



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
December 5, 2024
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- November 21, 2024

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Public Hearing - Ordinance O-2023-16-C: Relating to Permitted Uses in the Downtown Core and Commerce Districts - Charitable Gaming -
2. Public Hearing - Resolution R-2024-45: Relating to Approving a CDBG Application for Keene's Housing's Roosevelt West Apartments

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations - Airport Development and Marketing Committee, Ashuelot River Park Advisory Committee, Building Board of Appeals/Housing Standards Board of Appeal, Congregate Living and Social Services Licensing Board, Conservation Commission, Energy and Climate Committee, Human Rights Committee, Keene Housing, Partner City Committee, Planning Board, Trustees of Trust Funds/Cemetery Trustees
2. Nominations - Bicycle Pedestrian Path Advisory Committee, Zoning Board of Adjustment, Energy and Climate Committee, Conservation Commission, Partner City Committee

C. COMMUNICATIONS

1. Maura McQueeney/Home Healthcare, Hospice and Community Services - Request for No Parking on Either Side of the Entrance at 312 Marlboro Street

2. Tim Pipp/Beeze Tees Screen Printing - Proposal to Add the Necessary Infrastructure to Accommodate Banners Across Main Street
3. Councilor Filiault - Proposing that the City Council Consider a Delay in the Downtown Infrastructure Project

D. REPORTS - COUNCIL COMMITTEES

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

1. Ordinance O-2024-19-A Relating to Building Height in the Commerce District
2. Ordinance O-2024-17-A Relating to Minimum Lot Sizes in the High Density, Medium Density, and Downtown Transition Districts

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Personnel
Ordinance O-2024-25

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. In Appreciation of Michael T. Cox Upon His Retirement
Resolution R-2024-40
2. In Appreciation of Harry S. McKelvey Upon His Retirement
Resolution R-2024-41
3. Relating to Approving a CDBG Application for Keene's Housing's Roosevelt West Apartments
Resolution R-2024-45

L. TABLED ITEMS

1. Rules of Order Amendment - Section 26. "Review of Items of Business"

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, November 21, 2024. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, & Mitchell H. Greenwald were present. Kris E. Roberts and Thomas F. Powers were absent. Councilor Williams led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to accept the minutes of the November 7, 2024, regular meeting and the November 9, 2024, special meeting as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

ANNOUNCEMENTS

Mayor Kahn acknowledged birthdays for Councilors Williams and Workman.

Mayor Kahn appealed to the City Councilors to join the City's United Way campaign. The City's HR Director/Assistant City Manager, Beth Fox, was actively recruiting donations from City staff. Councilors could pledge donations too, and the Mayor hoped they would consider doing so like he had. He announced a matching opportunity on December 2 if Councilors' employers did not have matching programs.

The Mayor also announced that the Council's holiday party would be held immediately after the Council meeting on December 19. The Council would be hosted at the official campus residence of Keene State College President, Melinda Treadwell, with the Keene State College cabinet present. Councilors, Department Directors, and Charter Officers should contact Nicole Howe in the Mayor's office to RSVP.

PROCLAMATION – ELECTION OFFICIALS

Mayor Kahn welcomed representation from all of the City's five wards in attendance to accept a Proclamation recognizing all elected, appointed, and volunteer community members who assisted at the recent Presidential Election. The Mayor extended the official congratulations and sincere thanks on behalf of the City of Keene to these citizen volunteers and elected officials for their assistance at the record-breaking 2024 Presidential Election.

PRESENTATION – MASTER PLAN UPDATE

Mayor Kahn welcomed the City's Senior Planner, Mari Brunner, for a presentation on the City's ongoing Master Plan Update.. She recalled that the City's last Master Plan was adopted in 2010, so this project was aimed at both renewing the community vision—one of the two required components of the Master Plan—and updating the Plan document to reflect current trends and issues in the community.

To begin, Ms. Brunner presented the draft Community Vision that came out of the first phase of this long-range planning process, meaning a 15–20 year planning horizon focused on two key

questions: (1) What do we want our community to look like? and (2) How do we get there? Phase 1 of the Master Planning had just ended, and it included the Community Vision and Community Snapshot, which were very future oriented, data-driven and people focused. The first step of Phase 1 included a lot of the background work that the community might not have seen. The second step of Phase 1 was the more in-depth public engagement and outreach, and the third step was synthesis and analysis to distill key themes. At the end of Phase 1, there was a Future Summit and a Community Vision Report.

Ms. Brunner described some of the community engagement at the beginning of this project. First, there was an online community survey. It was longer, taking an average of 24 minutes to complete. There were 648 responses, including a couple of paper surveys. Ms. Brunner called it thoughtful feedback. She said the consultants spent a long time going through every free written response, coding them, and analyzing the key trends and themes from the survey. In addition to that, periodic project newsletters were sent out to keep people updated; people could sign up either specifically for this project or general updates from the City. There was a two-day workshop in late-May with approximately 60 participants, which was a deep dive into a future scenario planning exercise. After the workshop, there were a series of visioning sessions with the community and at the end of those sessions, people filled out a heat map survey. Throughout the project there had also been radio updates, utility bill inserts, comment cards, tabling, and a flash vote survey that garnered 261 responses. Also, during the City's recent Ward Optimization Weeks (WOW!) initiative, City staff organized five community nights and had information about the project available.

To illustrate the community input, Ms. Brunner showed a "plausible scenario matrix," depicting four possible future scenarios that she said were realistic and could happen. Community members explored those scenarios through a two-day Think Tank Workshop and then through subsequent visioning sessions. She referred the Council and public to further details in a comprehensive report available on the Master Plan website.. She explained that attendees at each of the visioning sessions learned about the scenarios and were asked to indicate on a 10 x 10 grid what their most and least preferred futures would be. The matrix Ms. Brunner displayed was the result, and on the website, the data could be filtered by specific groups who completed the survey to explore the various possible scenarios.

Ms. Brunner described one particular possible future scenario, the one with the most change that forecasted the community actively and intentionally exploring new ways to build opportunities that position the community as environmentally sustainable, innovative, and forward-looking. She did not read the whole draft vision statement of the scenario, but highlighted some key takeaways:

- The community is welcoming to newcomers with the reputation of inclusivity and collaboration.
- There's strong investment in future oriented infrastructure that prepares the community to adapt to climate change.
- Housing, utilities, and transportation options are expanded.
- Local character and culture are celebrated.

- The local economy expands with businesses and ventures that span from the local scaled all the way up to the international.

From that community input, City staff and the project consultants worked with the Master Plan Steering Committee to identify six Key Pillars.

- Livable Housing
- Thriving Economy
- Connected Mobility
- Vibrant Neighborhoods
- Adaptable Workforce
- Flourishing Environment

Ms. Brunner then described the next steps in the project. Public discussion boards were being launched on the website for each of the Six Pillars. Concurrently, task forces were being formed for each of the Six Pillars that would kick off in early December and meet through March 2025, focusing on implementing the Community Vision.

All of the details from these efforts would be reported to the Master Plan Steering Committee, which reports to the Council. Ms. Brunner added that once the Master Plan is drafted, there would be another Future Summit, likely in late-May or early-June 2025, to help publicize the Master Plan, which will come to the Council for its adoption process.

Councilor Haas asked if the discussion boards would be moderated. Ms. Brunner said no, that would not be possible because the City is a public entity.

Councilor Jones thanked City staff for the presentation. He had been to most of the meetings and liked the way it was going. For the rest of the Council, he mentioned that the Six Pillars and associated language could still be adjusted. He was pleased to hear the word “implementation,” which he had been asking for all along, stating that the City did not do that with the last Master Plan, even though it was a good Plan. Mayor Kahn thanked staff and looked forward to further updates.

COMMUNICATION – COUNCILOR ROBERT WILLIAMS – POLICY ON THE DISCHARGE OF FIREWORKS

A communication was received from City Councilor Robert Williams, requesting that the City develop policy guidelines for the issuance of fireworks display permits that would limit the number of fireworks displays to be authorized in any single location during a calendar year. Mayor Kahn referred the communication to the Planning, Licenses and Development Committee.

PLD REPORT – GREATER MONADNOCK COLLABORATIVE – REQUEST TO USE CITY PROPERTY – CENTRAL SQUARE AND RAILROAD SQUARE – 30TH ANNIVERSARY CELEBRATION OF THE RELEASE OF THE FILM, *JUMANJI*

A Planning, Licenses and Development Committee report read, unanimously recommending that that the Greater Monadnock Collaborative be granted a license to use downtown City property from Friday, April 11 through Sunday, April 13, 2025, to host a Celebration of the 30th Anniversary of the film Jumanji, conditional upon the following:

- The signing of a standard revocable license and indemnification agreement;
- That the petitioner provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000;
- That the Petitioner agrees to absorb the cost of any City services provided to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the Petitioner is permitted to conduct a road race reenactment of the “stampede” depicted in the film and a parade to occur on Main Street on Saturday, April 12, at noon with assistance from the Keene Police Department to temporarily close certain streets or rights-of-way intersecting with the planned route; and
- That the petitioner is permitted to close a portion of Church Street from Main Street to just east of the Hannah grimes parking lot each day of the event from 11:00 AM to 8:00 PM to allow food trucks to participate, with the road being reopened to traffic at the close of each day. Additional road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff; and
- That the petitioner is permitted to use areas on the sidewalk adjacent to the Colonial Theatre on Friday, April 11, as well as Central Square common, Railroad Square and Gilbo Avenue along the bike path on Saturday, April 12 for other planned activities; and
- That the Petitioner is permitted to place portapotties in City parking spaces with the specific locations to be determined in conjunction with City staff from Friday, April 11, 2025, to Monday April 14, 2025 which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

PLD REPORT – JARED GOODELL – PROPOSED AMENDMENT TO THE ZONING ORDINANCE IN THE LAND DEVELOPMENT CODE – SIDE SETBACKS

A Planning, Licenses and Development Committee report read, unanimously recommending accepting the communication on the Proposed Amendment to Land Development Code – Side Setbacks as informational. Mayor Kahn filed the report as informational.

PLD REPORT – KENNETH KOST – POTENTIAL FOR MIXED USE DEVELOPMENT ON GILBO AVENUE LAND

A Planning, Licenses and Development Committee report read, unanimously recommending accepting the communication on Potential for Mixed Use Development on Gilbo Avenue Land as informational. Mayor Kahn filed the report as informational.

PLD REPORT – RULES OF ORDER AMENDMENTS – SECTION 15 “VOTING AND CONFLICT OF INTERESTS,” SECTION 17 “MOTIONS,” SECTION 25 “COMMUNICATIONS,” AND SECTION 26 “REVIEW OF ITEMS OF BUSINESS”

Mayor Kahn recalled the process that had brought the Council to this point. There was a Council workshop on the Rules of Order in January 2024 to identify items Councilors wanted to discuss, followed by a subsequent workshop to discuss those. The City Attorney produced draft changes that the Council requested. The PLD Committee had been considering potential amendments to the Rules throughout September–November. The Mayor noted that the Rules have 39 sections intended to help guide the Council’s actions. They had been in place since the 1970s, with adjustments. So, he said it was proper for considering changes to the Rules to be a lengthy process. Further changes could always be considered in the future as either State law changes or other Councilors bring matters forward. The Council proceeded debating each section under consideration; for any Rule changes that were up for adoption, a 2/3 majority of the elected Council—or 10 votes—was required.

Amendment #1: Section 15 “Voting and Conflict of Interests”

A motion by Councilor Bosley was duly seconded by Councilor Jones to request that the City Attorney present to the City Council for first reading proposed changes to Section #15 of the Rules of Order, incorporating the changes suggested by the Mayor and incorporating the revisions that the PLD Committee discussed at their meeting on November 13, 2024.

Councilor Bosley summarized the Committee report, noting the intention to align the Council’s Rule with NH House Bill 1388, which had since been adopted as NH RSA 14-B for the definitions and 14-C for conflict-of-interest, both of which she encouraged her fellow Councilors to review. She said the PLD Committee made an honest attempt to adopt some of that language, which she thought would help to clarify a lot of Council’s intentions in its own conflict of interest Rule. Still, she said it was not perfect, so the Committee wanted to see the City Attorney’s attempt at drafting something for them to continue working through.

The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

Amendment #2: Section 17 “Motions”

A motion by Councilor Bosley to recommend the adoption of the Rules of Order Amendment – Section 17 “Motions” was duly seconded by Councilor Greenwald.

Councilor Bosley summarized the Committee report, referring to the “Motions” chart in the Rules of Order. She explained that those are not the only motions the Council could ever make.

If the Council does not have motions written into these Rules, it defers to Robert's Rules of Order, which she said is good for the Council to understand. Accepting something as informational is allowed under Robert's Rules, so the Council had never been doing anything inconsistent, but Councilor Bosley said the PLD Committee wanted this type of motion specifically listed in the Rules as something a Councilor could request that would require a second, be debatable on the floor, and require a simple majority vote.

Councilor Greenwald said there are many subtleties and nuances of the Rules of Order. In speaking with Councilors Bosley and Filiault, Councilor Greenwald thought it would be fruitful to have a Council Workshop to better understand the subtleties. To this Section specifically, Councilor Greenwald supported adding the motion to accept an item as informational because it would make official what the Council have been doing legally and correctly.

The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

Amendment #3: Section 25 "Communications"

A motion by Councilor Bosley to recommend the adoption of the Rules of Order Amendment – Section 25 "Communications" was duly seconded by Councilor Jones.

Councilor Bosley said she would return to Councilor Greenwald's suggestions for a Workshop because after her intense review of these few sections, it was clear to her that a lot of Councilors had been operating under certain assumptions. Regarding Section 25 specifically, Councilor Bosley explained that the PLD Committee struck any language from this section that was controversial and added a housekeeping item for the Clerk's office reading, "communications will only be accepted until 4:00 PM on Tuesdays," so that there is a time frame associated with the Clerks acceptance of new communications. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent. Mayor Kahn pointed out that this item in its entirety had been presented to the Council for both first and second readings, leading to this final vote.

Amendment #4: Section 26 "Review of Items of Business"

A motion by Councilor Bosley was duly seconded by Councilor Jones to request that the City Attorney present to the City Council for first reading proposed changes to Section #26 of the City Council's Rules of Order, "Review of Items of Business," with respect to motions submitted by a City Councilor regarding matters that are germane or non-germane.

Councilor Bosley said the majority of the PLD debate was about this Section and there was a 3–2 vote on an amendment that Councilor Williams introduced to revise the Section so that if the Mayor declares a communication as informational because it is not germane, it will go directly to a vote of the City Council as to whether or not to accept the communication as informational. Councilor Bosley said she preferred the original version because it clarified for the public what the Council's process would be for a communication that might not be germane. She thought there had been some confusion for people submitting letters not understanding why those letters might not make it before the Council. Councilor Bosley said she had spent an extraordinary

amount of time reading these sections, looking at data, and trying to understand where communications could potentially go awry in all cases. She found that nothing would ever completely disappear, even when something is referred to the City Manager, because it is the City Manager's responsibility to report back to the Council the outcome of every communication submitted to the City Council. Councilor Bosley said the PLD Committee discussed whether to include that language in Section 26, and there was some consensus from the Committee. She recalled that Councilor Williams had questions about what would happen with a communication being filed as informational and the Councilor's desire to have a vote associated with that action. Councilor Bosley and Councilor Jones did not agree and they were the dissenting votes on that amendment, believing that that Council already had a process for accepting things as informational and there was already an option for Councilors to create a point of order per Section 17 of the Rules of Order to ask for a vote. She said the Council had been operating under this process very properly for many years to allow communications to be accepted as informational, and if a Councilor were to disagree, they could call a point of order and ask for a vote. Because of the 3–2 vote on that amendment, the PLD Committee then voted to ask the City Attorney to revise Section 26 to incorporate Councilor Williams intent.

While Councilor Bosley welcomed the rest of the Council's input at this meeting, she implored the Council to consider waiting for a Workshop that she and Councilor Greenwald suggested in early 2025 to really understand the nuances of the powers the Council wields from its own Rules and the way they are written. Councilor Bosley said her recent conversations with the City Attorney taught her several things she did not understand that the Council controls beyond accepting something as informational or calling for a vote, such as questioning the Chair or referring something to a Committee. She thought the Council would benefit from more education on its authority in the Rules of Order before making further changes to those Rules. Councilor Bosley explained that voting no on this motion would revert the Council to its original Section 26 language, which she said had worked and served the Council, so she was comfortable maintaining that language until after the Workshop mentioned.

Councilor Filiault spoke about the importance of Councilors reading and understanding all of the details of their Rules of Order and taking them seriously. He felt that the Council was trying to fix something that was not broken with this review of Section 26. He thought some Councilors did not understand the Rules of Order and accompanying power the Council wields. While the Mayor has certain purview, the Council would always have the final vote, which he said had always been the case per the Rules. He recalled a recent issue that arose and failed without a second, which he said would be true of any Rule. Councilor Filiault cited examples from the Rules that Councilors could pursue as long as they have a second, such as motioning to pull an item from the table or to postpone an item. He said that if Councilors do not understand the power they wield, they would not know when they could use that power or when someone else might be misusing their power. He said it would be up to his fellow Councilors to know whether he is really within his rights if he calls a point of order, for example, and vice versa. He described a situation in which a Councilor who knows the Rules of Order better than others could always be one step ahead of their fellow Councilors. Councilor Filiault said this whole debate over Section 26 stemmed from a communication submitted and a Councilor who challenged the Chair

on whether the matter should be heard but did not get a second; he said by the other 14 Councilors not seconding, they gave up their power on that night. Therefore, Councilor Filiault said Section 26 did not need a rewrite, because the Council's power was always written in the Rules of Order.

Councilor Filiault continued, encouraging fellow Councilors to make an appointment with the City Attorney to learn more about the Rules of Order, especially any time a Rule changes. Further, if the Councilor thinks he might reference or use a Rule during a Council or Committee meeting, he consults the City Attorney in advance. Councilor Filiault recommended not changing Section 26 at this time because if the PLD Committee could not reach consensus, then he knew the Council would not at this meeting. So, he agreed with the recommendation to have a workshop in early 2025 to flesh out all questions on this section and the others before making any more changes to the Rules of Order. He said the Rules are too important to try to change on the fly on the Council floor, especially with some Councilors absent. Councilor Filiault said the Rules of Order define the City Council.

Mayor Kahn noted that a simple majority vote was needed for the Committee's recommendation to ask that the City Attorney to prepare revised language for Section 26.

Councilor Remy said he agreed with much of what Councilor Filiault said. Councilor Remy liked the language in the original motion (on the Councilors' desks): "communications requesting that the City Council consider matters that may not be germane to either the State of New Hampshire or the City, or over which the City Council may lack the authority to take action, shall be placed on the City Council agenda for a determination by the City Council as to whether or not to accept the communications informational." He liked that it did not actually change anything but clarified the Council's process for accepting communications as informational. Councilor Remy also stated his understanding that when the Mayor accepts something as informational, the Councilor would actually be *suggesting* that the Council accepts it as informational and by no Councilors voicing opposition, the Council would be consenting to accept it as informational. He said the same would be true for the Mayor referring communications to committees. Councilor Remy thought the original language would clarify for the public the Council's authority to accept as informational the matters the Council finds non-germane.

A motion by Councilor Remy to amend the motion before the Council, replacing it, to recommend the adoption of the Rules of Order Amendment Section 26, "Review of Items of Business," as presented originally to the PLD Committee, was duly seconded by Councilor Bosley.

Councilor Bosley said she had been trying to take the path of least resistance, but she supported Councilor Remy's request. Councilor Bosley was comfortable with the language presented to the PLD Committee as originally proposed. She noted that copies of this version of Section 26 had been placed on their Council desks this evening. Councilor Bosley continued that she did not think the Council was ready to have the City Attorney spend any additional time rewriting Section 26 at this time.

Councilor Haas agreed with Councilors Remy and Filiault. Councilor Haas also agreed that there was some education occurring, noting that it is common to develop patterns of behavior but that sometimes it is necessary to challenge those behaviors. While this whole exercise might have seemed burdensome or could ultimately prove unnecessary, it would have ultimately be educational. So, Councilor Haas agreed with Councilor Bosley that either option could work at this time, with one being wordier, which could pose challenges. Councilor Haas said this exercise alone had been worthwhile and he looked forward to more of these exercises.

After requesting brief clarification, Councilor Jones said he agreed with the amendment but also agreed that there should be a workshop because he thought there was a lot everyone could learn from this process. He thought that if he asked 10 Councilors the definition of “germane,” he would get 10 different answers. He added that the Council never considered this from the taxpayers’ perspectives, noting that staff time has a value. While he knew it could not be exact, during the workshop, Councilor Jones asked for an estimate of the process that staff goes through when deciding whether a communication is germane or drafting a resolution, for example.

Councilor Williams said he supported his amendment at the PLD meeting so he would vote against this one. He did not think it was fair for the Council to expect petitioners who send letters hoping for action to have arranged with a City Councilor in advance and pleaded their case; he called an extra burden on that individual or organization, who might not have many resources. So, Councilor wants to give those community members every opportunity to be heard and he thought that it would be valuable to require an affirmative vote of the Council to acknowledge that a communication is being accepted as informational for the reason that it is not germane. Councilor Williams knew there had been controversy about what “germane” means, which was why he thought it should come to an automatic vote rather than one that requires a motion and a second. Still, he did support the idea of a workshop to hear what the City Attorney would propose for a revision. Councilor Williams indicated his desire to table this matter until after a workshop, but the Assistant City Attorney, Amanda Palmeira, said there was a motion on the floor with an amendment and that needed to be closed first.

Councilor Favolise referred to a point Councilor Remy raised about a part of Section 26 that Councilor Favolise was unsure he agreed with regarding whether the Mayor would be assuming a motion from the Council to refer something to Committee. Councilor Favolise read, “all items to be placed on the City Council agenda for the first time shall be referred by the mayor as appropriate,” which he said was different to him than something like a motion to adjourn that is assumed at the end of the meeting by the Mayor. If trying to avoid what Councilor Filiault mentioned—getting into these detailed questions on the floor—Councilor Favolise wanted to ensure the Council had a really good understanding of the existing process and what the process would be that they were voting on. Based on his reading of the Rule, Councilor Favolise did not agree with Councilor Remy’s interpretation, so Councilor Favolise sought the Assistant City Attorney’s input. Ms. Palmeira said that Councilor Favolise was correct in that the Rule would allow the Mayor to refer and that would not necessarily take the same form as a motion. However, the Attorney said Councilor Remy’s interpretation of how the Council could react to

the Mayor's referral was accurate in that if the Council as a body does not agree with the Mayor's referral, it could be challenged or called for vote.

Ms. Palmeira returned to Councilor Williams' desire to table this item, confirming that a request to table would take precedence over a motion to amend. A brief discussion ensued as Councilor Williams learned his options for tabling or postponing. Tabling would not be debatable, and the item could be removed from the table at any time for a workshop. Postponing would be debatable and would be specified to a definite date.

A motion by Councilor Williams to table the main motion and the pending amendment to Section 26 of the Rules of Orders was duly seconded by Councilor Bosley. The motion to table carried on a vote of 7-6. Councilors Bosley, Tobin, Remy, Filiault, Haas, and Jones voted in the minority. Councilors Roberts and Powers were absent.

Councilor Favolise asked if this would revert to Councilor Bosley's original motion and Ms. Palmeira said no, Section 26 was tabled.

Councilor Filiault said that the Council had just made his case. He said all they needed to do was vote on the original motion and schedule the workshop, but now it was tabled and could be pulled from the table by any Councilor at any time, so he said everyone should be ready.

FOP REPORT – HOLIDAY FAMILY SPONSORSHIP

A Finance, Organization and Personnel Committee report read, recommending that the City Manager be authorized to accept donations associated with the City's 2024 Holiday Sponsorship Program. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

FOP REPORT – CABLE FRANCHISE AGREEMENT

A Finance, Organization and Personnel Committee report read, recommending that the City Manager be authorized to negotiate and execute a renewal Cable Television Franchise Agreement with Spectrum Northeast, LLC. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Lake.

