



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
October 17, 2024
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- October 3, 2024

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation - Zoning Board of Adjustment

C. COMMUNICATIONS

D. REPORTS - COUNCIL COMMITTEES

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. Charter Communications – Request to Install a Concrete Pad and Utility Cabinet – 555 Roxbury Street

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donations - Finance Director
2. Rules of Order Amendments - Section 17 "Motions" and Section 26 "Review of Items of Business" - City Attorney

3. Invest New Hampshire Municipal Demolition Grant - Building at 160 Water Street

G. REPORTS - BOARDS AND COMMISSIONS

1. Bicycle Pedestrian Path Advisory Committee - Bicycle Safety Studies

H. REPORTS - MORE TIME

1. Greater Monadnock Collaborative – Request to Use City Property – Central Square and Railroad Square – 30th Anniversary Celebration of the Release of the Film Jumanji
2. Rules of Order Amendment #4: Section 25. Communications

I. ORDINANCES FOR FIRST READING

1. Relating to Licenses and Permits
Ordinance O-2024-18
2. Relating to Amendments to the Land Development Code, Building Height in the Commerce District
Ordinance O-2024-19

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to Street and Utility Requirements and Standards
Resolution R-2000-28
2. Relating to an Appropriation of Funds from the Solid Waste Fund
Resolution R-2024-34
3. Relating to Northern Border Regional Commission Grant Programs
Resolution R-2024-35

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, October 3, 2024. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, and Thomas F. Powers were present. Michael J. Remy was absent. Having declared that a quorum was physically present in the Council Chamber, Mayor Kahn recognized that Councilor Mitchell H. Greenwald had requested to participate remotely per the Council's Rules of Order due to family travel. The Councilor noted his wife was present in the room with him. Hearing no objections, Mayor Kahn granted the remote participation. Councilor Filiault led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Bosley to adopt the minutes of the September 19, 2024, meeting as presented was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Remy was absent.

ANNOUNCEMENTS

First, Mayor Kahn announced the Annual Fire Prevention Parade on Sunday, October 6 at 1:00 PM. The reviewing stand would be on Main Street at the intersection with Railroad Street. The parade would end at Keene Central Fire Station. He also announced the Annual Inspection Dinner on Thursday, October 10 at 6:00 PM on the apparatus floor at Keene Central Station. The Finance, Organization, and Personnel Committee meeting that evening would be canceled so the Council and staff could attend. The next scheduled FOP meeting would be October 24.

Next, Mayor Kahn shared a reminder that the City would be hosting the "Keene in Perspective and Retrospective" program on November 8 at the Historical Society, marking Keene's 150th celebration as a City. Keene's four living mayors would participate in the retrospective portion of the presentation. The presentation would begin at 4:30 PM with Alan Rumrill providing the Keene in perspective portion, a review of how the City evolved from 1874–2024. After 30 minutes of presentation and 10–15 minutes of Q&A, the program would break into a panel discussion with the four mayors. For the enjoyment of the attendees, any Councilors wishing to join Mayor Kahn in offsetting the costs of the reception were welcomed to contribute donations of \$25.

The Mayor also shared that the week of this meeting, he and the City's HR Director/Assistant City Manager, Beth Fox, were visited by the United Way, which wanted to help the City work back to its level of giving in prior years. The Mayor noted that recent retirements had impacted the giving level. Their 2024 goal is to reach \$1,484,000, an 8% increase over 2023. Mayor Kahn asked Councilors to consider directing their 2024 MUW contributions to the City's campaign; Councilors were provided a handout with a QR code to make a one-time or continuing contribution, and to fill out the pledge card. Mayor Kahn said he would be directing his annual contribution to the City's campaign.

Mayor Kahn noted that with the upcoming election, the City Clerk requested volunteers to help at the polls on November 5. There would be a sign-up portal on the City's website home page.

Finally, Mayor Kahn addressed the recent change to the Council's Rules of Order to allow Councilors the option to stand or to remain seated while speaking during Council meetings. He had learned that it might not have worked as well as initially expected. To make this Rule change work, Mayor Kahn requested that Councilors direct their comments through the Chair, eliminate side conversations, not disrupt or distract others, and unmute microphones before speaking. He also asked that Councilors consider standing if able so that the viewing audience in the Council Chamber and at home could easily see who is speaking.

PROCLAMATION – TRICK OR TREAT

Mayor Kahn presented the Deputy City Manager, Rebecca Landry, with a Proclamation declaring Thursday, October 31, 2024, to be Trick or Treat Day in Keene. The Mayor asked that all children and parents cooperate in limiting Trick or Treat time to the period between 5:00 PM and 7:00 PM, that parents or other responsible adults accompany young children, that households indicate their willingness to welcome children by keeping their porch or exterior lights on, and that all citizens cooperate to make this a happy and safe occasion for children.

PROCLAMATION – FRIENDS OF THE KEENE PUBLIC LIBRARY

Mayor Kahn presented former Mayor, Kendall Lane, and currently a member of the Friends of the Keene Public Library, with a Proclamation declaring October 18–20, 2024 as Friends of the Keene Public Library Days. Mayor Kahn urged all citizens of the Monadnock Region to visit the Fall Book Sale at the Keene Public Library in support of continued excellent Library programs and facilities. Mayor Kahn thanked Mr. Lane for his continued service to the City.

Mr. Lane thanked everyone for supporting the Book Sale. There are two each year, in October and April, typically earning approximately \$50,000 for Library programs that support literacy and are important to the community. He said the books in circulation are mostly current, not just old ones that people are trying to get rid of. Mr. Lane encouraged Councilors and members of the public to take advantage of this opportunity to support the Library and community.

PROCLAMATION – CO-OP MONTH

Mayor Kahn presented Talee Messenger, Outreach Coordinator of the Monadnock Food Co-Op, with a Proclamation declaring the month of October 2024 as Cooperative Month in the City of Keene, saluting the cooperatives and their members for their commitment to the community and the role they play in serving Keene's citizens.

RETIREMENT RESOLUTION – MARY LEY

Mayor Kahn read into the record and presented Mary Ley with a Resolution honoring her retirement after 15 years of dedicated service to the City of Keene's Lab and Public Works Department. The Mayor presented Ms. Ley with a pin of a key to the City. Ms. Ley expressed her thanks, saying she enjoyed her time at the City of Keene and had a great group of coworkers.

NOMINATION – ZONING BOARD OF ADJUSTMENT

Mayor Kahn nominated Zach LeRoy to serve as an alternate member of the Zoning Board of Adjustment, with a term to expire December 31, 2026. Mayor Kahn tabled the nomination until the next regular meeting.

COMMUNICATION – JARED GOODELL – WITHDRAWAL OF DONATION – SAFE HAVEN BABY BOX

A communication was received from Jared Goodell, withdrawing his communication relating to the potential donation of funds towards a safe haven baby box. Mayor Kahn accepted the communication as informational.

COMMUNICATION – KEENE SNO-RIDERS – REQUESTING PERMISSION TO RUN SNOWMOBILES IN THE RIGHT-OF-WAY ALONG KRIF ROAD FROM ASHUELOT RAIL TRAIL TO WINCHESTER STREET

A communication was received from Jeremy Evans, President of the Keene Sno-Riders, submitting their annual request for use of City property to operate snowmobiles on certain City trails and rights-of-way for the 2024–2025 winter season. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATIONS – COUNCILOR HAAS – RECONSIDERATION OF ORDINANCE O-2023-16-B; & RECONSIDERATION OF ORDINANCE O-2023-17-B

The Mayor stated he would be recognize both communications from Councilor Haas together. A communication was received from Councilor Haas, requesting the reconsideration of Ordinance O-2023-16-B pursuant to Section 20 of the Council’s Rules of Order. A second communication was received from Councilor Haas, requesting the reconsideration of Ordinance O-2023-17-B pursuant to Section 20 of the Council’s Rules of Order.

A motion by Councilor Haas to reconsider the referral of Ordinances O-2023-16-B and O-2023-17-B back to the Joint Committee of the Planning, Licenses, & Development Committee and Planning Board for their review and revision as necessary was duly seconded by Councilor Filiault.

Councilor Haas explained that these Ordinances went through more than one year of consideration and different forms to arrive at the well-crafted versions the Council voted on at its previous meeting that most everyone agreed on. He was unsure that everyone understood that the majority vote at that time would be sending these Ordinances back through the entire process, and—as Councilor Haas called it—opening the whole can of worms again. The Councilor was concerned about the stress this would place on City staff to support the Joint Committee through this effort. He was unsure all Councilors recognized the effort that this would involve, so he asked for reconsideration of the referral. He would understand if the Council found it truly necessary to refer it back, but he thought the Council needed to adequately discuss putting that burden on staff when trying to move forward with many other projects. He said the Ordinance could always be changed in the future if the Council wants it to be more in line with the Land

Development Code or things from the Energy and Climate Committee. So, he suggested pulling back from referring it back to the Joint Committee and fully restarting the process.

Councilor Bosley said she had given this a lot of thought as she would Chair the Committee that would review this for this third time. She felt that her statement at the September 19 Council meeting was still accurate at this meeting: she felt that the PLD and Joint Committee tried to come forward with the best version of this Ordinance and at the time, Councilor Favolise was not a Council member. Councilor Bosley said she could not ignore Councilor Favolise's point from the September 19 Council meeting that installing EV charging stations as a provision of this Ordinance is not appropriate as it belongs in its own policy. So, Councilor Bosley said she felt that there was exposure to reconsidering this at this meeting. She wanted the Council to consider that if it agreed to reconsider the referral the Ordinance back to Joint Committee, it would revert back to the original unamended Ordinance, including the EV charging stations, which could then be amended again and adopted as such. The Councilor noted that she thought this might have been Councilor Haas' intention but she was unsure. Councilor Bosley said that personally, she was not completely comfortable adopting this Ordinance with the amendment **to remove the EV stations** without sending it back through the public process. The Councilor added that she did not want the Council to make a hasty decision and open itself to some recourse from the public. So, she thought this process needed to be done right. Councilor Bosley said the other option would be to vote to *not* reconsider and to allow the Ordinance to proceed back through the process as the Council voted at the September 19 meeting; while it would be painful, she said that everything that is right would not be easy. Mayor Kahn asked Councilor Bosley to clarify if her position was to vote *against* reconsidering the referral and to let the September 19 motion stand. Councilor Bosley said that was correct.

Councilor Jones questioned how this would all happen procedurally.

Councilor Haas said his goal was to have the Council consider this Ordinance in light of what it would take if sending it back to the Joint Committee. He said the Ordinance looked good as it was—without judgement of the EV parking spaces either way—and he thought the Council should adopt the Ordinance at this meeting and amend the Ordinance in the future as needed. Reconsideration would be the first step. Still, he said that Councilor Jones was correct that there might be other issues that could warrant sending the Ordinance back to the Joint Committee in the near future, but Councilor Haas wanted the Council to do that with open eyes to the extraordinary effort and burden it would put on City staff to restart the Ordinance from the beginning.

