



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
Council Chambers A, Keene City Hall
November 9, 2022
6:00 PM

A. AGENDA ITEMS

1. Relating to Amendments to the Business, Growth and Reuse District - Recreational/Entertainment Facility - Indoor Ordinance O-2022-11
2. Relating to Amendments to the City of Keene Land Development Code Ordinance O-2022-09-B
Written Testimony Submitted
 - Dr. Don Caruso, Cheshire Medical Center
 - Mr. Cole Mills
 - Rev. Elsa Worth, St. James Episcopal Church
 - Ms. Janet Furcht
3. Relating to Notice Requirements for Small Cell Wireless Facility Deployments
Ordinance O-2022-16
4. Relating to the Use of Central Square Common and Railroad Square Ordinance O-2022-14 - Proposed Draft Amendments
5. Rules of Order Amendment - Remote Participation - City Attorney

B. MORE TIME ITEMS

1. Communications Relative to Public Health Concerns of Small Cell Wireless Facilities, and Possible Revisions to Ordinance O-2019-18-A
2. Councilor Mitchell Greenwald - Amendment to the City Council Rules of Order - Remote Access

NON PUBLIC SESSION

ADJOURNMENT



CITY OF KEENE

O-2022-11

Twenty-two

In the Year of Our Lord Two Thousand and
Relating to Amendments to the Business, Growth & Reuse District -
AN ORDINANCE **Recreation/Entertainment Facility**

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

That Chapter 100 entitled “Land Development Code” of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows:

1. That “Recreation/Entertainment Facility – Indoor” be added as a permitted primary use to the Business Growth and Reuse District.
2. Update Table 8-1 “Permitted Principal Uses by Zoning District” and Section 5.4.5 “Permitted Uses” in Article 8 to display Recreational/Entertainment Facility – Indoor as a permitted use in the Business Growth and Reuse District under the category of Commercial Uses.

In City Council August 18, 2022.
Referred to the Joint Planning Board/
Planning, Licenses and Development
Committee.

Deputy City Clerk

George S. Hansel, Mayor



CITY OF KEENE

In the Year of Our Lord Two Thousand and**Twenty-Two**.....

AN ORDINANCE **Relating to Amendments to the Land Development Code**

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

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

1. That Section 3.1.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Rural District.
2. That Section 3.3.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Low Density District.
3. That Section 3.4.5 “Permitted Uses” of Article 3 be amended to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Low Density 1 District.

4. Update Table 8-1 “Permitted Principal Uses by Zoning District” in Article 8 to display “Dwelling, Two-Family / Duplex” and “Dwelling, Multifamily” as permitted uses by a Conservation Residential Development Subdivision in the Rural, Low Density, and Low-Density 1 Districts.

5. That Section 19.3.2.C “Density” of Article 19 be amended as follows:

~~C. Density. The maximum number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.~~

1. The number of dwelling units allowed within a conservation residential development subdivision shall be determined by dividing the total area of the existing tract by the density factor per dwelling unit specified in Table 19-2.
2. A density bonus may be granted to developments that meet the criteria for one or more of the density incentives detailed in Section 19.3.6. In no instance shall a total density bonus of more than 30% above the standard allowable density be granted to any single development. This section shall not be waivable.

6. That Table 19-1 “Dimensional Requirements for Conservation Residential Development Subdivisions” in Article 19 be amended to change the minimum lot area for the Rural District from 1 acre to 32,000 square feet.

7. That Table 19-1 “Dimensional Requirements for Conservation Residential Development Subdivisions” in Article 19 be amended to add a footnote that states “New lots in the Rural District that are created as part of a CRD that are less than 1 acre in size may utilize an approved Subsurface Disposal System.”
8. Remove Section 19.3.2.D “Open Space Reserve,” sub-section 2 of Article 19, which states “Conservation residential development subdivisions in the Rural zoning district that permanently reserve 60% of the existing tract area or greater as open space shall be eligible for a density bonus, as noted in Table 19-2.”
9. That Table 19-2 “Density & Open Space Requirements” in Article 19 be amended as follows:

Zoning District	Density Factor per Dwelling Unit ¹	Min Open Space
Rural	4-acres 2 acres	50%
	3-acres	60%
Low Density-1 (without city water)	1 acre	50%
Low Density-1 (with city water)	20,000 sf	50%
Low Density	10,000 sf	50%

