifications for any pretreatment facility shall be stamped/sealed and signed by a professional engineer registered in the State of New Hampshire who shall be responsible for the design. Such facilities shall not be connected until such approval is obtained in writing. Plans and specifications for a proposed treatment facility shall be the result of the design of a professional engineer. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this article.

Sec. 98-389. Bypass of pretreatment systems.

(a) The required industrial wastewater pretreatment system shall not be bypassed at any time, even if such a bypass does not result in a violation, unless:

(1) Bypass was necessary to prevent loss of life, personal injury, or severe property damage.

(2) There are no feasible alternatives. These alternatives shall not include the absence of adequate backup equipment or bypass during routine preventative maintenance of the pretreatment equipment.

(b) If the user anticipates the need to bypass the treatment system, the user must notify the pretreatment coordinator at least ten days ahead of time. If the bypass is not anticipated, the user must orally notify the pretreatment coordinator within 24 hours after becoming aware of the bypass. The oral notice must be followed within five (5) days by a written description of the bypass, its cause, its duration, exact times and dates (actual or expected) and what has been done to rectify the problem and prevent it from recurring.

Sec. 98-390. Structure for collecting samples.

When required by the director, the owner of any property serviced by a building sewer carrying industrial wastewater shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the director. The structure shall be installed by the owner at the owner's expense and shall be operated and maintained by the owner so as to be in good working order, safe and accessible at all times. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy at a frequency approved by the director. The failure of an owner to keep its monitoring facility in good working order shall not be grounds for the owner to claim that sample results are unrepresentative of its discharge.

Sec. 98-391. Monitoring required.

All industries discharging into a public sewer shall perform such monitoring as the director or duly authorized city employees may reasonably require, including installation, use and maintenance of monitoring equipment; keeping records; and reporting the results of such monitoring to the pretreatment coordinator. Such records shall be made available upon request by the pretreatment coordinator to other agencies having jurisdiction over discharges to the receiving water.

Sec. 98-392. Information required.

The pretreatment coordinator may require a user of sewer services to provide information needed to determine compliance with this article. These requirements may include the following:

- (1) Wastewater discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes and products affecting wastewater volume and quality.

(4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.

(5) A plot plan of sewers on the user's property showing sewer and pretreatment facility locations.

(6) Details of wastewater pretreatment facilities.

(7) Details of systems to prevent and control the losses of materials through spills to the public sewer.

Sec. 98-393. Spill control.

When directed to do so by the pretreatment coordinator, the industrial user shall develop, submit for approval, and implement such a plan to control slug discharges as defined in section 98-271. The plan shall contain at least the following elements:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for promptly notifying the POTW of slug discharges, including any discharge that would violate a specific prohibition under section 98-328 pertaining to prohibited discharges and section 98-329 pertaining to limited discharges, with procedures for followup written notification within five days;

(4) If necessary, procedures to prevent adverse impact from accidental spills including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents, and/or measures and equipment for emergency response; and

(5) If necessary, followup practices to limit the damage suffered by the treatment plant or the environment.

Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

Sec. 98-394. Best management practices plans.

The director may develop or require any person discharging wastes into the POTW to develop and implement, at their own expense, a Best Management Practices Plan (BMP Plan), also referenced as a pollution prevention plan.

Documentation demonstrating implementation or compliance with best management practices shall be created, retained, and made available as required.

The review and approval of such BMP Plans by the city shall in no way relieve the user from the responsibilities of modifying their facilities as necessary to produce a discharge acceptable to the city in accordance with the provisions of this Code.

Secs. 98-395--98-420. Reserved.

DIVISION 2. REPORTING REQUIREMENTS

Sec. 98-421. Significant industrial users.

Significant industrial users shall submit periodic reports at least twice a year in June and December or as required after the compliance date of such pretreatment standard or, for a new source, after commencement of the discharge into the wastewater treatment plant. These reports shall indicate the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flows for these process units. If required, it shall also include an indication of mass of applicable pollutants discharged, and reasonable measure of the user's long term production rate, and production rate during the reporting period. In cases where a pretreatment standard or an IDP requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user.

If a user subject to the reporting requirement in this article monitors any pollutant more frequently than required by the director, using the procedures prescribed in Sections 98-336 of this Code, the results of this monitoring shall be included in the report and will be used to determine compliance.

The report shall contain a certification statement which asserts that applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the pretreatment coordinator. The reports must be signed and certified in accordance with Section 98-424 of this Code.

Sec. 98-422. Categorical industrial users.

Categorical industrial users shall submit periodic reports as required indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being

met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the city. Reports submitted under this section shall be signed by an authorized representative.

Sec. 98-423. Baseline monitoring reports.