Councilor Williams also wanted to reconsider this referral back to the Joint Committee because he also favored the inclusion of EV charging stations. He noted that the Council regularly revisits Ordinances to deal with issues down the line, which he thought could happen for this issue as well; this was his preference as opposed to referring it back to the Joint Committee. Councilor Williams supported developing a City-wide EV policy that works for everyone and covers the needs of the City, but that would take time. So, he thought the Ordinance was fine as it was, and he would be voting in favor of the reconsideration.

Councilor Workman stated that she had not heard a good argument for the reconsideration. She understood that it would be a burden on the PLD Committee and Planning Board, and while she did not want that for her colleagues, Councilor Workman stood by her stance that the EV charging requirement in this Ordinance placed an unfair burden on one particular type of business, which she does not think is fair.

Councilor Greenwald said he was hearing that the Ordinance had issues and that it was wrong to vote for something that had problems, so it should be sent back through the whole process. He said the City has a process that should be followed, and that is not just about this Ordinance, but about how the City does business. Councilor Greenwald also had issues with the EV charging stations being included in this Ordinance, stating that this Ordinance is the wrong place for it and even EV supporters were acknowledging that. He thought this should be sent back through the process to do this right, citing a quote, “act in haste, repent at leisure.” He thought this reconsideration would be acting in haste. Mayor Kahn asked Councilor Greenwald to clarify if he would vote *against* reconsideration and the Councilor said yes.

Councilor Tobin said this was something she did not necessarily want to keep talking about and going through. Still, she understood the work this referral would create for the Joint Committee. However, Councilor Tobin said she knew in advance of voting to refer this back to the Joint Committee that the referral would have the consequence of more work for the PLD Committee and Planning Board. Thus, Councilor Tobin did not feel she could reconsider that vote.

Councilor Madison was opposed to reconsideration despite strongly believing that the EV charging stations should be included in the Ordinance. He said it is time for Councilors who talk a lot about climate change—who appreciate getting praise for talking a lot about climate change—put their money where their mouths are and start passing real action on climate change. He was concerned that reconsidering this could open the City to potential legal consequences. That said, Councilor Madison was concerned that when this Ordinance eventually comes back to the Council, that it would end up in a never-ending wheel of being referred back to committees over punctuation, for example, keeping this 2023 Ordinance in process until 2028. He hoped the Council would have the courage to show leadership and make a decision, which he said he would press hard on that point in the coming weeks. Councilor Madison said it was time for the Council to start making decisions. On a roll call vote of 2–12, the motion to reconsider failed. Councilors Williams and Haas voted in the minority. Councilor Remy was absent.

COMMUNICATION – MAYOR KAHN – RECONSIDERATION OF AMENDMENT #15 – RULES OF ORDER – VOTING AND CONFLICT OF INTEREST

A communication was received from Mayor Jay Kahn, requesting the reconsideration of the Amendment to Section 15 of the City Council Rules of Order relating to Voting and Conflict of Interest, pursuant to Section 19 of the Keene City Charter. Given the discussion on this amendment, Mayor Kahn believed the full City Council should be present to consider and act upon this amendment to its Rules, so he tabled this issue until the November 7 Council meeting in hopes of full attendance.

COMMUNICATION – MAYOR KAHN – PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE – PERMITTING “BLADE” SIGNS IN THE INDUSTRIAL ZONE

A communication was received from Mayor Jay Kahn, requesting consideration for an amendment to the Land Development Code that would allow “blade” signs in the Industrial Zones of the City. Mayor Kahn referred the communication to the Joint Committee of the Planning Board and the Planning, Licenses, & Development Committee.

COMMUNICATION – JONATHAN P. LOVELAND – CONCERNS WITH SAFETY OF PROPOSED BIKE LANES INCLUDED IN DOWNTOWN PROJECT PLAN

A communication was received from Johnathan P. Loveland, who observed the discussion at the September 25th MSFI meeting relating to the potential submittal of an Ordinance regulating the proposed bike lanes included in the Downtown Project, and wanted to share his perspective and concerns regarding safety. Mayor Kahn accepted the communication as informational.

MSFI REPORT – DOWNTOWN BIKE LANE POLICIES

A Municipal Services, Facilities, & Infrastructure Committee report read, recommending that the City Manager submit a proposed ordinance for the establishment of appropriate rules for the operation of bicycles in the Downtown Core. A motion by Councilor Workman to carry out the intent of the Committee report was duly seconded by Councilor Tobin.

Councilor Filiault was not present at the MSFI Committee meeting but watched and wanted to share his thoughts. While he had no problem with the City Manager trying to create an ordinance, which he would be voting yes for, he agreed with Councilor Greenwald about motorized vehicles in these bike lanes being a non-starter. Councilor Filiault did not think anything should be allowed in these bike lanes other than pedal-powered bikes, with the exception of approved medical devices like wheelchairs. He also heard a comment about allowing 750–1,000-watt electric vehicles on the downtown bike paths, and he questioned how a Police Officer would distinguish the difference or determine if someone was over that wattage. He said these were key things to consider in drafting an ordinance and he did not want an ordinance written just for the sake of doing so. He wants to see enforcement clearly outlined in the ordinance. The existing downtown Ordinance prohibits bikes on downtown sidewalks, yet he said they are there every day, so Councilor Filiault wanted any new ordinance to be enforceable. He addressed the issue of speed, noting that for pedal-powered bikes, the importance is human torque that takes time to achieve speed. Whereas forward motion with electric vehicles is produced by instantaneous torque.

Councilor Filiault continued, stating that his problem with allowing electric bikes/scooters in the downtown bike paths—especially as they could become more powerful and faster in the future—is that the City would be creating a danger zone mixed with pedestrians on the downtown sidewalks as people are exiting/entering their cars and crossing the bike lanes to access the sidewalks. He cited a scary experience of an electric scooter at 25–30 mph on the bike path startling him and clipping his elbow; he emphasized how silently and stealthily it came upon him. Councilor Filiault said his point was that he felt that instead of fixing a problem, the City

was creating a problem that it would have to fix later. So, he looked forward to seeing the City Manager's proposed ordinance, noting that if electric vehicles were included, it would be a non-starter for him. He recalled that the bike lanes were a compromise in the downtown redesign that took a long time to approve, and many were not happy about it. He felt the compromise was more so in support of families riding their pedal bikes around downtown, not electric vehicles with silent torque that could hurt someone. Councilor Filiault said it is a matter of when and how quickly someone would be hit by one of these electric vehicles and he did not want to create a problem that the City must find a solution for later.

Councilor Jones recalled that he had been opposed to the bike lanes since the beginning, so to be consistent, he would vote against this. He added that there would be new laws forthcoming for bike trails looking at the same criteria. The Councilor explained that New Hampshire Rail Trails submitted a Legislative Service Request to the State House and it was a matter of whether it could get a sponsor. He hoped there would not be too much conflict between the State legislation and the City's regulations because otherwise people would be confused and not understand the different rules in different locations. Councilor Jones hoped for consistency since they were addressing the same criteria.

Councilor Greenwald imagined that there would be a heated discussion when the Ordinance comes out, citing Councilor Filiault's comments and others. Still, he echoed the Mayor that this was a general report and that the finer details remained to be discussed when the Ordinance is presented to the MSFI Committee, which is a change of direction he said he appreciated.

Councilor Williams said that moving electric bikes into vehicular traffic overlooks the whole reason for implementing the bike lanes—safety. Doing so would place bikes that have a dedicated space into traffic with cars that could kill them instead because they have an electric boost. He added that he did not think it was possible to buy anything more powerful than 750 watts at this time; he thought these were national standards. Councilor Williams said that plenty of cities were doing fine with protected bike lanes that allowed electric vehicles in them, so he encouraged the Council to not be hasty in writing rules it might regret later.

The motion to carry out the intent of the Committee report carried on a roll call vote of 13–1. Councilor Jones voted in opposition. Councilor Remy was absent.

CITY MANAGER COMMENTS

First, the City Manager, Elizabeth Dragon, explained that through the City's website, all of the contracts the City executes are searchable on the Purchasing Department webpage; no login information is required. Moving forward, this platform will be expanding to include leases the City executes, further enhancing transparency.

Next, the City Manager reported that the City of Keene's Ward Optimization Weeks—WOW—had completed the third week of the new initiative. The program aims to ensure equitable distribution of maintenance services across all five wards. During the second week of WOW, the City received 21 requests via the SeeClickFix app, 11 requests were completed in Ward 3, 210 tasks were completed, 858 hours were dedicated to Ward 3, and \$114,880 was invested in the

ward. Mayor Kahn congratulated the City Manager and Public Works Department staff on the WOW program that was proving to be a good communication device for neighborhood issues.

The City Manager also reported that the City's Fire Marshal, Rick Wood, was planning for another presentation before the MSFI Committee on October 23 to discuss Fire and Code Inspections and changes the City had made to date related to service delivery.

The City Manager notified the Council that unfortunately, the City's RAISE grant application was not funded. So, the Public Works Director, Don Lussier, quickly pivoted to a Northern Borders grant that focuses on the proposed solar pavilion on Gilbo Avenue. The City was invited to submit the formal application (due October 18) after submitting a preliminary application. This grant would require a resolution from the City Council authorizing the City Manager to submit the application and execute the documents if the City is successful. Due to the next FOP Committee meeting being canceled so members could attend the annual Fire Inspection Dinner, the City Manager planned to have a draft Resolution ready for the Council meeting on October 17 and would request a suspension of the Rules of Order to act on it so the grant could be submitted the following morning. The project totals \$2.19 million, and the request would be \$1.75 million, so with an 80%-20% match, the City's 20% portion would be \$439,000.

Lastly, the City Manager shared some impressive news that the City's HR Director/Assistant City Manager, Beth Fox, was recently recognized for 40 years of municipal service at this year's International City Managers Conference. The City Manager congratulated Ms. Fox on this notable milestone.

CITY OFFICER REPORT – CABLE FRANCHISE RENEWAL AGREEMENT AND PUBLIC HEARING – DEPUTY CITY MANAGER LANDRY

A memorandum read from the Deputy City Manager, Rebecca Landry, recommending that the Mayor set a public hearing on the Cable Television Franchise Agreement with Spectrum Northeast, LLC. Mayor Kahn scheduled a public hearing on Thursday, November 7, at 7:00 PM.

ORDINANCE FOR SECOND READING – RELATING TO WINTER MAINTENANCE PARKING RESTRICTIONS – ORDINANCE O-2024-14

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending the adoption of Ordinance O-2024-14. A motion by Councilor Workman to adopt Ordinance O-2024-14 was duly seconded by Councilor Tobin.

Councilor Bosley stated how pleased she was to finally see this before the Council, as she and Councilor Remy had been talking about this for years. She said the Joint Committee of the Planning Board and Planning, Licenses, & Development Committee regularly considers how to make an impact on the densification of Keene neighborhoods, and she said this was a first step for the Parking Division to start considering how to alleviate some parking requirements in densified neighborhoods. Without this step, she thought some of those things would be harder. Councilor Bosley said this would also provide a tool and create an opportunity for people who should not be driving to leave their vehicles and not be worried about the impact of the vehicle being towed overnight. So, she was happy about all of these bonuses.