¹ ***Density bonus(es) may be granted as specified in Section 19.3.6***

10. That Table 19-3 “Conservation Residential Development Permitted Uses” be amended as follows:

Permitted Use	Rural District	Low Density-1 District	Low Density District
Single-Family Dwelling	P	P	P
Two-Family Dwelling	P	P	P
Multifamily Dwelling	P¹ (max of 3 dwelling units per structure)	P¹ (max of 3 dwelling units per structure)	P (max of 6 dwelling units per structure)

“P” = Permitted Use “-” = Use Not Permitted

P¹ = Use permitted with workforce housing density incentive

11. That a new Section entitled “Optional Density Incentives” be added after Section 19.3.5 of Article 19, as follows:

Section 19.3.6: Optional Density Incentives

Conservation Residential Development Subdivisions that meet certain performance criteria shall be eligible for a density bonus above the standard allowable density, up to a maximum of 30%. The 30% density cap shall not be waivable. If a density incentive is granted, the minimum lot size specified in Table 19-1 shall be waived.

- A. Open Space Density Incentive. Conservation Residential Development Subdivisions with a minimum tract size of 10 acres that permanently reserve at least 65% of the existing tract area as open space shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater.**
- B. Solar Density Incentive. Conservation Residential Development Subdivisions that meet the following criteria shall be eligible for a density bonus of 10% or one dwelling unit, whichever is greater:**
- 1. At least 50% of the lots shall be solar-oriented. A "solar-oriented lot" shall mean a lot with its longest lot line dimension oriented to within thirty (30) degrees of a true east-west line.**
 - 2. The long axis of all dwelling units on solar-oriented lots shall be oriented so that the long axis faces within 20 degrees of true south.**
 - 3. At least four (4) kilowatts of solar PV shall be installed for each dwelling unit on a solar-oriented lot.**
 - 4. Where, as determined by the City, topographic, environmental, and soil conditions, and existing street configurations permit, the predominant pattern of new streets in subdivisions subject to this section shall be oriented within thirty (30) degrees of east-west orientation.**
- C. Workforce Housing Density Incentive. Conservation Residential Development Subdivisions that meet the criteria below shall be eligible for a density bonus of 20% or one dwelling unit, whichever is greater. In addition, the permitted uses for a development that meets this section in the Rural District or Low Density-1 District shall include "multifamily dwelling" (max of 3 units per structure).**
- 1. Workforce Housing, Owner-Occupied. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:**
 - a. Twenty percent (20%) or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 80% of the HUD Median Area Income for a family of four in Cheshire County.**
 - b. Units will be sold with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the purchaser meets the income requirements. The resale value of the unit shall be restricted to the affordable purchase price for a period of 30 years. The resale value of the unit is not to be more than the original purchase price plus two times the accumulated consumer price index.**

c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be distributed evenly throughout the project.

d. Affordability shall be defined as housing that can be purchased under a conventional mortgage whereby the combined annual expenses for principal, interest, property taxes, homeowner's insurance and condominium fees (if applicable) will not exceed 30% of household income.

2. Workforce Housing, Rental. A Workforce Housing Density Incentive will be granted to developments that guarantee the following:

a. Twenty percent (20%) or more of the units constructed will be rented for a price that can be afforded by a household with an income not more than 60% of the HUD Median Area Income for a family of three in Cheshire County.

b. Units will be rented with a deed restriction and recorded housing agreement that names an Income Verification Agent who will verify that the renter meets the income requirements. The rental value of the unit shall be restricted to the affordable rental price for a period of 30 years.

c. All units built under this provision shall be of the same approximate size, character, quality, and construction as the market rate units, and shall be evenly distributed throughout the project.

d. Affordability shall be defined as housing that can be rented whereby the combined annual rental and utility expenses will not exceed 30% of household income.

3. Assurance of Continued Affordability. In order to qualify as workforce housing under this section, the application shall make a binding commitment that the dwelling units will remain affordable for a period of 30 years. This shall be enforced through a deed restriction, restrictive covenant, or some other contractual arrangement through a local, state or federal housing authority or other non-profit housing trust or agency to administer this provision. No dwelling unit created by this bonus shall be occupied until written confirmation of the income eligibility of the tenant or buyer of the unit has been documented.