Within either one hundred eighty (180) days subsequent to the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to, or scheduled to discharge to the POTW, shall submit to the director a report that contains the information listed in paragraph (B), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a baseline monitoring report. A list of information required for baseline monitoring reports can be obtained from the director. If necessary, a new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall provide estimates of its anticipated flow and quantity of pollutants to be discharged.

Sec. 98-424. Signatories and certification.

All IDP applications and user reports submitted under this article shall be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Sec. 98-425. Compliance schedule and progress reports.

Compliance schedules for meeting federal categorical pretreatment standards shall meet all applicable federal requirements. The director may require compliance schedules including identification of major milestones and completion dates.

Each user subject to a compliance schedule pursuant to this article shall report on progress toward meeting compliance as follows: Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the pretreatment coordinator indicating whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply; the reason for the delay; and the steps being taken by the industrial user to return to the schedule established.

Sec. 98-426. Ninety-day reports.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, as described in 40 CFR 403.12(d) or, for a new source, following the commencement of the introduction of wastewater into the POTW, any industrial user subject to categorical pretreatment standards shall submit a report to the pretreatment coordinator containing the information described in 40 CFR 403.12(d). All compliance reports must be signed and certified in accordance with Section 98-424 of this Code.

Sec. 98-427. Violation indicated by self-monitoring report.

If a violation is indicated by a report as provided in this article, the wastewater must be resampled and the results must then be submitted to the pretreatment coordinator within 30 days after becoming aware of the violation. The user must notify the pretreatment coordinator, either orally or in writing, of a violation within 24 hours after he becomes aware of it.

Sec. 98-428. Monitoring records.

Industrial users subject to the reporting requirements under this article shall maintain records of information resulting from monitoring activities required to prepare such reports, including documentation associated with Best Management Practices, required by this Code or IDP and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Such records shall be maintained for a minimum of five years and shall be made available for inspection and copying by the city and authorized state or federal personnel. Such reports shall include the following:

- (1) The date, exact place, method and time of the sampling and the name of the person taking the sample.
- (2) The dates analyses were performed.
- (3) The laboratory performing the analyses.
- (4) The analytical techniques and methods used.
- (5) The results of such analyses.

Sec. 98-429. Records retention.

In addition to the recordkeeping requirements in Sec. 98-428, all records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities shall be retained and preserved by the industrial user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Sec. 98-430. Date of receipt of reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

Sec. 98-431. Reports from other industrial users.

All non-significant users and users not required to obtain an IDP, shall provide reports to the pretreatment coordinator as the pretreatment coordinator may require.

Sec. 98-432. Reports of changed conditions.

Each user must notify the director of any planned significant changes to the user's operations in accordance with the requirements of Section 98-484.

Sec. 98-433. Reports of slugs or potentially adverse discharges.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug, that may adversely impact the POTW, the user shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be initiated by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this Code. This report must be signed and certified in accordance with Section 98-424 of this Code.

(c) Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.

(d) The permittee shall notify the city immediately of any changes at its facility that may affect the potential for a slug discharge. The city may require the permittee to develop or modify a Slug Control Plan or take other actions to control slug discharges.

Secs. 98-434--98-450. Reserved.

DIVISION 3. CATEGORICAL PRETREATMENT STANDARDS

Sec. 98-451. General

The categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated into the Code and will be administered by the director in accordance with the requirements of 40 CFR Part 403.

Sec. 98-452. Notification.

The city shall provide timely notification to appropriate industries of applicable categorical pretreatment standards. Upon promulgation of the categorical pretreatment standards for a particular industrial subcategory, the categorical pretreatment standards, if more stringent than limitations imposed under this Code for sources in that subcategory, shall, on the compliance date of the categorical pretreatment standards, immediately supersede the limitations imposed under this Code.

Sec. 98-453. Compliance date for categorical standards.

Compliance with categorical pretreatment standards shall be achieved within three years of the date such standards are effective, unless a shorter compliance time is specified in the standards.

Sec. 98-454. Categorical compliance report.

The need for categorical compliance reports under this division shall be fulfilled by the reporting requirements outlined in section 98-422 pertaining to reporting requirements for categorical industrial users.

Secs. 98-455--98-475. Reserved.

DIVISION 4. INDUSTRIAL DISCHARGE PERMITS (IDPs)

Sec. 98-476. Required.

The discharge of any industrial wastewater to the city's POTW from a significant indirect discharger is prohibited without a valid industrial discharge

permit (IDP). The director may require other users to obtain IDPs, or submit an application for an IDP within sixty (60) days of the request, as necessary to execute the purposes of this Code.

Sec. 98-477. Application contents.

Persons subject to this division shall submit an application for an industrial discharge permit containing information required under applicable federal and state industrial pretreatment reporting regulations. The director is authorized to prepare a form for this purpose and may periodically require users to update this information.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. All applications must be signed and certified in accordance with Section 98-424 of this Code.