Councilor Greenwald said this Ordinance would eliminate one of the more annoying parts of parking downtown and on City streets, so he thanked Councilor Remy for bringing this forward and the Public Works Department for being cooperative in dealing with this. The Councilor asked for clarification as to whether this also included parking lots, citing the signs that would be placed notifying drivers that in the case of snow emergencies, six hours' notice would be provided that overnight parking is prohibited, noting that the drivers would have to scramble for where to go like all of the other winters. Still, Councilor Greenwald said this would be a very good step forward in public service and the next step would be to discuss summertime overnight parking issues downtown, noting as Councilor Bosley did that the City had not wanted to do street sweeping because it could cause people to drive at night when they perhaps should not be. Councilor Greenwald encouraged his colleagues to vote yes on this. He thanked City staff for bringing this forward.

Councilor Jones agreed that this was a step in the right direction, as the City had been asked about this for as long as he had been on the Council. He questioned the notification process; he understood that it was geared toward Keene residents, but he wondered about visitors. He cited other cities that have flashing strobe lights on light poles to indicate when parking is prohibited, so he suggested that the City should consider something like that too in the future.

The City Manager explained that staff had been considering many means of notification, and the Deputy City Manager, Rebecca Landry, was working with the Parking and Public Works Departments to consider various mechanisms with varying costs. The Assistant Public Works Director did consider the lighting systems. Staff were also considering the City's downtown electronic message boards that are very effective, and they were considering installing permanent ones in the parking lots for notifications; she agreed that it could be confusing at present because the message boards must be moved. Still, the City Manager agreed that this Ordinance would provide more parking opportunities because in the past, cars had to be moved overnight whether or not there was a snow emergency. While finding ways to communicate with the public would be a challenge, Ms. Landry had developed several good ideas, including a direct mailing to downtown residents to start because there are so many renters, in addition to avenues like social media. Of course, the City anticipates getting a lot of calls during the first snowstorm, but the goal is to not have to tow any cars during that first storm; they might get plowed in, get a ticket, or get a warning. The City Manager's goal is to help the public get used to this change before starting to tow cars.

Councilor Madison said this would go a long way toward helping residents in his neighborhood. He encouraged City staff to think outside of the box about ways to notify the more densely populated neighborhoods—like east and north-central Keene—where people might not travel through downtown on their daily commute, or they may work from home. There, Councilor Madison knew that many residents park on the street most of the time, even during the winter.

The City Manager added that staff were considering using the State of NH's 911 emergency messaging system to help in this effort. When the State uses that system during winter storms, the City might be able to use it to broadcast accompanying non-emergency messages about overnight parking during snow emergencies.

10/3/2024

The motion to adopt Ordinance O-2024-14 carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Remy was absent.

RELATING TO FY25 FISCAL POLICIES – RESOLUTION R-2024-32

A memorandum read from the Finance Director/Treasurer, Merri Howe, recommending that Resolution R-2024-32 relating to FY25 Fiscal Policies have a first reading in front of the City Council and that it be referred to the Finance, Organization, and Personnel Committee. Mayor Kahn referred Resolution R-2024-32 to the Finance, Organization, and Personnel Committee.


NON-PUBLIC SESSION

At 8:12 PM a motion by Councilor Bosley to go into non-public session to discuss a personnel matter under RSA 91-A:3 (b) was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 14 Councilors present at voting in favor. Councilor Remy was absent. A brief recess was called.

The non-public session ended at 9:12 PM. A motion by Councilor Bosley to keep the minutes non-public as disclosure would render the proposed action ineffective was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Remy was absent.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 9:13 PM.

A true record, attest: 
City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: October 17, 2024
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Patricia Little, City Clerk
Subject: **Confirmation - Zoning Board of Adjustment**

Council Action:

In City Council October 3, 2024.

Nomination tabled until the next regular meeting.

Recommendation:

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

Zoning Board of Adjustment

Zach Leroy, slot 6, Alternate
30 Hanover Street

Term to expire Dec. 31, 2026

Attachments:

1. LeRoy, Zachary_Redacted

Background:





From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fw: Interested in serving on a City Board or Commission
Date: Friday, July 12, 2024 5:25:52 AM
Attachments: [Outlook-g4uhfsqj.png](#)

please redact and save.



Patricia Little

CITY CLERK

-  (603) 352-0133, ext. 2
-  plittle@KeeneNH.gov
-  3 Washington Street, Keene, NH 03431
-  KeeneNH.gov

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene <helpdesk@ci.keene.nh.us>

Sent: Tuesday, July 9, 2024 11:10 PM

To: Helen Mattson <hmattson@keenenh.gov>

Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>

Subject: Interested in serving on a City Board or Commission

<p>Submitted on Tue, 07/09/2024 - 23:10</p>

<p>Submitted values are:</p>

First Name:

Zachary

Last Name:

LeRoy

Address

30 Hanover St, Keene, NH 03431-2858, USA

How long have you resided in Keene?

20 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Self employed

Occupation:

Contractor/ Realtor

Retired

No

Have you ever served on a public body before?

No

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

Airport Development & Marketing Committee, Building Board of Appeals/Housing Standards Board of Appeals, Conservation Commission, Energy and Climate Committee, Keene Housing Authority, Partner City Committee, Planning Board, Zoning Board Adjustment

Please let us know the Board or Commission that you are most interested in serving on.

Zoning or Planning

Optional - Please select your second choice of which Board or Commission you would like to serve on.

Housing

Optional - Please select your third choice of which Board or Commission you would like to serve on.

Energy or conservation

Please share what your interests are and your background or any skill sets that may apply.

Entrepreneur, diverse industry experience, experience on many non profit boards, passion for the city and her future success

Suggest other public bodies of interest

Economic development, affordable housing, land use

Please provide 2 personal references:

Esie Fifield

ediefifield@masiello.com



References #2:

Robin Smith < br />[robin](#)



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 17, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Keene Sno-Riders – Requesting Permission to Run Snowmobiles in the Right-of-Way Along Krif Road from Ashuelot Rail Trail to Winchester Street**

Recommendation:

On a vote of 4–0, the Planning, Licenses, & Development Committee recommends that the Keene SnoRiders be granted permission to use the following locations on City property for a snowmobile trail: the right-of-way along the north side of Krif Road from Krif Court to Winchester Street; City property identified by tax map numbers 116/040/000/000/000, 214/003/000/000/000 and 118/001/000/000/000; the crossing of Winchester Street at Krif Road; and, The crossing of Production Avenue approximately 200 +/- feet south of NH Route 9. As well as access to the Class VI Portion of the Old Gilsum Road starting approximately one mile from the Gilsum Town Line and going north, (“Premises”) for the following purpose: for a snowmobile trail, and under the following conditions: Said use shall commence on December 15, 2024, and expire on March 30, 2025, and is subject to the following conditions: the signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as additionally insured.

In addition, the Keene SnoRiders, Inc. will be responsible (including all associated costs) for furnishing, installing and maintaining of all signage/markings; which shall be furnished and installed in accordance with the Snowmobile Trail Standards published by NH Department of Business and Economic Affairs and the Manual for Uniform Traffic Control Devices (MUTCD); all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover; no structures, including but not limited to buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road; snow windows shall be groomed to provide adequate sight distances in conformance with AASHTO Standards and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that Keene SnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover. All crossing of public right of ways shall be made and maintained as perpendicular with the right of way being crossed.

Attachments:

None

Background:

Chair Bosley welcomed George Thompson, who explained that this was their annual request for permission for the Sno-Riders Club to cross where the Rail Trail connects Swanzey to Keene. Chair Bosley asked if the group had the requisite meetings with City staff. Mr. Thompson believed that the Club President, Jeremy Evans, had done everything necessary for the application. Shortly after, the City Manager clarified that the Sno-Riders do not have the typical event protocol meetings with City staff because this is not an event. Rather, the request was reviewed by the Public Works Department and the City Engineer provided comments related to the proposed motion, so City staff were prepared to move forward at this meeting. Chair Bosley knew this was an annual request and recalled that there had never been negative feedback, adding that the Club does well to follow the City's criteria, which is appreciated, so she was glad to see them back this year. Vice Chair Jones added his appreciation for how the Sno-Riders help the City with maintaining its trails.

Councilor Williams made the following motion, which was duly seconded by Vice Chair Jones.

On a vote of 4–0, the Planning, Licenses, & Development Committee recommends that the Keene SnoRiders be granted permission to use the following locations on City property for a snowmobile trail: the right-of-way along the north side of Krif Road from Krif Court to Winchester Street; City property identified by tax map numbers 116/040/000/000/000, 214/003/000/000/000 and 118/001/000/000/000; the crossing of Winchester Street at Krif Road; and, The crossing of Production Avenue approximately 200 +/- feet south of NH Route 9. As well as access to the Class VI Portion of the Old Gilsum Road starting approximately one mile from the Gilsum Town Line and going north, ("Premises") for the following purpose: for a snowmobile trail, and under the following conditions: Said use shall commence on December 15, 2024, and expire on March 30, 2025, and is subject to the following conditions: the signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as additionally insured.

In addition, the Keene SnoRiders, Inc. will be responsible (including all associated costs) for furnishing, installing and maintaining of all signage/markings; which shall be furnished and installed in accordance with the Snowmobile Trail Standards published by NH Department of Business and Economic Affairs and the Manual for Uniform Traffic Control Devices (MUTCD); all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover; no structures, including but not limited to buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road; snow windows shall be groomed to provide adequate sight distances in conformance with AASHTO Standards and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that Keene SnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover. All crossing of public right of ways shall be made and maintained as perpendicular with the right of way being crossed.

Councilor Haas asked how many years the Sno-Riders had been requesting and receiving this approval from the City. Mr. Thompson was not positive how long this agreement was in place to cross the City's rights-of-way, but the Sno-Riders had been incorporated since 1985. Chair Bosley knew it had been requested every year she had been a Councilor. Councilor Haas said it had been a

long-term arrangement and there had never been negative feedback, so he thanked the Club and encouraged them to keep it up.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 17, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Charter Communications – Request to Install a Concrete Pad and Utility Cabinet – 555 Roxbury Street**

Recommendation:

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate and to execute a standard form City license to Charter Communications for the installation by Charter Communications of a concrete pad and utility cabinet on City property located at 555 Roxbury Street.

Attachments:

None

Background:

Chair Bosley welcomed Tom Converse, representing the applicant, Charter Communications. Mr. Converse explained that the intention was to place a cabinet off to the side of Roxbury Street near a current utility building. He said this would provide more reliable uptime for the City’s facilities, citing a snowstorm in 2023, and explaining that this additional cabinet would have added reliable uptime. Additionally, with Charter Communications’ coming upgrades, this would allow them to maintain this equipment more easily if needed.

The City Manager, Elizabeth Dragon, noted that because this would not be a use of the City’s right-of-way—it would be a use of this property on Roxbury Street—this would go through the licensing process and before anything is authorized, the Public Works Department would confirm it is comfortable with this location. Chair Bosley asked if there were comments from Public Works at this point and the City Manager said no. Chair Bosley asked if the proposed motion language would make this a conditional approval. The City Attorney, Tom Mullins, replied that he did not think it needed to be conditional because it would all happen through the City Manager, who would have the authorization to negotiate and execute the license with Charter Communications; the City Attorney said that any Public Works Department requirements could be folded into that.