12. That Section 25.10.5 "Submittal Requirements," sub-section C "Conservation Residential Development Subdivision Applications" of Article 25 be amended as follows:

In addition to the submittal requirements for a subdivision or boundary line adjustment in Section 25.10.5.B, a completed application for a proposed conservation residential development subdivision shall include the following.

1. An overview plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17- in paper; and, an electronic pdf file), which displays the entire tract and any existing public roads, public or private protected lands, woodlands areas, surface waters, and precautionary or prohibitive slopes located within 200-ft of the tract.

2. An existing conditions plan displaying the location of primary and secondary conservation values as defined in Section 19.3 of this LDC.
- ~~3. A yield analysis (1 copy on 22-in by 34-in paper or larger size; 1 copy on 11-in by 17-in paper; and, an electronic pdf file) to determine the number of residential units that may be permitted within a conservation residential development subdivision. Although this plan shall be drawn to scale, it need not be based upon a field survey. The yield analysis may be prepared as an overlay to the existing conditions plan.~~
 - ~~a. The yield analysis shall be performed by applying a conventional subdivision layout, including lots conforming to the dimensional standards of the underlying zoning district and streets needed to access such lots. The conventional layout shall reflect a development density and pattern, taking into account surface waters, floodplains, steep slopes, existing easements or encumbrances, and the suitability of soils for private subsurface wastewater disposal if City sewer service is not available.~~
- 4 **3.** A proposed conditions plan including the following.
 - a. The area(s) designated as Open Space, any common land and any specifically protected conservation values.
 - b. Any proposed uses of the Open Space (e.g. agriculture, recreation, forestry, etc.) and/or common lands shall be noted on the plan.
 - c. The location and dimensions of any proposed roads, sidewalks, and trails.
- ~~5~~ **4.** A landscaping plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file) providing the following information:
 - a. The location of existing wooded and vegetated areas and proposed changes to the outline of these areas.
 - b. The location, species and size of all landscaping materials proposed to be installed on the site, including street trees.
 - c. A table listing all plant species to be installed on the site, indicating the size (average height and width) at planting and at maturity as well as the number of each species to be installed.
- 6 **5.** Written documentation of the process applied by the applicant in the layout of the proposed conservation residential development subdivision to ensure that proposed or future development does not adversely impact primary and secondary conservation areas as defined in Section 19.3 of this LDC.
- 6. Applications that include a request for the Solar Density Incentive in Section 19.3.6.B shall include the following information:**
 - a. A written request for the density incentive that describes how the application meets the requirements of Section 19.3.6.B.**
 - b. A solar access plan that displays the building areas or locations of structures on all solar-oriented lots in order to demonstrate that it would be possible to site a structure**

which is unshaded by other nearby structures, site features, or topography. This solar access plan shall demonstrate that the building areas or structures on solar-oriented lots are not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year. This plan may be included as an overlay to the subdivision plan or site plan, if required.

7. Applications that include a request for the Workforce Housing Density Incentive in Section 19.3.6.C shall include the following information:
 - a. A written request for the density incentive that includes a calculation of the number of units provided under this section and a description of each unit's size, type, number of bedrooms, estimated cost, location within the development, and other relevant data.
 - c. Written statement describing how the proposed development will meet the requirements of Section 19.3.6.C.3.
 - d. The Planning Board shall request additional information if, in their judgment, it is necessary to determine whether the requirements of Section 19.3.6.C have been met.

13. That Section 25.10.9 "Filing," sub-section C of Article 25 be amended as follows:

- C. For approved conservation residential development subdivision applications, applicants shall also submit written documentation of any legal instruments required for the management of the designated Open Space land to the Community Development Department. **In addition, applicants shall submit written documentation of any legal instruments required to demonstrate compliance with the criteria of any and all optional density incentives granted by the Planning Board. Such documents shall be submitted to the Community Development Department and** are subject to the review and approval of the City Attorney prior to signature.

George S. Hansel, Mayor

November 4, 2022

To: Keene City Council
Keene Planning Board

From: Don Caruso, MD, MPH
President and CEO, Cheshire Medical Center

Re: Proposed Zoning Changes for Workforce Housing

I am writing on behalf of Cheshire Medical Center, a member of the Dartmouth Health system, to express our strong support in favor of proposed changes to the City of Keene zoning rules to include a workforce housing density incentive.