Sec. 98-478. Amendment required.

An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to the city POTW after the compliance date of such standards unless an amendment to its industrial discharge permit has been issued by the city.

Sec. 98-479. Application for amendment.

Within 90 days after the effective date of a categorical pretreatment standard, an industry subject to such standards shall submit an application for an industrial discharge permit amendment. The application shall contain the information outlined under section 98-477, except that the compliance certification for pretreatment or operation and maintenance statement must be signed by a qualified professional and must contain the certification statement in Section 98-424 of this Code.

Sec. 98-480. IDP conditions.

(a) The industrial discharge permit will outline the general and specific conditions under which the industrial wastewater is accepted for treatment at the city's wastewater treatment plant. Specifically, included in the permit are the following:

(1) Pretreatment and self-monitoring facilities required.

(2) Self-monitoring, sampling, reporting, inspection, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on federal, State, and local law.

(3) Effluent limitations, including Best Management Practices, categorical pretreatment standards, local limits, and the general and specific prohibitions from this Code that apply to the industrial wastewater.

(4) Listing of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by this Code, applicable State and federal laws, rules and regulations.

(5) Requirements to control a Slug Discharge, if determined by the director to be necessary.

(6) Industry name, street/ mailing address along with daytime phone number, along with dates of IDP issuance and expiration, and effective date. The permit will be in effect for a specified time period, not to exceed five years. A new application will be filed with the pretreatment coordinator by the industry a minimum of 180 days before the permit expires.

(7) Requirement for city approval prior to any increased or new discharge.

(8) Requirement for the industry to provide a copy of the IDP to the DES upon request.

(b) The permit may be revoked by the city for noncompliance or modified so as to conform to discharge limitation requirements that are enacted by local, federal or state rules and/or regulations.

(c) Any violation of the terms and conditions of an IDP shall be deemed a violation of this Code and subjects the permittee to the enforcement actions set out in this Code. Obtaining an IDP does not relieve a permittee of its obligation to comply with all federal and State pretreatment standards or requirements or with any other requirements of federal, State, and local law, including those that become effective during the term of the IDP.

(d) IDPs shall be terminated upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided in accordance with Section 98-483 of this Code. All IDPs issued to a particular user are void upon the issuance of a new IDP to that user.

Sec. 98-481. IDP appeals.

Any person, including the user, may petition the director to reconsider the terms of an IDP within thirty (30) days of notice of its issuance.

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing user must indicate the IDP provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the IDP.

(c) The effectiveness of the IDP shall not be stayed pending the appeal.

(d) If the director fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an IDP, not to issue an IDP, or not to modify an IDP shall be considered final administrative actions for purposes of judicial review.

Sec. 98-482. IDP modification.

The director may modify an IDP for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, State, or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of IDP issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the water quality in the receiving waters;

(e) Violation of any terms or conditions of the IDP;

(f) Misrepresentations or failure to fully disclose all relevant facts in the IDP application or in any required reporting;

(g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(h) To correct typographical or other errors in the IDP; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator.

Sec. 98-483. IDP transfer.

IDPs may be transferred to a new owner or operator only if the permittee provides at least sixty (60) days advance notice to the director, and the director approves the IDP transfer. The notice to the director must include a written certification by the new owner or operator that:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes that generate wastewater to be discharged to the POTW;

(b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledges full responsibility for complying with the existing IDP. Failure to provide advance notice of a transfer renders the IDP void as of the date of facility transfer.

Sec. 98-484. Proposals for new or changed discharges.

Each user proposing a new discharge or a change in volume or character of its existing discharge must notify the pretreatment coordinator at least 60 days prior to the commencement of such discharge.

(a) The pretreatment coordinator may require the user to submit such information as deemed necessary to evaluate the proposed change, including the submittal of an IDP application under Section 98-477 of this Code and all information required by the NHDES for an Industrial Wastewater Discharge Request (IDR) under the Env-Wq 305 Pretreatment of *Industrial Wastewater* rules.

(b) Upon approval of the IDR request by the city it will be submitted by the city to the NHDES Water Division based on information submitted by the user. All applicable NHDES Water Division review fees shall be provided by the user.

(c) Upon approval of the IDR by the NHDES Water Division, the director will issue an IDP under Section 98-480 of this Code or modify an existing IDP under Section 98-482 of this Code in response to changed conditions or anticipated changed conditions.

Sec. 98-485. IDP termination.

The director may terminate a user's IDP for good cause, including but not limited to the following:

(a) Violation of IDP conditions;

- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (d) Misrepresentation or failure to fully disclose all relevant facts in the IDP application;
- (e) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- (f) Falsifying self-monitoring reports;
- (g) Tampering with monitoring equipment;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to provide requested information;
- (l) Failure to provide advance notice of the transfer of a permitted facility;
- (m) Discharging wastewater that presents an imminent hazard to the public health, safety or welfare, or to the local environment; or
- (n) Violation of any pretreatment standard or requirement, or this Code or order issued hereunder, or any applicable State or federal law.