Councilor Jones said he appreciated more density per linear mile, which was something the City had been requesting for a long time, so he thanked staff. He recalled expressing his concerns about franchise fees over the years, but he thought cable TV was a fading technology, especially as companies were running copper through the City and with streaming. He supported approving this. The City Manager said this agreement would extend the cable TV system to areas with 20 dwelling units or more per mile of the cable system, which would be an increase from the previous density requirement of 15 units per mile. So, she clarified that it would not actually be favorable, but because cable had already been extended to the majority of the community, it would not likely have an impact. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

FOP REPORT – JAIDA CARLAND – CONCERN OVER THE IMPACT OF PARKING TICKET RATES ON SMALL BUSINESSES AND THEIR EMPLOYEES

A Finance, Organization and Personnel Committee report read, recommending that the communication Concern Over the Impact of Parking Ticket Rates on Small Businesses and their Employees be referred to the City Manager and have her bring back proposals to the Committee. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

FOP REPORT – RELEASE OF NON-PUBLIC MINUTES – COUNCIL POLICY

A Finance, Organization and Personnel Committee report read, recommending that the City Council amend its previously adopted policy on the release of non-public minutes to satisfy the statutory obligation under RSA 91-A to review previously adopted non-public minutes for a determination as to whether the circumstances for sealing the non-public minutes no longer apply, and that such review and determination of the release occur annually in January of the tenth year from the year in which the non-public minutes were sealed. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

FOP REPORT – KEENE TRANSFER STATION CONTRACT FOR TRANSPORTATION AND DISPOSAL

A Finance, Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to execute a contract with Waste Management New Hampshire (WMNH) to provide transportation and disposal services for refuse received at the Keene Transfer Station for a period of five (5) years with options to renew for additional years beginning January 1, 2025. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

Councilor Greenwald said that while he realized there would be an overwhelming majority in favor, he would be voting against this. He agreed that a request for proposals (RFP) was issued. He also agreed that it had been a lot of years since anyone else had responded to this, so it was right to solicit more bids. He stated that Waste Management NH had some business practices that he had problems with, in terms of residents being unable to terminate at will, among others. He was unsure how aggressively the City advertised the RFP. Councilor Greenwald said he confirmed that the other firm he thought was going to respond to the RFP—but did not—was aware it. He said there were more than two in this area. He asked how long this contract would be for and the City Manager said five years with options for future renewals. Councilor Greenwald stated that he had been around a long time and so had Waste Management NH.

Councilor Madison said Councilor Greenwald was correct that there were more than two waste haulers in the area, but they need a location to take the garbage and in that regard, Councilor Madison said there were only two places. He said the City could choose a different hauler and

pay higher disposal fees, or pick one of the two companies that run their own facilities; otherwise, it would go to the landfill in Berlin. Councilor Madison said this would be a growing issue over the next few years and putting this off for five years would give the City time to make hard decisions about what it does with its trash, noting that there would be fewer and fewer locations to consider.

The City Manager did not think that putting this back out to bid again would garner any others because there were two very large hauling companies. She said that the larger waste management companies had been buying up the smaller haulers and for the City to get favorable pricing, it needed one of the larger haulers. The City Manager thought the City went through the proper process and thought this was a fair contract moving forward with Waste Management NH.

Councilor Haas asked about cost increases with this new contract and escalations over time. The Public Works Director, Don Lussier, replied that they offered two different transportation and disposal rates, which the City Manager would be authorized to negotiate. They offered one rate based on what the City put in the proposal: \$105/ton for transportation and disposal of waste from the City's facility to their landfill. They also offered a lower rate of \$100/ton if the City would be willing to give them a lower rate on the gate fee the City charges for the waste they bring into the facility. Mr. Lussier said staff had been considering the best option for the City based on various scenarios (e.g., the number of tons they could deliver, number of tons they are obligated to deliver, etc.). The five-year contract would have a 4% per year escalation fee. Councilor Haas asked if that would be an increase over the City's past contract and Mr. Lussier said he believed so. The City Manager would provide further details to Councilor Haas after the meeting.

The motion carried with 11 Councilors present and voting in favor and 2 opposed. Councilors Filiault and Greenwald voted in opposition. Councilors Roberts and Powers were absent.

FOP REPORT – 2025 FLYOVER AND CITY BASE MAP UPDATE PROJECT – BID AWARD RECOMMENDATION

A Finance, Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a contract with the selected firm, Kucera International Inc. for their professional services; and should negotiations fail, allow for negotiations with the next highest ranked firms in order. A motion by Councilor Remy to carry out the intent of the Committee report was duly seconded by Councilor Lake.

Mayor Kahn said this would be the preliminary step to the five-year reassessment that would begin the year after this project ends. The City Manager agreed, adding that this information would be used to update the City's tax maps. There is a flyover every five years and a more detailed one every 10 years.

Councilor Haas commented on how important this is, noting that he could think of many more applications this could have for the City beyond the tax maps, like his experience in the insurance industry, or he cited Councilor Madison's environmental experience, and other things

like traffic planning. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

FOP REPORT – TAX DEEDS FOR UNPAID 2021 PROPERTY TAXES

The Clerk noted there were two recommendations contained in the report. Finance, Organization and Personnel Committee report read, recommending that it would be contrary to the public interest to take the following properties by tax deed at this time, and that tax deed waivers be granted for the properties, including 31 Oriole Avenue and continuing as follows predicated upon further recommendations to the City Council after final review of the payment status of each account. A motion by Councilor Remy to carry out the intent of the first Committee report was duly seconded by Councilor Chadbourne.

Owner	Address	Map & Lot
BALDWIN JUSTIN W	796 COURT ST C	219002000009073
BEMIS VIRGINIA E ESTATE OF & HEI	23 MINERVA LN	240008000000000
BERGERON DONALD J REV TRUST	229 CHURCH ST	573065000000000
BERMUDEZ BRENDA L	39 SCHULT ST	242008000239000
COLBY RICHARD L	18 BLUE JAY CT	219001000117000
DAHOOD DOUGLAS M	3 SPARROW ST	219001000105000
FISH NINA	139 CARROLL ST	536045000000000
HANNON LISA	53 STARLING ST	219001000366000
HARPER RICHARD A	27 MINERVA LN	240007000000000
HARPER RICHARD A	38 KELLEHER ST	594020000000000
KARANKO LAWRENCE E	26 STARLING ST	219001000327000
KRAUSS ROBERT R	244 BASE HILL RD	247004000000000
LACLAIR MICHAEL D	50 HILLTOP DR	503025000000000
LATHERS JOEL M	305 ROXBURY ST	570039000000000
LORTIE LEONARD M	163 ISLAND ST	592025000000000
MALONEY EDWARD J	26 ORIOLE AVE	219001000016000
MORAN MARYANN E	21 SPARROW ST	219001000094000
NELSON JAMES A	34 BLUE JAY CT	219001000131000
OLLIKKALA GLENDA M	14 SCHULT ST	242008000214000
PATNAUDE DENA R	115 WOODBURN ST	537014000000000
ROSE AMY	19 BRANCH RD	240022000000000
WILLIAMS DEBRA J	17 CHICKADEE CT	219001000249000
WINSLOW DAWN C	20 WINCHESTER CT	592006000000000

A motion by Councilor Remy to amend the motion to remove the property 1 Schultz Street from the second list to the first list was duly seconded by Councilor Chadbourne. The motion to amend carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

The motion to carry out the intent of the first Committee recommendation, as amended carried unanimously with 13 Councilors present and voting in favor.

Finance, Organization and Personnel Committee report read, recommending the execution of tax deeds for the following properties excluding 31 Oriole Avenue. A motion by Councilor Remy to carry out the intent of the first Committee report was duly seconded by Councilor Chadbourne.

CHAFFEE WILLIAM	703 MARLBORO RD	248023000000000
MOLA GINO CHARLES	1 SCHULT ST	242008000201000
PATNAUDE MICHAEL S	717 MARLBORO RD	248005000000000
WILLIS DANIEL	31 ORIOLE AVE	219001000019000
SWEENEY EDWARD C III	0 APOLLO AVE	509020000000000

A motion by Councilor Remy to amend the motion and the tax deed list to remove 1 Schultz St. as it had been moved was duly seconded by Councilor Lake. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent. The motion to carry out the intent of the second Committee report as amended carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

CITY MANAGER COMMENTS

First the City Manager reported that to improve communication with both employees and the public, she would be piloting a podcast with the City’s AV Specialist, Asah Cramer. This would be an opportunity to discuss and review decisions made by the Council the night before, to be available for the public via a new SharePoint site: The City Manager’s Corner. This would be a pilot effort to see if there is interest. This site would also include memos and updates. SharePoint is a hub intended to reduce paper use and streamline process for employees to quickly find HR related forms, for example, and the goal is to automate certain processes. One memo was already available discussing the evolution of the Assistant City Manager roles to the Deputy City Manager structure and a description of their duties. A second memo discussed the City’s use of contracted part time employees for specific purposes, projects, and training.

The City Manager also reported that effective January 1, the City’s GIS Technician, Will Schoefmann, would be relocating from the Community Development Department to the IT Department because his services are for the entire City, not just for planning and zoning. Mr. Schoefmann had done a lot of great work for the City. The IT Department would be using a work order system for GIS services that would help to better focus, prioritize, and track the work that Mr. Schoefmann does across the City, because so much could be done with GIS that the City had not tapped into yet. The City Manager was excited about this transition.

Lastly, the City Manager reported that the New Hampshire Municipal Association and University of NH Carsey School of Public Policy teamed up to offer up to a 20% tuition discount for eligible employees and appointed and elected officials who are affiliate groups of NHMA—for which the City qualifies. Anyone interested in more information was encouraged to contact the City Manager.

REPORT – ACCEPTANCE OF DONATIONS – FINANCE DIRECTOR

A memorandum read from the Finance Director/Treasurer, Merri Howe, recommending that the City Council accept the donation of coffee valued at \$225 from BrewBakers Café and the City Manager be authorized to use the donation for the Holiday Luncheon. A motion by Councilor Remy to accept the donation totaling \$225 and that the City Manager be authorized to use the donation in the manner specified by the donor, and to thank them very much, was duly seconded by Councilor Chadbourne. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

RECOMMENDATIONS REGARDING INVASIVE SPECIES EDUCATION AND MANAGEMENT – CONSERVATION COMMISSION

A memorandum read from the Senior Planner, Mari Brunner, recommending that the Conservation Commission’s communication regarding invasive species education and management be referred to the Municipal Services, Facilities and Infrastructure Committee for further discussion and consideration. Mayor Kahn referred the communication to the Municipal Services, Facilities and Infrastructure Committee.

SIGN CODE MODIFICATIONS REQUESTED BY MAYOR KAHN – JOINT PLANNING BOARD AND PLANNING, LICENSES AND DEVELOPMENT COMMITTEE

A report read from the joint Planning Board and Planning, Licenses and Development Committee, unanimously recommending sending the item regarding Sign Code Modifications back to City Council. Mayor Kahn referred the Sign Code modifications to the Planning, Licenses and Development Committee.

RESIGNATION – PARTNER CITY COMMITTEE

A memorandum was received from Executive Secretary, Nicole Howe, recommending that the resignation of Gregory Kleiner from the Partner City Committee be accepted with regret and appreciation for service. A motion by Councilor Greenwald to accept the resignation with appreciation for his years of service was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

MORE TIME – RELATING TO LICENSES AND PERMITS – ORDINANCE O-2024-18

A Planning, Licenses and Development Committee report read, unanimously recommending placing Ordinance O-2024-18 on more time. Mayor Kahn granted more time.

ORDINANCES FOR FIRST READING – RELATING TO AMENDMENTS TO THE ZONING ORDINANCE – INTERIOR SIDE SETBACKS IN THE DOWNTOWN EDGE ZONE – ORDINANCE O-2024-24

A formal petition read from Jared Goodell, as well as Ordinance O-2024-24, relative to Interior Side Setbacks in the Downtown Edge Zone. Mayor Kahn referred Ordinance O-2024-24 to the Joint Planning Board and Planning, Licenses and Development Committee.

11/21/2024

RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS FROM THE SOLID WASTE FUND TO THE FY 25 OPERATING BUDGET – RESOLUTION R-2024-37

A Finance, Organization and Personnel Committee report read, recommending the adoption of Resolution R-2024-37. Mayor Kahn filed the report. A motion by Councilor Remy to adopt resolution R-2024-37 was duly seconded by Councilor Lake. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

RESOLUTION – IN APPRECIATION OF PATTI L. GAGNON UPON HER RETIREMENT – RESOLUTION R-2024-39

The City Clerk pointed out a Scrivener’s error that was corrected in advance of the vote and corrected copies of the Resolution were placed on the Councilors’ desks.

A memorandum read from the HR Director/ACM, Beth Fox, recommending the adoption of Resolution R-2024-39. A motion by Councilor Remy to adopt Resolution R-2024-39 with appreciation for Ms. Gagnon’s 20 years of service to the City was duly seconded by Councilor Bosley. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Roberts and Powers were absent.

RESOLUTION – RELATING TO DEVELOPMENT ON CLASS VI HIGHWAYS AND PRIVATE ROADS – RESOLUTION R-2024-43

A memorandum read from Senior Planner, Mari Brunner, recommending that Resolution R-2024-43 be referred to the Planning, Licenses and Development Committee for their review and recommendation. Mayor Kahn referred Resolution R-2024-43 to the Planning, Licenses and Development Committee.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 8:51 PM.

A true record, attest: 

City Clerk



PUBLIC HEARING

Amendment to Land Development Code - Charitable Gaming

Notice is hereby given that a Public Hearing will be held before the Keene City Council relative to Ordinance O-2023-16-C "Relating to Permitted Uses in the Downtown Core and Commerce Districts." The Petitioner, the City of Keene Community Development Department, proposes to amend Section 8.3.2. of Article 8 of the Land Development Code (LDC) to add a definition for "Charitable Gaming Facility" and amend Table 8-1 and Table 5.1.5 to display "Charitable Gaming Facility" as a permitted use in the Commerce District with limitations. The most recent version of this ordinance includes a requirement for Charitable Gaming Facilities to be a minimum distance of 250 ft from multifamily properties and removes the requirement for this use to provide electric vehicle charging stations. In addition, the petitioner proposes to amend Section 8.4.2.C.2.a of Article 8 of the LDC to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District.

The Ordinance is available for inspection in the office of the City Clerk during normal business hours.

HEARING DATE: December 5, 2024

HEARING TIME: 7:00 pm

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and City Council this seventh day of November, two thousand and twenty-four.

Attest:

City Clerk

NOTICE OF PUBLIC HEARINGS
Community Development Block Grant Program
Thursday, December 5, 2024 – 7:00 p.m.
City Hall, Second Floor
3 Washington Street, Keene, NH

Three public hearings regarding a proposed application to the NH Community Development Finance Authority for federal Community Development Block Grant (CDBG) funds will be held at Keene City Hall on the date and time noted above.

Application Hearings

CDBG funds are awarded on a competitive basis in New Hampshire and may be used for projects which have primary benefit for low- and moderate-income persons. The City of Keene is eligible to apply for \$500,000 per program year in each of the following categories: housing, public facilities, and economic development, as well as \$750,000 for microenterprise technical assistance. Communities may also apply for up to \$25,000 for feasibility studies and \$500,000 for CDBG Emergency Grants annually. Housing grant proposals may request an additional \$250,000 if they are providing permanent supportive housing and services, totaling \$750,000.

A public hearing has been scheduled to provide specific information regarding grant requirements, and to provide information about the proposed CDBG application to be considered by the City Council.

The proposal to be considered by the City Council is a grant application for CDBG funds to support the development of new affordable housing. The project would be undertaken by Keene Housing and its affiliate, Monadnock Affordable Housing Corporation (MAHC). The project would include the new construction of 30 apartments on the former Roosevelt School property, to be known as Roosevelt West Housing, at 438 Washington Street and will be leased to low- and moderate-income households. This will be the second phase of a two-phase project, of which phase one, Roosevelt East Housing, is currently underway.

In conjunction with the application hearing, two additional public hearings will be held to address:

- The City's Residential Anti-Displacement and Relocation Assistance Plan specific to the project; and
- The City's updated Housing and Community Development Plan for CDBG projects, including the designation of Monadnock Affordable Housing Corporation as a Community-Based Development Organization.

Interested persons are invited to attend and comment on the proposed application and plans. If you need assistance to attend or participate in the hearing, please contact Elizabeth Dragon, Keene City Manager, five days in advance. Anyone wishing to submit written comments should address them in writing to the City Manager, City of Keene, 3 Washington Street, Keene, NH 03431 and submit them by the close of business on the day preceding the hearing.



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: December 5, 2024
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through:
Subject: **Nominations - Airport Development and Marketing Committee, Ashuelot River Park Advisory Committee, Building Board of Appeals/Housing Standards Board of Appeal, Congregate Living and Social Services Licensing Board, Conservation Commission, Energy and Climate Committee, Human Rights Committee, Keene Housing, Partner City Committee, Planning Board, Trustees of Trust Funds/Cemetery Trustees**

Council Action:

**In City Council December 5, 2024.
Nominations tabled until the next regular meeting.**

Recommendation:

I hereby nominate the following individuals, who are currently serving on the designated board or commission, and who wish to serve a second term:

Airport Development and Marketing Committee

Elizabeth Bendel, regular - re-nomination (slot 6)	Term to expire Dec. 31, 2027
Kristopher Radder, alternate - re-nomination (slot 10)	Term to expire Dec. 31, 2027
Nathan Jacobs, alternate - re-nomination (slot 11)	Term to expire Dec. 31, 2027

Ashuelot River Park Advisory Committee

Arthur Winsor, alternate - re-nomination (slot 10)	Term to expire Dec. 31, 2027
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Building Board of Appeals/Housing Standards Board of Appeal

Doug Brown, regular - re-nomination (slot 3)	Term to expire Dec. 31, 2027
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Congregate Living and Social Services Licensing Board

Andrew Oram, regular - re-nomination (slot 1)	Term to expire Dec. 31, 2027
Allison Welsh, regular - re-nomination (slot 2)	Term to expire Dec. 31, 2027

Conservation Commission

Kenneth Bergman, alternate - re-nomination (slot 12) Term to expire Dec. 31, 2025
Thomas Haynes, alternate - re-nomination (slot 9) Term to expire Dec. 31, 2027

Historic District Committee

David Bergeron, alternate - re-nomination (slot 9) Term to expire Dec. 31, 2027

Human Rights Committee

Gina Burke, regular - re-nomination (slot 7) Term to expire Dec. 31, 2027

Keene Housing

Susan Shaw, regular - re-nomination (slot 4) Term to expire Dec. 31, 2029

Partner City Committee

Eric Weisenberger, regular - re-nomination (slot 4) Term to expire Dec. 31, 2027

Planning Board

Harold Farrington, regular - re-nomination (slot 2) Term to expire Dec. 31, 2027

Trustees of Trust Funds

Martha Curtis, regular - re-nomination (slot 2) Term to expire Dec. 31, 2027

Attachments:

None

Background:



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: December 5, 2024
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through:
Subject: **Nominations - Bicycle Pedestrian Path Advisory Committee, Zoning Board of Adjustment, Energy and Climate Committee, Conservation Commission, Partner City Committee**

Council Action:
In City Council December 5, 2024.
Nominations tabled until the next regular meeting.

Recommendation:
I hereby nominate the following individuals to serve on the designated board or commission:

Bicycle Pedestrian Path Advisory Committee

Dwight Fisher, regular (slot 7) Term to expire Dec. 31, 2027
110 Arch Street

**Building Board of Appeals/Housing Standards
Board of Appeal**

Stephen Tarbox, alternate (slot 6) Term to expire Dec. 31, 2027
189 Jordan Road

Conservation Commission

Robert Milliken, regular (slot 1) Term to expire Dec. 31, 2027
30 Allen Court

Gary Flaherty, regular (slot 6) Term to expire Dec. 31, 2027
11 Surry Hill Drive

Energy and Climate Committee

Maureen Nebenzahl, regular (slot 1) Term to expire Dec. 31, 2027
137 Court Street

Partner City Committee

Gerald Kuhn, regular (slot 6) Term to expire Dec. 31, 2027

137 Court Street

Zoning Board of Adjustment

Ted Schrantz, regular (slot 3)
23 Warren Street

Term to expire Dec. 31, 2027

Adam Burke, alternate (Slot 7)
249 Pako Avenue

Term to expire Dec. 31, 2027

Stephen Tarbox, alternate (slot 8)
189 Jordan Road

Term to expire Dec. 31, 2027

Attachments:

1. Fischer, Dwight_Redacted
2. Schrantz Tad_Redacted
3. Flaherty, Gary_Redacted
4. Kuhn, Gerald_Redacted
5. Milliken, Bob_Redacted
6. Nebenzahl, Maureen_Redacted
7. Burke, Adam_Redacted
8. Tarbox, Steve_Redacted

Background:

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fw: Interested in serving on a City Board or Commission
Date: Sunday, October 27, 2024 11:46:46 AM

Patricia A. Little

City Clerk

City of Keene

3 Washington Street

Keene, NH 03431

(603) 352-0133 x2 | [KeeneNH.gov](#)

Report Issues: [SeeClickFix/Keene](#)

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

Sent: Sunday, October 27, 2024 8:58 AM

To: Nicole Howe <nhowe@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 Sun, 10/27/2024 - 08:58</p>

<p>Submitted values are:</p>

First Name:

Dwight

Last Name:

Fischer

Address

110 Arch St, Unit 13

How long have you resided in Keene?

1986-2000, 2022-pres

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Retired

Yes

Please list any organizations, groups, or other committees you are involved in
2018-2022, chair, YMCA Branch Board and Metro Boards, Syracuse, NY

35 year career in higher ed... Keene State, UNH, Plymouth State, Dalhousie Univ (Nova Scotia) and Onondaga Community College. IT leadership and university administration for public colleges and universities

Have you ever served on a public body before?

Yes

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

Bicycle/Pedestrian Path Advisory Committee

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

As a cycle tourist and utility rider around the city, I feel I can make a contribution to the Bike/Ped Path Advisory group. I have discussed this with Jay Kahn in the past and he let me know of an opening.

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

I know what works and have been through many New England towns. I also spent ten years living in Halifax, Nova Scotia, where bicycling was a central means of commute for many. Even during all but the worst of snows, they had a system that worked and people adapted. Lessons learned, too. Regardless of the committee work, I'll be a common use of the bike system in Keene. I'm happy to lend an assist.

Please provide 2 personal references:

Jay Kahn

References #2:

Jaycee Clark, former owner of Norms Bike & Ski



From: helpdesk@ci.keene.nh.us on behalf of [City of Keene](#)
To: [Helen Mattson](#)
Cc: [Patty Little](#); [Terri Hood](#)
Subject: Interested in serving on a City Board or Commission
Date: Tuesday, October 8, 2024 9:53:06 AM

<p>Submitted on Tue, 10/08/2024 - 09:52</p>

<p>Submitted values are:</p>

First Name:

Tad

Last Name:

Schranz

Address

23 Warren Street
Keene, NH 03431

How long have you resided in Keene?

26 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Pacific Group

Occupation:

EVP-Real Estate Development

Retired

No

Please list any organizations, groups, or other committees you are involved in

Currently I'm not on any committees or boards in Keene.

Previously I was a member of the Lions Club, Monadnock Habitat for Humanity and The Colonial to name a few.

Have you ever served on a public body before?

No

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

Zoning Board Adjustment

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

In speaking with Mayor Kahn, we discussed the City's need and the personal opportunity to become a member of the ZBA.

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

I'm now in a position at work to once again become more involved in local community activities. I believe this opportunity with the ZBA will be a positive way to serve the city and return as an active participant in the community.

I'm a licensed architect, construction manager and real estate developer and have been in the development, design and construction industry for over 30 years. I've had the opportunity to work with planning and zoning departments in multiple cities and states across the nation. Based on my experience and education, I believe I'm well qualified to become a member of the ZBA.