Everything we do at Cheshire is fueled by our commitment to deliver excellent, compassionate care in a safe, well-run environment. From routine appointments to life-threatening personal emergencies, our integrated teams of medical professionals can address patients' specialized needs.

This experienced depth of care we provide to our community is threatened by a severe lack of staffing in large part due to limited affordable housing in the area.

As the largest employer in the region, our recruitment efforts are significantly hampered by the general lack of affordable housing. Cheshire recruits for staff across a broad area due to a relative lack of local candidates, and a large number of new hires need to relocate. Affordable housing is one of the most common reasons for candidates to decline employment offers.

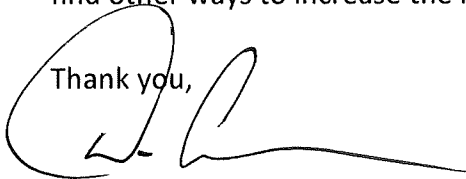
Using an average of 33% of household income for housing costs as the measure of affordability, the vast majority of our staff would not meet that target given the rapid escalation of home prices and rents. Even newly minted nurses would qualify for a subsidy if one were available. In addition, the vacancy rate for rental units is so low that many staff cannot find housing at any price.

In September 2020 Cheshire sponsored a UNH Survey Center poll as part of our Community Needs Assessment for the region. “More affordable housing” was ranked the top need to make the community a better place to live followed by “availability of better jobs” and “more transportation options”. “More affordable housing” was the top ranked need in our 2017 survey as well.

There is a national shortage of healthcare workers across all job types. Cheshire currently has over 200 vacancies, positions that are critical to our ability to care for patients. Competition for recruits is intense, yet Cheshire is less competitive than hospitals in other regions due to the availability of high-quality affordable housing.

I encourage the Planning Board and City Council to approve the proposed zoning changes, and find other ways to increase the housing stock in Keene and the region.

Thank you,

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

Don Caruso, MD
CEO & President
Cheshire Medical Center
Dartmouth Health

November 7, 2022

Dear Mayor Hansel and the City Council:

In addition to my testimony at the November 3, 2022 City Council meeting, I wanted to put my opposition to the proposed CRD ordinance into writing.

The revisions to the zoning ordinances will not achieve the desired impact of providing affordable housing to Keene. By opening the rural areas to development, you will encourage a focus on building expensive homes.

No one, not the city planning employees, not the members of the joint PLD / PB nor the passionate speakers from the Monadnock Interfaith Project can cite data or facts to support the need for packing the rural areas, especially those not served by city water and sewer, with new homes on small lots.

Workforce housing and homelessness will not be addressed through the CRD changes. Rather, it will divert local resources, to expensive single-family homes. One CRD mentioned during the meeting was Schuyler Way off Daniels Hill Road. Between January 2020 and November 2022, three properties changed hands with selling prices of \$426,000 to \$552,000 (new construction). Each of these are on about an acre of land. Similarly, new construction at 15 Daniels Hill on a 2-acre lot sold for \$488,000. Five homes were developed on Old Walpole Road (low density zoned), each on a lot of about 1/3 of an acre, and sold between \$452,000 to \$500,000.

The cost to build in the rural neighborhoods, especially, when they are not serviced by city utilities like sewer and water will far exceed the workforce affordability maximum of \$233,000 (cited in Ms. Brunner's presentation) by almost \$60,000.

- Land - \$50,000
- Septic - \$30,000
- Well - \$15,000
- Land improvements - \$15,000
- 1,200 square foot structure at \$150 a square foot \$180,000.

Total Price \$290,000

According to FannieMae, the actual affordability amount is actually much less because of Keene taxes. Affordable monthly housing cost defined by multiplying 80% the area median income (\$76,500 annually or \$6,300 monthly) by 30%. This supports a selling price of \$220,000 with a \$44,000 down payment. In other words, the numbers presented are optimistic.

This being said, there are 24 homes listed for sale in Keene for \$250,000 or less that are currently available.