Councilor Williams referred to another utility box installed on Beaver Street that has a large dip in the sidewalk in front of it that fills with water and turns to ice in the winter. He hoped that Public Works would review that to ensure it does not happen again at this new location. Mr. Converse asked Councilor Williams to share the address of the Beaver Street location after the meeting so they could check if it was Charter Communications’.

Vice Chair Jones noted that this utility box would be fed with underground conduit and asked if that would go through private property. Mr. Converse said no, it would go directly from the telephone pole at the end of the road underground to the box.

Councilor Haas asked if this was at the water tank facility. Mr. Converse said it is the one around the corner off Chapman Road. Councilor Haas said it was at the antenna site, and Mr. Converse said at the bottom of the road. So, Councilor Haas said there are no sidewalks there and the box would be off the road.

There were no public comments.

Councilor Haas made the following motion, which was duly seconded by Vice Chair Jones.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate and to execute a standard form City license to Charter Communications for the installation by Charter Communications of a concrete pad and utility cabinet on City property located at 555 Roxbury Street.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 17, 2024
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Elizabeth Dragon, City Manager
Subject: **Acceptance of Donations - Finance Director**

Recommendation:

Move that the City Council accept the donations listed below totaling \$6,000 and the City Manager be authorized to use each donation in the manner specified by each donor.

Attachments:

None

Background:

The Keene International Festival was held on Saturday, September 28, 2024. The Committee actively sought corporate funding to help showcase and celebrate the rich cultural diversity of the Keene to the community through activities that engage and connect people to each other. The Gallup Foundation generously donated \$5,000, helping to maintain and sustain the Keene International Festival's presence in our community.

The next donation is for the Community Night events associated with the new "Ward Optimization Weeks" (WOW!) initiative. The Community Development Department and Library held a series of community nights that included food, games, crafts and raffles that provided an opportunity for community engagement and input for 'WOW' projects. To cover the costs of these Community Night events, C&S Wholesale Grocers, through their Mini Grants Committee, generously donated \$1,000.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.2.

Meeting Date: October 17, 2024
To: Mayor and Keene City Council
From: Thomas Mullins, City Attorney
Through:
Subject: **Rules of Order Amendments - Section 17 "Motions" and Section 26 "Review of Items of Business" - City Attorney**

Recommendation:

The proposed amendments to the Rules of Order be referred to the Planning, Licenses, and Development Committee for consideration along with its ongoing discussions about Communications.

Attachments:

1. 10_09_2024_proposed amendments to Motions and Review of Items of Business

Background:

During the PLD Committee's discussion regarding non-germane communications, the Committee requested that the City Attorney draft further amendments to the Rules of Order that relate to the topic of communications.

Amendment # 1

SECTION 17. MOTIONS.

A long or complex motion shall be reduced to writing if the Mayor or Temporary Chair so directs; or if any member of the City Council requests it. When a main motion is under debate, the Mayor or Temporary Chair may receive the following subsidiary motions, which have their proper position in the order, taking precedence over the motions that rank below it and yielding to motions that rank above it.

Lay on the table	2nd required	Simple majority	Not debatable	Not amendable
Previous question	2nd required	$\frac{2}{3}$ majority	Not debatable	Not amendable
Limit or extend debate	2nd required	$\frac{2}{3}$ majority	Not debatable	Amendable
Postpone definitely	2nd required	Simple majority	Debatable	Amendable
Refer	2nd required	Simple majority	Debatable	Amendable
Amend	2nd required	Simple majority	Debatable	Not amendable
Postpone indefinitely	2nd required	Simple majority	Debatable	Not amendable
Main motion	2nd required	Simple majority	Debatable	Amendable

In addition to subsidiary motions, the Mayor or Temporary Chair may receive the following incidental motions, which have no rank:

Recess	2nd required	Simple majority	Not debatable	Not amendable
Division of the question	2nd required	Simple majority	Not debatable	Amendable
Suspend Rules of Order	2nd required	$\frac{2}{3}$ majority	Not debatable	Not amendable
Take from the table	2nd required	Simple majority	Not debatable	Not amendable
Reconsider	2nd required	Simple majority	Debatable	Not amendable
Appeal from a decision of the Chair	2nd required	Simple majority	Debatable only between Mayor and the member making the appeal	Not amendable
Accept an item as informational	2nd required	Simple majority	Debatable	Not amendable
Call from Committee	2nd required	Simple majority	Debatable	Not amendable
Point of Order	None	Ruling by the Chair	Not debatable	Not amendable

Amendment # 2

SECTION 26. SECTION 26. REVIEW OF ITEMS OF BUSINESS.

Every Ordinance, Resolution, Committee Report, and any other document to come before the City Council for consideration must be filed with the City Clerk by 4:00 PM on the Tuesday before the Thursday on which the City Council holds its regular meeting.

As soon as practicable after receipt of items of business by the City Clerk, the City Clerk shall review the items of business with the Mayor and City Manager. Items of business determined by the Mayor and City Manager to be routine City business, or within the purview of the City Manager, or of a nature that investigation by the City would be appropriate or of a nature that the matter should be dealt with confidentially shall be referred, as appropriate, to the City Manager, the City Council, Council Committee, or other appropriate governmental agency for disposition. In such cases, the sponsor of the item of business shall be given written notification of the referral of the matter and such other pertinent information as the Mayor and City Manager shall determine to be appropriate. The City Council shall be provided with a summary of the items of business not placed on the Council agenda and the disposition of the items. The City Manager shall take reasonable measures to ensure that these referrals are dealt with appropriately. Except as otherwise provided by these Rules, items of business not resolved to the satisfaction of their sponsor, may be placed upon the Council agenda by the Mayor, any member, or the City Manager. **Communications requesting that the City Council consider matters that may not be germane to either the State of New Hampshire or to the City, or over which the City Council may lack the authority to take any action, shall be placed on the City Council agenda for a determination by the City Council as to whether or not to accept the communication as informational.**

All items to be placed on the City Council agenda for the first time shall be referred by the Mayor as appropriate to a Committee or Committees for consideration and report by the Committee at the next meeting of the City Council, unless more time is requested by the Committee. Any item appearing on the City Council agenda for the first time shall not be debated, and shall have no final action without suspension of the rules. Once more time has been granted on a matter, it shall remain on more time until placed on the Committee agenda for action or a motion to call it out of Committee passes. Notwithstanding any other provisions of these Rules, Resolutions of a congratulatory, aspirational or ceremonial nature and items referred directly to a Committee under this Section and then reported out may be debated and acted upon when they first appear on the City Council agenda without suspension of the rules.



ITEM #F.3.

CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 17, 2024
To: Mayor and Keene City Council
From:
Through: Elizabeth Dragon, City Manager
Subject: Invest New Hampshire Municipal Demolition Grant - Building at 160 Water Street

Recommendation:

Move that the City Council recommend that the City Manager be authorized to accept and execute a Invest NH Municipal Demolition Grant award for \$117,000.00 for the property located at 160 Water Street.

Attachments:

None

Background:

The City Council supported the grant application during the April 6, 2023, meeting. The grant award letter was received July 6, 2023, the City then had four bid offerings \$120,000+ over budget. An additional funding source was achieved through a reallocation process with the LWCF grant for the skate park. This was awarded in May 2024. The demolition bid was released again through the Purchasing Department and received zero bids were received on September 11, 2024. The City has requested an extension which needs to submit City Council support to the NH Department of Business and Economic Affairs before October 31, 2024.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: October 17, 2024
To: Mayor and Keene City Council
From: Sam Jackson/Bicycle Pedestrian Path Advisory Committee
Through: Patricia Little, City Clerk
Subject: **Bicycle Pedestrian Path Advisory Committee - Bicycle Safety Studies**

Recommendation:

Attachments:

1. Communication_Jackson

Background:

On behalf of the Bicycle Pedestrian Path Advisory Committee, its Chairman, Sam Jackson, is providing various studies that support the safety of covered bike paths.

Dear Mayor, Members of the Keene City Council, and City Manager,

It has come to our collective attention that there are concerns regarding the safety of protected bicycle lanes. During the City of Keene's Bicycle & Pedestrian Path Advisory Committee's research on protected bike lanes in regards to the downtown infrastructure project, we cited numerous studies showing their safety not only for cyclists, but for pedestrians and vehicles.

Here are a sampling of studies and articles collected by BPPAC members which address the safety of protected bike lanes for pedestrians, vehicles and bicycles:

- Cycling lanes reduce fatalities for all road users, study shows: Building safe facilities for cyclists is one of the biggest factors in road safety for everyone. Bicycling infrastructure -- specifically, separated and protected bike lanes -- leads to fewer fatalities and better road-safety outcomes for all road users.
- Why cities with high bicycling rates are safer for all road users: Despite bicycling being considered ten times more dangerous than driving, the evidence suggests that high-bicycling-mode-share cities are not only safer for bicyclists but for all road users.
- Route Infrastructure and the Risk of Injuries to Bicyclists: A Case-Crossover Study: Streets with protected bike lanes saw 90 percent fewer injuries per mile than those with no bike infrastructure. Protected bike lanes reduce bike-related intersection injuries by about 75 percent compared to comparable crossings without infrastructure.
- Risk of injury for bicycling on cycle tracks versus in the street: Streets with protected bike lanes saw 28 percent fewer injuries per mile than comparable streets with no bike infrastructure. People were also 2.5 times more likely to bike on the protected lanes than in general travel lanes.
- Better Bike Infrastructure Saves Lives: We know that Complete Streets can reduce crashes by over 30% on average.
- District Department of Transportation Bicycle Facility Evaluation: Ninety percent of users say they feel safer bicycling on Pennsylvania Ave because of the new protected lanes.
- Measuring the Street: New York City's protected bike lane on 9th Avenue led to a 56 percent reduction in injuries to all street users, including a 57 percent reduction in injuries to people on bikes and a 29 percent reduction in injuries to people walking, as well as an 84 percent reduction in sidewalk riding.
- Memorandum on Bike Lanes, City of New York: When protected bike lanes are installed in New York City, injury crashes for all road users (drivers, pedestrians, and cyclists) typically drop by 40 percent and by more than 50 percent in some locations.

- Columbus Avenue Parking-Protected Bicycle Path Preliminary Assessment (pgs. 8-10): After New York City installed a protected bike lane on Columbus Avenue, bicycling increased 56 percent on weekdays, crashes decreased 34 percent, speeding decreased, sidewalk riding decreased, and traffic flow remained similar.
- Tired of Cyclists Riding on the Sidewalk? Build More Bike Lanes: Where protected lanes were installed in New York and Washington D.C., the number of bikes on sidewalks immediately fell by an average of 56 percent.
- Philadelphia Parking Separated Bike Lane Study: In the City's study, safety data from peer cities were reviewed to evaluate the effectiveness of PSBLs. Many of the reviewed case studies found that the installation of PSBLs reduce crash rates for motor vehicle drivers, bicyclists, and pedestrians, especially at mid-block locations where crash injuries tend to be most severe. Crashes involving a driver overtaking a person bicycling are the leading cause of fatalities for people bicycling in the US.
- Lessons from the Green Lanes: Evaluating Protected Bike Lanes in the U.S.: 96 percent of people using protected bike lanes believe they increased safety on the street.