Please provide 2 personal references:

Mike Hoefler

[REDACTED]

References #2:

John Round

[REDACTED]

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Tuesday, November 19, 2024 8:22:56 AM

Patricia A. Little

City Clerk

City of Keene

3 Washington Street

Keene, NH 03431

(603) 352-0133 x2 | [KeeneNH.gov](#)

Report Issues: [SeeClickFix/Keene](#)

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Tuesday, November 19, 2024 6:33 AM
To: Nicole Howe <nhowe@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, 11/19/2024 - 06:32</p>

<p>Submitted values are:</p>

First Name:

Gary

Last Name:

Flaherty

Address

11 Surry Hill Drive

How long have you resided in Keene?

1 year

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

self employed

Occupation:

land use consultant

Retired

No

Please list any organizations, groups, or other committees you are involved in
SSSNNE, MACC, SSSA, Vision Keene 20

Have you ever served on a public body before?

Yes

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

Conservation Commission

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

Conservation Commission

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

Certified NH Wetland and Soil Scientist, served on the Hollis Conservation Commission, have worked as a conservation officer and agent.

Please provide 2 personal references:

Briana Moore

[Redacted]

References #2:

Michelle Calderaro

[Redacted]

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fw: Interested in serving on a City Board or Commission
Date: Tuesday, November 12, 2024 6:51:26 PM

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From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene
<helpdesk@ci.keene.nh.us>
Sent: Tuesday, November 12, 2024 6:44:04 PM
To: Nicole Howe <nhowe@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, 11/12/2024 - 18:44</p>

<p>Submitted values are:</p>

First Name:

Gerald

Last Name:

Kuhn

Address

145 Eastern Ave
KEENE, NH
03431

How long have you resided in Keene?

Since 1979

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Making Community Connections Charter School

Occupation:

Makers pace Steward/Teacher

Retired

Yes

Have you ever served on a public body before?

Yes

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

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

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

I'm interested in meeting folks from and learning about other places. Hospitality is important to me. I like sharing Keene with visitors.

Please provide 2 personal references:

Derek Blunt

[Redacted]

References #2:

Elizabeth Cardine

[Redacted]

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fw: Interested in serving on a City Board or Commission
Date: Friday, November 1, 2024 11:14:06 AM

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Get [Outlook for Android](#)

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

Sent: Thursday, October 31, 2024 7:25:54 PM

To: Nicole Howe <nhowe@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 Thu, 10/31/2024 - 19:25</p>

<p>Submitted values are:</p>

First Name:

Bob

Last Name:

Milliken

Address

30 Allen Ct

How long have you resided in Keene?

38 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

SAU29 Keene

Occupation:

Director of technology

Retired

No

Please list any organizations, groups, or other committees you are involved in
Hogback mountain conservation association. <https://www.hogbackvt.org/>

Have you ever served on a public body before?

Yes

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

Conservation Commission

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

Conservation commission. I have been on the board at hogback mountain for 2 years and now the chair of the invasive species for a year. I would really like to help my home town in this fight. Seeing what is happening in VT has opened my eyes and hope I can make a difference here to get ahead of what is happening.

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

Worked at Walden pond in concord for 2 years preserving the natural plants and returning the grounds to its natural vegetation. Worked on a crew with the department of environmental management state of Ma. Managing the forest and parks of western Ma. Avid hiker of the White mountains , camping and gardening.

Please provide 2 personal references:

Jill Forges

jforges@sau29.org

[REDACTED]

References #2:

Tim Ruehr

truehr@sau29.org

[REDACTED]

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fwd: Interested in serving on a City Board or Commission
Date: Wednesday, August 21, 2024 6:03:09 AM

Redact please

Sent from my U.S.Cellular© Smartphone
Get [Outlook for Android](#)

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene
<helpdesk@ci.keene.nh.us>
Sent: Tuesday, August 20, 2024 12:54:55 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, 08/20/2024 - 12:54</p>

<p>Submitted values are:</p>

First Name:

Maureen

Last Name:

Nebenzahl

Address

137 Court Street
Keene, NH

How long have you resided in Keene?

3 years

Cell Phone:

Employer:

Retired

Retired

Yes

Have you ever served on a public body before?

No

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

Conservation Commission, Energy and Climate Committee

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

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

Please provide 2 personal references:

James Nebenzahl

[REDACTED]

References #2:

Adam Nebenzahl

[REDACTED]

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fw: Interested in serving on a City Board or Commission
Date: Monday, December 2, 2024 8:42:25 PM

please redact and save.

Patricia A. Little

City Clerk

City of Keene

3 Washington Street

Keene, NH 03431

(603) 352-0133 x2 | KeeneNH.gov

Report Issues: [SeeClickFix/Keene](#)

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

Sent: Monday, December 2, 2024 1:46 PM

To: Nicole Howe <nhowe@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 Mon, 12/02/2024 - 13:46</p>

<p>Submitted values are:</p>

First Name:

Adam

Last Name:

Burke

Address

249 Pako Ave

Keene, NH 03431

How long have you resided in Keene?

12 years

Email:

aburke@unfi.com

Cell Phone:

[REDACTED]

Employer:

UNFI

Occupation:

Sr. Director

Retired

No

Please list any organizations, groups, or other committees you are involved in

The Colonial Theatre Group

Keene Knights

Have you ever served on a public body before?

Yes

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

Keene Housing Authority, Planning Board, Zoning Board Adjustment

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

Zoning Board Adjustment

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

Planning Board

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

Keene Housing Authority

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

I served two years as a city councilor in Claremont, NH. Prior to that I spent 2 years on the planning board and the conservation commission. I also spent a brief amount of time on the historic district commission.

Please provide 2 personal references:

Marc Ghidotti

[REDACTED]

References #2:

April Beal

abeal@unfi.com

[REDACTED]

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Thursday, November 14, 2024 3:44:08 PM

Patricia A. Little

City Clerk

City of Keene

3 Washington Street

Keene, NH 03431

(603) 352-0133 x2 | KeeneNH.gov

Report Issues: [SeeClickFix/Keene](#)

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Tuesday, November 12, 2024 9:53 AM
To: Nicole Howe <nhowe@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, 11/12/2024 - 09:52</p>

<p>Submitted values are:</p>

First Name:

Stephen (Steve)

Last Name:

Tarbox

Address

189 Jordan Road, Keene, NH

How long have you resided in Keene?

Since 1954 with 4 year stint in New Orleans

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Self Employed (SCT Engineering)

Occupation:

Professional Engineer

Retired

Yes

Please list any organizations, groups, or other committees you are involved in
Currently none,

Have you ever served on a public body before?

Yes

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

Building Board of Appeals/Housing Standards Board of Appeals, Planning Board, Zoning Board Adjustment

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

Building Board of Appeals

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

Planning Board

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

Zoning Board

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

I have been a practicing structural engineer for 43 years. I have been directly involved in the design and construction of multiple building, bridge, and civil construction projects in NH, MA, and VT.

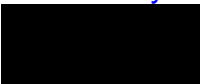
Suggest other public bodies of interest

NH Building Code Review Board. I sat on it several years ago.

Please provide 2 personal references:

Dan Scully

dvs@scully-architects.com





CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: December 5, 2024

To: Mayor and Keene City Council

From: Maura McQueeney
President
CEO

Through: Patricia Little, City Clerk

Subject: **Maura McQueeney/Home Healthcare, Hospice and Community Services -
Request for No Parking on Either Side of the Entrance at 312 Marlboro
Street**

Council Action:

In City Council December 5, 2024.

Referred to the Municipal Services, Facilities and Infrastructure Committee meeting to be held on January 22, 2025.

Recommendation:

Attachments:

1. Communication_HCS_No Parking

Background:

HCS is requesting the designation of parking spaces on either side of its entrance at 312 Marlboro Street as "no parking" zones. Use of these spaces for parking creates an obstruction to the line of sight for vehicles coming and going from HCS.

November 25, 2024

The Honorable Jay Kahn, Mayor
Members of the Keene City Council
3 Washington Street
Keene, NH 03431

To the Mayor and City Council,

Home Healthcare, Hospice and Community Services (HCS) is requesting designation of the parking spaces on either side of its entrance at 312 Marlboro Street as no parking zones for public safety reasons. Those spaces are used by private vehicles most of the day Monday through Friday due to business activity and construction nearby and create an obstruction to the line of sight for HCS patient vehicles, Meals on Wheels trucks, City Express, and Friendly Buses coming and going from HCS.

Many older and disabled drivers are coming to HCS daily for nursing services, Cheshire Medical Center Geriatrician services and programs of the Keene Senior Center.

We understand that the Marlboro Street Rehab project will mitigate this situation, however this immediate danger is our concern.

We would appreciate your consideration of increasing the no parking to one space on either side of the driveway, in addition to the designated five feet.

Sincerely,



Maura McQueeney
President/CEO



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: December 5, 2024
To: Mayor and Keene City Council
From: Tim Pipp
Owner Beeze Tees Screen Printing
Through: Patricia Little, City Clerk
Subject: **Tim Pipp/Beeze Tees Screen Printing - Proposal to Add the Necessary Infrastructure to Accommodate Banners Across Main Street**

Council Action:

In City Council December 5, 2024.

Referred to the Municipal Services, Facilities and Infrastructure Committee meeting to be held on January 22, 2025.

Recommendation:

Attachments:

1. Proposal for Installation of Light Poles for Downtown Banner Display_Redacted

Background:

Tim Pipp of Beeze Tees Screen Printing is asking that the Council consider the installation of tall poles that would accommodate a 70-foot long banner and hangs 18-foot above that would stretch across Main Street and which would support locally owned businesses and community events.

Proposal for Installation of Light Poles for Downtown Banner Display

To: Keene City Council

From: Tim Pipp

Date: 10/8/24

Subject: Proposal for Installation of Light Poles for Banners on Main Street

Overview:

As Keene prepares for the upcoming construction in our downtown area, now more than ever, our downtown business community feels it's vital to maintain a welcoming and vibrant atmosphere for both residents and visitors. To enhance the charm of our downtown, we are proposing the installation of two taller light poles to replace the poles currently there with cables to hold a banner across Main Street. The banner will serve to welcome people and new visitors to our beautiful downtown area and promote upcoming community events.

Proposed Location:

The two replacement light poles would be strategically placed at the following locations:

- **In front of Ted's Shoe and Sport**
- **In front of The Works Café on Main Street**

This location is ideal as it is a high-traffic area in the heart of our downtown and will ensure maximum visibility for both pedestrians and motorists heading towards downtown. The poles would be on city property which will allow the city to maintain them rather than private businesses.

Purpose of the Banner:

The banner will primarily be used to:

- Welcome visitors and residents to downtown Keene.
- Promote events, such as local festivals, community gatherings, and city-wide activities.
- Serve as a visual cue that our downtown remains open and accessible during the upcoming construction, helping to alleviate concerns about accessibility.

Benefits to the Community:

1. **Enhanced Downtown Aesthetics:** The banner will add a festive and welcoming touch to Main Street, reinforcing the sense of community and pride in our downtown area.
2. **Promotion of Events:** This highly visible banner will be an effective way to keep residents and visitors informed of upcoming events, driving attendance and increasing foot traffic to local businesses.

3. **Support During Construction:** With the construction slated to begin downtown, having a banner to welcome people will show that downtown is open for business. It will help mitigate concerns about accessibility and encourage ongoing engagement with our local shops, restaurants, and services.
4. **Positive Community Spirit:** By investing in a simple yet impactful project, the City of Keene can demonstrate its commitment to supporting locally owned businesses and community events, fostering a positive and inviting environment even during periods of construction.

Design and Installation:

The proposed light poles will be designed to complement the existing downtown infrastructure, ensuring they blend aesthetically with the current street design. The cables will be securely attached between the two poles to hold banners that can be easily changed out depending on the season or event.

I propose the poles be approx. 22ft tall to accommodate a banner 70ft long by 4 feet high. The banner would be 18ft from the street.

I suggest we use the existing location of the light poles directly in front the The Works and Teds. A new, taller light pole could replace the existing poles and have 3 purposes, a light pole, a pole to hold the existing side banners/directional signage, and on top, a spot for the new banner which would span across the street. The existing poles are approx.. 75 feet apart.



Proposed location of new poles to replace old light poles.

Conclusion:

Installing these two light poles for banners across Main Street will be a low-cost, high-impact project that reinforces Keene's commitment to fostering a welcoming downtown atmosphere. We believe this project will play a key role in maintaining the vibrancy of our city during construction and beyond.

As you may or may not know, I have a second store in Manchester, NH and have countless encounters with customers who notice the banner across Main Street and ask about upcoming events on an almost daily basis, because they see the banner. We know it works.

We kindly ask for your consideration of this proposal and are happy to answer any questions or provide additional information.

Thank you for your time and attention to this matter.

Sincerely,



Tim Pipp

tpipp@beezetees.com





CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: December 5, 2024
To: Mayor and Keene City Council
From: Councilor Randy Filiault
Through: Patricia Little, City Clerk
Subject: **Councilor Filiault - Proposing that the City Council Consider a Delay in the Downtown Infrastructure Project**

Council Action:

In City Council December 5, 2024.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

Attachments:

1. Communication_filiault

Background:

Due to anticipated increases in property taxes combined with the potential for downshifting of costs from the State to local government, Councilor Filiault is requesting that the City Council consider delaying the downtown infrastructure project for at least one calendar year.

Dec. 2, 2024

To: Honorable Mayor and City Council

From: Councilor Randy Filiault

Re: Downtown Infrastructure Project

Within days the citizens of Keene will receive their property tax bills. Unfortunately, most will see increases at the city, school and county levels. Also, compounding the situation, it has become abundantly clear that our state government will be downshifting costs to local municipalities, while at the same time, reducing revenues at a time we can least afford it. It is for these reasons I respectfully request we delay construction of the downtown infrastructure project for a minimum of one calendar year, while the impact of these issues is realized. It is alarming that not only will individual taxpayers be feeling the burden, I also fear many downtown small businesses will not survive through the construction season. For these reasons, I feel a pause in the construction schedule is warranted. I look forward to further discussion at the next MSFI committee meeting.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Randy Filiault", with a long horizontal flourish extending to the right.

City Councilor Randy Filiault.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: December 5, 2024
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Elizabeth Dragon, City Manager
Subject: **Ordinance O-2024-19-A Relating to Building Height in the Commerce District**

Council Action:

In City Council December 5, 2024.

Report filed as informational. Public hearing scheduled for January 2, 2025 at 7:00 PM.

Recommendation:

At the November 12, 2024 Joint Planning Board and PLD Committee meeting, the following motions were made with respect to Ordinance O-2024-19:

- A motion was made by Mayor Jay Kahn that the Joint Committee amend Ordinance O-2024-19 to create an A version to replace *along the street frontage* with *along the primary frontage*. The motion was seconded by Councilor Phil Jones and was unanimously approved by roll call vote.
- A motion was made by Harold Farrington that the Planning Board find that Ordinance O-2024-19-A is consistent with the Comprehensive Master Plan. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved by roll call vote.
- A motion was made by Councilor Phil Jones that the Planning Licenses Development Committee recommend that the Mayor set a public hearing on Ordinance O-2024-19-A. The motion was seconded by Councilor Williams and was unanimously approved.

Attachments:

1. Ordinance O-2024-19-A_clean
2. Ordinance O-2024-19-A_redline
3. Staff Report O-2024-19
4. Article 5_Zoning Districts Commercial Height Mock Up
5. Article 8_Zoning Use Chapter Multifamily Use Standard_A version

Background:

Included below is an excerpt from the draft minutes of the meeting where this item was discussed. A clean copy of the ordinance is attached to this memo along with a red line copy that shows the changes to the A version.

"b. Ordinance – O-2024-19 – Relative to Building Height in the Commerce District. Petitioner,

City of Keene Community Development Department, proposes to amend Section 5.1.4 of the Land Development Code (LDC) to modify the allowed height within the Commerce District to be three stories or 42 feet, and amend Section 8.3.1 of the LDC to incentivize residential development in the Commerce District by permitting a height of up to six stories or 82 feet for “dwelling, multifamily” with limitations.

Planner Evan Clements addressed the Committee. Mr. Clements stated before the Land Development Code was adopted, in the Commerce District, two stories or 35 feet, was allowed by right. With the adoption of the Land Development Code, some additional height allowances were granted within the district with certain conditions and limitations. How it is currently written is that you are allowed two stories or 35 feet by right, you can go up to three stories or 42 feet with the additional 10-foot front and side building setbacks or a building height step back of at least 10 feet and a step back must occur above the ground floor.

Mr. Clements stated the building setback is your basic dimensional limitations on a lot. There are front yard setbacks, side yard setbacks and rear yard setbacks. A building step back is the staircase effect you see in some buildings. A building would go up, maybe one or two stories, then the third story will be offset farther away from the front of the primary facade of the building. It is kind of an architectural technique that reduces the looming intensity of a large building. Mr. Clements noted the proposal is to increase the number of stories by right to three stories or 42 feet across the board. Any permitted use within the Commerce District will now be able to go up to three stories.

Staff is also proposing an amendment to the use standards for “dwelling, multifamily,” which is Article 8 of the Land Development Code to carve out additional height allowances for multifamily residential. The city already allows multifamily residential in the Commerce District, with the caveat that the dwelling units have to be above the ground floor; acknowledging that the Commerce District is still for commercial activity.

He stated it is worth noting that after that change he just described earlier, which is currently on the books, this has never been taken advantage of in the almost three years that it has been allowed. The proposal allows up to three stories and then up to six for multifamily. Also, without the entire ground floor being commercial, it has also been specified that the front part of that project needs to be tenantable commercial space. The city wants to see commercial activity in this space but also want to supply flexibility to a potential developer to define what that is.

Mr. Clements further stated the constraints for this six story or 82 foot residential project is including that step back of 15 feet – which is a minimum. The proposal is also making it location specific. If this parcel is adjacent to a residential use, that increases the building setback to 50 feet from that shared property line. This is something new in the code. Currently, there are certain restrictions that are related to properties that are adjacent to a residential zoning district. However, staff wanted to be a little more conscientious. There are residential uses within the Commerce District at the present time but staff did not want to inadvertently locate a six-story building next to single family residences. Staff wanted to provide some additional protection to those situations by separating with additional distance.

Mr. Clements stated many in the community have talked about densifying downtown – they want to see more intense tall buildings in the downtown, but he noted there is only so much development potential available in downtown. There is also the existing historic buildings that are at their structural limits and going taller is not feasible. There are also certain areas in the downtown with some limited opportunity that city staff is constantly trying to activate, but there are also parts of the urban compact that may be appropriate for taller, more intense development for residential. While there is no density limit, there are other limitations within the zoning ordinance that create density limits and height is

one of them.

Mr. Clements stated at the present time, return on new construction is not very high; hence, allowing height with limitations just creates more opportunity. Mr. Clements stated the other thing staff is hearing a lot about is the availability of commercial space in the city at a rate that the commercial market in the city will tolerate. The price per square foot for new commercial is about \$25 per square foot, which is not what commercial tenants can afford at this time. He felt a greater amount of residential units will actually offset that cost for new commercial space. So the city hopefully won't just get more housing units but will also create more commercial spaces for businesses. This concluded staff comments.

The Mayor clarified parking is an allowable first floor use and when we define commerce, whether parking is a part of commerce. Mr. Clements stated parking would not be considered tenantable commercial space. As it is allowed now, to have the six stories, you would have to provide the tenantable commercial space on that ground floor. This doesn't mean you couldn't do parking behind the tenantable commercial space (on the ground floor of the building) instead of additional residential. There is a limitation in the Commerce District that says you can't have residential units on the ground floor. With this change, if you wanted six stories, you would have to do the tenantable commercial space on the ground floor, and then it would be the developer's choice what they did with the rest of the ground floor.

The Mayor raised the issue about the 15 foot setback for commercial space, whether the developer has the option of having greater than 15 feet of setback for the entire building; to stay within one common footprint all the way. The Mayor asked in an instance like that is there a different setback than 15 feet. Ms. Clements stated instead of a building step back, they could instead take the entire building and push it back that additional 15 feet and then they could go flush all the way up. The standard front set back is 20 feet – so with a front set back of 35 feet (20 ft plus the additional 15 feet required), they can go all the way up six stories.

The Mayor asked for clarification on parking. Mr. Clements explained with a six story multifamily building, a developer would be able to locate tenantable commercial space that is maybe like 20 feet deep into the building, they would then be allowed to put parking in the remaining like 30 or 40 feet of depth on that ground floor. Then they could go residential all the way up.

The Chair questioned if it would create a negative burden on the community to have parking on some of these streets in the downtown on the first level? Or do you want that commercial facade? Does it detract from that area to have these parking garages on the 1st floor? Or do we want continuity of some commercial storefront view? She added as the committee is talking about changing the look and feel of some of these streets, for example on Avon Street it would be ok not to have tenantable commercial space, but on West Street, it might feel different to have a parking garage sitting right on West Street.

Ms. Brunner stated staff has been hearing from a lot of businesses in the city who are either expanding or they are moving from their current location are struggling to find a place to relocate. As was mentioned by Mr. Clements, at the present time there is a lot of value in residential development compared to commercial development, so staff did not want to allow multi-family residential in the commercial district in a way that it could take over all the commercial property. She indicated there are only certain areas in the city where commercial uses are allowed.

Chair Bosley stated for instance she would hate to see the ground floor of Gilbo Avenue turned into a parking garage; it would be great loss to the community. She stated her hope someday would be for Main Street to the Colony Mill to feel connected and walkable. She referred to a presentation she had

attended regarding walkable communities and what was indicated in that session is for example the Athens Pizza site, the building is not built to the sidewalk and this is a design flaw as people don't like to walk past parking lots – it is not a site meant for window shopping. She stated she agrees with staff we also don't want to cancel out commercial space that the city has by developers who are trying to make more money building residential, and then the city reduces the opportunity for our businesses to be able to remain here because we don't have a lot of space for them.

Councilor Haas stated he likes the idea of requiring commercial on the 1st floor. This provides for small commercial spots which are much more usable than any large commercial entities. He referred to the Courtyard site which has five stories, the Colony Mill has 4.5 stories, and asked for the height of these buildings –whether they were ten or twelve foot floors. Mr. Clements stated they are about ten-foot floors. Average is about eight to ten feet per floor height.

Councilor Jones referred to the comment about Gilbo Avenue and asked staff whether there was a way around that – there might be times when you don't want parking on the first floor. Ms. Brunner stated this ordinance is specific to the Commerce District and although it does not talk specifically about parking on the ground floor, it would be allowed. In the downtown districts there are pretty specific regulations around parking. Gilbo Avenue up to School Street is in downtown growth or downtown core, so they would have to comply with the form-based code standards and parking isn't allowed on the ground floor there today. Outside of the downtown districts, parking on the ground floor is allowed. In some districts if you locate parking on the ground floor, you can go up an extra story.

With that the Chair asked for public comment on this ordinance.

Mr. Kopczynski stated he has been working right now with two specific projects that are outside of the Commerce District which are in the downtown where the regulations have caused the project to cease. He stated he will be discussing this issue with staff to see what can be done to make those things more amenable. He stated what is being discussed today is actually opening the door for more opportunity for a specific purpose, which is housing. He stated the more opportunity we give people (design direction) without being locked in, the more actual development would occur.

Ms. Hannah Maynard of 80 Roxbury Street addressed the committee next. She stated she lived in New York City for a long time and would welcome tall buildings in the downtown. Parking is not pretty but is something that you need. She stated she likes the idea of keeping the tenantable space which could add another element of walkability to the city.

With no further comment, the Chair closed the public hearing.

Councilor Jones stated he has always been an advocate of smart growth principles which is referenced in the master plan. He stated this ordinance addresses smart growth principles. He added he also likes that it helps incentivize by creating a return on the investment for builders. The Councilor added if the city approves going up 82 feet this would also incentivize more of electronic infrastructure to be placed on top of these buildings which increases assessed value.

Councilor Williams stated one aspect he likes about this ordinance is that it allows residential on the ground floor because these would be apartments you could access by a wheelchair.

Councilor Haas stated he likes that this ordinance focuses on the Commerce District which would create a growth effect in the immediate area.

Chair Farrington felt this is a smart approach to address some of the housing requirements.

