



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
Council Chambers A, Keene City Hall
October 9, 2024
6:00 PM

A. AGENDA ITEMS

1. Keene Sno-Riders - Requesting Permission to Run Snowmobiles in the Right-of-Way along Krif Road from Ashuelot Rail Trail to Winchester Street
2. Greater Monadnock Collaborative - Request to Use City Property - Central Square and Railroad Square - 30th Anniversary Celebration of the Release of the Film *Jumanji*
3. Charter Communications - Request to Install a Concrete Pad and Utility Cabinet - 555 Roxbury Street
4. Councilor Remy - Modification or Rescission of Council Policy: R-2000-28: Street and Utility Requirements and Standards
5. Rules of Order Amendment #4_Section 25. Communications

B. MORE TIME ITEMS

1. Relating to an Amendment to Land Development Code – Charitable Gaming Facility
Ordinance O-2023-16-B
2. Relating to Amendments to the City of Keene Land Development Code, Definition of Charitable Gaming Facility
Ordinance O-2023-17-B

NON PUBLIC SESSION

ADJOURNMENT



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

September 26, 2024

To the Mayor and City Council

The Keene Sno-Riders, snowmobile club is seeking renewal of permission for snowmobiles to utilized city right-of-ways along Krif Road from the Ashuelot Rail Trail to Winchester Street, crossing Winchester Street, to the property of Perry Kiritsy at 471 Winchester Street. The requested approval would run from December 15th, 2024, through March 30th, 2025, snow conditions permitting.

We currently have permission to use the following properties:

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

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

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

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

Thank you for your consideration.

Jeremy Evans, President, Keene Sno-Riders, Inc.
Phone 603-315-7546
Email jse6216@yahoo.com

September 3, 2024

Mayor Jay Kahn
3 Washington Street
Keene, NH 03431

Re: Requesting Use of City Property for Celebration Event—June 20-22, 2025

Dear Mayor Kahn:

Please consider allowing me, in collaboration with the GMC Chamber of Commerce, to reserve Central Square and RailRoad Square for a 30th anniversary celebration of the release of the film *Jumanji*. As many of the memorable scenes were filmed on Main Street in Keene, this festival promises to be a draw for people from all over New England.

I have secured permission from Sony, and they “have no objection subject to the material depicting the cast is not broadcast in any way.”

Our plan is to begin the festivities with a Friday evening screening of *Jumanji* at The Colonial Theatre, complete with red carpet!

Saturday will offer visitors a road race [Marlboro traffic circle to Central Square], “stampede” parade of folks wearing costumes associated with the film [Marlboro traffic circle to Central Square], scavenger hunt [Main Street], food trucks and sidewalk vendors [Church Street], *Jumanji*-themed goods/foods/beverages [Main Street businesses], and memorabilia viewing.

The celebration will conclude on Sunday with a car show featuring some of the vehicles which appeared in the film, a drum corps in Central Square, a word from you if you are available, and hopefully a dedication of something (i.e. a bench, a mural) honoring the late Robin Williams including a message about mental health awareness and resources from someone at Monadnock Family Services.

I am hoping to encourage participating businesses to contribute a portion of any profits from the weekend to a mental health organization. It is my intent to get sponsors for this celebration to cover the expenses incurred to ensure a fun and safe experience in downtown Keene.

Please let me know if you have any questions.

I look forward to hearing from you soon.

Respectfully,



Catherine Bergstrom
GMC Board of Directors
Jumanji 30th Anniversary Celebration, Organizer

99 West Shore Road, Swanzey, NH 03446—860-841-0653—bergstrom9@comcast.net



VIA EMAIL and US MAIL

August 19, 2024

City Council
City of Keene
3 Washington Street
Keene, NH 03431

*RE: Requesting a License to place a 12' x 20' Concrete Pad with 5' x 14' Utility Cabinet
Location: 555 Roxbury Street, Keene, NH 03431- 3.16 acres
Zoned Conservation*

Dear Keene City Council,

I am an Area Vice President, Field Operations for Charter Communications, Inc., and its affiliates ("Charter").