People for Bikes cites numerous other bicycle facilities safety and usage statistics.

The Forbes article cited in a letter dated 9/12/24 from Jon Loveland to Mayor Jay Kahn, City Manager Elizabeth Dragon and members of the Municipal Services, Facilities and Infrastructure committee was a significant outlier in its claims that protected bike lanes are unsafe. Additionally, it should be observed that the author, Diana Furchtgott-Roth, is Director of Energy, Climate, and Environment at the Heritage Foundation (which has produced the much discussed Project

Several additional observations about data cited in the Forbes article:

- Jan Heine, quoted claiming bicycle lanes are less safe, is a racing cyclist, and usually separated bicycle paths are not the best solution for fast and confident bicycle users.
- The study the Furchtgott-Roth used (*The Relationship Between Separated Bicycle Lanes & Bicycle Crashes in Denver CO* by Wonsun Chang) examines the number of crashes, but with no context for the extent of use. The study admits they could not find this data.
- This study took multiple types of bicycle infrastructure and lumped them into two groups ("separated bicycle lane" and "shared roadways"). Painted bicycle lanes (separated by a 4-6 inch wide strip of paint, much like the lanes on Washington Street) are lumped into "separated bicycle lanes." While technically true, it skews the data to lump it in with bike lanes with barriers and bicycle paths (or tracks in the study). Painted bicycle lanes are not as safe as those with buffers (planters, bollards, parked cars or grade change), because autos can veer into areas without physical obstructions. By lumping them together, they make separated biking infrastructure look more dangerous than shared roadways:
 - 444 crashes on separated bike lanes; 379 crashes on shared roadways (study)
 - 140 crashes on safe, separated bikeways; 669 crashes on shared roadways and unprotected bike lanes (reallocating bike lane incidents)

The contractors and the committees who have advised the city along the way have put in extensive efforts to assuage these concerns before they could be raised. BPPAC would be remiss if we did not address these specific concerns with the research already conducted.

Sincerely,



Sam Jackson
Chair of Bicycle & Pedestrian Pathways Advisory Committee
618 Court Street
Keene, NH 03431



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

Meeting Date: October 17, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Greater Monadnock Collaborative – Request to Use City Property – Central Square and Railroad Square – 30th Anniversary Celebration of the Release of the Film Jumanji**

Recommendation:

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the request be placed on more time to allow additional protocol meetings to be held.

Attachments:

None

Background:

Chair Bosley welcomed an introduction from the Deputy City Manager, Rebecca Landry, who explained that a protocol meeting occurred with the petitioner, Kathy Bergstrom, and other members of the Greater Monadnock Collaborative Board of Directors. At that meeting, the members learned more about what would be occurring in the next year with the downtown project and decided they needed more time to consider details like road closures, etc. So, they asked for this to be placed on more time and they intend to return to the Committee in November with more specifics for the event.

Vice Chair Jones made the following motion, which was duly seconded by Councilor Haas.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the request be placed on more time to allow additional protocol meetings to be held.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 17, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Rules of Order Amendment #4: Section 25. Communications**

Recommendation:

On a vote of 4–0, the Planning, Licenses, & Development Committee recommends placing Rules of Order Amendment #4: Section 25. Communications on more time.

Attachments:

None

Background:

Chair Bosley welcomed an introduction from the City Attorney, Tom Mullins, who recalled that this Committee had been deeply involved with these Rules of Order for a long time and had previously discussed this proposed amendment. The City Attorney read the amendment for the public: “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.” The City Attorney recalled a fair amount of discussion about this Rule at the September 19 City Council meeting, and whether the language was appropriate or whether there could be a different approach. So, the Council referred it back to this Committee for this discussion.

The City Attorney continued, explaining that Councilor Filiault presented an easier approach at the September 19 Council meeting. At this time, when a communication was submitted to the Clerk’s office, unless it was something that could be easily disposed of through City staff or referred back to the City Manager for action—or if it was a personal attack or defamatory—it would be placed on the Council’s agenda. As with recent communications, the City Attorney said the City Clerk could place the communications on the Council’s agenda—relieving the Clerk of the responsibility of determining what is germane, which he thought the Clerk would appreciate—and the Mayor would still have the authority to tell the Council whether he thinks the communication is germane to what the City does or accept it as informational, unless there is an objection from the Council. It would only require a majority vote of the Council to overcome the ruling of the Chair, and if overruled, the communication would be to refer it to a Standing Committee as already allowed in the Council’s Rules of Order.

In addition to what the City Attorney outlined, Chair Bosley said she thought the Council wanted the public to understand what issues the Council is willing hear and the criteria for that to be amended.

Chair Bosley said she thought a lot about this after the Council's discussion and came to the realization that a challenge of the Chair only requires a simple majority vote, which she said would be an easy way to accomplish what Councilors Madison and Williams talked about during the Committee's first review of this Rule—lowering the bar from a 2/3 majority (a suspension) to something more practical for a Councilor to accomplish. Chair Bosley asked if it would be responsible to include language like: "The City Clerk shall place items that are not germane on the agenda and the Chair will accept those as informational," giving the public a path of what the expectation is, and then the Council would understand their ability to challenge that decision is. The City Attorney said yes that language could be included, but it begged the question of who would determine whether something is germane; based on what he heard the Chair say, the City Attorney thought that would still be left with the City Clerk. Chair Bosley cited Section 26, which indicates that the Clerk meets with the Mayor, City Manager, and City Attorney to review every communication. The City Attorney and the City Clerk, Patty Little, said that was correct. So, Chair Bosley stated that it would never be any one individual making the decision, and it would be the Mayor's final decision on the Council floor when he reads the communication to say whether it is being accepted as informational. The City Attorney agreed.

Chair Bosley said she wanted these details clearly reflected in the Rule for the sake of transparent expectations. For example, when Councilor Williams challenged the Mayor, if there had there been a second and seven other Councilors were in support, with this Rule there would be a very clear path to move the item back onto a Standing Committee's agenda, indicating that a majority of the Council was interested in talking about it. Chair Bosley had given this a lot of consideration and said that ultimately, she wants to hear the things that the community wants the Council to hear; if a group of Keene residents are interested in the Council's time being spent in a specific item, she thinks it is appropriate for the Council to spend its time on it. However, Chair Bosley does not want special interest groups trying to use the Council Chamber as a platform for their personal agendas vs. the community's agenda. She wants to ensure that there is some sort of boundary.

Vice Chair Jones tried to remember how many instances of non-germane items appeared before the Council. He and Chair Bosley recalled that the only national issue in the recent past that the Council supported was Medicare for All; the Council did not consider the war in Ukraine. Vice Chair Jones asked if the City Manager considered Medicare for All germane to the City. The City Manager replied that the petitioners made a connection, and the Council decided it was relevant. Vice Chair Jones also thought the Council took action on the Paris Climate Agreement because of the City's Climate Action Plan, so he asked if it was germane. The City Manager said it was difficult for her because she was not the City Manager at the time and was not familiar with the communication. The Vice Chair thought the Council acted on it because the City's Climate Action Plan was in place and the Paris agreement affected Keene's Plan. Vice Chair Jones was trying to decide how to determine what is germane moving forward. The City Manager thought that what was being proposed was a fail-safe method because the Council would see all the communications and if a Councilor thinks one is germane, they could challenge the Chair's decision to accept it as informational, and if a simple majority of Councilors agree, it would move forward to a Standing Committee. As such, the City Manager thought it was a way to ensure that 3–4 staff members would not be tasked with the decision of what is germane; it would be more transparent. Chair Bosley added that this would eliminate the issue of communications being placed in Councilors' mailboxes or being missed if deemed non-germane; all communications would be agendaized for everyone to review, which Chair Bosley liked. The City Attorney clarified that to date, communications were not regularly placed in Councilors' mailboxes, they were only attached to the agendas when publicized. The City Clerk agreed.

Councilor Haas reviewed the existing processes with the City Clerk. When communications are submitted to the City Clerk's office:

- All communications would be forwarded to the other Charter Officers—City Manager & City Attorney—and the Mayor. This was not in the Rules but had been the practice.
- Communications that should be obviously agendized would be added to the Council’s agendas.
- The Rules allow for “direct referral” to the City Manager for things that could easily be dealt with in her powers. In those cases, the Council would receive a copy of those communications with the direct referral notations on them, and the City Manager would be obligated to report back to the Council as to her actions.

Councilor Haas said that—according to his reading of the Rules—as long as the Council is copied on every communication disposition, it seemed to fulfill the issue at hand. He had not seen many non-germane communications arise in his first 8–9 months as a Councilor. The City Clerk said they were rare. So, Councilor Haas said that anything he does not see in his mailbox or on his desk at a Council meeting would have been agendized. The Councilor continued, referring to another point in the Rule, which states that written notifications would be returned to sender if not to be agendized. He said it would be great to build into the Rule that communication back to the sender should include advice to contact their ward Councilors or at large Councilors to continue pursuing the matter if they choose; he could imagine someone feeling unhappy receiving a communication back from the City stating that their communication was non-germane and Councilor Haas said that providing contact information for a Councilor might be helpful. The City Clerk said that it sounded like the Committee was suggesting that all communications would be agendized now if the Rule amendment under discussion would move forward. In that case, the Clerk said there would never be an opportunity for her to keep a communication off the Council’s agenda. Councilor Haas agreed.

Councilor Haas asked where it was written in the Council’s Rules of Order that the Mayor is authorized to accept anything as informational. The City Clerk said she could not recall the section. The City Attorney said he did not believe it existed, noting that the Councilor had identified through this process another part of the Rules that needed clarifying. Chair Bosley asked in what section that could be clarified and the City Attorney said perhaps Consideration of Business, and Councilor Haas suggested Section 26 where it says, “the Mayor shall refer to a Committee.” Councilor Haas liked the Mayor having the option to accept a communication as informational and the Council having the opportunity to override that action.

The City Attorney agreed that he had also only recently identified this problem in the Rules that Councilor Haas pointed out, so he and not yet had time to workshop the solution with the City Clerk. Discussion ensued briefly about whether it could be worked into Section 25 under discussion as an additional amendment. The City Attorney suggested that the last sentence in the suggested amendment of Section 25 could be deleted, ending Section 25 with “... or argumentative nature by the City Clerk.” If the Committee did so, they would have to adopt Section 25 as amended to accept the applicable housekeeping changes, which the City Attorney felt could happen at this meeting; he felt it would go back to the City Council with that proposal and staff would submit an amendment for first reading.

Chair Bosley said she would prefer to put this on more time to allow for the new amendment to have its first reading and then both amendments could be considered by the Committee together. The City Attorney said yes, it was fair. He would introduce a proposed amendment to Rule 26 to the Council for first reading, inserting the language he drafted at the very end of the first paragraph: “Communications requesting that the City Council consider matters that may not be germane to either the State or to the City, or over which the City Council may lack the authority to take any action shall be agendized by the City Clerk for appropriate action by the City Council.” Chair Bosley suggested adding, “... and accepted by the Mayor as informational.” The City Attorney agreed.