The Mayor stated there are ground floor uses for parking spaces. He felt on Gilbo Avenue, parking could be placed on the first floor at 20 foot setback. He felt this language is closing out that possibility. He stated he did not want developers to be constrained. Chair Bosley noted the ordinance does not prohibit on-site parking behind the building. She stated she might have confused things by including Gilbo Avenue in this conversation and noted Gilbo Avenue does sort of abut and turn the corner at commercial. But the lots that are primed for development on Gilbo Avenue are not in this district and fall under a different set of rules. However, the lots that would be impacted are all of West Street, Key Road, Ashbrook Court and then a lot of residential looking streets like Richardson Court, Pearl Street and Avon Street.

The Chair stated she does not want to wipe out our commercial zone and make it a residential zone. She noted when you tip the scales so heavily and decide that residential is going to pay for a project to be viable, you then start to incentivize people to tear down commercial structures and replace them with these residential structures.

The Mayor as an example referred to properties located on Richardson Court – he indicated wording in the first paragraph says “... *The increased height allowance for multifamily dwellings would only be allowed where the ground floor of the building along the street frontage is tenable commercial space.*” Chair Bosley referred to the car wash on West Street - someone could buy that car wash and tear it down and build a residential building – consisting of six stories. She used another example of a commercial space which could be torn down and turned into residential space and the owner could make a higher profit compared to its use as a commercial space. The Chair felt what the city doing is it is creating an unintended consequence and at some point there is going to be a line of businesses at City Hall wondering what happened to all the commercial properties as they have been turned into six story residential buildings with parking garages on the first floor. She stated she agrees with Mr. Kopczynski that the city should not create constraints on developers but it is also not the city’s job to create laws that have unintended consequences that could harm the city in the long run.

Ms. Brunner referred to proposed language in the ordinance - Section 8. 3.1. - Residential Uses of Article 8, Subsection C2, would have a Use Standard which states that in the *Commerce District up to six stories or 82 feet of heights permitted so long as the ground floor along the street frontage shall be tenantable commercial space.*

Ms. Brunner stated to address the Mayor’s concern perhaps inserting the phrase – instead of *along the street frontage*, it could say *along the primary frontage* - this would address a corner lot or a lot that has streets on three sides. The Mayor was in agreement to this amendment.

A motion was made by Mayor Jay Kahn that the Joint Committee amend Ordinance O-2024-19 to an A version to replace *along the street frontage* with *along the primary frontage*. The motion was seconded by Councilor Phil Jones and was unanimously approved by roll call vote.

Councilor Haas stated often these buildings are built in a podium style where the first couple floors might all be parking or with the commercial grade level frontage and then apartments above. He asked whether there is anything that prohibits parking above the first floor. Ms. Brunner stated parking structures are allowed in this district by right as a principal use.

A motion was made by Harold Farrington that the Planning Board find that Ordinance O-2024-19-A is consistent with the Comprehensive Master Plan. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved by roll call vote.

A motion was made by Councilor Phil Jones that the Planning Licenses Development Committee recommend that the Mayor set a public hearing on Ordinance O-2024-19-A. The motion was seconded by Councilor Williams and was unanimously approved."



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 a 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 primary frontage shall be tenable commercial space. Dwelling units shall be permitted on the ground floor behind the tenable commercial space if this use standard is utilized. 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

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 primary frontage shall be tenable commercial space. Dwelling units shall be permitted on the ground floor behind the tenable commercial space if this use standard is utilized. 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.**

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee
From: Evan J. Clements, AICP - Planner
Date: November 4, 2024
Subject: O-2024-19 Relating to Building Height in the Commerce District

Overview

This Ordinance proposes to amend the maximum allowed building height in the Commerce District for all uses in the district. The proposal includes additional height allowances for Multifamily uses. The intent of the proposed change is to add flexibility for developing within the district and increase viability for large scale residential development in built up areas of the City.

Background

The maximum height allowed in the Commerce (COM) district is separated by building height and stories above grade as shown in Table 1. Two stories or 35 ft is allowed by right, and additional height is allowed with design decision related to stepbacks and building setbacks. The additional requirements are in place to reduce the intensity of taller buildings on surrounding properties.

Table 1. Existing Max Height in the Commerce District.

Max Stories Above Grade	Max Building Height	Additional Requirements
2	35 ft	None
3	42 ft	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.
4	56 ft	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.

The intent for the COM district is 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 are required to have city water and sewer service.

The COM district allows for 57 uses (50 “by right”) and includes residential, commercial, institutional, congregate living/social services, open space, and infrastructure uses. Table 2 shows the permitted uses within the district.

Table 2. Permitted uses by zoning district.

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

Private School	P ¹	8.3.3.F
Senior Center	P ¹	8.3.3.G

CONGREGATE LIVING / SOCIAL SERVICES USES			SECTION
Domestic Violence Shelter	P ¹		8.3.4.A
Drug Treatment Clinic	CUP		8.3.4.B
Food Pantry	P		8.3.4.D
Group Resource Center	CUP		8.3.4.G
Homeless Shelter	CUP		8.3.4.H
Lodginghouse	CUP		8.3.4.I
Residential Care Facility	CUP		8.3.4.J
Residential Drug/Alcohol Treatment Facility	CUP		8.3.4.K

INDUSTRIAL USES			SECTION
Artisanal Production	P ¹		8.3.5.A
Data Center	P		8.3.5.C
Industrial, Light	SE		8.3.5.E
Outdoor Storage Yard	P		8.3.5.F

OPEN SPACE USES			SECTION
Conservation Area	P		8.3.6.C

INFRASTRUCTURE USES			SECTION
Solar Energy System (Small-Scale)	P ¹		8.3.7.A
Solar Energy System (Medium- Scale)	CUP		8.3.7.B
Telecommunications Facilities	P ¹		8.3.7.E

TRANSPORTATION USES			SECTION
Parking Lot (Principal Use)	P ¹		8.3.8.A
Parking – Structured Facility (Principal Use)	P ¹		8.3.8.B

P = Permitted
P¹ = Permitted with limitations per Article 8.
SE = Permitted by Special Exception
CUP = Permitted by Conditional Use Permit

Proposed Changes and Discussion

This ordinance proposes to change the allowed maximum building height to be 3 stories or 42 feet “by right.” In addition, it proposes to add a use standard to “dwelling, multifamily” to allow this use to go up to six stories or 82 feet, so long as the following criteria are met:

- The ground floor along the street frontage shall be tenantable commercial space. This would allow for residential units on the ground floor, so long as the portion of the building façade along the street frontage includes tenantable commercial space.
- A 15-foot setback or building setback would be required. If the design utilizes the building setback option, the setback would need to occur above the ground floor and no higher than the fourth story of the building.
- If the use directly abuts an existing single-family or two-family use, a 50-foot side and/or rear setback from the common property line shall be required. This requirement is intended to prevent this use from drastically changing the scale of development in close proximity to existing single-family and two-family residences.

Prior to 2022, the allowed maximum height in the Commerce District was two stories or 35 feet. In July 2022, the maximum building height was increased as shown in Table 1. Since this change was made in 2022, the additional height allowances for the Commerce district have not been utilized. Comments received by staff from designers and potential land developers note that the provisions are confusing and impractical. These proposed changes intend to simplify the Commerce District height requirements for all development types and incentivize multifamily residential development to occur in this district up to six stories, with limitations.

Consistency with the 2010 Comprehensive Master Plan

The City of Keene’s Master Plan, which was adopted in 2010, states that housing needs will remain similar to current levels; however, in the 14 years since its adoption, conditions have changed significantly. The need for new housing supply is affecting many aspects of the Keene community, including older adults / empty nesters who do not have good options to downsize, young families that are unable to find housing to meet their growing families’ needs, businesses that struggle to attract and retain employees, young professionals that cannot find housing suitable for their lifestyle and needs, and people in the community who are housing insecure or homeless due to the low vacancy rates for both rental and for sale homes. The need for additional housing supply is well-documented in the recent [Housing Needs Assessment Report](#) that was accepted by City Council on June 15, 2023, which estimates that the City of Keene will need 1,400 new housing units built by 2033 to meet the projected need for new housing. This represents a growth rate of about 14%; however, the growth rate in new housing over the past 10 years was only about 4%.

Although the 2010 Comprehensive Master Plan does not contemplate a high need for new housing, it does explicitly state that residential infill development is a desirable and creative housing solution that *“if done well, can contribute greatly to keeping the small-town feel of Keene, while providing more housing choice and allowing people to live, work and play in the same community.”*

The Housing Chapter of the Master Plan includes a goal to “Provide a Balanced and Diverse Housing Stock.” Under this goal, the plan states *“Since most of the community’s available*

residentially zoned land has been developed, housing needs have to be addressed through infill development and the rehabilitation and redevelopment of existing stock.”

In addition, the plan recognizes the growing “affordability gap,” or the difference between the actual median home price cost and what a median-income household can afford and recommends that the city should support creative means to expand affordable and workforce housing. Under the “Affordable Housing” section of the Housing Chapter, the plan specifically calls out changes to land-use regulations as a way to help create a market for developers to build more affordable housing through the provision of density bonuses or other incentives.

This ordinance is directly aligned with the recommendations in the 2010 Master Plan to focus on residential infill because it would allow for a higher density of residential development to occur in areas of the city where an intensity of the built form already exists, and large-scale apartment buildings would not overwhelm surrounding uses. In addition, it is aligned with the plan’s recommendations regarding affordable housing by allowing a developer the flexibility to design a project to a scale that offers a variety of unit sizes.

Housing Needs Assessment Background

The 2023 Housing Needs Assessment Report included four implementation goals targeted to help position Keene to meet the community’s growing and changing housing needs. Strategy 3B of Goal 3 “Promote the Development of a Mix of Housing Types at a Variety of Price Points” suggests strategic zoning updates to further unlock housing opportunities. This proposal grew from conversations with property owners looking to redevelop but needed additional flexibility on building height in order to get the unit density required to make projects financially feasible.

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
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Specialty Food Service	P	8.3.2.AH
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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 82 ft of height is permitted so long as the ground floor along the street primary frontage shall be tenantable commercial space. Dwelling units shall be permitted on the ground floor behind the tenantable commercial space if this use standard is utilized. 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



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.2.

Meeting Date: December 5, 2024
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Elizabeth Dragon, City Manager
Subject: **Ordinance O-2024-17-A Relating to Minimum Lot Sizes in the High Density, Medium Density, and Downtown Transition Districts**

Council Action:

In City Council December 5, 2024.

Report filed as informational. Public hearing scheduled for January 16, 2025 at 7:00 PM.

Recommendation:

At the November 12, 2024 Joint Planning Board and PLD Committee meeting, the following motions were made regarding Ordinance O-2024-17:

A motion was made by Chair Bosley to amend Ordinance O-2024-17 to create an A version which requires structures in the Downtown Transition District to be attached. The motion was seconded by Councilor Phil Jones and carried on a unanimous roll call vote by both bodies.

A motion was made by Harold Farrington that the Planning Board find that Ordinance O-2024-17-A is consistent with the Comprehensive Master Plan. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved by roll call vote.

A motion was made by Councilor Phil Jones that the Planning Licenses Development Committee recommend that the Mayor set a public hearing on Ordinance O-2024-17-A. The motion was seconded by Councilor Williams and was unanimously approved.

Attachments:

1. Ordinance O-2024-17-A_clean copy_referral
2. O-2024-17-A_Redline & Staff Report

Background:

Included below is an excerpt from the draft minutes of the meeting where this item was discussed.

"a. **Ordinance – O-2024-17 – Relative to minimum lot sizes in the High Density, Medium Density, and Downtown Transition Districts.** Petitioner, City of Keene Community Development Department, proposes to amend Section 3.5.2, Section 3.6.2, and Section 4.6.1 of the Land Development Code to remove the minimum lot area required for each dwelling unit after the first dwelling unit in the High Density, Medium Density and Downtown Transition Districts.

Senior Planner Mari Brunner addressed the Board and stated removing barriers to address incremental infill development in built-out areas in the city has been discussed a few times. In the past, the discussion addressed medium and high-density districts. When staff did a review and looked at areas with a density factor, they identified a third district, which is the Downtown Transition District.

She noted the proposal is to remove the density factor from these districts and referred to a map. The area in green is the High Density District, allowing multi-family residential. The area in orange is the Medium Density District, allowing up to three units on a single lot. The area in yellow is the Downtown Transition District. The intent of the Downtown Transition District is to transition from the uses downtown to residential neighborhoods, which are less intense than downtown uses. Downtown Transition allows a mix of uses, such as residential and office, open space, and other low intensity commercial uses.

In the Medium Density District, about 764 parcels of land were identified. Each parcel is limited to three dwelling units per lot. The minimum lot size in this district is 8,000 square feet for any use and for each additional residential unit you need an additional 5,400 square feet. This requirement applies even for an internal conversion that adds a unit to an existing structure. Ms. Brunner noted that, based on current lot size requirements, about 47% of the lots in this district are non-conforming with respect to the minimum lot size. If this proposed change is approved, and the density factor is removed but the minimum lot area is set at 8,000 square feet, the number of non-conforming lots in the Medium Density District would go down to 30%. She added however, some of these lots could be legally non-conforming.

With respect to land uses, the majority of uses in the Medium Density District are single family (61%), two family (25%), multi-family (8%), non-residential (1%) and about 5% are vacant.

The High Density District includes all of Keene State College and for this analysis the entire campus area was counted as one property. If you just look at parcels of land, High Density has 537 parcels of land. This district does not have a cap on the number of units, but the minimum lot size is 6,000 square feet, and each additional dwelling unit would require an additional 5,000 square feet. This is the most densely developed area for residential development. About 49% of the parcels in this district are non-conforming with respect to minimum lot size. However, if this proposal is approved and the minimum lot size is reduced to 6,000 square feet, that number would drop to 20%.

With respect to land uses, single family is the most common use (39%), next is two family (25%), multi-family (23%), non-residential, such as schools, college, municipal facilities and commercial uses (6%) and about 7% are vacant.

The Downtown Transition District is by far the smallest district that would be impacted by this proposal. It only has about 96 parcels of land.

This district is adjacent to the downtown districts on one side and residential districts, including Low Density, Residential Preservation, and High Density. There is currently no limit to the number of dwelling units per lot. It has the same requirements as Medium Density District with respect to lot size (8,000 square foot minimum lot size). An additional 5,400 square feet for each additional unit beyond the first unit is required. About 60% of the parcels in this district are currently non-conforming with respect to lot size. If the density factor is removed, that number would go down to 30%.

Ms. Brunner noted the Downtown Transition District has the widest variety of uses, which is consistent with the fact that it is not technically a residential district. The mix of uses includes single family (15%), two family (19%), multifamily (28%), non-residential (31%), mixed-use (5%), and 2% is

vacant.

Ms. Brunner stated staff did a rudimentary impact analysis of the data to determine what the development potential could be before and after this change in the Medium Density District. She indicated what they saw was doubling of the number of units that could be built in the Medium Density District (not accounting for other development constraints, such as topography and other dimensional requirements in the zoning code).

She added no other zoning requirements are being proposed to be changed such as impervious coverage, setbacks, height limitations which are some of the items that would control density should this proposal go through.

This concluded staff comments.

Councilor Jones noted some of these districts might have 79-E and some might have TIF Districts which could be incentives for development. He asked staff whether they know what those are. Ms. Brunner stated she wasn't sure exactly where those districts were, but there are some TIF Districts that are inactive. Ms. Brunner asked Med Kopczynski to weigh in on this issue. Mr. Kopczynski stated there are three or four TIF Districts, most of them are in the downtown. Mr. Kopczynski went on to say 79 E mostly is what we would consider the traditional downtown, and down Marlboro Street. There has been discussions about expanding it. He indicated he would be bringing forward very soon a change to the map with the 79 E Resolution; it still refers to the old downtown as opposed to the new downtown. He felt this would be an opportunity to begin a conversation about expanding the traditional 79 E district, which is related to what we consider downtown. There are also two other sections of 79 E that the city has never adopted. One of which is a rehabilitation use of 79 E. The other is a housing opportunity zone, for brand new housing. Councilor Jones stated he raised this as there might be an opportunity to combine these two items in the future.

Councilor Haas asked for explanation as to what 79E was. Ms. Brunner stated it is a tax incentive program where an applicant would apply for tax relief for a certain number of years. The municipality would freeze the tax assessment for that parcel before a project gets finalized. There is a certain amount of time the freeze is allowed to remain. Eventually the parcel will catch back up to current assessment based on the improvements, but that period of relief can be used as part of a pro forma to make a project more viable.

The Mayor noted 79E is a state statute and the period of time is five years. In some instances, it can be extended to 10 years.

Mayor Kahn referred to the Medium Density District and noted that, if the 5,400 square foot requirement was eliminated for each additional unit, this could apply within an existing footprint, where a third story is added to an existing two story unit. Another instance where this might apply is adding an ADU to a two-story building and asked for staff's clarification. Ms. Brunner stated that could be correct depending on the district; there might be a limitation on whether you can have more than one residential unit per lot in that district. Evan Clements, Planner, referred to the city definition for dwelling, multifamily: *a structure containing three or more dwelling units located on a single lot with dwelling units either stacked or attached horizontally, which is designed, occupied or intended for the occupancy of three or more separate families.*

He stated the definition for multifamily clearly states it has to be for one building. Hence, a duplex within a detached third unit would not meet the city's definition for dwelling, multifamily. Chair Bosley added even though the City allows for detached ADUs, you cannot add an ADU to a two family building. Mr. Clements agreed and added ADUs are exclusively for a single family.

Chair Bosley asked for public comment but noted this is not a formal public hearing.

Mr. Josh Meehan of 65 Langley Road in Keene stated the housing crisis continues to be pretty profound for people at all income levels. He indicated he works for Keene Housing. He thanked city staff for working so hard to try and find ways for Keene Housing to be able to serve their population and to build more housing that is desperately needed in our community.

Mr. Tom Savastano of 75 Winter Street in Keene addressed the Committee and stated his property is located in the Downtown Transition District. Mr. Savastano stated his first concern is with the look and feel of ADUs within Keene's older neighborhoods. He referred to O-2023-06 which indicates that ADUs must be under the same ownership as the primary lot. They can be either attached or detached. They cannot exceed 1000 square feet of floor space. There is only one parking space required for an ADU and they are subject to the district's dimensions, siting, buildout and height restrictions, and cannot be closer than 10 feet to the property line.

Chair Bosley indicated to Mr. Savastano that the ordinance that they are talking about is not specific to ADUs. What is being discussed tonight could be a single-family home where a second unit is added. It would not need to be owner occupied, and the unit would need to be attached. She indicated some of the things that Mr. Savastano is outlining would not necessarily apply to the changes that could happen if this ordinance is adopted. What is being discussed tonight is potential addition of new units to current buildings or lots. An ADU would be an option for a single-family home that is owner occupied, allowing for a second unit, whether attached or detached, for additional income or a family member, etc.

The proposed ordinance would allow a single-family home to be converted to a two family home or a two family home to be converted to a multi-family home. It does not require that any of those units on that property be occupied by the owner.

Ms. Brunner added in the High Density and Medium Density Districts, because those are residential districts, the code allows only one primary use per lot. Downtown Transition is not categorized as a residential district, so in the instance of the Downtown Transition District, you can have multiple buildings on a lot. For example, two duplexes on a lot would be allowed.

Mr. Savastano stated another of his concerns the look of an ADU – would it fit within a historic district, especially in the Downtown Transition District, if it can be separate buildings and felt this should be considered. He stated he is also concerned about unintended results of changing the minimum lot size within the Downtown Transition District for ADUs. He noted Downtown Transition is considered a low intensity district that helps the city's appearance flow from downtown to residential. That low intensity is what its residents have advocated for years at council meetings and also before the PLD Committee. He went on to say the residents want to preserve the look and feel of the neighborhood and accordingly, maintain property values.

He noted in looking at the minutes for the last PLD Committee meeting, which were approved earlier, line 171 states *the Downtown Transition District, was described by staff as the same scheme as medium and High Density Districts* without any real justification, but stated he does not see it as the same scheme. What currently protects the Downtown Transition District low density usage is the minimum lot size requirements for additional dwelling units, which this proposal would drastically reduce.

He went on to say staff in their presentation had indicated the Medium Density District has a limit of three dwelling units per lot and that would remain in place with the proposed change. In the land use code, however, there is no similar stipulation for the Downtown Transition District, even though it also allows multifamily dwellings, but is a lower density district. Which means that while Medium Density is

limited to three units, Downtown Transition does not have such a limitation, yet it is considered a low intensity usage rather than medium or high density.

Mr. Savastano stated enacting this change in lot sizes for ADUs could unintentionally position the low density Downtown Transition District, to actually become a higher density than the Medium Density District. He stated his request to Council is dropping the Downtown Transition District from this proposal so that the minimum lot sizes will remain in place there and the historic look and feel of the district is maintained. ADUs would still be permitted there, but under those guidelines. He added if the minimum lot sizes are changed, then he felt at the minimum the low density Downtown Transition District should have the same limitation of three dwelling units that the Medium Density currently has. This concluded Mr. Savastano's comments.

Mr. Peter Espiefs of Middle Street stated the city has a historic district and felt it should be left as is. He stated he agrees with everything Mr. Savastano said.

Mr. Kopczyński stated he was not present to advocate for anything, he was just here to observe. He stated he has been asked to look at housing opportunities in general and is interested in anything that can be done to increase housing. He stated he has been involved with zoning since 1983. He stated in the zoning code when there are many non-conforming properties – there is a reason for it. He indicated this is common in older communities in New Hampshire and Massachusetts - there is an imposition of zoning on top of existing land patterns. Many of these districts were settled with roadways and structures before zoning was effective or between zoning code changes.

Mr. Kopczyński stated the city has an opportunity at least with Medium and High Density to do something about its non-conformities, recognizing that the existing land pattern is different than what is in the text.

Ms. Hannah Maynard of 80 Roxbury Street in Keene addressed the committee and suggested that perhaps something to find a medium ground would be to go through with the proposal but add in a stipulation that you could not change the footprint of the dwelling which would still allow perhaps for an in law suite to be added to an attic which would prevent this proliferation of all these multifamily homes in neighborhoods that are used to having single family environment. She felt this would preserve for instance the look and feel of the historic district.

Chair Bosley addressed the comments raised about the historic district and clarified that her understanding is that any additional buildings or changes that were made in the historic district would meet some sort of historic district guideline. Ms. Brunner stated this was true in the past but with the Land Development Code new construction of free-standing building does not have to go through historic district review. Additions to an existing structure would go through historic district review. The Chair felt this might be a way for the city to address some of the concerns for the Downtown Transition District. Ms. Brunner stated the other concern she heard was about limiting the number of units. She indicated the review staff did indicate that approximately 20% of lots in the Transition District have more than three units. She felt getting rid of the density factor but placing a limit on the number of units could be reasonable.

Mr. Clements added in the historic district, the demolition of any building that is categorized as "Contributing" or "Primary" within the district is severely limited. This would require an applicant going to the Historic District Commission and providing an extraordinary reason for why the demolition of a Contributing or Primary Resource is necessary. He felt a developer coming into the historic district, purchasing an historic, character-defining home, and demolishing it would be difficult as there are significant barriers in place for that.

Councilor Williams, with reference to limits for the Transition District, stated as a Council they have to make sure that the burden of increasing density is spread out across the City, so that one neighborhood does not get the brunt of it. He referred to the recent minimum change in the rural area, five acres to two acres and there was concern from abutters. However, he noted there is a need for housing. He added in the interest of fairness, the entire city needs to be ready to accept some increased population and increase to density. He stated the city needs make sure that every neighborhood plays its part.

Chair Bosley agreed with the Councilor and stated when the Council was discussing other changes to density, neighborhoods were asking the Council to look at the downtown and try to concentrate development just in the downtown because that is where infrastructure is and that is where our services are. She felt each part of our city has a responsibility to play its part in this process of relieving some of the strain and the stress of the housing crisis that we have been experiencing since Covid. She stated she does not see this as causing an influx of development to add apartments for relatives in the in the attic space because there is already an existing ordinance that allows people to do that by right. What this is hopefully going to do is provide housing for our working-class families in our community which is really needed right now. She added she was open to the idea in the Transition District making them (new units) attached and did not feel it was necessary to make the Transition District any different than it has been in the past as far as the number of units that have been allowed. This would preserve the historic component issue and added she does not see many lots in this district that would be allowed to build detached structures.