Charter would like to request a license from the City Council to place a 12' x 20' concrete pad with a 5' x 14' utility cabinet at 0 Roxbury Street (TMP#: 239-008-000-000), Keene, NH 03431. Installation of a utility pole, underground conduits feeding the utility cabinet for Charter wiring, and electrical power will be required. Access to the concrete pad location with vehicle would also be necessary depending on the distance from paved drive. Attached is an aerial view of the parcel along with the configuration specifications. We will work with the City Manager and staff to ensure that all processes and permits are sought and issued.

Regards,

A handwritten signature in blue ink, appearing to read "P. Schonewolf".

Paul Schonewolf
Area Vice President, Field Operations
Charter Communications

Attachment

cc: Mayor Jay Kahn
Elizabeth A. Drago, City Manager

Councilor Remy
Councilor-At-Large

Mayor and fellow Councilors,

It has come up twice recently, where we have run into issues with R-2000-28 being misaligned with the state rules on this same topic (RSA 674:41) and may be redundant. The rule prevents development on Class VI roads where the State allows for exceptions after City review.

I think this warrants us reviewing and either rescinding or revising this ordinance.

This update aligns with our goal of adding additional housing to the community.

Thanks,

A handwritten signature in black ink, appearing to read 'M. Remy', written in a cursive style.

Michael Remy



CITY OF KEENE

R-2000-28

In the Year of Our Lord One Thousand Nine Hundred and Two thousand

A RESOLUTION Relating to Amending the Street and Utility Requirements and Standards

Resolved by the City Council of the City of Keene, as follows:

In accordance with NHRSA 674:41, the City Council of the City of Keene hereby adopts the following interim policy with respect to the use of Class VI highways within the City of Keene:

Driveways. It shall be permissible for the owner of any lot of record, as of May 1, 2000, having the requisite frontage on a Class IV or V highway, and that abuts a Class VI Highway, to use any Class VI Highway abutting that property as a driveway, provided that said driveway does not exceed 750 feet in length measured from the intersection of the Class IV or V Highway, and the Class VI Highway and the driveway meets the City of Keene Driveway Standards.

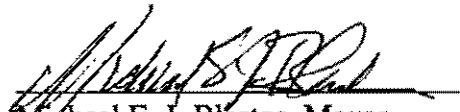
The Planning Board may issue a driveway permit, as per Section 2708.18 of the City Code, based upon a demonstration that the section of the Class VI highway to be used as a driveway is suitable for emergency vehicles on the date of issuance of the driveway permit and further provided that the property owner executes and delivers to the City a document suitable for recording at the Registry of Deeds which contains the following items.

1. Landowner name(s), address, description of the property, and where the owner's deed is recorded at the Registry of Deeds.
2. Name of the Highway, fact that the highway is Class VI, with the details of how it attained that status.
3. Description of the proposed structure to be constructed, including number of units.
4. An acknowledgement by the owner of the property that the City of Keene has no legal duty to maintain the highway, or any intent of doing so, nor any liability for damages resulting from the use of the highway. Further, that the city will provide no winter maintenance, grading or other road repairs, and that, at times, the City may not be able to provide police, fire or other emergency services. That school bus, mail, or other services may be restricted or nonexistent and it is the property owner's responsibility to obtain such services.
5. An acknowledgement by the owner of the property that the City does not maintain and does not have any intent of doing so, and that any maintenance, or expense associated with the repair and maintenance of the Class VI highway in a condition to be used as a driveway is the responsibility of the property owner or their successors or assigns. That the portion of the Class VI highway used for a driveway will be in conformance with the City of Keene Driveway Standards.

PASSED
July 20, 2000

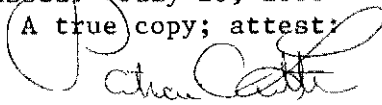
6. An acknowledgement by the owner of the property that any work performed by the property owner on the Class VI road must have prior approval from the Public Works Director or his/her designee.
7. An acknowledgement by the owner of the property that the Class VI highway shall remain a full public highway and that the property owner shall not prohibit or restrict use by the public.
8. An acknowledgement by the owner of the property that the City of Keene retains full authority, if it chooses, to regulate the public use of the highway, pursuant to RSA 41:11 and RSA 231:21.