Councilor Haas agreed on including the informational aspect, noting that there are plenty of other

things that are not exciting, like international events, that the Council can dispense with easily by accepting them as informational. He said he looked forward to having that wording in the Rules. The City Attorney agreed that it would be included in the first reading. Councilor Haas added that he agreed with the Chair about placing this item on more time.

Vice Chair Jones also agreed about placing this on more time. The Vice Chair also asked that the background notes clearly show the Committee's intention to strike the last sentence of Section 25 and to amend Section 26.

Councilor Williams agreed that this should be placed on more time because he needed more time to think about it. He liked Chair Bosley's point about making it clear to the public, which he thought was important. Councilor Williams was unsure about including, "... and it will be accepted as informational," because he thought it would be a directive to the Mayor and he was unsure that would be appropriate; he said there could be an instance that the Mayor does not want to accept something as informational. So, Councilor Williams wanted more time to think about it. The City Attorney said that was why he said, "appropriate action," in considering this now because once it is in the Rule as a directive to the Mayor as "thou shalt accept it," City Attorney said he had issue with that.

As such, Chair Bosley directly asked the City Attorney to consider the best language to propose to the Council over the forthcoming week. She had heard from many Councilors that they wanted there to be an obvious place that the public could go to understand the Council's intentions, and that there be a mechanism for the Council to undo that when appropriate. The City Attorney suggested something like: "Agendized by the City Clerk for consideration by the City Council as to whether or not to accept the communication as informational." Chair Bosley said yes, direction like that. The City Attorney said that Councilor Williams pointed out an important issue in the Rules.

Councilor Haas reiterated and reinforced that the Council has a good process that works but that could be tightened-up, as identified by a hot button issue recently. He thought the Council would be in a much better place with these existing Rules tightened-up.

Chair Bosley opened the floor to public comments.

Jared Goodell of 39 Central Square appreciated the Council favoring letting people's communications come forward on its agendas, no matter the topics. He recalled submitting a communication that was accepted as informational, which was challenged, and then went through the Committee process. So, he felt the current system was working. However, he said there was a different approach to consider that had bothered him since the Pumpkin Festival in 2013–2014 and again recently. He recalled headlines about a Swanzey woman arrested at a Keene City Council meeting and stated that while he has nothing against the Swanzey resident, this is not Swanzey, and this Council represents the people of Keene. He said that whenever there is a hot button issue, Keene becomes a forum for people from other towns and states, which Mr. Goodell feels affects—or waters down—the decisions the Keene City Councilors are making based on people who are not their constituents and are not representative of the people of Keene. Mr. Goodell suggested restricting communications to people with connections to Keene—he listed residents, property owners, and business owners—suggesting that communications from those without a nexus to Keene not be heard by the City Council unless sponsored by a City Councilor.

Chair Bosley recalled that during COVID, this was a particular issue, when people across the country had access to the Council for publicity via Zoom meetings, which was what she wanted to avoid the Council being used for in the future. She said she thought that sometimes there would be things bigger than the City to discuss that would be germane to the State of NH. Chair Bosley said that she understood a Councilor challenging the Chair accepting a communication as informational as that

Councilor standing up for that communication. She said the community and City wards use the 15 Councilors to speak their opinions, which she said is a really important role. Different Councilors have access to different community groups and provide important representation in front of the Council. So, if there is a group of people local to Keene that a Councilor wants to represent, Chair Bosley thinks it is important that those Councilors can plead their cases in front of the Council. The Chair liked that this amendment under discussion would have all communications agendaized. Chair Bosley added that the 15 Councilors should be very cognizant of whose communications they are supporting and for what reasons.

The City Attorney stated that while he respected Mr. Goodell's position, he had serious concerns under the First Amendment with respect to a proposal like Mr. Goodell suggested—even just the practical realities—so the City Attorney would not recommend something like that to the Council. The Chair noted that there is an opportunity for members of the public to state their names and addresses, so the Council knows who is speaking, but the City Attorney noted that individuals are not required to do so under RSA 91-A; the City asks, and most people accommodate.

Vice Chair Jones posed a question about a past issue with letters submitted to the Council from out of state, and Councilor Haas clarified the question about verbal vs. written communications. The City Attorney confirmed that both verbal and written communications are subject to the First Amendment; he called it a slippery concept, noting that things like actions or even a patch on your arm could be First Amendment protected, for example. Vice Chair Jones said he was thinking of the Mayor being an elected official vs. the Charter Officers and if the Mayor could consider whether a communication is germane. The City Attorney said the Mayor is still a public official. While commonly misunderstood, the City Attorney explained that the First Amendment constrains governmental action. In his capacity, the Mayor is a governmental actor, as are all the Councilors when acting in their official capacities, and thus they are all subject to the First Amendment. Private entities—except for some commercial speech—are not subject to the First Amendment. The City Attorney confirmed that as a governmental actor, the Mayor would still be subject to these requirements. Chair Bosley cited instances of letters being agendaized from an individual from California who was regularly writing to the Council about the downtown redesign.

Vice Chair Jones made the following motion, which was duly seconded by Councilor Haas.

On a vote of 4–0, the Planning, Licenses, & Development Committee recommends placing Rules of Order Amendment #4: Section 25. Communications on more time.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: October 17, 2024
To: Mayor and Keene City Council
From: Terri Hood, Deputy City Clerk
Through: Patricia Little, City Clerk
Elizabeth Dragon, City Manager
Subject: **Relating to Licenses and Permits
Ordinance O-2024-18**

Recommendation:

That Ordinance O-2024-18 be referred to the Planning, Licenses and Development Committee for their review and recommendation.

Attachments:

1. ORDINANCE O-2024-18 Licenses and Permits

Background:

The City Clerk's Office has been discussing the upcoming Downtown Renovations in 2025 and the potential impact on licenses for the use of City property, including sidewalks and public rights-of-way. We were advised that beginning on or around April 15, 2025, and extending through early December (weather permitting), the area of Central Square and both sides of Main Street from Central Square to Lamson and Church Streets will be under construction, which would present a safety issue should the city move forward with licensing activities within the impacted area.

The proposed ordinance would provide the Public Works Director with the discretion to direct the designated licensing authority not to accept applications for licenses when necessary, to maintain public safety. This proposed amendment would affect various uses of City property including but not limited to: Sidewalk Cafes, Vendors, General Use of City Property and Community Events.



CITY OF KEENE

In the Year of Our Lord Two Thousand and _____ Twenty Four

AN ORDINANCE _____ Relating to Licenses and Permits

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

That Chapter 46 “LICENSES AND PERMITS” of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded, underlined text in Article II. “LICENSING GENERALLY”, section Sec. 46-91. “Application”.

Sec. 46-91. Application.

Applications for all licenses provided by this chapter shall be available in the designated office and shall be made upon such standard forms as may be prescribed therefor from time to time, which may include the information required for an application, the process of review thereof, the fee therefor, and any conditions or other requirements pertinent to its issuance, and the expiration date thereof. No license shall be valid unless the fee therefor, if any, has been paid and the applicant has the license in his possession bearing all required information, signed by the city official designated to grant such license, and it has not expired, or been suspended, revoked or modified by the city official authorized to grant the license in accordance with the fair hearing procedures set forth in section 46-94.

The designated licensing official, as directed by the Public Works Director, shall not accept applications for licenses occurring on city property including sidewalks and rights-of-way when the area of use will be impacted by a city construction project.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.2.

Meeting Date: October 17, 2024
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Amendments to the Land Development Code, Building Height in the Commerce District Ordinance O-2024-19**

Recommendation:

To refer Ordinance O-2024-19 to the Joint Committee of the Planning Board and the Planning, Licenses and Development Committee for a public workshop.

Attachments:

1. Ordinance O-2024-19 Application
2. Narrative_10-15-2024
3. Article 5_Zoning Districts Commercial Height Mock Up
4. Article 8_Zoning Use Chapter Multifamily Use Standard
5. Ordinance O-2024-19

Background:

In 2022, the City Council amended the zoning ordinance to allow "Dwelling, Multifamily" as a permitted use within the Commerce District with limitations and increased the permitted height within this district from two stories to four stories with additional setback or building setback requirements. Since that time, no new multifamily residential development has occurred in this district. This ordinance proposes to simplify the height requirement in the Commerce District and incentivize multifamily residential development by increasing the permitted height for this use up to six stories with limitations. The residential units would all be required to be above the ground floor of the building, and an additional setback or building setback of 15 feet would be required. In addition, if this use directly abuts a single-family or two-family home, a 50-foot side and/or rear setback from the common property line shall be required.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: October 15, 2024

Address: 3 Washington St. Keene NH

Telephone: (603) 352-5440 Email: communitydevelopment@keenenh.gov

Existing Section Reference in Chapter 100, Land Development Code: 5.1.4; 8.3.1

Does the amendment affect "Minimum Lot Size"? [] Yes [x] No

Does the amendment affect "Permitted Uses"? [x] Yes [] No

Number of parcels in Zoning District*: >100

Validation of Number of parcels by the Community Development Department

Mari Bruner
Petitioner's Signature

SUBMITTAL REQUIREMENTS WHICH MUST BE COMPLETE AT TIME OF SUBMISSION TO THE CITY CLERK:

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
\$100.00 application fee.
As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district, *and such change includes 100 or fewer properties, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. The list shall include the tax map number and address of each abutter or owner, and must be current with the Assessing Department's records within ten days of submittal. Two sets of mailing labels shall be provided.

Date Received by City Clerk: 10/15/2024 Ordinance Number: O-2024-19

On City Council agenda: 10/17/2024 Workshop to be held:

Public Hearing to be held

CITY OF KEENE
NEW HAMPSHIRE

O-2024-19 Relating to Amendments to the Land Development Code, Building Height in the Commerce District.

This Ordinance proposes to modify the allowed height within the Commerce District to be three stories or 42 feet by right and incentivize multifamily residential development in the Commerce District by permitting a height of up to six stories or 82 feet for “dwelling, multifamily” with limitations. The increased height allowance for multifamily dwellings would only be allowed where the ground floor of the building along the street frontage is tenantable commercial space and with an increased front setback or building setback of 15 feet. In addition, if this use directly abuts an existing single-family or two-family property, a 50-foot side and/or rear building setback from the common property line would be required to mitigate the impact of the increased building height on neighboring uses.

The intent of these proposed changes is to simplify the Commerce District height requirements in Section 5.1.4 of the Land Development Code, which currently includes three height options that each have a separate setback and/or building setback requirement, and to incentivize multifamily residential development to occur in this district above the ground floor.

The attached materials include the full text of Ordinance O-2024-19 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance O-2024-19. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.

5.1 COMMERCE (COM)

5.1.1 Purpose

The Commerce (COM) District is intended to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district shall have city water and sewer service.