Sec. 98-486. IDP reissuance.

A user with an expiring IDP shall apply for reissuance of the IDP by submitting a complete IDP application, in accordance with Section 98-477 of this Code, a minimum of one hundred eighty (180) days prior to the expiration of the user's existing IDP. Under no circumstances shall the permittee continue to discharge without an effective permit. An expired IDP will continue to be effective and enforceable (i.e., administratively extended) until the IDP is reissued if:

- (a) The industrial user has submitted a complete IDP application at least one hundred eighty (180) days prior to the expiration date of the user's existing permit; or

(b) The failure to reissue the IDP, prior to expiration of the previous IDP, is not due to any act or failure to act on the part of the industrial user.

Secs. 98-487--98-500. Reserved.

DIVISION 5. MISCELLANEOUS

Sec. 98-501. Validity.

If a provision of this Code is found to be in conflict with any provision of zoning, building, safety or health or other code of the city, the State of New Hampshire, or the federal government existing on or subsequent to the effective date of this Code, that provision which in the judgment of the city establishes the higher standard of safety and protection shall prevail.

Sec. 98-502. Interpretation.

The provisions of this Code with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to installing or constructing connections to sewers or drains, and other technical matters shall be interpreted and administered by the director acting in and for the City of Keene, New Hampshire through the city council.

Secs. 98-503--98-510. Reserved.

Sec. 98-512. - Sewer rates and charges.

(a) *Sewer rates.* Rates and charges for sewer service should be based on the quantity of water delivered to the premises as measured by and registered on the water meter or other method for a flat-rate estimation and shall be as set forth in the schedule of fees in appendix B to this Code.

(b) *Septage and holding tank charges.* Charges for the disposal of septic waste (septage) and holding tank waste (domestic sewage) shall be based on the load's actual volume, rounded up to the nearest 100-gallon increment, based on the readings taken by city staff, provided the sanitary truck's owner has installed and maintains, at his own expense, a sight tube of such design as approved by the wastewater treatment plant chief operator. If the owner does not install such a sight tube, the charge shall be based on the measured capacity in gallons of the sanitary tank truck as licensed by the state department of environmental services, water supply and pollution control division, water quality and permit compliance bureau.

The charges for septage and for each load of septic waste and the charge for holding tank waste and for each load of holding tank waste shall be as set forth in the schedule of fees in appendix B to this Code.

The public works director may establish rules to govern septage and holding tank waste disposal into the sewer system or wastewater treatment plant.

(c) *Surcharge.* Based on review and evaluation of industrial wastewater characteristics by the Director, where the strength or characteristics of sewage accepted into the public sewers exceeds the standards set forth, a surcharge may be added to the normal sewer service bill. For the purpose of fixing surcharge rates, the characteristics indicating sewage strength have been divided into two groups as follows:

<i>Group 1</i>	Suspended solids	250—400 ppm
	BOD	250—400 ppm
<i>Group 2</i>	Suspended solids	In excess of 400 ppm
	BOD	In excess of 400 ppm

All of the sewage in group 1 shall have a surcharge of 20 percent of the normal bill, and all of the sewage in group 2 shall have a surcharge of 50 percent of the normal bill.

(d) *Water not going to sewer of residential users.* A residential consumer (owner) who indicates that less than 100 percent of his waste as indicated by the meter is not returned to the sewer may, with the permission of the public works director, add a second standard meter at the consumer's cost for meter and plumbing installation. The second meter will be located adjacent to the normal water meter, near the service entrance. There will be a tee in the line on the street side of the meter so that water will only be metered once. A separate pipe from the second meter will convey water only to those uses or fixtures approved and inspected from time to time by the director as not contributing to sewer flow. The installation and final inspection of such meter is to be under the supervision of the water division. The consumer will be billed once a year for this second meter for water only according to what billing section they are in, either October, November or December. The reading will be taken by the water division. The residents who have a meter installed as per this subsection to

meter water not going into the sewer shall receive no summer discount as provided in subsection (g) of this section pertaining to a summer discount.

(e) Water not going to sewer of commercial or industrial user. If a commercial or industrial consumer indicates that less than 100 percent of his water consumption as indicated by the meter is returned to the sewer, the director and the consumer shall devise an appropriate method of fixing a percentage of consumption that may include use of meters, estimates, etc. The agreement arrived at shall be in writing, with three copies distributed as follows: one to the consumer, one to the department, and one to the city comptroller.

Mayor George S. Hansel



City of Keene, N.H.
Transmittal Form

April 1, 2021

TO: Mayor and Keene City Council

FROM: Beth Fox, ACM/Human Resources Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: K.1.