Mayor Kahn stated he wanted to make sure the City was identifying the kinds of housing that are involved in the increase of conforming uses. He felt by staying within the footprint as it exists begins placing more housing in these districts into a conforming use and places everyone on equal ground and articulates proper use within these zones and moves the city in a direction of valuable future planning.

Chair Bosley clarified from staff when properties are brought into conformity it gives property owners more opportunities to make changes and build on their own property. Ms. Brunner answered in the affirmative.

Councilor Haas clarified if the lots were to remain at 8,000 square feet and if the requirement of added lot size is removed for adding additional square footage – it increases conformity in those district to 30% and asked whether this also takes into accounts things like setback. Ms. Brunner stated the change only addresses lot size it does not take into consideration things like setback.

Councilor Haas further added that the building footprint is defined by the setbacks that exist now in the code and this won't change, so we are still going to have the same requirement for building footprints. Although someone who is constricted on their lot could utilize the space to the available footprint. He felt what is being proposed is a benefit and did not feel the ordinance change would change how we see the buildings as they exist now.

Councilor Remy joined the session via zoom and indicated he is in a warehouse but wasn't alone in the warehouse. Councilor Remy stated what is being proposed is a great idea and agrees with Councilor Williams that the city needs to make the increase to density spread throughout the city.

Ms. Brunner added in listening to the conversation regarding building footprint versus property footprint – she referred to a graphic from the land development code and referred to the dotted lines which refer to the outline of different parcels. She noted the hatched areas are the parking areas and the square ones are the building footprints. What she understands is that a member of the public had suggested is that developers be limited to staying within the existing building footprint. Councilor

Bosley stated this is what she understood as well but what the Committee is saying is that as long as it is attached and meets the other guidelines by code, it is allowed.

The Mayor clarified when a building moves from non-conforming to conforming it would ease the process of adding to the footprints as long as they met the other guidelines. The Chair noted if there is a non-conforming lot it would prevent an applicant from obtaining a building permit for certain changes. Ms. Brunner agreed and added if you have a substandard lot that is only 4,000 square feet where you need at least 6,000 square feet, you wouldn't be able to necessarily build on that lot without getting relief from the Zoning Board.

The Mayor stated he was trying to understand attached versus existing footprint. Chair Bosley explained if you have an existing footprint of a home on a lot, this ordinance would not prevent you from constructing an addition to add a third unit. Someone could construct an addition to the back or side of the lot of their current building which would change the footprint of their home. This is not permission for people to be able to build to the edges of their lots – there will always be constraints in place. The constraints wouldn't be the underlying lot size, it would be other pieces of code that would be constraining the number of units that would be allowed.

Ms. Brunner asked whether the committee wanted to create an A version or move it forward the way it is. She also asked whether the committee wished to review the changes at the workshop phase before it is moved forward to a public hearing. The Chair did not feel moving this to another workshop process was necessary.

A motion was made by Chair Bosley to amend Ordinance O-2024-17 to create an A version which requires structures in the Downtown Transition District to be attached. The motion was seconded by Councilor Phil Jones and carried on a unanimous roll call vote by both bodies.

A motion was made by Harold Farrington that the Planning Board find that Ordinance O-2024-17-A is consistent with the Comprehensive Master Plan. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved by roll call vote.

A motion was made by Councilor Phil Jones that the Planning Licenses Development Committee recommend that the Mayor set a public hearing on Ordinance O-2024-17-A. The motion was seconded by Councilor Williams and was unanimously approved."



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relative to Minimum Lot Sizes in the Medium Density, High-Density, and Downtown Transition Districts

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

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

1. That Section 3.5.2 “Dimensions & Siting” of Article 3 be amended to remove the minimum lot are required per dwelling unit, as follows:

Min Lot Area	8,000 sf
Min lot area for single dwelling unit	8,000 sf
Min lot area for each additional dwelling unit	5,400 sf
Min Lot Width at Building Line	60 ft
Min Road Frontage	50 ft
Min Front Setback	15 ft
Min Rear Setback	15 ft
Min Side Setback	10 ft

2. That Section 3.6.2 “Dimensions & Siting” of Article 3 be amended to remove the minimum lot are required per dwelling unit, as follows:

Min Lot Area	6,000 sf
Min lot area for single dwelling unit	6,000 sf
Min lot area for each additional dwelling unit	5,000 sf
Min Lot Width at Building Line	50 ft
Min Road Frontage	50 ft
Min Front Setback	15 ft
Min Rear Setback	15 ft
Min Side Setback	10 ft

3. That Section 4.6.1 “Dimensions & Siting” of Article 4 be amended to remove the minimum lot are required per dwelling unit, as follows:

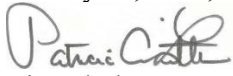
Min Road Frontage	50 ft
Min Lot Area	8,000 sf
Min lot area for single dwelling unit	8,000 sf
Min lot area for each additional dwelling unit	5,400 sf
Min Lot Width	60 ft
Min Front Setback	15 ft
Min Corner Side Setback	10 ft
Min Interior Side Setback	10 ft
Min Rear Setback	15 ft

4. That Section 4.6.2 “Buildout” of Article 4 be amended, as follows:

Buildout	
Max Building Coverage	50%
Max Impervious Surface Coverage	70%
Min Green/Open Space	30%
Only one principal building or principal structure shall be permitted on a single lot.	

Jay V. Kahn, Mayor

In City Council December 5, 2024.
 Public hearing scheduled for
 January 16, 2025, at 7:00 PM.


 Patricia Calkins
 City Clerk



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relative to Minimum Lot Sizes in the Medium Density, High-Density, and Downtown Transition Districts

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4. That Section 4.6.2 “Buildout” of Article 4 be amended, as follows:

Buildout	
Max Building Coverage	50%
Max Impervious Surface Coverage	70%
Min Green/Open Space	30%
Only one principal building or principal structure shall be permitted on a single lot.	

Jay V. Kahn, Mayor

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee
From: Mari Brunner, Senior Planner
Date: November 4, 2024
Subject: O-2024-17 Relating to Minimum Lot Sizes in the High Density, Medium Density, and Downtown Transition Districts

Overview

This Ordinance proposes to amend the minimum lot area in the High-Density District, Medium Density District, and the Downtown Transition District by removing the minimum lot area required for each additional dwelling unit after the first dwelling unit. The intent of the proposed change is to reduce barriers to housing development and increase the number of conforming lots in these districts.

Background

The minimum lot area for the Medium Density (MD), High Density (HD), and Downtown Transition (DT-T) districts are shown in Table 1. In each of these districts, there is a minimum lot area, a minimum lot area for a single dwelling unit, and a minimum lot area for each additional dwelling unit. The latter requirement (Min Lot Area for each Additional Dwelling Unit) is a measure of residential density.

Table 1. Minimum Lot Area by Zoning District.

Zoning District	Min Lot Area	Min lot area for single dwelling unit	Min lot area for each additional dwelling unit
Medium Density*	8,000 sf	8,000 sf	5,400 sf
High Density	6,000 sf	6,000 sf	5,000 sf
Downtown Transition	8,000 sf	8,000 sf	5,400 sf

**In the Medium Density District, up to three dwelling units per lot are allowed.*

The intent of the MD and HD districts are to provide for medium intensity and high intensity residential development, respectively. The intent of the DT-T District is to accommodate a variety of residential, open space, and other low intensity uses in a mixed-use environment of attached and detached structures. Development within the DT-T District is intended to complement and transition into existing residential neighborhoods adjacent to downtown Keene. All three districts require city water and sewer service.

Table 2 shows the permitted uses within each district. The MD District allows 14 uses (8 “by right”), HD allows 19 uses (8 “by right”), and DT-T allows 15 uses (9 “by right”). These include a mix of residential, commercial, institutional, congregate living/social services, open space, and infrastructure uses.

Table 2. Permitted uses by zoning district.

Residential Uses	MD	HD	DT-T
Dwelling, Above Ground Floor	P	P	P
Dwelling, Multifamily	P ¹	P	P
Dwelling, Single Family	P	P	P
Dwelling, Two-Family/Duplex	P	P	P
Commercial Uses	MD	HD	DT-T
Bed and Breakfast	-	SE	P ¹
Funeral Home	-	-	P
Neighborhood Grocery Store	CUP	SE, CUP	-
Office	CUP	CUP	P
Private Club/Lodge	-	-	SE
Restaurant	CUP	CUP	-
Retail Establishment, Light	CUP	CUP	-
Institutional Uses	MD	HD	DT-T
Community Center	-	-	SE
Cultural Facility	-	-	SE
Day Care Center	CUP	CUP	SE
Senior Center	-	SE	SE
Congregate Living / Social Service Uses	MD	HD	DT-T
Domestic Violence Shelter	P ¹	P ¹	-
Group Home, Large	-	CUP	-
Group Home, Small	CUP	CUP	CUP
Lodginghouse	-	CUP	-
Residential Care Facility	-	CUP	-
Open Space Uses	MD	HD	DT-T
Community Garden	P	P	P
Conservation Area	P	P	-
Infrastructure Uses	MD	HD	DT-T
Telecommunications Facilities	P ¹	P ¹	P ¹

P = Permitted

P¹ = Permitted with limitations per Article 8.

SE = Permitted by Special Exception

CUP = Permitted by Conditional Use Permit

Parcel Size Analysis

The Medium Density District includes ~764 parcels of land. Of those properties, approximately 414 (~53%) are conforming with respect to the current minimum lot area requirement. If the “Min Lot Area for Each Additional Dwelling Unit” requirement is removed and the lot size were to remain at 8,000 square feet, approximately 118 parcels of land (~15%) would become conforming with respect to lot area and about 232 (~30%) would remain nonconforming.

The High-Density District includes 537 parcels of land, and of those, about 272 (~51%) are conforming with respect to the current minimum lot area requirements. If the “Min Lot Area for Each Additional Dwelling Unit” requirement is removed and the lot size were to remain at 6,000 square feet, ~157 (%) would become conforming with respect to lot area and about 108 (~20%) would remain nonconforming.

The Downtown Transition District contains 96 parcels of land, and of those, ~38 (~40%) are conforming with respect to the current minimum lot area requirement. If the “Min Lot Area for Each Additional Dwelling Unit” requirement is removed and the lot size were to remain at 8,000 square feet, approximately 29 parcels of land (~30%) would become conforming with respect to lot area and about 29 (~30%) would remain nonconforming.

Discussion

The residential density factor for the HD, MD, and DT-T districts can add significant cost and/or time to proposals for more than one dwelling unit and can prevent existing lots (developed or otherwise) from adding new residential units without seeking relief from zoning. For example, if a property owner wanted to convert a two-unit building into a three unit building in the Medium Density District, the lot would need to be at least 18,800 square feet in size, even if the owner was not proposing to increase the total square foot area of the building.

This ordinance proposes to remove the density factor per dwelling unit to encourage more efficient use of land and remove a barrier to incremental residential infill opportunities. No changes are proposed to other dimensional standards, such as the maximum height, maximum impervious coverage, setbacks, and frontage required in these districts. In addition, the existing use standard for the Medium Density District which limits this use to no more than three dwelling units per lot would remain in place. Although this proposal would remove the residential density factor, density would still be limited by these other zoning dimensional requirements and use standard.

Consistency with the 2010 Comprehensive Master Plan

The City of Keene’s Master Plan, which was adopted in 2010, states that housing needs will remain similar to current levels; however, in the 14 years since its adoption, conditions have changed significantly. The need for new housing supply is affecting many aspects of the Keene community, including older adults / empty nesters who do not have good options to downsize, young families that are unable to find housing to meet their growing families’ needs, businesses that struggle to attract and retain employees, young professionals that cannot find housing suitable for their lifestyle and needs, and people in the community who are housing insecure or homeless due to the low vacancy rates for both rental and for sale homes. The need for additional housing supply is well-documented in the recent [Housing Needs Assessment Report](#) that was accepted by City Council on June 15, 2023, which estimates that the City of Keene will need 1,400 new housing units built by 2033 to meet the projected need for new housing. This represents a growth rate of about 14%; however, the growth rate in new housing over the past 10 years was only about 4%.

Although the 2010 Comprehensive Master Plan does not contemplate a high need for new housing, it does explicitly state that residential infill development is a desirable and creative housing solution that *“if done well, can contribute greatly to keeping the small-town feel of Keene, while providing more housing choice and allowing people to live, work and play in the same community.”*

The Housing Chapter of the Master Plan includes a goal to “Provide a Balanced and Diverse Housing Stock.” Under this goal, the plan states *“Since most of the community’s available residentially zoned land has been developed, housing needs have to be addressed through infill development and the rehabilitation and redevelopment of existing stock.”*

Furthermore, this section states that *“Infill or redevelopment within existing neighborhoods should be built at a scale, density and character consistent with the existing development patterns. For example, in-law apartments or the conversion of a large home into condominiums can fit seamlessly into the built environment, without drastic change to the outward appearance; i.e., the large home could still appear to be a single-family residence. This type of residential infill allows for a change in density, not a change in intensity of residential use, which in turn supports the community’s goal to create a compact, walkable community and provide choice in housing.”*

This ordinance is directly aligned with the recommendations in the 2010 Master Plan to focus on residential infill because it would allow for a higher density of residential development to occur in areas of the city where residential neighborhoods already exist and where city water and sewer service is provided.

3.5 MEDIUM DENSITY (MD)

3.5.1 Purpose

The Medium Density (MD) District is intended to provide for medium intensity residential development and associated uses. All uses in this district shall have city water and sewer service.

3.5.2 Dimensions & Siting

Min Lot Area	8,000 sf
Min lot area for single dwelling unit	8,000 sf
Min lot area for each additional dwelling unit	5,400 sf
Min Lot Width at Building Line	60 ft
Min Road Frontage	50 ft
Min Front Setback	15 ft
Min Rear Setback	15 ft
Min Side Setback	10 ft

3.5.3 Buildout

Max Building Coverage	45%
Max Impervious Coverage	60%
Min Green / Open Space	40%

3.5.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

3.5.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P ¹	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Neighborhood Grocery Store	CUP	8.3.2.U
Office	CUP	8.3.2.V
Restaurant	CUP	8.3.2.AB
Retail Establishment, Light	CUP	8.3.2.AD
INSTITUTIONAL USES		SECTION
Day Care Center	CUP	8.3.3.C
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Domestic Violence Shelter	P ¹	8.3.4.A
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P ¹	8.3.7.E

P = Permitted
P¹ = Permitted with limitations per Article 8.
CUP = Permitted by Conditional Use Permit

3.6 HIGH DENSITY (HD)

3.6.1 Purpose

The High Density (HD) District is intended to provide for high intensity residential development and associated uses. All uses in this district shall have city water and sewer service.

3.6.2 Dimensions & Siting

Min Lot Area	6,000 sf
<i>Min lot area for single dwelling-unit</i>	6,000 sf
<i>Min lot area for each additional dwelling-unit</i>	5,000 sf
Min Lot Width at Building Line	50 ft
Min Road Frontage	50 ft
Min Front Setback	15 ft
Min Rear Setback	15 ft
Min Side Setback	10 ft

3.6.3 Buildout

Max Building Coverage	55%
Max Impervious Coverage	75%
Min Green / Open Space	25%

3.6.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

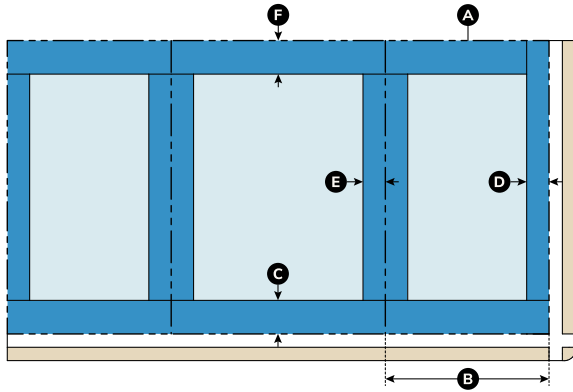
3.6.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Bed and Breakfast	SE	8.3.2.G
Neighborhood Grocery Store	SE, CUP	8.3.2.U
Office	CUP	8.3.2.V
Restaurant	CUP	8.3.2.AB
Retail Establishment, Light	CUP	8.3.2.AD
INSTITUTIONAL USES		SECTION
Day Care Center	CUP	8.3.3.C
Senior Center	SE	8.3.3.G
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Domestic Violence Shelter	P ¹	8.3.4.A
Group Home, Large	CUP	8.3.4.E
Group Home, Small	CUP	8.3.4.F
Lodginghouse	CUP	8.3.4.I
Residential Care Facility	CUP	8.3.4.J
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P ¹	8.3.7.E

P = Permitted
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4.6 DOWNTOWN TRANSITION (DT-T)

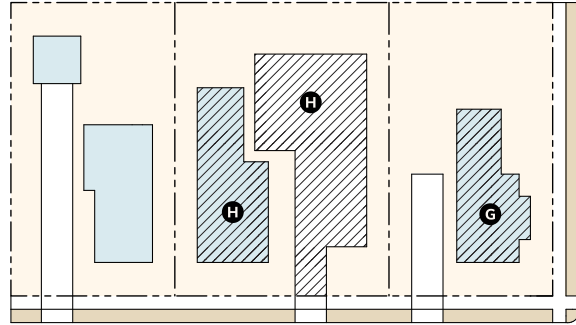
4.6.1 Dimensions and Siting



Dimensions and Siting

	Min Road Frontage	50 ft
A	Min Lot Area	8,000 sf
	Min lot area for single-dwelling unit	8,000-sf
	Min lot area for each additional dwelling unit	5,400-sf
B	Min Lot Width	60 ft
C	Min Front Setback	15 ft
D	Min Corner Side Setback ¹	10 ft
E	Min Interior Side Setback	10 ft
F	Min Rear Setback	15 ft

4.6.2 Buildout



Buildout

G	Max Building Coverage	50%
H	Max Impervious Surface Coverage	70%
	Min Green/Open Space	30%

Only one principal building or principal structure shall be permitted on a single lot.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: December 5, 2024
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Personnel
Ordinance O-2024-25**

Council Action:

In City Council December 5, 2024.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

That the City Council refer Ordinance O-2024-25 to the Finance, Organization, and Personnel Committee.

Attachments:

1. Ordinance O-2024-25 Chapter 62 Personnel_referral

Background:

Ordinance O-2025-25 advances a variety of updates to City Code related to personnel capturing changes in the City's organization structure, required updates and practice clarifications related to administration of leaves and other benefits, implementation of accrual based earned time for regular part-time employees, as well as modifications to several other benefits provided city employees. In addition, in areas of the code proposed for update as part of O-2025-24, the ordinance advanced includes a shift to gender-neutral language in those sections recommended for modification.



CITY OF KEENE

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

AN ORDINANCE Related to Personnel

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text and inserting the bold text in *Chapter 62 – Personnel* as follows:

ARTICLE I. - IN GENERAL

Sec. 62-1. - Responsibility for personnel management.

(a) The responsibility for developing and administering the elements of the personnel merit system shall be assigned to the city manager. ~~He~~ **The manager** shall draft policies, prepare amendments to the pay plan, prepare job descriptions and maintain accurate and confidential files of needed personnel information about each employee. All city departments shall supply the necessary requested information to maintain this personnel file.

Sec. 62-32. Membership of the board.

The personnel advisory board shall consist of eight elected eligible members plus one additional member appointed by a majority of the board, for a total of nine members, all of whom shall have completed the probationary period. The board appointee shall be an eligible department head if no department head has been elected through the voting process.

The board shall consist of two elected representatives from each of the three non-bargaining employee groups as follows:

- Two member representatives from library,
- Two member representatives from city hall,
- Two member representatives from police, fire, public works, airport, parks and recreation, ~~and cemeteries,~~
- Two member representatives at large, and
- One board appointee, who shall be an eligible department head if no department head has been elected through the voting process.

All other employees, including the city manager, city attorney, city clerk, ~~deputy assistant~~ city managers, finance director, and human resources director shall not serve on the PAB.

Sec. 62-33. Selection and Term.

PAB representatives shall serve a maximum of two consecutive terms.

Every September, or at such other time determined by the PAB representatives, a general election will be held to fill vacancies for expired terms.

A system of voting shall be devised and administered by the human resources director for the purposes of conducting the general election.

Elected representatives shall be chosen by secret ballot of the eligible voters. Eligible voters include all regular, full-time or part-time, non-bargaining employees of the City of Keene who are identified on the city’s classified pay scale, and have

completed the probationary period, with the exception of the city manager, city attorney, city clerk, ~~deputy assistant~~ city managers, finance director, and human resources director.

Vacancies in the board's membership occurring other than through the expiration of a term shall be filled for the remainder of the unexpired term by a majority vote of the remaining board members. The PAB shall act to fill vacancies of uncompleted terms within 30 calendar days from the occurrence of the vacancy, except that if any elected board position becomes vacant within 60 days of the general election, the vacancy shall be filled at the regular election.

The chair, vice chair and secretary of the PAB shall be elected by a majority vote of all board members at the first meeting of the PAB following the general election in September, or at such other time determined by the board.

Sec. 62-34. - Advisory meetings.

The personnel advisory board shall meet at least monthly or more often as circumstances permit. Each meeting shall be noticed ~~using on departmental bulletin boards or other~~ available electronic resources, **as well as other appropriate communication methods**. Minutes shall be kept and made available ~~using on departmental bulletin boards, distributed via e-mail or other or other~~ available electronic resources, **as well as other appropriate communication methods**. ~~available electronic resources~~. The minutes shall be available for inspection as requested.

The personnel advisory board shall meet at least twice per year with the city manager. At these meetings, any items relative to the personnel system can be discussed. At the discretion of the board, written statements advising the city manager on matters pertaining to the personnel system may also be issued.

ARTICLE III. - GRIEVANCE PROCEDURE

Sec. 62-62. - Applicability.

Any regular ~~exempt~~ (non-bargaining unit) employee eligible to be a member of the Personnel Advisory Board who has ~~having~~ a grievance, view, or opinion pertaining to employment conditions or relationships with ~~his~~ **the** immediate supervisor or other employees may initiate the grievance procedure. The city manager, city clerk, city attorney, city treasurer or any employee who holds a position which is included in any state-certified bargaining unit shall be excluded from access to the grievance procedure. However, grievances, views or opinions regarding policies established by ordinance of the city council shall be limited to questions on the application of these policies.

Sec. 62-64. - Steps.

The following steps shall be followed whenever an employee initiates a grievance or point of view regarding employment conditions. All hearings shall be informal, and every effort shall be made to schedule them during the regular working hours of the employee. Any grievance or question is considered settled at the completion of any step, if all parties are satisfied. If the grievant's immediate supervisor is a department head, the grievance process may begin at step II. If the grievant's immediate supervisor is the city manager, the grievance process may begin at step III. Nothing in this procedure is intended to discourage employees from discussing problems or concerns with their supervisors at any time. Steps of the grievance procedure are as follows:

- (1) Step I. The aggrieved employee or the employee and ~~his~~ **the employee's** representative shall reduce the grievance to writing on a form provided by the city and signed by the employee involved and the employee's representative, if the employee has one, within five working days of the date of the grievance or ~~his~~ knowledge of its occurrence. The written grievance shall include a statement of the grievance and facts involved and also the remedy requested. The immediate supervisor shall write ~~the his~~ **the** decision on the grievance form and shall sign it and give it to the grievant, with a copy to the grievant's representative if any, within two working days after the grievance has been submitted to ~~the employee's supervisor him~~ **the employee's supervisor** in written form.
- (2) Step II.
 - a. If the grievance has not been settled or no written decision is issued under step I, the employee and/or the employee's representative shall, within two working days after receiving the supervisor's written decision or the expiration of time given for the supervisor's written decision, whichever is earlier, submit the written grievance to the department head of the aggrieved employee.

b. The department head shall hold a hearing within five working days after the grievance is submitted to him, and the his written and signed decision shall be given to the employee and the employee's his representative within five working days after the hearing.