If the city planners, PLD and PB are serious about addressing affordable housing and aligning with the City's environmental objectives, it should limit its zoning code changes to those areas that can support denser development, increase the walkability to downtown and provide for vibrant stable, non-student

neighborhoods around the college. Considering Keene State College has reduced full-time enrollment from over 5,000 students to about 3,400, it is more important to focus on converting the homes surrounding the college from boarding houses to stable single-family or multi-family properties.

In contrast, reducing the requirements for eligible tracks to qualify for CRD treatment and providing enhancements for solar positioning and ADUs rural neighborhoods will be destroyed as developers cherry pick where to build and maximize the number of homes. Under the proposed rules, 4 to 6 homes could be built on 160 feet of road frontage where it is currently one is allowed. These will all have septic and well and require two-car households (as they are not walkable to downtown or even the closest grocery store).

Changes to the CRD rules and regulations is a hidden tax increase on existing property owners. Dan Langille, the property tax appraiser, stated at an earlier PLD / PB joint meeting that when valuing land, appraisal rules require him to look to value the land at its "highest and best use." This means that if someone's property could qualify for CRD development, it will be tax assessed accordingly. While Ms. Bruner is correct in stating it is up to the landowner to subdivide or pursue CRD development, such an election is not required for the city to subject the owner to higher taxes. This would put an unnecessary burden older residents and those on fixed incomes who have lot sizes that cannot avail themselves of current use tax benefits.

Those of us who oppose changing the CRD rules and regulations, provided the facts and data that prove that changes to the CRD rules are bad for Keene and, especially, the neighborhoods they impact. In contrast, no such evidence was presented those who support the changes.

CRD changes will do NOTHING to change the affordable housing situation or homelessness in our community.

Sincerely,



Cole Mills
68 Langley Road
Keene, NH 03431



St. James Episcopal Church

November 7, 2022

To the Honorable Mayor Hansel and the City Council of Keene,

Every day from my vantage point at St. James I see the effects of the lack of housing in our city. You may assume I am referring to my neighbors at Hundred Nights, who have certainly been a population of concern for my congregation. But there will certainly be later opportunities to contact you about shelter for those who are unhoused.

What I'm referring to today are the many (fairly desperate) help wanted signs downtown, the experience of diminished business hours and services in town, and the number of people I know who are looking for housing to rent or buy and simply cannot afford the prices in Keene - if, that is, if they are able to find available housing at all. If Keene wishes to grow and thrive and continue to be a lively place to live, work and get the social care we need, we must allow more attractive and affordable workforce level housing to be built.

I support the Ordinance O-2022-09-B Land Development Code amendments and support the addition of an open space density incentive, a solar incentive, and a workforce housing incentive added to the CRD regulations. I also hope the permitted uses within the CRD regulations will be modified for the Rural District and Low Density-1 District to include multifamily dwellings in conjunction with a workforce housing density incentive application. I believe these incentives will help developers create not only the housing we need, but do it by preserving green space and creating warm, connected and attractive new neighborhoods.

I have previously lived in places with this kind of density development zoning. It was a wonderful way to create more housing while at the same time preserving the beauty of rural areas. When people think of developments and subdivisions, they think of a sprawling cluster

of homes, each with their own yards and thousands of square yards of new pavement. The proposed incentives and amendments will create a completely different kind of development that will attract happy neighbors and new workers to our city in new neighborhoods that are designed to save energy and become friendly neighborhoods.


I recognize it is hard for people to envision a change they have never seen before, especially if it feels threatening to the way we've always had it. I also highly treasure how important it is to retain green and untouched areas in every community, which thankfully in Keene we have in abundance. These amendments and incentives, however, provide a respectful and important "middle way" that will benefit our city as a whole while preserving the beauty of Creation at the same time. I urge our leaders to do everything possible to bring new life and healthy productivity to Keene through this common-sense ordinance change by voting yes on the Ordinance O-2022-09-B Land Development Code amendments, as well as on the addition of the incentives mentioned above.

Faithfully,

A handwritten signature in black ink, appearing to read 'Elsa H. Worth', written in a cursive style.

The Rev. Elsa H Worth, St. James Episcopal Church

TO: MAYOR GEORGE HANSEL
Via email: ghansel@keenenh.gov

HAND
DELIVERED TO CITY HALL


FROM: JANET FURCHT

DATE: NOV 8, 2022

RE: AFFORDABLE HOUSING NEEDS IN KEENE, NH

Dear Mayor Hansel,

I am writing to express my support for the proposal from the Planning and Zoning Committees, to allow 1] CRD neighborhoods and 2] a change from a 5 acre minimum lot size to a 2 acre minimum lot size in the rural areas of Keene.