5.1.2 Dimensions & Siting

Min Lot Area	15,000 sf
Min Road Frontage	50 ft
Min Front Setback	20 ft
Min Rear Setback	20 ft
<i>Min rear setback if abutting residential district</i>	50 ft
Min Side Setback	20 ft

5.1.3 Buildout

Max Building Coverage	80%
Max Impervious Coverage	80%
Min Green / Open Space	20%

5.1.4 Height

Max Stories Above Grade^{a,b} *	2 3
a With an additional 10-foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.	3
b With an additional 20-foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.	4
Max Building Height^{a,b} *	35 42ft
a With an additional 10-foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.	42 ft
b With an additional 20-foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.	56 ft

* See Use Standard 8.3.1.C.2.c for additional Dwelling, Multifamily height allowances

5.1.5 Permitted Uses

RESIDENTIAL USES		
Dwelling, Multi-family	P ¹	8.3.1.C
COMMERCIAL USES		SECTION
Animal Care Facility	P	8.3.2.B
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Banking or Lending Institution	P	8.3.2.E
Bar	P	8.3.2.F
Car Wash	P	8.3.2.H
Clinic	P	8.3.2.I
Event Venue	P	8.3.2.J
Funeral Home	P	8.3.2.K
Greenhouse / Nursery	P	8.3.2.L
Health Center / Gym	P	8.3.2.M
Hotel/Motel	P	8.3.2.O
Micro-Brewery/Micro-Distillery/ Micro-Winery	P	8.3.2.Q-S
Motor Vehicle Dealership	P	8.3.2.T
Neighborhood Grocery Store	P	8.3.2.U
Office	P	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Private Club / Lodge	P	8.3.2.X
Recreation/Entertainment Facility - Indoor	P	8.3.2.Y
Recreation/Entertainment Facility - Outdoor	P	8.3.2.Z
Research and Development	P	8.3.2.AA
Restaurant	P	8.3.2.AB
Retail Establishment, Heavy	P	8.3.2.AC
Retail Establishment, Light	P	8.3.2.AD
Self Storage Facility - Exterior Access	P	8.3.2.AE
Self Storage Facility - Interior Access	P	8.3.2.AF
Sexually Oriented Business	P ¹	8.3.2.AG
Specialty Food Service	P	8.3.2.AH
Vehicle Fueling Station	P ¹	8.3.2.AI
Vehicle Rental Service	P	8.3.2.AJ
Vehicle Repair Facility – Major	P ¹	8.3.2.AK
Vehicle Repair Facility – Minor	P ¹	8.3.2.AL
INSTITUTIONAL USES		SECTION
Community Center	P ¹	8.3.3.A
Cultural Facility	P ¹	8.3.3.B
Day Care Center	P	8.3.3.C
Place of Worship	P ¹	8.3.3.E

8.3 PRINCIPAL USES

This section provides a definition for each of the uses identified in Table 8-1. Some uses may have limitations or conditions that are associated with them, which will be listed as use standards underneath the definition.

8.3.1 Residential Uses

A. Dwelling, Above Ground Floor

1. **Defined.** A dwelling unit that is located on the second story or higher of a building that is above ground.

B. Dwelling, Manufactured Housing

1. **Defined.** Any structure, transportable in one or more sections, which in the traveling mode is 8-body feet or more in width and 40-body feet or more in length or when erected on site is 320-sf or more, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein. Manufactured housing is regulated by the U.S. Department of Housing and Urban Development via the National Manufactured Housing Construction and Safety Standards and is so labeled. Manufactured housing as defined in this section does not include campers or recreation vehicles as defined in NH RSA 216-l:1 or NH RSA 259:84-a; presite built housing as defined in NH RSA 674:31-a; or modular buildings as defined in NH RSA 205-C:1, XI.
2. **Use Standard.** Manufactured housing shall only be permitted if located within a manufactured housing park as defined in this Article.

C. Dwelling, Multi-family

1. **Defined.** A structure containing 3 or more dwelling units located on a single lot, with dwelling units either stacked or attached horizontally, which is designed, occupied, or intended for occupancy by 3 or more separate families.
2. **Use Standards**
 - a. In the Medium Density District, no more than 3 dwelling units are allowed per lot.
 - b. In the Downtown Core District, Downtown Growth District, and Commerce District, dwelling units shall be located above the ground floor.
 - c. **In the Commerce District, up to 6 stories or 82ft of height is permitted so long as the ground floor along the street frontage shall be tenantable commercial space. An additional 15-foot front building setback or a building height stepback of at least 15 feet shall be required. The stepback must occur above the ground floor and no higher than the fourth story. If directly abutting a single family or two-family use, a 50ft side and/or rear building setback from the common property line shall be required.**

D. Dwelling, Single-Family

1. **Defined.** A free-standing building containing only 1 dwelling unit on a single lot, which is designed, occupied, or intended for occupancy by 1 family.

E. Dwelling, Two-Family / Duplex

1. **Defined.** One building on a single lot containing 2 independent dwelling units, which is designed, occupied or intended for occupancy by 2 separate families.

F. Manufactured Housing Park

1. **Defined.** Any parcel of land under single



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Amendments to the Land Development Code, Building Height in the Commerce District

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, the Land Development Code, as amended, is further amended as follows:

1. That Section 5.1.4 “Height” of Article 5 “Max Stories Above Grade” be amended as follows:
 - a. Max Stories Above Grade* ~~2~~ **3**
 - b. ~~With an additional 10 foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.~~
 - c. ~~With an additional 20 foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.~~

2. That Section 5.1.4 “Height” of Article 5 “Max Building Height” be amended as follows:
 - a. Max Building Height* ~~35~~ **42ft**
 - b. ~~With an additional 10 foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.~~
 - c. ~~With an additional 20 foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.~~

3. That Section 5.1.4 “Height” of Article 5 be amended to include a new footnote as follows:
 - a. ***See Use Standard 8.3.1.C.2.c for additional height allowances for “Dwelling, Multifamily.”**

4. That Section 8.3.1 “Residential Uses” of Article 8, subsection C.2 Dwelling, Multi-Family Use Standards be amended to include new subsection “c” as follows:
 - a. **In the Commerce District, up to 6 stories or 82 ft of height is permitted so long as the ground floor along the street frontage shall be tenantable commercial space. An additional 15-foot front building setback or a building height stepback of at least 15 feet shall be required. The stepback must occur above the ground floor and no higher than the fourth story. If directly abutting a single family or two-family use, a 50ft side and/or rear building setback from the common property line shall be required.**



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 17, 2024
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to Street and Utility Requirements and Standards
Resolution R-2000-28**

Recommendation:

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends the rescission of Resolution R-2000-28.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the City Manager submit proposed criteria for the City Council to consider when determining whether or not to authorize the issuance of a building permit on a Class VI Road, or a private street.

Attachments:

1. CP-LAND-008_R-2000-28_Utility Standards

Background:

Councilor Remy could not attend but Chair Bosley said she spoke with him about this, and he asked the Chair to speak about this. Chair Bosley said this Committee had dealt with this several times in recent months and discussed how this policy was dated and needed to be revisited. She appreciated Councilor Remy submitting this communication to force this review. Chair Bosley had spoken with the City Attorney and understood that because a NH statute that covers these decisions, it seemed redundant for the City to have Resolution R-2000-28 as well. She said the City had been reviewing each of these Building Permits on their own merits anyway, so Chair Bosley did not think that considering rescinding this policy was out of character for what the Council should do. Still, she sought her colleagues' input.

Councilor Williams was also grateful that Councilor Remy brought this forward. There were some things Councilor Williams had concerns about. He said that Beaver Str. He continued the upper section of Beaver Street is steep and considered Class VI roadway. Historically it was used as Keene's toboggan run. Councilor Williams recalled a petitioner wanting to build a driveway on upper Beaver Street. He thought the Council could do better by the neighbors of Beaver Street by taking better care of that particular stretch of roadway. Conversely, Councilor Williams discussed Old Gilsum Road, which is a Class VI Road that goes through some of the City's most pristine wildlife areas. Councilor Williams said he would hate to see a situation in which someone is able to build a "McMansion" in the Old Gilsum Road area because of rescinding Resolution R-2000-28. So, he

stressed that he wanted to approach this in a way that continued protecting Old Gilsum Road and similar roads in rural areas. However, for Class VI roads in urban and residential areas, Councilor Williams thought it would be worthwhile to rescind Resolution R-2000-28, adding that it might be worth considering how this would align with the ongoing Master Plan update.

Chair Bosley asked the City Attorney if the Council was required to review every Building Permit request on a Class VI Road, regardless of the policy on file. The City Attorney said no, explaining that NH RSA 674:41 is a lengthy and complicated statute that—due to being short staffed—he had not yet had sufficient time to review the entire legislative history. However, he cited a part of the statute that states, “This section shall supersede any less stringent local ordinance on file,” which indicated to the City Attorney that the Council had some latitude. Councilor Williams’ point—which the City Attorney said he needed to think about more—would not change the present question about rescinding Resolution R-2000-28 in the City’s Land Development Code, which was mostly about driveways, and included a strict prohibition of any building on a Class VI road. At this point, the City Attorney thought—especially after discussing the property on Beaver Street—that the Council’s intent was not to prohibit any building along Class VI roads. He did not think the language in the statute allowed the City to supersede anything, and he said he had particular concern regarding some language. There was no case law on it. Ultimately, the City Attorney advised that the Council may have some latitude regarding what it could allow for building on a Class VI Road or a private road. He explained that the second recommended motion before the Committee was to authorize the City Manager and City staff to develop criteria for the Council to consider when issuing a Building Permit on a Class VI road. The City Attorney apologized as he thought there was more latitude than he might have initially led the Council to believe.

Chair Bosley said she did not feel misled, she had only believed that the RSA required the Council to review each request. The City Attorney said that was not wrong, the Council could review each request and if it does not fall under the established criteria, the Building Permit could be denied. Chair Bosley agreed, adding that in the absence of established criteria, the Council would have to approve the application. The City Attorney agreed but noted that there is an appeal provision. The City Attorney stated that the bottom line was that under the statute, the City Council should review each of these applications based on their own merits and make a decision based on some criteria that guides them. Chair Bosley agreed.

Chair Bosley stated that she was comfortable rescinding Resolution R-2000-28 because she did not think it was serving the City. She asked how this should move forward. The City Attorney said that this would not be a change to the Zoning Ordinance, and that sometimes the Joint Committee of the Planning Board and Planning, Licenses, and Development Committee would handle questions that are not strictly zoning related. So, he said it would be up to the Committee how to move forward procedurally.

Vice Chair Jones asked if rescinding Resolution R-2000-28 would leave the City with the same language as the RSA. The City Attorney said yes, the City would default back to the statute. So, Vice Chair Jones said the other option to modify the Resolution really would not do anything helpful. The City Attorney replied that most of the language in the Resolution was already codified in the Land Development Code for driveway standards, so modifying that would be essentially ineffective. The second part of the Resolution included the building prohibition that the Committee was considering rescinding, in which case the City would default back to the RSA. The City Attorney noted that in his 16-year tenure with the City, there had only been two applications for Building Permits on Class VI roads.