(3) Step III.

- a. If the grievance has not been settled, the employee and/or his the employee's representative shall submit the written grievance to the city manager, or the Manager's his designee, within five working days after receiving the department head's written decision or if no response from the department head is received after five working days.
- b. The city manager or the Manager's his designee shall hold a hearing before the grievance advisory committee, with those involved in the grievance in attendance, within five working days after the committee chair is appointed. The signed written majority and minority (if any) recommendation of the grievance advisory committee shall be furnished to the city manager or the Manager's his designee by the chair of the grievance advisory committee within five working days after the hearing. The hearing shall be recorded, and a written copy of the minutes also shall be furnished to the city manager or the manager's his designee within five working days after the hearing.
- c. The City Manager or the Manager's his/her designee will study the records of the case, will consider the recommendations of the Grievance Advisory Committee, and may discuss the matter further with you the employee and may hold any additional hearing deemed he/she feels necessary or desirable. The decision of the City Manager or the Manager's his/her designee will be final and will be given in writing to you the employee and to other involved parties within ten (10) working days after receiving the recommendation of the Grievance Advisory Committee. **Any employee may request permission to be heard by the City Council. Permission to be heard may be granted at the discretion of the City Council, but being heard by the City Council does not include the authority of the City Council to alter the final decision of the City Manager.**

If the grievance is with a charter employee (city manager, city attorney, city clerk, or city treasurer), it should be forwarded to the chair and vice-chair of the city council committee responsible for personnel through the human resources director.

ARTICLE IV. - CLASSIFICATION AND PAY SCHEDULES.

DIVISION 1. – GENERALLY.

Sec. 62-92. - Employment classification.

(d) *Wages and hourly rates.* Except when specific actions are taken during the course of the fiscal year in accordance with this chapter, wages and hourly rates for all positions, whether classified or not, shall be in accordance with the amounts designated in the adopted budget for that fiscal year. ~~Part-time employees hired before July 1, 1983, will continue to receive prorated benefits in accordance with the practice in effect up to that time.~~

DIVISION 2. - SCHEDULES

Subdivision V. - Annual Salary Schedules for Administrative and Clerical Personnel

Sec. 62-216. - General rules.

(i) ~~Pay checks shall be issued at intervals as requested by the departments and approved by the finance director.~~

ARTICLE V. - POLICIES, PROCEDURES AND CONDITIONS OF EMPLOYMENT

DIVISION 2. - HOURS AND OVERTIME

Subdivision I. - In General

Sec. 62-276. - Hours of work.

(a) Average workweeks for various regular full-time city employees and departments are based on operations and needs of the public, and they normally are as follows:

- Administrative and office positions 37.5 hours
- All certified fire department positions (except those listed in chapter 62-194) 42 hours
- All non-administrative public works; certified fire department positions listed in ~~chapter~~ **section 62-194**; airport; facilities management; and parks, **and** recreation, ~~cemeteries~~ positions; 40 hours
- All Library positions (~~except facilities management~~) 38 hours

- All non-administrative police department positions (~~except clerical~~)

40 hours

Subdivision II. - Overtime

Sec. 62-301. – Non-bargaining unit hourly employees.

- (a) An employee whose position is classified as exempt, as defined in the federal Fair Labor Standards Act, is not eligible for overtime. If a position is classified as non-exempt and an employee is required to work in excess the normal workweek, the employee is entitled to straight time pay for hours worked up to 40 in a single **workweek** (Sunday through Saturday). ~~He~~ **The employee, excluding probationary firefighters,** is entitled to pay at 1½ times the regular hourly rate for hours worked over 40 in a single workweek (Sunday through Saturday). Base pay rates will be in accordance with *Article IV, Classification and Pay Schedules; Division 2, Schedules*. Should the schedule include an annualized pay rate, the hourly rate will be computed by dividing the annualized base amount from the pay schedule by **the annualized work schedule for that position, as outlined in Sec. 62-276. 2,080 hours.** All overtime must be authorized in advance by the department head or department head’s designee. From time to time, there may be exceptions to this policy; i.e., if the employee is eligible for and chooses compensatory time in lieu of overtime.
- (b) When required to work on an observed holiday, a regular full-time non-exempt employee, excluding probationary police officers and probationary firefighters, will be paid for each hour worked at the rate of 1½ times the hourly rate, in addition to receiving pay for the observed holiday. When required to work on one of these actual holidays—January 1, ~~Easter Sunday~~ **Memorial Day**, July 4, the fourth Thursday of November, and December 25—a regular full-time non-exempt employee will be paid for each hour worked at the rate of double time, in addition to receiving pay for the observed holiday.

Sec. 62-303. - Probationary firefighters.

- (a) Notwithstanding any other provisions of City Code to the contrary related to overtime and holidays, probationary full-time firefighters/EMTs shall be governed by this Section 62-303. Full-time firefighters/EMTs, who have not yet successfully completed 12 months of employment, will be compensated for overtime when required to work in excess of the established work schedule. Whenever such fire department personnel work in excess of the established work schedule, such time shall be compensated in minimum increments of ¼ hour. On such occasions, when work is an off-duty call back, fire department personnel will receive a minimum of ~~one~~ **two** hours’ compensation for each response and, in addition, will be compensated in minimum increments of ¼ hour for time worked over the ~~first~~ **second** hour or portions of ¼ hour. Compensation for this overtime will be at a rate of 1½ times the regular pay rate.

Sec. 62-304. - On-call compensation for IMS IT department exempt positions.

IMS Employees **of the Information Technology (IT)** department holding ~~exempt~~ positions who are required to wear a pager or carry a cell phone in order to respond to calls for immediate technical assistance during non-regular hours ~~be~~ are considered “on-call” and are to be compensated an amount equal to one day’s normal rate of pay for each week of on-call duties. The on-call period is a continuous seven-day, prescheduled, rotating time period approved by the **IMS IT** director.

Sec. 62-305. - Advance approval.

All overtime must be authorized in advance by the department head **or department head’s designee.**

DIVISION 3. – LEAVES

Subdivision II. - Vacation

Sec. 62-396. - Authorized.

Commencing with the first month of employment a regular full-time employee holding a position recognized in chapter 2, section 231 (city council appointments), chapter 62, section 166 (probationary public works) or chapter 62, section 194 (administrative, office, technical and management) will begin to accrue vacation leave at a rate of five-sixths regular working days or working shifts per month of continued employment. On the seventh anniversary date, the accrual rate for the basic workweek will increase to 1¼ days per month. On the fifteenth anniversary date, the rate will increase to 1⅓ days per month. Vacation leave may be accrued, based on the employee’s average normal workweek, to a maximum of 30 workdays. With the exception of city council appointments under chapter 2 section 231, where the city manager determines it to be in the city’s interest to do so, he may authorize other specific vacation leave provisions for a regular full-time employee at the time of employment of such employee. Any such other specific vacation leave provisions

authorized by the city manager shall be in writing and will not exceed 1 $\frac{2}{3}$ days per month accrual. **A day is defined in Sec. 62-421. below.**

Subdivision III. - Sick Leave.

Sec. 62-421. - Authorized.

- (a) Sick leave accrual. After completion of six months of continuous service **or twelve months for firefighters or police officers**, a regular full-time employee shall be eligible for sick leave pay. **As defined below**, sick leave shall be accrued at the rate of one day per month, commencing with the first month of employment **awarded initially lump sum after completion of the period of continuous service**. Sick leave may be accumulated ~~to a total maximum amount of 36 workweeks 180 days effective July 1, 2004,~~ based on the following schedule:

40.0-Hour Workweek = 8-hour day

Years of Service	Accumulation
Up to 20	960 hours 120 days
21	1,056 hours 132 days
22	1,152 hours 144 days
23	1,248 hours 156 days
24	1,344 hours 168 days
25	1,440 hours 180 days

40.0-Hour Workweek = 10-hour day for sworn Police

Years of Service	Accumulation
Up to 20	1,200 hours
21	1,320 hours
22	1,440 hours
23	1,560 hours
24	1,680 hours
25	1,800 hours

37.5-Hour Workweek = 7.5 hour day

Years of Service	Accumulation
Up to 20	900 hours 120 days
21	990 hours 132 days
22	1,080 hours 144 days
23	1,170 hours 156 days
24	1,260 hours 168 days
25	1,350 hours 180 days

38-Hour Workweek = 7.6 hour day

Years of Service	Accumulation
Up to 20	912.0 hours 120 days
21	1,003.2 hours 132 days
22	1,094.4 hours 144 days
23	1,185.6 hours 156 days

24	1,276.8 hours	168 days
25	1,368.0 hours	180 days

42-Hour Workweek = **8.4 hour day**

Years of Service	Accumulation	
Up to 20	1,008.0 hours	120 days
21	1,108.8 hours	132 days
22	1,209.6 hours	144 days
23	1,310.4 hours	156 days
24	1,411.2 hours	168 days
25	1,512.0 hours	180 days

Up to one workweek (37.5, 38, 40, or 42 hours, according to department or division) of sick leave may be transferred to vacation leave, provided the employee has an accumulation of not less than 24 days of sick leave after the transfer and, further, provided that any sick leave used for sickness in the previous 12 months will be deducted from the hours available for transfer. Fifty percent of the value of accumulated sick leave, in straight-time wages, will be paid to an employee upon retirement under Chapter 62, Article V, Division 3, Subdivision III, Sec. 62-421. of the City Code. For the purposes of this section, “retirement” as used in the preceding sentence shall mean leaving the service of the city and being eligible to draw a retirement allowance under the New Hampshire Retirement System; **being at least age 60 and leaving the service of the City after completing at least 10 years of continuous service**; or leaving the service of the city after having completed **at least 20 years of continuous service**.

Sec. 62-422. - Use of sick leave.

On prior approval of the department head, **accrued** sick leave may be used by any regular full-time employee who successfully has completed six months of continuous employment. It may be used when the employee is ~~is~~ **unable to perform work duties due to illness or disability, including pregnancy**; to enable him meet **medical, dental or other care provider** appointments to take physical examinations, or for other sickness prevention needs **for the employee or immediate family members, as defined below**; ~~It also may be used when the employee has been exposed to a contagious disease of such a nature that presence at work could endanger the health of others; to care for the employee’s injured or ill minor child, including stepchildren or foster children, for such reasonable period as attendance with the child may be necessary; or when there is serious illness or death in your immediate family; for the birth of a son or daughter, the placement of a son or daughter with the employee for adoption or foster care, and bonding with the newborn or newly placed child—so long as it occurs no later than eighteen (18) weeks following the birth or the placement.~~ Immediate family is defined as spouse, child, stepchild, parent, stepparent, brother, sister, father-in-law, mother-in-law, grandparent, or relative living in the employee’s household.

The employee must notify ~~his~~ **the** department head or the department head’s designee within one hour of the starting work time of any illness or injury which will prevent ~~him~~ **the employee** from reporting for work. The department head will decide whether or not to accept the absence as justified sick leave and to sign off on same to the payroll administrator. The department head or the human resources director may require a doctor’s certificate or other proof of sickness, accident, or appointment(s) before payment of sick leave is authorized.

Sec. 62-424. - Injury leave.

(b) If an on-the-job injury occurs, the city will pay injury leave to eligible employees for such period of disability absence, the employee’s regular pay. Payment will be made up to a maximum of seven calendar days for such period during which insurance payments are not made under worker’s compensation insurance. Beyond the maximum seven-day period for which injury leave may be extended, the employee may be paid, after receipt by the city of satisfactory evidence of disability from a physician, from any accumulated sick leave the employee may have until worker’s compensation payments begin. **Upon commencing worker’s compensation payments, employees may request to supplement those payments through use of accrued Sick Leave to maintain their regular base pay. In**

accordance with NHRS requirements, such use of accrued sick leave may fund no more than forty (40%) percent of regular weekly base pay. If worker's compensation coverage is later denied on the grounds that the injury was not job related, the city shall be reimbursed by the employee for any injury leave payment made to the employee or the city may charge the injury leave time extended to the employee's accumulated sick leave to the extent it is available. If a worker's compensation coverage is awarded retroactively or if a settlement of a worker's compensation claim is made with the carrier that is intended to cover past salary or wages provided to the employee by the city from injury leave or sick leave, the employee shall reimburse the city for such injury leave or sick leave that later was covered and paid to the employee under worker's compensation insurance. On reimbursement, the city shall credit the employee's sick leave accrual account with the amount of sick leave reimbursed. In no event will an employee be eligible to receive a duplicate regular benefit such as full injury leave or sick leave and full worker's compensation benefits that would provide the employee with more than the employee's regular weekly pay. The city shall have the right during the period of absence to be provided with an initial medical opinion and any existing medical records indicating the condition of the employee at no cost to the city and also shall have the right to require additional medical opinions at its cost.

Sec. 62-426. - Donation of sick leave.

When a regular full-time employee, because of illness or injury, has used up or is about to use up all of his accumulated sick leave, the city manager may **authorize**, where ~~he~~ **it is determined** that the employee has kept a good attendance record and a good work record, the donation by other interested city employees of sick leave to such employee. The following provisions and restrictions shall be incorporated into any such sick leave donation procedure set up by the city manager, in addition to any other restrictions or requirements ~~he~~ **deems** appropriate at the time:

To be eligible to receive sick leave donations,

- (1) The employee must be a regular full-time employee of the City of Keene who successfully has completed 12 month of continuous employment for firefighters and police officers or six months of continuous employment for all other employees.
- (2) ~~He~~ **The employee** must be subject to a medically certified illness, injury, impairment, or physical/mental condition.
- (3) A certified healthcare provider must provide certification for need of the absence.
- (4) ~~He~~ **The employee** must have exhausted all his ~~own~~ available leave balances (sick, vacation, personal, etc.).
- (5) ~~He~~ **Cannot** be an employee:
 - a. Who normally would not have worked the hours for which ~~he~~ **the employee** is soliciting sick leave donations.
 - b. Who is on an approved leave of absence for other than personal illness or injury.
 - c. Who is on administrative leave or who is suspended from assigned duties without pay.
 - d. Whose employment with the City is terminated.

To be eligible to donate sick leave to another eligible employee,

- (1) The employee must be a full-time regular employee of the City of Keene.
- (2) The employee must have accrued at least **192 hours** ~~24 days~~ of accumulated sick time as of the donation.
- (3) The employee's donation of sick leave is totally voluntary. No employee will be coerced, ~~initiated~~, or financially induced into donating leave.
- (4) The donor cannot be an employee:
 - a. Who is on a leave of absence.
 - b. Who is on administrative leave or who is suspended from assigned duties without pay.
 - c. Whose employment with the city is terminated.

Subdivision V. - Personal Leave.

Sec. 62-476. - Personal leave.

Regular full-time employees shall receive one personal leave day, **as defined by Sec. 62-421 above**, for each quarterly period of a calendar year (January 1 to March 31, April 1 to June 30, July 1 to September 30, October 1 to December 31) during which they have perfect attendance, beginning with their first day of employment. New hires with perfect attendance shall receive a prorated award considering attendance from date of hire to the end of a quarter. After the first six months of employment, the term "perfect attendance" shall mean no use of sick leave. Balances of any such earned personal leave must be taken prior to June 30 or December 31, or it will be lost. Such earned personal leave may be taken

when approved in advance by the department head. ~~The use of such personal leave will not be charged to accumulated sick leave, and such earned personal leave will not count toward the maximum vacation accumulation of 30 days.~~

Subdivision VIII. - Bereavement/Funeral Leave.

Sec. 62-541. - Funeral leave authorized.

~~After successful completion of either 12 months of continuous service for firefighters and police officers or six months of continuous employment for all other eligible employees, R~~regular Full-time employees are authorized up to three days' funeral leave with pay for a death in the employee's immediate family. Immediate family is defined as spouse, child, stepchild, parent, stepparent, brother, sister, father-in-law, mother-in-law, grandparent, grandchild or relative living in the employee's household. Funeral leave for persons outside the immediate family may be approved by the department head, and such leave shall be charged to accumulated vacation, personal, or compensatory leave.

Subdivision IX. - Military Leave.

Sec. 62-561. - Military leave authorized.

- (a) ~~If A~~ regular full-time employee receives ~~ing~~ orders to report for military duty, ~~he~~ should let ~~the~~ his supervisor know at once. The employee will be afforded all privileges required by law.
- (c) Reservists or National Guard members who are activated and remain on "active duty" by the military are covered by the following:
 - (2) To a maximum of \$12,000.00, per year, the city shall:
 - a. Continue to pay the activated reservist or guard member any differential between his current city salary and his military pay, including the basic allowance for housing and basic allowance for subsistence.

Subdivision X. - Absence Without Leave

Sec. 62-581. - Prohibited.

No employee may be absent from duty without the permission of the his supervisor or department head. Any employee who is absenting himself without the permission of ~~the~~ his supervisor may be subject to disciplinary action for the first offense and may be discharged from the city for the second offense. After three consecutive days of absence without leave, the city manager may declare the position vacant, and the employee automatically waives all rights to ~~the~~ his position and all rights to applicable his benefits thereafter.

Subdivision XI. - Crime Victim Leave.

Sec. 62-582. - Authorized.

~~Employees who are victims of certain crimes will be permitted to leave work to attend court or other legal or investigative proceedings associated with the prosecution of the crime in accordance with the New Hampshire Crime Victim Employment Leave Act of 2005, RSA 275:61. The purpose of crime victim leave is to assist employees to balance their work and family lives by taking reasonable leave to meet outside personal and family obligations.~~

Sec. 62-583. - Definitions.

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

~~Crime means "an offense designated by law as a felony or a misdemeanor."~~

~~Employee means every full-time, part-time, or contract employee on the City of Keene's payroll.~~

~~Immediate family of any victim who is a minor, who is incompetent, or who is the victim of a homicide means the "father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim; or any person involved in an intimate relationship and residing in the same household with the victim."~~

~~Victim means "any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or the attempted commission of a crime. Victim also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim."~~

Sec. 62-583.1 - Right to leave work/limitations on leave.

~~If you are a victim of a crime you may take leave to attend court or other legal or investigative proceedings associated with the prosecution of the crime. The city will not discharge you for exercising your right to leave work under this policy, and you will not lose seniority while absent from under this leave policy. The city may limit this leave, however, if it would create an undue hardship to the organization. Undue hardship means "a significant difficulty and expense," considering the size of the department, the employee's position and role within the organization, and the city's need for the employee.~~

Sec. 62-584. -- Notice.

Before you may take leave under this policy, you must provide your department head with a copy of the notice of each scheduled hearing, conference, or meeting that is provided to you by the court or agency responsible for providing notice. You should provide as much notice as possible regarding the need for this leave. When the need for crime victim leave is not foreseeable, give verbal notice to your supervisor as soon as practicable under the facts and circumstances of the particular case. It is expected that you will give such notice within no more than one or two days of learning of the need for leave, except in extraordinary circumstances when such notice is not feasible.

Sec. 62-585. -- Paid and unpaid leave.

The city requires the substitution of accrued paid leave for unpaid leave. Accordingly, all eligible employees who take crime victim leave will use all accrued paid vacation or personal leave or compensatory time before taking unpaid leave under this policy. Sick Leave may be used only in accordance with the city's sick leave policy. The city will limit the shortest leave period to one hour.

Sec. 62-586. -- Confidentiality.

The city will maintain the confidentiality of any written documents or records you submit relative to your request to leave work under this leave policy.

Sec. 62-587. -- Discrimination prohibited.

The city will not discharge, threaten, or otherwise discriminate against you regarding the compensation, terms, conditions, location, or privileges of your employment because you exercised your right to leave work as provided under this policy.

Sec. 62-588. -- Other employment and overtime.

If a scheduling conflict occurs, priority must be given to the efficient operations of the city and to your department, wherever possible, as opposed to those of the second employer, when scheduling *Crime Victim Leave*.

The City will grant Crime Victim Leave in accordance with state law if an employee or applicable member of the employee's family becomes a victim of applicable crimes. Before taking leave, the employee must provide the department head with a copy of the notice of each scheduled hearing, conference, or meeting that is provided by the court or responsible agency. As much notice as possible regarding the need for this leave should be provided to the department head. The City may limit this leave if it would create an undue hardship to the organization.

The City requires the substitution of accrued paid leave for unpaid leave for this purpose. Sick Leave may be used only in accordance with the City's Sick Leave policy.

Subdivision XII. - State of Emergency Leave.

Sec. 62-592. - Authorized.

Eligible employees who are called into service after the State of New Hampshire has declared a state of emergency are permitted to take a leave of absence without pay from their employment with the City of Keene, unless certified as essential to the City of Keene's own emergency relief efforts. This state of emergency leave is in accordance with RSA 275:66, state of emergency leave.

Sec. 62-593. -- Definitions.

The following definitions govern this policy:

A state of emergency exists "when the governor or the general court declares a state of emergency under RSA 4:45."

Eligible employee means a member of a fire department, rescue squad, or emergency medical services agency who is called into service of the state or a political subdivision.

Sec. 62-594. -- Right to leave work/limitations on leave.

Eligible employees, as defined above, will have the right to take leave without pay from the City of Keene to respond to the emergency.

The city may limit this leave, however, if it certifies to the director of emergency services, communications, and management or to the head of the local emergency management agency that the employee is essential to the city's own emergency or disaster relief activities. Such certification would exempt eligible employees from this service to the state or to a political subdivision.

Sec. 62-595. -- Paid and unpaid leave.

The city will not require an employee to use accrued paid leave for the period of emergency service. However, the employee may choose to take any paid leave other than sick for the period of emergency service.

Sec. 62-596. -- Notice.

Before an employee may take state of emergency *leave*, he must ensure that the department head has been provided with a copy of the written notice from the director of emergency services, communications, and management or by the head of a local organization for emergency management (as established under RSA 21 P:39). If the employee belongs only to the Keene Fire Department, notice will have been provided to the Keene Fire Chief. If the employee is a member of another fire department, rescue squad, or emergency medical services agency, written notice will have been provided to the head of that agency. A copy must be provided to the department head with as much notice as possible regarding the need for this *leave*. When the need for state of emergency *leave* is not foreseeable, at least verbal notice must be given to the supervisor as soon as practicable under the facts and circumstances of the particular case.

Sec. 62-597. – Discrimination prohibited.

The city will not discharge, threaten, or otherwise discriminate against any employee regarding the compensation, terms, conditions, location, or privileges of employment because the employee exercised the right to leave work under this policy, and the employee will not lose seniority while absent from under this leave policy.

The City will grant leave without pay in accordance with state law to eligible employees called into service after the State of New Hampshire has declared a state of emergency unless those employees are certified as essential to the City of Keene’s own emergency relief efforts. Before taking leave, the employee must provide the department head with a copy of the notice from the director of emergency services, communications, and management or by the head of a local organization for emergency management. As much notice as possible regarding the need for this leave should be provided to the department head.

Employees may elect to use eligible accrued paid leave for the period of emergency service.

Sec. 62-598. - Earned time.

Employees classified as having regular employment will receive leave defined as *earned time*. *Earned time* may be used for any purpose, including sickness, vacation, bereavement, holiday, or personal *time* as approved by the employee’s supervisor.