SUBJECT: In Appreciation of Daniel S. Lang Upon His Retirement

RECOMMENDATION:

That Resolution R-2021-09 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2021-09

BACKGROUND:

Mr. Lang retired from the Keene Fire Department effective February 27, 2021, with over 17 years of service.



CITY OF KEENE

In the Year of Our Lord Two Thousand and ~~Twenty-one~~.....

A RESOLUTIONIn Appreciation of Daniel S. Lang Upon His Retirement.....

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: Daniel S. Lang began his career with the City of Keene as a fully-qualified Firefighter/Paramedic effective November 10, 2003; and

WHEREAS: As a widely-trained professional, he demonstrated his abilities and competence in all areas of both fire and emergency medical services; and he was more than proficient in operating all department apparatus, equipment, pumps, and hydraulics; and

WHEREAS: Starting with a mission to provide great service, he was able to work through problems and formulate and execute a safe, sound plan of action at any emergency scene; and his easygoing, confident, and methodical manner allowed him to connect and calm people—members of the public and his teammates alike; and

WHEREAS: A hands-on guy, Dan problem solved, either on his own or in a team atmosphere, and he worked closely with Chief Howard on many department improvements; and other contributions include serving on the Fire Department’s Wellness Committee, Rescue Truck Replacement Committee, EMS Committee, and the current Station 2 Committee, as well as serving on peer oral boards for the recruitment of new personnel; and

WHEREAS: Bringing many skills to the workplace, Dan initiated projects around the station—while inspiring others to help—such as building the kitchen table, adding wainscoting, painting walls, replacing countertops, changing the TV room floor plan to accommodate the entire shift, and installing new flooring—sometimes saving money with outside funding; and

WHEREAS: Dan retired from the City of Keene February 27, 2021, with over 17 years of honorable service to the City of Keene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Daniel S. Lang for his dedicated service and wishes him the very best throughout his retirement years; and

BE IT FURTHER RESOLVED that a copy of his Resolution, properly engrossed, be presented to Dan in appreciation for his many years of assistance to the residents of Keene and the Monadnock Region.

PASSED

George S. Hansel, Mayor



City of Keene, N.H.
Transmittal Form

March 25, 2021

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: K.2.
SUBJECT: Reallocation of Bond Funds – WWTP Permit

RECOMMENDATION:

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2021-14.

ATTACHMENTS:

Description

Resolution R-2021-14

BACKGROUND:

Mr. Costa stated this Resolution refers to what was discussed previously. This agenda item requests the reallocation of bond funds from an older completed project; the Waste Water Treatment Plant Advanced Treatment 2 project to the NPDES project. He indicated there is a total of \$73,075.48 remaining of bond funds which staff is looking to reallocate to the NPDES project.

Councilor Ormerod asked why the entire \$73,075.48 is being reallocated and not just the \$25,000 required for the NPDES project. Mr. Costa stated any remaining funds will be used for additional technical and legal expenses.

Councilor Hooper made the following motion, which was seconded by Councilor Ormerod.

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2021-14.



CITY OF KEENE

R-2021-14

Twenty-one

In the Year of Our Lord Two Thousand and

Relating to the Reallocation of Bond Proceeds from the Wastewater Treatment

A RESOLUTION Plant's Advanced Treatment II (08046) to the Wastewater Treatment Plant

NPDES Permitting Assistance Project (08012).

Resolved by the City Council of the City of Keene, as follows:

That the sum of seventy three thousand and seventy five dollars and 48 cents (\$73,075.48) of bond proceeds be reallocated from the Wastewater Treatment Plant's Advanced Treatment II project (08046) to the Wastewater Treatment Plant NPDES Permitting Assistance project (08012).

George S. Hansel, Mayor

In City Council March 18, 2021.
Referred to the Finance, Organization,
and Personnel Committee.

City Clerk



City of Keene, N.H.
Transmittal Form

March 24, 2021

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: K.3.

SUBJECT: Request to Endorse Carbon Fee & Dividend – Energy and Climate Committee

RECOMMENDATION:

On a roll call vote of 5 – 0, the Planning, Licenses and Development Committee recommends the City Manager introduce a Resolution (patterned on the draft Resolution with minor comment and revisions from the City Attorney) that would endorse the Federal Carbon Fee and Dividend Legislation and that an accompanying letter be sent along to our Federal Delegation, the President, Governor, and Keene’s Legislative Delegation.

ATTACHMENTS:

Description

Resolution R-2021-18

BACKGROUND:

Chair Bosley asked to hear from Mari Brunner, Planner, and Peter Hansel, Chair of the Energy and Climate Committee).