Councilor Haas thought it was interesting that when this first came up, it surprised everyone, and they had to research it. It sounded like it was passed in 2000 to accommodate a very unique situation

and Councilor Haas thought the City would be well served to move away from it.

Chair Bosley opened the floor to public comments.

Jared Goodell of 39 Central Square stated that he was recently impacted by this RSA—less so Resolution R-2000-28—and he hoped the Committee would take a broader look at the RSA and take preemptive action on it. In addition to Class VI roads, he understood that the City Council also had to approve Building Permits on private roads. He thought this could also apply to two houses sharing the same driveway. He said the RSA states that for private roads: “the local governing body, after review and comment by the Planning Board, has to vote to authorize the issuance of a Building Permit for the erection of a building,” which he said is separate from the issue of Class VI roads. Mr. Goodell said he agreed to an extent with Councilor Williams’ comments that specifically for Class VI roads, the City Council should approve each Building Permit application. However, as the City Attorney mentioned, Mr. Goodell questioned whether the recent requests were largely due to infill development. Mr. Goodell said the City needs infill development and with it, the City would run into more of these cases on private roads than Class VI highways. He asked for City staff to compile a list of private roads that exist in the City today for the Planning Board to review and decide where they are comfortable preemptively issuing Building Permits; he did not think the RSA said the Building Permit would have to be pending for the Planning Board to review those roads. From a developer’s standpoint, Mr. Goodell said it would take 45–60 days out of the process of obtaining a Building Permit, which could help to jumpstart infill development. Chair Bosley said it was an interesting perspective on the issue.

Vice Chair Jones asked if this was time sensitive for Mr. Goodell. Mr. Goodell said it was not currently, but it could happen, and he thought that preemptively identifying the private roads would be efficient for the Council. He looked through ArcGIS before the meeting and saw that many private roads were already listed in the City’s database, so to some extent, he said they would already be easily identifiable. Mr. Goodell thought it would help to jumpstart development. Vice Chair Jones noted that private roads would be coming up on the Joint Committee’s agenda.

Chair Bosley agreed about needing to look at further development of private roads by developers in general to alleviate some of those restrictions. Mr. Goodell said that anytime applicants can appear before fewer boards/committees (e.g., Zoning Board of Adjustment & Planning Board, etc.), it would certainly help because development is a long and cumbersome process.

Chair Bosley asked if the City Attorney saw a problem with Mr. Goodell’s idea as a concept. The City Attorney appreciated Mr. Goodell’s comments, noting that the focus of these discussions had been on Class VI roads because it came up in a recent situation. As Mr. Goodell pointed out, the RSA also deals with private roads. However, the City Attorney said the problem was that Resolution R-2000-28 was drafted before the RSA was amended to include private roads. So, he appreciated Mr. Goodell’s comments because the Council would not be talking only about Class VI roads in this context. Based on how the RSA was written, Chair Bosley asked if there would be a problem with the City preemptively authorizing Building Permits on specific private roads. The City Attorney thought that would be possible because the statutory language talks about the issuance of Building Permits “on Class VI roads or portions thereof,” so he thought that would be a part of the criteria the Council would want. The City Attorney thought that preemptively reviewing what the City knows of private roads within the municipality would be beneficial (the previous Public Works Director tried to limit private roads), and he thought that looking at Class VI roads preemptively would be helpful too, to Councilor Williams’ points. This would all require City staff work. Regardless, rescinding Resolution R-2000-28 would leave the Council with the RSA and to consider the Building Permits on their own merits until the Council develops a broader policy.

Councilor Williams thought Mr. Goodell's suggestion was a good one. So, Councilor Williams hoped for the creation of criteria for reviewing Class VI roads, a comprehensive review of the City's Class VI roads, and for staff to propose a policy for Class VI roads.

The City Attorney explained that the RSA was very clear that by allowing this to happen, the City could not assume any liability with respect to this, including access of emergency vehicles to these properties. So, the City Attorney said there would be an assumption of risk built into the process and thus the Council's criteria should really include the public health safety requirements associated with where somebody wants to build something. The City Manager added that over time, individuals had built on private roads that were not as accessible to fire trucks, so there were concerns from those residents. So, the City Manager thought the City really needed to take fire access into account when approving Building Permits on private roads.

Councilor Williams made the following motion, which was duly seconded by Vice Chair Jones.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends the rescission of Resolution R-2000-28.

Councilor Williams made the following motion, which was duly seconded by Vice Chair Jones.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the City Manager submit proposed criteria for the City Council to consider when determining whether or not to authorize the issuance of a building permit on a Class VI Road, or a private street.



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.

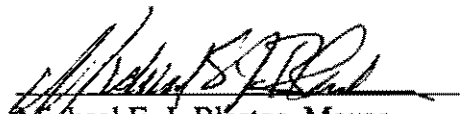
The Planning Board may issue a driveway permit, as per Section 2708.18 of the City Code, based upon a demonstration that the section of the Class VI highway to be used as a driveway is suitable for emergency vehicles on the date of issuance of the driveway permit and further provided that the property 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

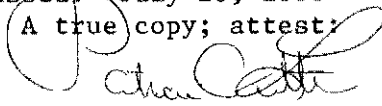
6. An acknowledgement by the owner of the property that any work performed by the property owner on the Class VI road must have prior approval from the Public Works Director or his/her designee.
7. An acknowledgement by the owner of the property that the Class VI highway shall remain a full public highway 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 17, 2024

To: Mayor and Keene City Council

From: Duncan Watson, Assistant Public Works Director

Through: Merri Howe, Finance Director/Treasurer
Elizabeth Dragon, City Manager

Subject: **Relating to an Appropriation of Funds from the Solid Waste Fund
Resolution R-2024-34**

Recommendation:

Move to recommend the adoption of Resolution R-2024-34 relating to the appropriation of funds from the Solid Waste Fund.

Attachments:

1. R_2024-34

Background:

The City of Keene operated a landfill gas-to-energy system at the Keene Solid Waste Facility from 1994-2017. The energy from the system was used to power the adjacent recycling center and transfer station. A matrix of energy options was developed in Fall of 2016 (including solar, wind, alternative fuel generators, etc.), due to a determination that the landfill gas-to-energy system could not be revitalized. In November 2016 the City issued RFP 02-17-10- Biofuel System Evaluation. A biofuel generator was determined to be the best cost option and plans and specifications were developed to install a biofuel generator to operate as a primary power source for the recycling center and transfer station.

In March 2018 the generator was delivered, set into place, and final electrical connections completed. In April 2018 5,600 gallons of ASTM D6751 B100 biofuel was delivered and the engine placed in service. Shortly thereafter the engine indicated a problem with emissions related to the dosing of diesel emission fluid into the exhaust gases which cause the fluid to crystallize and block the exhaust pipe.

The troubleshooting for the landfill gas-to-energy system as well as the new biofuel generator created a situation where the prime power generator was unavailable and the backup generator would be placed in service to allow the Solid Waste Division to operate. Over the course of many months of finding a workable fix for a prime power generator the backup generator was operated more than what was permitted and while the actual emissions from the backup generator were within the City's permitted limits, the number of hours of operation exceeded the limits and the New Hampshire Department of Environmental Services issued a fine to the City for violation of the City's air permit.

After negotiations between the City and the NHDES, the parties entered into a Consent Decree to settle the matter. The Consent Decree includes a fine of \$221,604 but with \$44,321 of that total suspended for two years provided that the City has no further violations of federal or state air quality requirements. The remaining \$177,283 is to be paid to the State. During the negotiations, the City proposed a tree planting program as a supplemental environmental project in lieu of the fine. Although the NHDES did not agree to incorporate the tree planting program as part of the Consent Decree, the parties understood that the intention of the City is to allocate the \$44,321 suspended portion of the fine to a tree planting program within the City. A single tree of the appropriate size for the best survivability is approximately \$1,500. Under the City's proposal of \$44,321, approximately 30 trees will be planted throughout the City. While the tree planting program is not a requirement of the Consent Decree, it is an overarching goal for the City to plant street trees, and it is recommended that the tree planting program be accomplished as anticipated by the parties. The 30 trees would be planted between the Spring and Fall of 2025.

Two checks will be issued to the State- one for \$5,957 to cover unpaid emissions fees, and the remainder, \$171,326 for the fine for a total of \$177,283. Funding for the fees, fine and tree planting to come from the unallocated solid waste fund balance which currently has over \$2M balance.



CITY OF KEENE

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

A RESOLUTION Relating to the Appropriation of Funds from the Solid Waste Fund Balance to the State of New Hampshire

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

That pursuant to Section 31 of the Rules of Order, the sum of two hundred twenty-one thousand six hundred four dollars (\$221,604) is hereby transferred from the Solid Waste Fund Balance to the following:

Solid Waste Fund Expenditure

<u>Account #</u>	<u>Description</u>	<u>Amount</u>
21342400-523140	State of NH Emissions Fine	\$177,283
21342400-523140	State of NH Emissions Fees	\$ 5,957
75222800-523730	Tree Planting	\$ 44,321
Total		\$221,604

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 17, 2024
To: Mayor and Keene City Council
From: Donald Lussier, Public Works Director
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Northern Border Regional Commission Grant Programs
Resolution R-2024-35**

Recommendation:

Recommend the adoption of Resolution R-2024-35, Northern Border Regional Commission Grant Programs

Attachments:

1. Resolution R-2024-35_Northern Border

Background:

On July 28, 2024, the City Council approved the Preliminary Design Plan for the Downtown Infrastructure Project. The Preliminary Design includes a proposed covered parking and event pavilion on Gilbo Avenue. The pavilion will be built above the existing on-street parking on the street's southern side, to the west of the transportation center. The pavilion will allow community events year-round and the expansion of flexible small business uses. It will also support an approximate 130-panel PV solar array to provide sustainable energy for all downtown electricity needs. These include lighting, electrical service circuits for community events, and holiday decorations.

The current project budget for the Downtown Infrastructure Project was prepared before the covered event pavilion was proposed and does not include the cost of this structure. Through coordination with our regional partners, the City has identified the Northern Border Regional Commission's Timber for Transit Program as a potential funding source for the pavilion. This program advances the use of domestic forest products in transportation infrastructure projects. After completing a pre-application in September 2024, the City has been invited to submit a full application, due on October 18. The City must formally authorize an official to apply for and execute grant agreements with the Northern Border Regional Commission.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to the Northern Border Regional Commission Grant Programs

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

WHEREAS: The Northern Border Regional Commission is a Federal-State partnership for economic and community development within the most distressed counties of Maine, New Hampshire, Vermont, and New York, and

WHEREAS: The Northern Border Regional Commission has established the Catalyst Program, the Forest Economy Program, and the Timber for Transit Program to reimburse communities up to eighty (80%) percent of the cost of eligible projects, and

WHEREAS: It is the intent of the City of Keene to apply for all eligible projects, and

NOW, THEREFORE, BE IT RESOLVED by the Keene City Council that Elizabeth Dragon, Keene City Manager, is empowered to act on behalf of the City of Keene as the Authorized Official to do all things necessary to apply for, execute, and expend Northern Border Regional Commission Program applications and grants for all eligible projects.

Jay V. Kahn, Mayor