~~(1) All eligible employees will receive *earned time* based on the following criteria:~~

- ~~— a. The employee must have received a satisfactory performance evaluation.~~
- ~~— b. The part *time* position that the employee holds must be an authorized position listed on the non-union administrative, office, technical and management class allocation and pay schedule or other authorized pay schedule.~~
- ~~— c. In calculating the *earned time*, hours worked in excess of those regularly scheduled are not included.~~

~~(2) Qualified part *time* regular employees will receive *earned time* as follows:~~

- ~~— a. *Earned time* may be accumulated from year to year to a maximum of 20 days and will be accumulated based on the employee’s length of service as follows:~~
 - ~~1. Between zero and 12 months of service ————— No *earned time*.~~
 - ~~— 2. Between 12 and 59 months of continuous service ————— Ten days of pro-rated *time*.~~
 - ~~— 3. After at least 60 months of continuous service ————— 15 days of pro-rated *time*.~~
 - ~~— 4. If declining health insurance and proving coverage elsewhere — One additional week of pro-rated *time*.~~

~~(3) Nonqualified part *time* regular employees will receive *earned time* as follows:~~

- ~~— a. *Earned time* may not be accumulated from year to year; *earned time* not used within the calendar year *earned* will be forfeited.~~
- ~~— b. *Earned time* will be accumulated based on the employee’s length of service as follows:~~
 - ~~1. Between zero and 24 months of continuous service ————— No *earned time*.~~
 - ~~2. After at least two months of continuous service ————— The number of hours equivalent to one ————— standard workweek for, up to a maximum of 29 hours.~~

~~(4) Employees not classified as having regular employment are not eligible for *earned time*.~~

Employees classified as having regular employment will receive leave defined as earned time. Earned time may be used for any purpose, including sickness, vacation, bereavement, holiday, or personal time as approved by the employee’s supervisor.

(a) All eligible employees will receive earned time based on the following criteria:

- (1) The part-time position that the employee holds must be an authorized position listed on the *non-union administrative, office, technical and management class allocation schedule* that has approximately the same number of scheduled hours each week and is intended to continue into the foreseeable future.
- (2) In calculating the earned time, if an employee has hours worked in another employment status such as seasonal or contract, those hours are not included.
 - a. Qualified regular part-time employees, subject to an authorized schedule of 30-34 hours, will receive earned time as follows:
 1. Commencing with the first month of employment and through forty-eight (48) months of continuous service—accrued weekly at a rate equivalent to two average workweeks for the employee.
 2. After forty-eight (48) months of qualified part-time continuous service — Accrued weekly at a rate equivalent to three average workweeks for the employee.
 3. A regular qualified part-time employee or Affordable Care Act (ACA) eligible contract employee (as defined in Sec. 62-92(b)) who declines health insurance and proves qualifying coverage elsewhere, the equivalent of one additional average workweek of pro-rated time awarded lump sum considering special or open enrollment timelines.
 4. Earned time may be accumulated from year to year to a maximum of 160 hours.
 - b. Regular part-time employees, subject to an authorized schedule of less than 30 hours weekly, will receive earned time as follows:
 1. Between 0 and 12 months of continuous service — No earned time.
 2. Commencing after the twelfth (12) month of continuous service — Accrued weekly at a rate equivalent to one average workweek for the employee, up to a maximum of 30 hours.
 3. Earned time may be accumulated from year to year to a maximum of 60 hours.
 - c. Employees not classified as having regular employment, excluding ACA eligible contract employees, are not eligible for earned time.

DIVISION 4. – BENEFITS.

Sec. 62-611. - Insurances.

- (a) Medical insurance for non-bargaining unit employees:
 - (1) The city will, for all non-bargaining unit regular full-time employees, pay ~~95~~ **92** percent of the cost of option I of the medical plan premium that the city makes available to employees as of July 1, ~~2020~~, **2022**; pay ~~94~~ **91** percent as of July 1, ~~2021~~, **2025**; and pay ~~92~~ **90** percent as of January 1, ~~2022~~ **2026**; and pay **89** percent as of **July 1, 2026**. In the event that the city's percentage of the cost of option I exceeds 100 percent of the cost of any other option offered by the city, no monies will be due the employee.
 - (2) If an employee's spouse is also a regular full-time employee of the city, the city will offer one two-person medical plan or one family medical plan, as appropriate, so that each employee and his family members, if any, receives the same coverage but not greater coverage than other employees receive.
- (b) Dental insurance. The city shall make available for all regular full-time employees a dental insurance plan. The plan shall be contributory at \$1.00 per year. Participants shall have the right to opt out of coverage. If an employee's spouse is also a regular full-time employee of the city, the city will offer one two-person dental plan or one family dental plan, as appropriate, so that each employee and his family members, if any, receives the same coverage but not greater coverage than other employees receive.
- (c) Employee death and dismemberment benefit.
 - (1) The city shall provide a death and an accidental dismemberment benefit for each regular full-time employee once his eligibility is established. The benefit providing for a payment in a maximum amount of one times the employee's annual base pay (base pay to exclude overtime, bonus incentives, shift differential, or other compensation of this nature) for each loss, as prescribed in written guidelines for the eligibility and administration of the benefit, which may be amended from time to time. This benefit may be provided through term life insurance, or otherwise, at the election of the city.
- (d) Employee long-term disability insurance benefit. The city shall provide a long-term disability benefit for each regular, full-time employee once his eligibility is established. The benefit provides for a payment of a portion of monthly earnings up to a specified maximum for each disability, as prescribed in written guidelines for the eligibility

and administration of the benefit, which may be amended from time to time. This benefit may be provided through a disability insurance policy, or otherwise, at the election of the city.

(e) Insurances for qualified part-time employees:

- (1) In accordance with the Affordable Care Act, qualified part-time employees will be offered coverage under the city's group health insurance plan. The cost to each eligible part-time employee electing coverage will be seven percent of the employee's wages up to a maximum of 40 percent of the premium cost for individual coverage. If the qualified part-time employee chooses to insure any legal dependents, the employee must pay 100 percent of the dependent coverage in addition to the share of the individual coverage. The premium amount calculated at enrollment will be in effect for the remainder of the plan year unless the employee's pay rate changes, in which case an adjustment may be made accordingly but not to exceed the maximum dollar contribution allowed by law or by applicable federal or state regulation.
- (2) Qualified part-time employees will be offered coverage under the city's group dental insurance plan. The cost to each eligible part-time employee electing coverage will be 50 percent of the premium cost for individual coverage. ~~If the A~~ qualified part-time employee chooses ~~ing~~ to insure any legal dependents, ~~he~~ must pay 100 percent of the dependent coverage in addition to the share of the individual coverage.

Sec. 62-612. - Tuition assistance plan.

~~The purpose of the Tuition Assistance Program is provided twofold to provide support financially for the development of the employee's knowledge and skills and knowledge that will be of direct benefit to the City's business results and service excellence, as well as and to further encourage you to further your self-development, both of which will be of direct benefit to the City's effective business operations. This self-development, by means of financial assistance for education undertaken while carrying on your regular work, can assist the employee in for your current role assignments and can help you prepare for higher-level positions by means of financial assistance for education undertaken while carrying on your regular work.~~ Guidelines are as follows:

- (1) ~~You~~ **The employee** may apply for tuition assistance after successful completion of twelve (12) months of continuous regular full-time ~~regular~~ employment. **"Successful completion" means earning a minimum grade equivalent to a "C" for an undergraduate course and a minimum grade equivalent to a "B" for graduate-level courses.**
- (2) ~~(3)~~ To qualify for tuition assistance, the course(s) taken must:
 - Relate to one of the following: to improve ~~your~~ **employee** skills or to update technical knowledge required for ~~you're~~ **the** current position, **or for** ~~to~~ preparation ~~you~~ for changes in duty requirements. ~~Courses cannot be taken for recreational or miscellaneous reasons—They must be related to your job requirements.~~
 - Be required for the completion of a high school diploma;
 - Be required for the completion of an appropriate college degree;
 - Be a continuing education class in ~~you're~~ **the employee's** career field; or
 - Be a review course leading to qualifying examinations where, in the opinion of the department, your job requires the maintenance of the professional licenses **or certification** obtained by these examinations.
- (3) ~~(2)~~ The school, college or university or the business, trade or **online correspondence** school offering the course(s) **or program** must be accredited by the state, ~~or by an~~ **city-recognized professional** accrediting organization, or ~~recognized~~ by the U.S. Secretary of Education as a "reliable authority as to the quality of postsecondary education" within the meaning of the Higher Education Act of 1965, as amended (HEA).
- (4) All courses are subject to the prior approval of ~~you're~~ **the** department head, the human resources director, and the city manager. For degree programs, the major must be in a field of direct value to the city. Because a degree program represents a significant expenditure by the city and substantial effort on ~~you're~~ **the employee's** part, ~~you~~ **the employee** must complete and submit the pre-approval section of the tuition assistance request form prior to enrolling in a course before ~~you~~ **starting** a degree program and submit it for approval.
- (5) ~~Costs are charged to your department.~~ For budgeting purposes, ~~you~~ **the employee** must inform ~~you're~~ **the** department head in writing by ~~each year's no later than February 1 deadline each year~~ of any planned request for assistance under this ~~plan~~ **program**, along with an estimate of costs, so ~~you're~~ **the city** ~~department~~ reasonably can

plan for it in the ensuing budget year. If ~~you~~ **the employee** does not comply with this requirement, ~~you~~ **the employee** may be denied assistance under the ~~plan~~ **program**. **Application may be made by completing a Tuition Assistance Request, available through the Human Resources Department.**

- (6) The only costs covered under the tuition assistance program are tuition and books. Any other fees or expenses are not covered.
- (7) ~~The City's~~ A portion of the tuition and books may be either reimbursed by the City after successful completion of the course ~~or paid in advance at the time of enrollment~~. **Successful completion is defined in guideline 1 above.**
- (9) (8) ~~Employees may enroll in a maximum of two courses in an academic term. The~~ Courses being taken ~~concurrently~~ by an employee must not interfere with effective job performance.
- (8) (9) The city **may** loan in advance, or **will** provide reimbursement **in the form of a loan** at successful completion of the course, **as defined in guideline 1**, (~~a portion of up to three quarters (3/4)~~) of the current tuition rate **and/or book costs** for courses at any accredited institution) **as authorized by the operating budget and** if approved in advance by the City Manager. Expenses must be validated by receipts or invoices. Once ~~you successfully have completed~~ the course **has been completed successfully**, ~~you~~ **the employee** must re-submit the tuition assistance ~~request~~ **loan/reimbursement** form **within 30 days of completion of the course** ~~must be resubmitted~~ to the human resources director, **and attaching an original grade report** as evidence of ~~the your~~ passing grade. In no case may the combination of assistance under a federal, state, or other student **or veteran** aid program and the city's tuition assistance total more than 100 percent of ~~your~~ tuition **and/or book** costs.
- (10) ~~The City also will loan in advance, or provide reimbursement at successful completion, (a portion of up to three quarters (3/4) of book costs) (not including any shipping fees) for any approved course. Expenses must be validated by receipts or invoices. If book costs have been paid on your behalf up front and the course is not completed successfully, you must repay the book loan. Successful completion means earning a minimum grade of "C" for an under-graduate course and a minimum grade of "B" for graduate-level courses. If you do not meet these minimum grade requirements, you must repay the entire loan. To provide evidence of successful course completion, you must submit an original grade report. Failure to do so will require full refund to the city of all monies received for the semester in question. If book costs have been paid on your behalf up front and the course is not completed successfully (as defined above), you must repay the book loan. In no case may the combination of assistance under a federal, state, or other student aid program and the city's tuition assistance total more than 100 percent of your book costs.~~
- (101) ~~Whether paid in advance or reimbursed after successful completion of the course,~~ Reimbursement benefits under the tuition assistance program ~~further~~ are considered a loan in that, for each course supported in part by the city, ~~you~~ **the employee** must repay the city with time by agreeing to remain with the city for at least six (6) months after completion of each course, on a non-overlapping basis. Successful completion of the above-mentioned six-month period will constitute repayment of the city loan for one course.
- (112) Courses must begin and end while ~~you are~~ in active employment status. If you leave city employment or are dismissed within six months after completing a course and your tuition assistance was paid in advance, you must repay the city's portion of the loan or the pro-rated portion of the loan that has not been repaid for the employment- time requirements mentioned above. If your tuition assistance was to be reimbursed at the end of successful completion of your course(s), you are not eligible for reimbursement. Employees who are laid off or who are terminated because of a reduction in force will receive refunds following successful completion of an approved course that commenced while ~~you were~~ in active status.
- (123) ~~You~~ **Employees** should enroll in courses offered at times that will not hinder ~~you're~~ **their** ability to work ~~your~~ **their** regularly scheduled hours. If this is impossible, ~~you~~ **they** may wish to apply for education leave. To be eligible for the use of the tuition assistance program, ~~you're~~ **their** overall job performance must meet the expectations of ~~your~~ **the** supervisor and department management.

- (134) Refunds made under this plan may be considered taxable income **and employees are responsible to pay their share of the federal income tax.** Employees should retain adequate records to support the claim of a deduction they may make on their personal income tax returns for any unreimbursed or reimbursed portions. **Employees** You may wish to consult **their** your own tax accountant or attorney regarding this benefit.
- (145) While completion of courses may improve you're **the employee's** qualifications, it should not be construed as a guarantee of any future action on the part of the city.
- (156) Any certificate(s) and/or degree(s) forwarded to Human Resources for the employee's personnel file will document efforts to improve the quality of job performance.

Sec. 62-613. - Pension and retirement for regular full-time employees.

The city hereby accepts the provisions of the state retirement system subject to the following restrictions:

- (5) All employees are eligible, without city participation, to join ~~a one of the following Section 457 Deferred Compensation Plans, with which the City is affiliated, an eligible deferred compensation plan as governed by Section 457(b) of the Internal Revenue Code. I.C.M.A-RC, Nationwide Retirement Solutions, State of New Hampshire Public Employees Deferred Compensation Plan, and Valic Financial.~~ **Any such plans is** are fully employee funded and are of no cost to the City of Keene.

Sec. 62-615. - Liability, insurance and indemnification of city officers and employees.

~~The city shall indemnify and save harmless from loss or damage occurring after the effective date of the ordinance from which this section derives each and every current or former city officer, official and employee, whether elected, appointed or retained, excluding independent contractors and any other parties determined by the city council not to be a city officer, official or employee of the city, in accordance with state statutes, provided that the city council shall have first determined that at the time of the accident resulting in the injury, damage or destruction at issue the officer, official or employee of the city was acting as such in good faith and within the scope of his employment or office. Further, any city officer, official or employee requesting indemnification and to be saved harmless for loss or damage pursuant to this section shall notify the city by filing with the city clerk his request and the reason or basis therefor within 14 days of the date upon which he knows or should have known of such claim, or the city may decline to indemnify or save him harmless therefor. Any legal fees, costs or other expenses incurred by the officer, official or employee prior to his request having been filed and granted by the city council shall be borne by the officer, official or employee, unless the city council shall agree to be responsible therefor. Nothing in this section shall be deemed or construed to limit, diminish or otherwise affect the benefits of a contract of insurance providing for the defense and payment of claims affecting a city officer, official or employee which may otherwise be recognized under this section, nor shall this section constitute a collateral source for the payment of any such claim or a covenant to reimburse, or a promise upon which reimbursement can be founded, to any insurance company defending, settling, or paying any such claim pursuant to a contract of insurance, but shall operate in the fashion of excess coverage thereto.~~

The City shall indemnify and save harmless all city officers, officials and employees through the purchase of comprehensive liability insurance coverage to protect from loss or damage to property, liability, and employment claims incurred while acting within the scope of official duties in accordance with New Hampshire state law.

Jay V. Kahn, Mayor

In City Council December 5, 2024.
 Referred to the Finance, Organization and
 Personnel Committee.



City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: December 5, 2024
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: In Appreciation of Michael T. Cox Upon His Retirement
Resolution R-2024-40

Council Action:

In City Council December 5, 2024.

Voted unanimously to adopt Resolution R-2024-40.

Recommendation:

Recommend the adoption of Resolution R-2024-40, In Appreciation of Michael T. Cox Upon His Retirement.

Attachments:

1. R-2024-40 Cox Retirement_Adopted

Background:

Mr. Cox retires from the Public Works Department effective December 27, 2024, with 27 years of service.



CITY OF KEENE

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

A RESOLUTION In Appreciation of Michael T. Cox Upon His Retirement

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

WHEREAS: Michael Thomas Cox began his career with the City of Keene June 16, 1997, as Maintenance Aide I in the Highway Division of the Public Works Department; was raised to Water/Sewer Service Aide II on September 20, 1999, in what now is the Operations Division, and was promoted to the Water Meter Technician January 18, 2011; and

WHEREAS: Understanding both the administrative and operational sides of the job, as well as the federal, state, and local regulations that relate to it, Mike organizes and manages his responsibilities like a well-oiled machine, scheduling a month in advance so he knows where to adjust as priorities change—always considerate of other people’s time and always ready to lend a hand or participate in a positive problem-solving discussion with well-formed ideas that are well communicated; and

WHEREAS: Mike’s encyclopedic knowledge of the City’s water and sewer infrastructure is coupled with state licensing for both water distribution and wastewater collection, understanding of construction techniques and skill in operating heavy equipment, as well as a willingness to integrate new concepts, and operation of various software programs; and

WHEREAS: With Mike, customers always come first, and he connects well with them—dropping everything to accommodate both external and internal customers in sometimes difficult situations with empathy, patience, cooperation, good judgment, effort, solutions, communication, confidentiality, good humor, professionalism, accountability, and ethics to do the right thing within the confines of City policy; and

WHEREAS: Mike has built, trained, led, informed, supported, and appreciated his team as the three of them safely juggle duties for thousands of household and commercial water and sewer accounts as efficiently as possible—meter reading, testing, rebuilding, replacement, and installation; regular, seasonal, and temporary connections and shut offs; leaks, blockages, and main breaks; investigation of billing concerns; backflow prevention; contractor support; and working closely with other personnel in the field and in the Finance Department—always having a sense of situations in the City that might affect the meter group; and


WHEREAS: Some of the other characteristics that make Mike a huge asset include his talent, proficiency, perseverance, accuracy, loyalty, pride of workmanship, thoughtfulness, friendliness, willingness to try any project, taking things in stride, making the best of any situation, and seeking ways to improve workflows; and

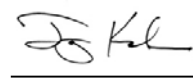
WHEREAS: A role model for both new and seasoned employees, Mike epitomizes teamwork—performing as part of the City’s team, not just part of his division or department teams—always willing to provide a hand without question where needed, no matter the day, time of day, task, weather, location or crew size; always taking on-call responsibilities or assisting anyone who gets called; understanding the missions, functions, and procedures of other areas of Public Works; and serving on the department’s Employee Fund Committee; and

WHEREAS: Mike retires December 27, 2024, with 27½ years of honorable service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Michael T. Cox for his dedication to the City of Keene and wishes him the very best for his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Mike in appreciation of his years of service to the City of Keene and the greater Monadnock community.

A true copy; 
Attest:
City Clerk


Jay V. Kahn, Mayor

PASSED: December 5, 2024



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: December 5, 2024
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: In Appreciation of Harry S. McKelvey Upon His Retirement
Resolution R-2024-41

Council Action:

In City Council December 5, 2024.
Voted unanimously to adopt Resolution R-2024-41.

Recommendation:

Recommend the adoption of Resolution R-2024-41, In Appreciation of Harry S. McKelvey Upon His Retirement.

Attachments:

1. R-2024-41 McKelvey Retirement_Adopted

Background:

Mr. McKelvey retires from the Public Works Department effective December 20, 2024, with 37 years of service.



CITY OF KEENE

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

A RESOLUTION In Appreciation of Harry S. McKelvey Upon His Retirement

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

WHEREAS: Harry S. McKelvey began his career with the City of Keene as full-time Subdivision Inspector in the Public Works Department 2 November 1987; changed to temporary contract status doing the same job 10 November 1988, which position ended 27 July 1990 because of budget constrictions; transitioned to temporary airport surveyor 30 July 1990; started supervising the Airport maintenance crew 19 January 1991; was promoted to full-time Engineering Technician at Public Works 9 December 1991; transferred to the Information Technology's Technical Support Specialist 13 June 2016; and was promoted to Transportation/Stormwater Operations Manager 24 October 2021; and

WHEREAS: Harry supported myriad engineering functions in his first and fourth jobs with the City, not only serving as frontline customer contact, but also making important contributions to such projects as Eastern Avenue's drainage replacement, the Wells Street Parking Deck, City basketball courts, baseball fields, airport and cemetery layouts, Fleet Services' oil tank, the Water Asset Management Plan, and other upgrade and expansion projects—juggling multiple, everchanging priorities with poise and professionalism; and

WHEREAS: As Tree Warden, Harry was responsible for forestry management in the Elm City—tracking shade and ornamental trees, coordinating tree planting, monitoring the health of trees, responding to complaints and questions from the public and other departments, providing advice about actions that should be taken on trees within the City's rights-of-way, and planning Arbor Day celebrations—with his care and attention to Keene's urban forestry program being instrumental in the City's maintaining the *Tree City USA* designation for 45 years straight; and

WHEREAS: Able to multitask as situations present themselves, Harry's expertise with technology helped not only the Engineering Division to become computerized, but his initiative steered him to assisting the City by helping to set up Cartegraph applications for department work order systems and the YourGOV application for citizens, moving the City forward with its GPS/GIS systems, becoming the Police Department's go-to person for GPS documentation of traffic accidents at any time of day; and acting as Technical Liaison for his entire department; and

WHEREAS: Especially adept at tackling unique, complicated and loosely-defined assignments with creativity and tenacity, Harry does a great job throwing himself at issues he doesn't immediately know how to resolve yet making the effort to ensure things are done correctly and efficiently and, as part of the Information Technology Department, Harry helped support the diverse systems throughout the City's varied departments and operations; and

WHEREAS: Upon rejoining Public Works as head of the Highway Division, Harry has cared genuinely about providing an uncompromising quality of work, made sound decisions, balanced responsiveness to issues against regular planned work, dealt with issues head on to ensure timely solution to concerns, made his customers feel their needs have been heard, tried to "get to yes" with customers whenever ethically possible, and remained open to feedback for the sake of moving forward; and

WHEREAS: As a manager and team player with a wonderfully positive attitude and a willingness to take on any challenge, Harry successfully has led his team through its challenges and workload, hired people who best will meet the needs of the team, dealt with the impact of an influx of new employees, recognized and appreciated his staff freely, fostered team spirit among diverse personalities, and extracted the best from each person; and

WHEREAS: Harry retires 20 December 2024, with over 37 years of honorable service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Harry S. McKelvey for his dedication to the City of Keene and wishes him the very best for his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Harry in appreciation of his years of service to the City of Keene and the greater Monadnock community.

A true copy; 
Attest:



PASSED: December 5, 2024

City Clerk

Jay V. Kahn, Mayor



ITEM #K.3.

CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 5, 2024

To: Mayor and Keene City Council

From: Jack Ahern
SWRPC

Through: Patricia Little, City Clerk

Subject: **Relating to Approving a CDBG Application for Keene's Housing's
Roosevelt West Apartments
Resolution R-2024-45**

Recommendation:

Attachments:


1. Roosevelt West - Memo to City Council
2. R-2024-45 Roosevelt West Application_Adopted
3. HCDP revised 11-2024
4. Roosevelt West - RARA
5. Roosevelt West - Project Handout
6. CDBG Overview Handout
7. FY 2024 Income Limits for City of Keene

Background:



DATE: DECEMBER 2, 2024

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JACK AHERN, ASSOCIATE PLANNER, SWRPC 

THROUGH: ELIZABETH A. DRAGON, CITY MANAGER

RE: PROPOSED APPLICATION FOR CDBG FUNDS: ROOSEVELT WEST HOUSING

Recommendation: That the City Council adopt the attached resolution approving an application for federal Community Development Block Grant (CDBG) funds to the NH Community Development Finance Authority (CDFA); and further to adopt the Anti-Displacement and Relocation Assistance Plan specific to this project and re-adopt the City's Housing and Community Development Plan as amended to include the designation of Monadnock Affordable Housing Corporation as a Community-Based Development Organization.

Proposed Application: The proposal is to request up to \$750,000 in CDBG Public Housing funds to be sub-granted, less administrative costs, to Monadnock Affordable Housing Corporation, an affiliate of Keene Housing, to be used toward the development of new apartments for low- and moderate-income households at 438 Washington Street in Keene, NH. The project will provide funds for the new construction of 30 apartments to be leased to low- and moderate-income households. All residents would have rental subsidies.