Peter Hansel stated that at the last ECC meeting a draft Resolution was presented to the ECC, which they debated. He continued that it called for an endorsement of the carbon fee and dividend legislation that is currently making its way through the Federal Congress. The ECC debated what the relevance to the ECC is and whether they should get involved and ask the City to get involved in something that is happening at the Federal level. This is a bipartisan effort that has been going on for years, and it basically puts a fee on carbon as it comes into our country or out of the ground. That money gets distributed back to residents of the country in terms of the dividend. It is not a tax that goes into the general fund of the country, but gets redistributed back to every household in the country.

Mr. Hansel continued that the ECC looked at their Sustainable Energy Plan and there are a few areas to which he thinks it is very relevant. Page 2.1 calls for the pathways to 100% renewable energy. Pathway #1 is to reduce energy use. Conservation is the first step in trying to accomplish any goals toward renewable energy. We need to use less energy so we can control the remainder that we are using in a more equitable manner. Pathway #2 is to generate and store renewable energy locally. The City has already taken a strong leadership role, beginning with the methane recycling and generation program out of the landfill, followed by solar installations on various City buildings and encouraging residents and businesses to install solar on their buildings through various incentives the City is offering, including a tax incentive. Those two pathways are things that we can control. We can reduce our own energy, and generate and store renewable energy locally.

He continued that pathway #3 is to switch remaining energy purchases to renewable sources. This is where things happen beyond the city’s borders. Again, the City has taken a strong leadership role in the state by

going forward with a community power program, which hopefully will get off the ground somewhat soon. Pathway #4 is to conduct ongoing advocacy and information sharing. Throughout this process, that will be critical in order to reduce barriers at the State and Federal level and increase community buy-in. Whatever we do with our community power program has to do with things that happen outside of our own borders. We can try and buy renewable energy from brokers and hopefully the country will start to produce more renewable energies so that programs like Keene's can gradually move towards 100%.

Mr. Hansel continued that without advocacy, both at the State and Federal level, that will be a tough road to travel. One of the things that this Resolution would do is push our energy market toward renewable energy, by placing a fee on carbon. They will be encouraging all kinds of energy producers to switch to a non-carbon source of energy. They are seeing that start to happen. They know now that both wind and solar power generation is less expensive than alternatives that are out there, but there is a timeframe here that they cannot ignore. First of all, for our own use, we have to make these transitions within the next 10 to 30 years, and if we rely on just the energy market without any kind of encouragement from the Federal government they might miss that target. This carbon fee and dividend sort of works into pathway #4.

The ECC is advocating for the State and Federal government to push more renewable energy. One thing that is not mentioned here is the equity side of it. The ECC wants energy to be available to all economic strata within the community. One thing that he is pretty sure of is that when these dividends get redistributed to residents the low- and middle-income users will actually see a higher percentage of that money returned than the higher economic strata. Thus, it is a way of distributing some resources back to the low- and middle-income residents.

Mr. Hansel continued that the ECC wants the City Council to pass this Resolution, endorse it, and then send a letter to the NH Governor, the President, and NH Senators and Congress people, to encourage them to endorse this pending legislation.

Ms. Brunner stated that there was a really good discussion at the ECC meeting and there were a number of attendees from the Clean Energy Team, which initially brought this forward to the committee and spoke about some of the reasons for this Resolution. The only thing she would add is that the ECC, when they voted to recommend that the City Council endorse carbon fee and dividend, also mentioned that they would like to include something in the Resolution that ties this back to the City's Sustainable Energy Plan.

Councilor Workman stated that she received a lot of email comments in support of this and she thanks them for that. She continued that she thinks this is important and she wants to recognize the staff and the ECC's work. It was admirable and respected, and she supports this.

Councilor Jones stated that the recommended motions give two options – one is for a letter and the other is for a Resolution. He asked Ms. Brunner and Mr. Hansel which is preferred. Chair Bosley asked if it should be both.

Ms. Brunner replied that if she recollects correctly, the request was to adopt a Resolution endorsing the legislation and then in addition, during the ECC meeting, the Clean Energy Team requested that the City also consider sending a letter. Thus, it would be both.

Councilor Greenwald stated that he assumes this is not very time-sensitive, because a letter can happen faster than a Resolution. He continued that someone can tell him if he is wrong. Secondly, regarding the Resolution in front of them, which the ECC wrote, he wants to know if the City Attorney has any thoughts on it.

Ms. Brunner stated that in answer to the second question, the Resolution was draft language submitted to the ECC by the Clean Energy Team, based off of a template Resolution that is out there that has been modified and adopted by various communities around the state. She continued that part of the ECC's motion was for it

to be customized for Keene. There could be an opportunity to revise that language if the City Council desires. Regarding the first question, her understanding is that while this is not an urgent request, it is time-sensitive in that the Clean Energy Team hopes to meet with NH's Congressional delegation and wanted to have a letter from the City in hand to show that there is strong support. There are members of the Clean Energy Team here tonight who could speak to that.