Building Permits on Class VI Highways. Properties which have frontage and access only from a Class VI Highway shall not be eligible for building or driveway permits. Building lots created subsequent to May 1, 2000, which have frontage on both a Class IV or V and a Class VI highway shall be required to access said lot from the Class IV or V frontage.


Michael E. J. Blastos, Mayor

Passed: July 20, 2000

A true copy; attest:


City clerk



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 9, 2024
To: Planning, Licenses and Development Committee
From: Thomas Mullins, City Attorney
Through: Patricia Little, City Clerk
Subject: Rules of Order Amendment #4_ Section 25. Communications

Recommendation:

Voted unanimously to refer the recommendation back to the Planning, Licenses and Development Committee for further discussion.

Attachments:

1. amendment 4_Communications

Background:

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. Councilor Bosley summarized the Committee report.

Councilor Remy said he was not aligned with the statement that it would take a suspension of the Rules of Order to pick up a non-germane Communication, because he said that Section 26 of the Rules allows for it. He quoted Section 26, “except as otherwise provided by these Rules, items of business not resolved to the satisfaction of their sponsor may be placed on the Council agenda by the Mayor, any member, or the City Manager.” He said that quote basically said that any Councilor could place a communication on the agenda if they were not happy with how it was handled. The City Attorney, Tom Mullins, said the problem was that those were two different Rules that could not be read together. Section 26 has general language about what happens to a communication, whereas Section 25 is more specific. The Attorney added the more specific language would be controlling in this instance.

Councilor Filiault said he knew the Council—especially the Planning, Licenses, & Development (PLD) Committee—had worked hard “trying to create a new mousetrap” with this amendment, but he said that this Rule was not broken, so he did not think it needed to be fixed. He said the existing process had worked well for a long time: a communication is submitted, and the Mayor makes a decision about what Standing Committee it goes to, or whether to accept it as informational. Councilor Filiault said that, of course, there had been a couple of examples in which the Mayor had accepted something as informational and a Councilor had used Section 13 of the Rules of Order, which is the Right of Appeal; this option is always available to any Councilor. Each party—the Mayor and Councilor—would state their arguments for why they think the matter should be forwarded to committee or not. Then, the Council votes by a simple majority and does not “create a new

mousetrap.” Councilor Filiault said this Rule of Order was already set-up properly and had worked; if a simple majority of the Council decides that they disagree with the Mayor, then a communication would be sent to Committee. It is already in the Rules of Order.

Councilor Madison recalled that Councilor Filiault left the meeting when the last non-germane item was brought before the Council and the Mayor’s decision was challenged by Councilor Williams. Councilor Madison said the Council followed its Rules then, and Councilor Williams was unable to get a second for his motion challenging the Mayor. Councilor Madison continued, stating that frankly, he did not think the Rule worked based on conversations with Councilors and constituents, so he thought a new policy was needed. He also recalled that at the last PLD meeting, he and Councilor Williams were able to have a good conversation about establishing a threshold of 50 resident voters of the City of Keene who would sign a petition to bring a non-germane item to the City Council, which would then be automatically referred to a City Committee. Councilor Madison thought it was a good idea to refer this back to PLD to discuss this option further.

Councilor Tobin said that to the greatest extent possible, she likes staying within the boundaries of what the Council can do. She recalled reading past communications and wishing the writers had included details about how the issues were impacting Keene residents, so there would be an action she could do something about. She said that perhaps when certain things happen in the world and one population is impacted more, there could be an extra layer of protection or awareness that could be contributed locally. Still, Councilor Tobin said that anytime the Council is discussing global issues, they are not discussing the local things they could do something about. While a stop sign might be boring, she said those are the decisions the Council is empowered to make. She also did not think it would be fair to expect the City Clerk to sort through all communications and make these judgements alone. The Councilor asked for some aspect of education as well. For instance, she thought that many people—herself included—would not always know which issues are local, State, or Federal. She said that perhaps there would be an opportunity to indicate to the Council why a communication is deemed non-germane and how to contact the individual who submitted the communication for more information.