At the most recent public meeting a number of residents questioned the need for more housing options in Keene, claiming that current housing needs are being met. However, statistics from NH Housing indicate otherwise:

Cheshire County has a residential vacancy rate of **0.6%**. A balanced vacancy rate is 5%, which allows the market to meet demand. A minimum 3% vacancy rate is needed to simply handle unit turnover. To quote NH Housing: we are experiencing "exceeding low inventory." This is not good for workers, families, or employers.

Cheshire County's area median income is \$43,759. As per HUD, an affordable rental unit would be no more than 30% of monthly median income. That would be \$1,094 monthly rent. As of March 2022, only 24% of residential rental units in Cheshire County met the affordability criteria as related to area median income.

Today, posted on Apartments.com there are 25 rental units in Keene. The lowest monthly rent is \$1,150 - for a studio apartment.

Today on joblist.com there are 819 jobs listed for employment within 5 miles of Keene. We know that area businesses are desperate to fill these vacant positions. But how could a new employee find a place to live?

Respectfully,



Janet Furcht
641 Park Ave
Keene, NH 03431



CITY OF KEENE

Ordinance O-2022-16

Twenty-two

In the Year of Our Lord Two Thousand and
Notice Requirements for Small Wireless Facility Deployments

AN ORDINANCE

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 the stricken text and inserting the bolded text in paragraph (3.a.) of Section 82-207 "Application Requirements" of Article VIII. "Small Wireless Facility Deployments in the Public Rights of Way" Chapter 82, entitled "Streets, Sidewalks and Certain Other Public Places", as follows:

- (3) *Applications to install a SWF on a new support structure.* In addition to the application requirements listed in section 82-207(1), all applicants proposing to install a SWF on a new or replacement support structure must include the following information and materials as part of a formal SWF License application to the city:
 - a. *Public notices.* For applications to locate a SWF on a new or replacement structure, the applicant shall include with the application a list that identifies all persons entitled to notice, including all owners of record and legal occupants of properties within a ~~300-foot~~ **750-foot** radius of the proposed SWF. In addition, the applicant shall submit two sets of mailing labels and pay a ~~fee to cover~~ the cost of mailing to each person entitled to notice.

George S. Hansel, Mayor

In City Council October 20, 2022.
Referred to the Planning, Licenses and
Development Committee.


City Clerk

Twenty-two

Relating to the Use of Central Square Common and Railroad Square

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting the stricken text and inserting the bolded text in Chapter 46, Licenses and Permits; Article XVIII, Street Fairs or Community Events; Division 2, Permits; and, Article XXI, Use of Central Square Common and Railroad Square; Division 2, Permits, as follows:

ARTICLE XVIII. STREET FAIRS OR COMMUNITY EVENTS

DIVISION 2. ~~PERMIT~~ LICENSE

Sec. 46-1006. Criteria for issuance.

The city council may grant a street fair or community event ~~license~~~~permit~~ for a period not to exceed three days for the purpose of conducting street fairs or other community events, including but not limited to the sale of merchandise by commercial retailers or by community associations.

Sec. 46-1007. Approval of uses.

Under the provisions of such street fair or community event ~~permit~~ **license, the license holder shall have control and supervision within the licensed event area of all uses, including but not limited to, by vendors, groups or sidewalk obstruction license holders, which shall be approved by the person receiving the permit license holder; provided however, that the City shall retain authority, supervision and control over the public health, safety and welfare within the licensed event area.**

Sec. 46-1008. Registration.

Hawkers and peddlers and other such vendors will be required to register with the holder of the street fair or community event ~~permit~~ **license** and shall be exempt from division 2 of article VIII of this chapter pertaining to hawkers and peddlers, except those organizations requiring registration by the charitable trust division of the office of the attorney general.

Sec. 46-1009. Participation fee.

The holder of the street fair or community event ~~permit~~ **license** shall assess no more than one-half the normal participation fee for hawkers and peddlers or sidewalk obstruction license holders

currently licensed by the city clerk who ~~wish to participate~~ **are permitted by the license holder to participate** in the street fair or community event.