Councilor Greenwald stated that his concern is that if they start revising this Resolution and then it comes back to the committee and has to go through the Resolution process, it might be summer by that point, and that would be contrary to what the ECC's intentions are. Personally, he would be happy if the City Attorney could review it, change it a bit, and then they could just pass it on. If it needs to be amended further, they could do that next Thursday. The City Attorney replied that that is fine.

Mr. Hansel stated that the ECC talked about that very point. He continued that they wondered whether it made sense to try and make some revisions at this late date, and his impression was it was not as important to add revisions as it was to get the Resolution through with the wording that exists. Ms. Brunner brought up a good point – a number of other communities around the state have already adopted or adapted this Resolution, including the City of Portsmouth. He thinks there are 27 or 28 communities, four or five in Cheshire County, that have already adopted this and others are in the process of bringing it before their communities. They hope the City of Keene will endorse this and show the leadership what Keene has been known for in the State.

Chair Bosley stated that she just pulled up a copy of the draft Resolution and it does feel like it is fairly precise and to the point and she thinks it probably will not require a lot of edits.

Chair Bosley asked if anyone on the committee had further questions for Ms. Brunner. Hearing none, she asked for public comment.

Suzanne Butcher of 44 Felt Rd. stated that she is a member of the Clean Energy Team and she really appreciates the PLD Committee's consideration of this. She continued that Mr. Hansel made many of the points she was going to make. She wants to highlight that one of the guiding principles of the Sustainable Energy Plan is equity. The great majority of people would come out ahead with the carbon fee and dividend; that is why the package of the carbon fee and dividend is so good. 96% of people in the lowest economic quintile would get more in dividends than they would pay in increased costs, so it goes through the whole economy, rather than chasing this brand or that brand, this would provide a national and federal context as Mr. Hansel said, that would greatly facilitate Keene reaching its goals and implementing the Sustainable Energy Plan. Meanwhile, people in Keene would get checks, money directly in their pockets. It sounds like the PLD Committee understands and supports the proposal, which she appreciates. She does not think it matters whether it is a letter or Resolution. The point about putting something more specific about how it ties to the Sustainable Energy Plan would have been to help Councilors understand why it would be good for the City of Keene to take a position on this. Mr. Hansel expressed it well and it sounds like, from the comments the committee has made tonight that they do understand. Thus, she does not think it is necessary to revise it, unless the PLD Committee thinks that is advisable.

Larry Butcher of 44 Felt Rd. stated that he is calling in wearing his old hat as an International Economist with the State Department. He continued that he was there for 30 years. When both Jim Baker and George Schultz, the two most effective Secretaries of State he ever served under and also two of the most outstanding Secretaries of the Treasury, lead an effort on carbon cashback and they put together the proposal or help lead that effort, you know you are not being asked to do something radical. This is something fundamental. The proposal for carbon cashback has the support 3,500 US economists, which is as close to unanimity as you can get among economists, and support of leading policy makers across the political spectrum, 15 former chairs of the Council of Economic Advisors, the last four chairs of the Federal Reserve, Nobel Laureates, and so on and so forth. The key thing to note is that there are fundamental economics behind this effort. Mr. Hansel referred to it as well. The price mechanism is the guide for businesses in assessing their investments. Another

thing to be aware of is: in supporting this, you are supporting the business community in Keene as well. Across the country, you will need massive investments to reorient the economy for efficiency, for production, to adapt to climate change. The glue that holds all of the various policies together is carbon pricing. That is the reason that the US Chamber of Commerce recently came out in support of carbon pricing, and the reason the Business Roundtable and the New England Power Generators Association are supporting it. Companies need predictability, which carbon pricing gives.

Nancy Kelley-Gillard of 72 Reservoir St. stated that she is a long-time Keene resident and is very proud of Keene's climate leadership. She continued that she is also a member of the Clean Energy Team and they did adapt this Resolution from templates that are used throughout the country. Carbon fee and dividend is a national policy that is consistent with Keene's approach to climate crisis, and Keene has been a strong leader in this area by becoming a member of the Cities for Climate Protection in 2000 and adopting a Climate Action Plan that committed us to greenhouse gas emission reduction goals in 2004. Then Keene incorporated the Climate Action and Adaptation Plan into the Comprehensive Master Plan. Keene supported the Paris Climate Agreement goals in 2017. In 2019, Keene adopted the Sustainable Energy Resolution, which set these goals for transitioning to 100% clean energy. In January of this year they approved the Comprehensive Sustainable Energy Plan, and then they developed a draft Community Power Plan. That will enable Keene's citizens to purchase or use 100% renewable energy to meet their energy needs. Clearly, for a long time, Keene has shown its leadership and has also shown an acceptance of the challenge to reduce its greenhouse gas emissions, and is committed to working towards a clean energy future. Carbon fee and dividend legislation encourages these initiatives, and the leadership that the City of Keene has assumed in meeting the challenges of the climate crisis. As Mr. Hansel pointed out, it is necessary to advocate in order to accomplish the sustainable energy goals, at the State and Federal levels, so that it is tied together. As was mentioned, there are currently now 29 towns in NH and 6 in Cheshire County that have endorsed the carbon fee and dividend, and several other towns have it on their warrant article for springtime town meetings. There is also widespread support from cities across the country, with mayors communicating their cities' endorsement of this to President Biden and their Senators and Representatives. She hopes that the PLD Committee and the City Council will see this as relevant to Keene and a continuation of Keene's leadership in addressing the climate crisis.