Councilor Remy said he disagreed with the assertion that this Rule was not broken given that a member of the public was arrested at the meeting that was referenced. So, he thought the Council needed more clarity on its position so that does not happen again.

Councilor Workman said this Rule amendment would allow for the public to be heard in a more fair and measured way. She agreed with Councilors Williams and Madison’s suggestion to have a threshold of a number of Keene constituents who sign a petition. Councilor Workman thought the Council had become really comfortable with having short meetings more often than not. However, she said they were elected to have long meetings and listen to the public even if the Council does not always like it. She said that sending more communications to Standing Committees also opens more dialogue with the community because sometimes a petitioner might arrive with a specific request that could lead to a compromise and other input from other community members that would not happen if deemed non-germane. So, Councilor Workman did not think that cutting off communications and Councilor education would be worthwhile to the Council and community.

Councilor Greenwald wanted to provide a different perspective. He stated that the City Council is hired to deal with local issues like basketballs and potholes. He did not want the Council to be used by individuals that want a forum for their issues, when they know that nothing the Council says or does would make any difference; he referenced a recent short letter to the Keene Sentinel editor indicating that the Israeli Prime Minister ought to pay attention to the Keene City Council’s recent focus on this issue and solve it quickly. Councilor Greenwald said he did not want his time to be sucked-up by those who want to use the Council a platform for their issues. He said Rule 25 had

worked well to date, despite this one incident that did not work so well. He said that if a Councilor was really concerned, they could always move to suspend the Rule. Councilor Greenwald said the Council had enough on its hands trying to run the City and maintain a reasonable tax rate, etc. He said he heard the opposite from constituents: that they do not want the Council focusing on non-germane issues because the Council is not doing a great job with local issues anyway, so they should focus on what they can do.

Councilor Favolise stated that at this point, he supported sending this back to the PLD Committee. He said he was cognizant that this came out of PLD with a 3–2 vote. He did not want to comment on the merits of some of the ideas hanging out there from the Committee without having a final draft in front of him, but he did think there was further discussion to be had. Councilor Favolise said he certainly had heard from constituents on both sides of this issue. He did not see a problem if PLD would like to spend more time with the Rules of Order. He said, “more power to you all,” and so he supported a motion to recommit.

A motion by Councilor Bosley to refer “Amendment #4: Section 25. Communications” back to the Planning, Licenses, & Development Committee was duly seconded by Councilor Filiault.

Councilor Haas noted that the referral back to PLD was the Committee’s intent, as indicated by the split vote and lengthy discussion. He added his strong agreement with Councilors Greenwald and Filiault. However, as Councilor Greenwald pointed out, Councilor Haas said the Council encountered a hot button issue and it might not have worked well this time. So, even if PLD revisits the existing process and determines that it does work, he said the Council should reinforce parts of it that will make it work better in the future. Councilor Haas said that is the intent and that would be worth it.

Councilor Bosley added that by not referring back to PLD, all the housekeeping items in this Rule would be lost, so she hoped that regardless, the Council would allow for cleaning-up this Rule.

Councilor Madison agreed that this was worth more discussion by PLD. He said it was clear that the Council had hit a nerve in the community, noting that members of the public spoke about this at the prior PLD meeting. He said that constituents were clearly concerned and while the Council’s job might be roads, etc., Councilor Madison said their job is also to represent the constituents and their interests. Because there was public interest in this matter, he said the Council should explore it as far as possible. He hoped his colleagues would be open minded. He reminded them that at the beginning of this conversation at PLD, he was on the opposite end of the spectrum as Councilor Williams, but by the end, they found agreement. So, Councilor Madison asked his fellow Councilors to pay attention to the upcoming PLD discussion and to participate if possible.

Councilor Jones agreed with sending this Rule back to PLD. However, he asked City staff to present the PLD Committee with the steps every communication goes through (i.e., the various staff members) when it comes to the City so that the Council and taxpayers have a better understanding of what they are paying for; there is a cost to taxpayers for everything City staff does.