Sec. 46-1010. Fee.

The fee for a license granted under this division shall be as set forth in the schedule of fees in appendix B to this Code.

ARTICLE XXI. USE OF CENTRAL SQUARE COMMON AND RAILROAD SQUARE

DIVISION 2. PERMIT

Sec. 46-1161. Scope.

Except as provided in ARTICLE XVIII, authorizing a license for Street Fairs or Community Events, Central Square Common and Railroad Square are public areas that are intended for public use. Accordingly, no person or group shall claim any kind of exclusive right to use or occupy either of these public areas.

Sec. 46-1162. Required; application; rules; standard fees for use.

- (a) Exclusive use of any of the public facilities (e.g., bandstand, electricity) located on Central Square Common or Railroad Square may be granted for a time period of definite duration.
- (b) Application for such a permit shall be made at the parks, recreation and facilities department during normal business hours, Monday through Friday.
- (c) The parks, recreation and facilities director may develop rules for the use of such public facilities on the Central Square Common and Railroad Square.
- (d) The director will establish standard fees for the use of these facilities which must be paid in advance.

Sec. 46-1163. Limitations on issuance.

The issuance of a permit by the parks, recreation and facilities director for the use of any of the public facilities located on the Central Square Common or Railroad Square shall in no way be construed as a license for any person or group to:

- (1) Claim exclusive use of the remainder of either public area, **except as provided in ARTICLE XVIII;**
- (2) Expect extra or special police protection or traffic control;
- (3) Alter any public facility;
- (4) Use any sign other than a handheld sign as defined in chapter 74 containing the sign code;
- (5) Block pedestrian or vehicle traffic;
- (6) Become disorderly; or

(7) In any other way violate the law.

Sec. 46-1164. Payment of costs.

Any person or organized group which sponsors a gathering of people in the Central Square Common or at Railroad Square which results in significant cleanup costs or damage to public property or extra police protection or traffic control shall be billed the total of such costs, and such group shall be responsible for paying such costs to the city. Accordingly, any person or group contemplating such a gathering at Railroad Square or the Central Square Common is encouraged to contact the parks, recreation and facilities department well in advance of any such gathering so that the person or group can have an idea in advance of the potential costs that may be involved and so that the parks, recreation and facilities department can begin to alert other city departments to be prepared for the gathering to the extent necessary.

George S. Hansel, Mayor

SECTION 4. QUORUM AND REMOTE PARTICIPATION. The majority of the Councilors elected shall constitute a quorum. Roll call attendance will be taken before the start of all meetings of the City Council. In the event that a quorum is not achieved, the meeting shall be rescheduled by the Mayor or the Temporary Chair~~man~~ (“Chair”). Unless otherwise permitted by law, a quorum shall be present at the physical location of the meeting. One or more members, but less than a quorum, may participate in the meeting electronically or telephonically when permitted to do so by the ~~Mayor or the~~ City Council, and when their physical attendance is not reasonably practical, provided that all members of the public body, and the public, can hear and/or be permitted to speak to each other. Remote participation by members is discouraged. A member wishing to participate remotely must notify the City Clerk at least 24 hours prior to the meeting or remote participation shall not be permitted. **Upon such notification, the City Clerk shall take appropriate action to provide for remote electronic or telephonic access by the member to the meeting, and shall provide the requesting member with the information necessary to access the meeting. At the time appointed for the meeting, the Chair shall recognize the member requesting remote participation.** ~~Any~~ The member participating remotely shall state for the minutes the reason for their ~~non-attendance~~ request, and shall identify any other person(s) present in the location from which the member is participating. **The Chair shall call for any objection to the request for remote participation. In the absence of objection, the request shall be granted. If there is objection, the request shall be placed before the City Council for a vote. The denial of the request shall require a 2/3 roll call vote of the members present. If one or more members are participating remotely in the meeting,** ~~All~~ votes shall be by roll call. Physical attendance shall be deemed to not be “reasonably practical” in the event of serious health issues, disability, out of town employment responsibilities, or otherwise permitted in the reasonable discretion of the public body. The foregoing Rule with respect to a quorum and remote participation shall also apply to participation in Committee meetings of the City Council.