Carolyn Jones of 14 Monadnock St. stated that she is a member of the Clean Energy Team. She continued that the Clean Energy Team had a community forum about carbon fee and dividend, which was co-sponsored by the Clean Energy Team, the Monadnock Sustainability Hub, the Greater Keene Chamber of Commerce, County of Cheshire, NH, Citizens Climate Lobby, and the City of Keene. They had 62 people sign up and 50 people attended. There were three panelists, including Joel Huberman, a volunteer for the Citizens Climate Lobby; Marge Shepardson, former State Representative and chair of the Marlboro, NH Energy Committee; and John Kondos, a local solar expert and teacher of an online program that shows the best way to reduce your carbon footprint. Carbon cashback seems to be the best way. It was a fruitful evening, and they had a lot of good questions from people and most of them were answered at that forum. The questions that they did not have time to answer got answered later in emails. They had a great TED talk, which she sent to the PLD Committee, given by Ted Halstead, who has since died in a hiking accident. He was very passionate about this. She feels that it is our duty to pass this on for him. The Clean Energy Team talked a lot with the County Commissioners and Chris Coates, County Administrator, produced a really good piece of work, a Resolution that he sent to all the elected individuals in Concord and Washington, D.C., including the President, Vice President, and our Senators and Congress people. The carbon cashback promises to be helpful in advancing Keene's goal for 100% clean energy and the goal of making things more equitable. She appreciates everything the City Council does for the city and she really hopes they pass this.

Chair Bosley asked if there were any further questions or comments from the public. Hearing none, she asked if there was anything else from the committee.

Councilor Jones asked for clarification on the recommended motion. He continued that it says "Move to recommend that the City Manager introduce a Resolution," and not "the" Resolution. Does that mean that she

would author her own Resolution? Or would they be introducing the Resolution that came from the ECC? The City Manager replied that they would be introducing the Resolution that came from the ECC. Chair Bosley stated that she would like to see these two motions put together, if the committee is comfortable with that.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5 – 0, the Planning, Licenses and Development Committee recommends the City Manager introduce a Resolution (patterned on the draft Resolution with minor comment and revisions from the City Attorney) that would endorse the Federal Carbon Fee and Dividend Legislation and that an accompanying letter be sent along to our Federal Delegation, the President, Governor, and Keene’s Legislative Delegation.

Chair Bosley asked if there were any questions. Ms. Butcher asked if it would be the Mayor sending a letter. She continued that she hopes it would be the Mayor and the City Council, on behalf of the City. Chair Bosley replied yes, it would be the Mayor on behalf of the City Council.



CITY OF KEENE

R-2021-18

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

Endorsing National Legislation to Reduce the Costs of Climate Change

A RESOLUTION

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: destabilized weather patterns, rising sea levels and extreme weather events pose a substantial threat to the health, prosperity, and security of Americans; and

WHEREAS: climate change costs are real, growing and already burdening businesses, taxpayers, and municipal budgets, placing our economy, infrastructure and public safety directly at risk; and

WHEREAS: prudent action now will be far less costly than the consequences of delayed response and will create a more stable business environment for our nation; and

WHEREAS: the City of Keene has been a leader in addressing the challenges of climate change for over 20 years; and

WHEREAS: 3,500 economists view carbon pricing as the most cost-effective approach for reducing carbon emissions at the scale and speed needed; and

WHEREAS: Carbon Fee and Dividend (also known as Carbon Cash-Back) will place a fee on fossil fuels at the source, steadily increasing until emissions reductions goals are met; and

WHEREAS: Carbon Fee and Dividend will distribute all revenue collected to American households equally and directly; and

WHEREAS: Carbon Fee and Dividend is market-based and revenue neutral, sending a clear price signal to entrepreneurs to invest in a local clean-energy economy.

NOW, THEREFORE BE IT RESOLVED that the City of Keene hereby endorses Carbon Fee and Dividend legislation to reduce the costs of climate change to the citizens of Keene, our state, and our country.

George S. Hansel, Mayor