Councilor Chadbourne recalled a challenge of Councilors being unable to speak at Standing Committee meetings if quorum of the Council is present. The City Attorney said that if 8 or more Councilors are present at Standing Committee meeting, Councilors in the audience cannot ask questions or speak as members of the public after a motion and a 2nd has been made. So, Councilor Chadbourne said the Councilors would not be able to speak on the issue if a quorum was at the PLD meeting anyway. The City Attorney replied that—quite frankly—this was one of the reasons why he requested that the Council have this conversation, because he wanted to get a sense of how the City Council at large felt about this. This would not prohibit Councilors from submitting communications to

a Standing Committee Chair. The City Attorney said this would open the conversation at PLD about what they heard at this meeting. He said—again quite frankly—that there had been some proposals mentioned that he needed to research more to determine if they are possible. He appreciated Councilor Chadbourne’s comment.

Councilor Chadbourne said the tricky part about Councilors submitting written communications to the Committee Chairs is that it prohibits the ability for organic back-and-forth conversation. With that in mind, Councilor Chadbourne said she wanted to make a statement for the record. She said the business of the City should always come first, but Councilors are elected by constituents to represent them and if they have concerns, they should be able to voice them. Her concern was that the Council receives so many communications. She remembered 2016–2019, when the Council received so many communications and spent over 40 hours—including the City Attorney’s time—discussing whether to be a sanctuary city. Having said that, she did not think that most current Councilors were on the Council then. At the same time, Councilor Chadbourne recalled that in the State of NH, there were no laws protecting transgender citizens, to the extent that they could be denied jobs and housing, with no protections even in Keene’s own employee handbook. The Council was approached by a group (she could not recall the name) because the State legislative body kept tabling it. So, the group went city-to-city and town-to-town seeking support, and 10–12 signed on, including Keene with the handbook changed to protect anyone transgender or transitioning. After so many cities did so, the State followed suit. Councilor Chadbourne commented on how important those protections are now with some of the trans discrimination that was happening nationally; she said states influence other states, citing other issues like women’s rights and reproductive rights. She agreed that the City’s business is potholes and sewage. However, Councilor Chadbourne said the Council does have some influence, and what happens at the City level affects the State, which can affect the national level. Still, she was concerned with the possibility of being flooded with non-germane communications. She agreed that the Council already has a mechanism to accept something as informational or listen and still accept it as informational. Councilor Chadbourne said she would reflect on this more before the next PLD discussion.

Councilor Greenwald pointed out that the matter at hand was the referral back to PLD, not the actual amendment, so he asked his colleagues to stay focused on that.

Councilor Filiault disagreed with Councilor Madison’s statement that this system does not work. Councilor Filiault said it does work, as evidenced by the last non-germane issue under discussion, when Councilor Williams challenged the Mayor’s decision, but none of the other 14 Councilors seconded the challenge. So, he said the system worked. Councilor Filiault stated that if any of the other 14 Councilors were offended that Councilor Williams’ challenge did not get a second, they should look in the mirror.

Mayor Kahn pointed out that the Rule said “not germane to either the State or the City.” So, a matter before the State would be considered germane to the City.

The motion to refer Amendment #4: Section 25. Communications back to the PLD Committee carried unanimously.

Amendment #4

SECTION 25. COMMUNICATIONS.

Communications to be introduced to the City Council must be addressed to the Mayor and City Council through the office of the City Clerk, be signed by the person(s) submitting the communication, and contain a residential address or mailing address, if different, and an email address. Communications containing a scanned image of the person's actual signature, or an electronic signature created in accordance with applicable law or City Ordinance, may be submitted electronically. Communications not containing all of the above shall not be accepted by the City Clerk. Communications shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday preceding the City Council meeting to be included on the agenda of the City Council. Communications of a personal, defamatory, or argumentative nature, shall not be accepted by the City Clerk. Communications requesting that the City Council consider matters not germane to either the State or to the City, or over which the City Council lacks the authority to take any action, shall not be agendized by the City Clerk, provided, however, that the City Clerk shall place such communications into the Councilors' mailboxes.