Public Hearing and Schedule: The CDBG application will be due on or about January 31, 2025. Three public hearings will be scheduled for November 21, 2024 for the following purposes:

1. Public hearing for the Keene Housing Roosevelt West Apartments project.
2. Public hearing to adopt the Anti-Displacement and Relocation Assistance Plan specific to this project.
3. Public hearing to re-adopt the City's Housing and Community Development Plan, as amended to include the designation of Monadnock Affordable Housing Corporation as a Community-Based Development Organization.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to Approving a CDBG Application for Keene Housing’s Roosevelt West Apartments.

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

WHEREAS, the City of Keene has stated as one of its Community Goals that suitable housing should be available to meet the varied needs of community residents; and

WHEREAS, the Community Goals state that there should be a wide range of standard housing available throughout the City; and

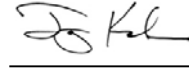
WHEREAS, the U.S. Department of Housing and Urban Development has established a Community Development Block Grant Program which is administered within the State of New Hampshire by the Community Development Finance Authority; and

WHEREAS, if awarded, the Community Development Block Grant would provide up to \$750,000 to be sub-granted, less administrative costs, to Monadnock Affordable Housing Corporation for the development of apartments for low- and moderate-income households at 438 Washington Street in Keene, to be known as Roosevelt West Housing.

WHEREAS, Monadnock Affordable Housing Corporation, an affiliate of Keene Housing, has requested to be designated by the City of Keene as a Community-Based Development Organization (CDBO) which would make the organization eligible to use CDBG funds for the new construction of housing.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves and supports the City’s grant application to the New Hampshire Community Development Finance Authority for an amount up to \$750,000 in Community Development Block Grant funds; that the City designates Monadnock Affordable Housing Corporation as a Community-Based Development Organization; that the City will adopt the Residential Anti-Displacement and Relocation Assistance Plan specific to this project; that the City will re-adopt the Housing and Community Development Plan, as updated; and that the City will accept the grant if it is approved and enter into a contract with the Community Development Finance Authority; and, further, that the City Manager is authorized to

execute any documents which may be necessary for the project, including a new contract with the Southwest Region Planning Commission for the administration of the program.



Jay V. Kahn, Mayor

A true copy; 

Attest:

City Clerk

PASSED: December 5, 2024

CITY OF KEENE

HOUSING AND COMMUNITY DEVELOPMENT PLAN

The Housing and Community Development Plan goals reflect those goals outlined in the Keene Comprehensive Master Plan, last updated in 2010; Land Development Code, adopted in 2021 and amended in 2024; and the 2023 Housing Needs Assessment and Strategy. Both the LDC and HNA take into consideration that the city's growth rates have sharply slowed in recent years and are projected to stay low into the mid-21st century. Keene faces considerable challenges, including a rapidly aging population, slow economic recovery, loss of youth and young professionals, and increased competition in an increasingly globalized society. Due to these challenges, the city has identified that the housing challenge has reached a crisis stage, affecting the local economy and workforce retention and recruitment.

The Housing and Community Development Plan (HCDP) is divided into four sections: the Downtown, Housing, Economic Development, and Health and Human Services. Each section describes the existing conditions, and specific short and long-term actions which would be implemented to alleviate the needs. Additionally, the HCDP includes Citizen Participation Plan and Grievance Procedures sections that formalize the process and procedures for public engagement and addressing complaints or disputes that arise regarding CDBG funded projects.

The Plan's goals and objectives are identified below and are consistent with the National Housing and Community Development Act of 1974, as amended, and the state's objectives listed in the Community Development Block Grant Program Rules (CDFA 305.01 and 310.01). Both short- and long-term goals and objectives are included. Priority will be given to carrying out the primary objective specified in 42 U.S.C. 5301(c) of the federal act, community development activities shall address at least one of the following broad national objectives specified in 42 U.S.C. 5304(b) of the federal act:

- (1) Providing a direct benefit to low- and moderate-income persons or households;
- (2) Preventing or eliminating slums and blight; and
- (3) Eliminating conditions which seriously and immediately threaten the public health and welfare.

THE DOWNTOWN

The Downtown Section of the Comprehensive Master Plan (CMP) emphasizes the long-term goal of preserving the downtown as the social, economic, and cultural center of the community:

"We will maintain the distinctive, historic, and scenic character of our downtown while ensuring that it remains the heart of our community and the region." This includes having a downtown "that consists of a mix of uses where people can socialize, have access to services, and retail that creates a vibrant city core."

The importance of Keene's downtown indicates that activities which support and enhance the vitality of the area will receive priority in the City budget process, and where possible, in Community Development projects.

The land use plan for the downtown area revolves around the basic concept of retail and service centers flanked to the north by a government center, and to the south by the college. The downtown area should be surrounded by and integrated with high-density residential uses that complement the downtown area, fulfill the demand for residential units within walking distance of services, and create 24-hour activity.

The highest priority implementation strategy of the CMP was to “Rewrite the City’s Land Use and Zoning Regulations to Proactively Achieve the Community’s Vision for the Future.” In May 2021, the City made major strides toward this goal with the adoption of a comprehensive land use code update that combined the City’s zoning and land use regulations into a single document, the Keene Land Development Code (LDC). This effort was focused mainly on re-organizing and streamlining regulations, in addition to creating new form-based zoning districts in the downtown. Other notable changes include the creation of alternate parking requirements, an expansion of the area where no parking is required, an increase in the allowed building height in the downtown to seven stories, and a streamlined site plan review process for projects that meet certain criteria.

In 2024, the city amended the LDC following a reexamining of Keene's residential and other zoning districts outside the downtown and assessing how well the city’s regulations align with the CMP goals, including those related to housing (see the Housing section of the HCDP for additional information).

HOUSING

In 2023, the city completed a comprehensive housing needs analysis for Keene that articulates the critical issues, opportunities, and solutions to address the community’s housing needs. The resulting Housing Needs Assessment and Strategy (HNA) report documents existing housing conditions within the city, identifies market and other forces that affect housing supply and demand now and over the next three years and beyond, and identifies gaps or deficiencies in maintaining equitable access to safe, resilient, and reliable housing to as many Keene residents as possible.

While not a comprehensive list of the housing challenges and needs detailed in the report, the following directly impact low- and moderate income and other housing challenged populations:

- Seniors are a substantial, and growing, portion of the city’s population that will need new housing options.
- Housing for those with unique needs, including unhoused populations and individuals with disabilities, is very limited.
- Flood hazards and future climate-related impacts are a serious threat to many vulnerable homes.
- A large portion of the City’s housing stock is dated, of low quality, and/or is in need of repairs and rehabilitation.
- Many residents are also not able to afford needed home rehabilitation or repair costs.
- Typical households in the City cannot afford the average cost of homes or rentals.
- Local wages are generally misaligned with local housing costs.

- A substantial portion of households in the City are cost-burdened as a result of the mismatch between income levels and housing costs.

The HNA highlights four overarching long-term goals the city established to address the key housing challenges and needs in Keene. Within each goal, specific strategies were developed to help the city and partner organizations accomplish the goals. The short- and long-term strategies included with each goal below are consistent with federal and state objectives to provide improved housing in accordance with section 8 standards, public facilities or employment opportunities primarily for low- and moderate-income persons or households:

- Expand the city's capacity to implement housing programs, policies, projects, and initiatives.
- Improve the condition, resiliency, implementation, and utilization of the city's housing stock.
- Promote the development of a mix of housing types at a variety of price points.
- Support residents and special population groups in meeting their housing needs.

The following short- and long-term strategies are consistent with federal and state objectives to provide improved housing in accordance with section 8 standards, public facilities or employment opportunities primarily for low- and moderate-income persons or households:

- Have a variety of housing options available that are affordable, accessible, eco-efficient, and supportive of varied lifestyles.
- Have housing that is located in proximity to basic services and transportation options and is adaptable, over time, to changes in technology, climate, and demographics.
- Have housing that uses innovative technologies and green building standards that improve energy efficiency and conserve resources.
- Have a majority of rental housing be locally owned and maintained.
- Increase owner-occupied housing.
- Achieve, with the support of the institutions of higher education, a balanced ratio between student and citizen housing in our neighborhoods which surround these institutions. Improve student rental stock in surrounding neighborhoods so that they are well maintained and a benefit to neighborhood quality of life.

As previously mentioned, the city adopted a new Land Development Code in 2021, the following zoning amendments have been adopted to address barriers to housing:

- Allow "Dwelling, Multi-Family" as a permitted principal use in the Commerce District with the limitation that all dwelling units must be located above the ground floor. In addition, the allowed height in the Commerce District was increased from 2 stories to 4 stories.
- Streamline the Conservation Residential Development Subdivision process and add density incentives for projects that involve workforce housing, renewable energy, and additional conservation of open space.
- Reduce the minimum lot size in the Rural District from five acres to two acres.
- Expand the area where accessory dwelling units (ADUs) are allowed and make it easier and more convenient to build ADUs in Keene.

- Established a new overlay district, the Cottage Court Overlay, to allow "missing middle" housing types in all residential zoned areas of the city where water and sewer services are available.

Designation of Monadnock Affordable Housing Corporation as a Community-Based Development Organization (CBDO). The City of Keene supports the request by Monadnock Affordable Housing Corporation to be designated as a Community-Based Development Organization (CBDO). There is a significant shortage of affordable housing for low- and moderate-income households in Keene. The CBDO designation would greatly increase MAHC's ability to develop affordable housing for lower income households by making the new construction of housing an eligible use of CDBG funding. The service area for this designation will be the entire area within the city limits of Keene; this area is allowable because Keene has fewer than 25,000 residents.

ECONOMIC DEVELOPMENT

As a long-term Community Development goal, land that lends itself to manufacturing should be preserved to provide areas for uses which add value to a product, provide labor intensive employment, and bring import dollars into the community. For a strong economic base, a balance between non-manufacturing and manufacturing industries needs to be maintained.

Another economic development goal is the expansion of training opportunities, especially for at-risk or disabled individuals and for youth who do not go to college. This needs to be coordinated with the needs of local employers.

An additional economic development goal is to assist new and existing businesses obtain financing to start up and/or expand, increasing the number of jobs available.

The 1993 Economic Development Plan made a number of findings and recommendations. Some, including the development of the Black Brook corporate park, have been largely accomplished, but others are still relevant:

- The public and private sector need to work together in a concerted, professional effort to attract new industries and to encourage those industries already located here to remain and expand.
- Orderly retail and other commercial growth should be encouraged within the bypass system.
- The City should work with Cheshire Medical, Keene Clinic, Keene State College, Antioch University and others to allow their expansion to meet the growing needs of these institutions in the community.
- Keene should cooperate with other towns in Cheshire County to address regional issues on traffic, solid waste disposal, and housing, which have a bearing on the economic development of the area.
- The City should support the private sector in its tourism outreach.
- The City should also keep up with technological advances in communication and other fields.

The 2010 Vision process resulted in additional short and long-term goals for economic development and employment:

- Have a vibrant, resilient, environmentally sound and sustainable economy that fosters individual economic well-being.
- Provide investment programs for small business development, to allow them to grow and thrive.
- Have a strong, local food-based sector of our economy that connects local farms to businesses and the community in various ways, such as through food cooperatives and farmers markets.

HEALTH AND HUMAN SERVICES

The major goal listed in the Health and Human Services section of the Community Goals Statement is:

“To make available to all the people in the region the best possible health care and comprehensive, efficiently delivered and coordinated preventive and supportive services and opportunities, all designed to nurture and meet the needs of our citizenry and to encourage and allow all people to live with dignity and self-sufficiency.”

Included in this goal is prevention education in areas such as sanitation, nutrition, substance abuse, smoking HIV/AIDS, dental care, and parenting.

Short-term and long-term objectives for additional public service facilities improvements include:

- Permanent, stable facilities for Keene’s substance abuse programs, including transitional housing.
- Improved peer support and counseling facilities.
- Increased and accessible space for service organizations to accommodate need, preferably coordinated with Monadnock United Way.

CITIZEN PARTICIPATION PLAN

The City of Keene will seek to engage its citizens in implementing housing and community activities funded by the Community Development Block Grant. Its citizen participation efforts will be consistent with the State of New Hampshire’s citizen participation plan. Specifically, the City of Keene will adhere to the following steps to engage its citizens:

- 1) Publishing a statement of proposed activities for any application proposed to be submitted by the City of Keene so that affected citizens have an opportunity to submit comments on the proposed activities.
- 2) Provide adequate notices, specifically to persons of low- and moderate-income as well as the general public, for all public hearings to discuss proposed or approved CDBG applications. Such notices will include a statement of proposed activities or how to obtain such a statement. At least ten days prior to any hearing, the notices will be published in a daily newspaper of general circulation in the municipality; AND posted as a printed legal notice in at least three other public places.
- 3) Hold two or more public hearings on the proposed application at times and locations convenient to potential beneficiaries, accessible to persons with physical disabilities, and that meet the needs of non-English speaking residents, if appropriate, to obtain citizens’ views before adoption of a resolution or similar action by the local governing body authorizing the submission of the application. At least one public

hearing will be held prior to submitting any CDBG application and another during the course of all approved projects.

4) Provide at public hearings information concerning the amount of funds available for proposed community development activities and the range of activities within the project.

5) Provide at public hearings information concerning the amount of funds that will benefit persons of low- and moderate-income.

6) Provide at public hearings information about potential program income and the Program Income Reuse plan, if program income is anticipated.

7) Furnish citizens with the plans made to minimize the displacement of persons and to assist persons actually displaced as a result of grant activities, if displacement is anticipated.

8) Provide technical assistance to groups representing persons of low- and moderate-income requesting such assistance in developing proposals.

9) Provide citizens with reasonable notice of substantial changes proposed in the use of grant funds and providing opportunity for public comment.

10) Any modifications or amendments to the project will be made in accordance with the same procedures required in points (1) through (3) above for the preparation and submission of a statement of proposed activities.

Any complaints or grievances received by the City of Keene will be addressed through the City's CDBG complaint and grievance procedures. These procedures require that citizens receive a response to any complaint within 15 working days of its receipt.

CDBG GREIVANCE PROCEDURES

Applicability

The City of Keene has adopted an administrative grievance procedure providing for prompt and equitable resolution of complaints alleging actions prohibited by the Department of Housing and Urban Development's (HUD) Community Development Block Grant and related federal requirements. Complaints addressed through this Grievance Procedure may consist of any of the following:

- discrimination prohibited by civil rights, fair housing, or disability related concerns (other than employment);
- failure to adhere to the citizen participation plan (public process) in developing an application/project or modifying activities funded by CDBG;
- violation of contract and procurement laws and regulations related to the use of CDBG funds;
- failure to adhere to any program requirements such as the Uniform Relocation Assistance Act and related laws or Davis-Bacon and related acts;
- any program decision impacting the eligibility or nature of assistance provided by or rejected for CDBG funding.

Procedures

Complaints should be addressed to: Andrew Bohannon, City of Keene, Deputy City Manager at 3 Washington Street, Keene, NH 03431, abohannon@keeneh.gov or 603-357-9804, who has been designated to coordinate grievance and program compliance efforts. This person serves as the Grievance Officer, who should notify the City Manager who serves as Authorized Official (AO) of the City of Keene.

1. A complaint should be filed in writing, or verbally if the complainant is unable to prepare the complaint in writing, and should contain the name and address of the person filing it, and briefly describe the complaint and/or any alleged violations.
2. A complaint should be filed within 60 calendar days after the complainant becomes aware of the alleged violation or aggrieved action. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation is to be conducted impartially and confidentially by the Grievance Officer. These procedures allow for informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. Any complaint should be addressed within 15 working days after receiving the complaint and should be resolved within 30 working days. The Grievance Officer should issue a written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the Grievance Officer and a copy forwarded to the complainant no later than the 15 working days after its filing.
5. The Grievance Officer shall maintain the files and records of the City of Keene relating to any complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 60 calendar days to the Grievance Officer, seeking reconsideration by the Authorized Official (AO) of the City of Keene. The AO shall issue a written determination to either reconfirm the original decision or issue a new determination and resolution within 15 working days of receiving the request for reconsideration.
7. The complainant, if not satisfied with the reconsideration, can seek a final appeal by notifying the Grievance Officer. Final appeals should be addressed, in writing, to the New Hampshire Community Development Finance Authority (CDFA). The appeal should include a copy of all correspondence that has taken place to date. The appeal should identify the problem and the desired solution. CDFA will investigate the complaint and respond, in writing, in a timely manner. All involved parties will be copied.
8. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with other state or federal agencies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
9. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the City of Keene complies with all CDFA and HUD requirements.

DISPLACEMENT AND RELOCATION POLICY

It is the policy of the City of Keene that the involuntary displacement of households from their neighborhoods should be minimized. The City of Keene does not usually undertake activities that would

cause permanent displacement of households or businesses. When it is impossible to accomplish the project without permanent or temporary displacement and relocation, the City certifies that it shall comply with the Uniform Relocation Act and Section 104(d) of the Housing and Community Development Act of 1974, as amended.

HISTORY OF HOUSING AND COMMUNITY DEVELOPMENT PLAN

Originally prepared by the Keene Planning Department and adopted by City Council, about 1984. This version updated in October 2024.

Most recent date adopted or readopted by City Council and submitted to CDFA:

1. December 17, 2009, submitted with YMCA application.
2. March 18, 2010, submitted with Vision application.
3. May 20, 2010, submitted with FastRoads application.
4. July 15, 2010, submitted with Cheshire Housing Trust application.
5. January 20, 2011, submitted with Brookbend (Cheshire Homes) application.
6. April 2011, submitted with Monadnock Community Market Cooperative application.
7. May 2011, submitted with Hannah Grimes Micro Enterprise application.
8. December, 2011, submitted with Hannah Grimes 2012 application.
9. January, 2012, submitted with Base Hill Cooperative application.
10. July, 2012, submitted with Base Hill Cooperative application.
11. January 2013, submitted with Base Hill Cooperative application.
12. September 2013, approved by City Council for Samson Manufacturing application.
13. November 2013, submitted with Meadow Road Apartments application.
14. February 2014, submitted with Samson Manufacturing Expansion application.
15. October 2014, submitted with MEDC: Social Services Building planning application.
16. October 2014, submitted with MAPS Counseling Services planning application.
17. December 2014, submitted with Keene Housing Shelter Rehabilitation application.
18. April, 2015 submitted with MEDC Tree Free Greetings revised application.
19. December, 2015, submitted with MAPS Counseling Services application.
20. April, 2016, submitted with Monadnock Area Peer Support Agency Feasibility study
21. August, 2016, submitted with MamaSezz application.
22. November, 2016, submitted with Community Kitchen application.
23. December, 2019, submitted with the Community Kitchen application.
24. July, 2021, submitted with an application for Monadnock Family Services.
25. May, 2023, submitted with the MAHC housing application for Roosevelt East.
26. January, 2024, submitted with the Base Hill Cooperative application.
27. October, 2024, to be submitted with the Cedarcrest Center application.
28. January 2025, to be submitted with the MAHC housing application for Roosevelt West.

Elizabeth A. Dragon
City Manager

Signature: _____

Date re-adopted by City Council: _____

CITY OF KEENE
RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Every effort will be made to minimize temporary or permanent displacement of an individual due to a project undertaken by the municipality.

However, in the event of displacement as a result of a federally funded award, the City of Keene will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to any household, regardless of income which is involuntary and permanently displaced.

If the property is acquired, converted, or demolished, but will not be used for low/moderate income housing under 104 (d) of the Housing and Community Development Act of 1974, as amended, the Residential Anti-Displacement and Relocation Assistance Plan shall provide that, before obligating and spending funds that will directly result in such demolition or conversion, the City will make public and submit to the NH Community Development Finance Authority the following information:

- a. Comparable replacement housing in the community within three (3) years of the commencement date of the demolition or rehabilitation;
- b. A description of the proposed activity;
- c. The general location on a map and approximate number of dwelling units by number of bedrooms that will be demolished or converted to a use other than as low- and moderate-income dwelling units as a direct result of the assisted activity;
- d. A time schedule for the commencement and completion of the demolition or conversion;
- e. The general location on a map and approximate number of dwelling units by number of bedrooms that will be provided as replacement dwelling units;
- f. The source of funding and a time schedule for the provision of replacement dwelling units;
- g. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
- h. Relocation benefits for all low- and moderate-income persons shall be provided, including reimbursement for moving expenses, security deposits, credit checks, temporary housing, and other related expenses and either:
 1. Sufficient compensation to ensure that, for at least five (5) years after being relocated, any displaced low/moderate income household shall not bear a ratio of shelter costs to income that exceeds thirty (30) percent, or
 2. If elected by a household, a lump-sum payment equal to the capitalized value of the compensation available under subparagraph 1. above to permit the household to secure participation in a housing cooperative or mutual housing association, or a Section 8 certificate or voucher for rental assistance provided through New Hampshire Housing Finance Authority or Keene Housing.

- i. Persons displaced shall be relocated into comparable replacement housing that is decent, safe, and sanitary, adequate in size to accommodate the occupants, functionally equivalent, and in an area not subject to unreasonably adverse environmental conditions;
- j. Provide that persons displaced have the right to elect, as an alternative to the benefits in subparagraph h.2. above, to receive benefits under the Uniform Relocation Assistance and Real Property acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so;
- k. The right of appeal to the executive director of CDFA where a claim for assistance under subparagraph h.2. above, is denied by the grantee. The director's decision shall be final unless a court determines the decision was arbitrary and capricious;
- l. Paragraph a. through k. above shall not apply where the HUD Field Office objectively finds that there is an adequate supply of decent, affordable low/moderate income housing in the area.

CERTIFICATION OF COMPLIANCE

The City of Keene anticipates no residential displacement or relocation activities will be necessitated by this project (**Roosevelt West Apartments**).

Should some unforeseen need arise, the City certifies that it will comply with the Uniform Relocation Act and Section 104 (d) of the Housing and Community Development Act of 1974, as amended.

Printed Municipal Official name: Elizabeth A. Dragon
 Title: City Manager, City of Keene, NH
 Signature: _____
 Date of Adoption: _____

Monadnock Affordable Housing Corporation

CDBG Application Summary

Applicant:	City of Keene
Proposed Subrecipient:	Keene Housing on behalf of its affiliate, Monadnock Affordable Housing Corporation (MAHC)
Proposed Grant Administrator:	Southwest Region Planning Commission (SWRPC)
Needs Addressed:	Providing high-quality housing to low- and moderate-income families receiving a housing subsidy.
Project:	Keene Housing will use the proposed funds for the construction of the Roosevelt West Apartments, located at 438 Washington St., Keene, NH.
Amount of CDBG funds:	\$750,000 (application deadline on or about January 31, 2025)
Use of CDBG funds:	Housing Grant
Other funds:	Keene Housing will utilize funding from the Low-Income Housing Tax Credit and MAHC reserves.

New Hampshire Community Development Block Grant Program

The New Hampshire Community Development Block Grant (CDBG) Program represents federal funding from the United States Department of Housing and Urban Development (HUD). CDBG projects must target low to moderate income individuals and households. The program is administered by the New Hampshire Community Development Finance Authority (CDFA). Following are the categories of CDBG projects that are available to municipalities:

CDBG Housing Grants - up to \$500,000 annually

- Affordable housing and housing rehabilitation grants to purchase, rehabilitate, expand, and improve the condition and supply of housing for low- and moderate-income homeowners and tenants.
- Applications for housing and public facilities are accepted on the last Monday of January and July of each year.

CDBG Public Facilities Grants - up to \$500,000 annually

- Public Facilities grants include water and sewer system improvements, transitional and homeless shelters, sidewalks, handicapped access, and neighborhood or community centers that provide public services to low- and moderate-income individuals.
- Applications for housing and public facilities applications are accepted on the last Monday of January and July of each year.

CDBG Economic Development - up to \$500,000 annually

- CDBG Economic Development grants provide funds through an annual set-aside for activities which create and retain employment, primarily for low- and moderate-income individuals.
- Can provide business financing through Regional Development Corporations (RDC) and Economic Development Entities (EDE), or through public facility improvements to support economic development efforts.
- CDBG Economic Development Funds can be used for acquisition of land and buildings, construction of commercial buildings, purchase of machinery and equipment, employee training, and public facilities improvements. Applications are accepted as long as funds are available.

CDBG Microenterprise - up to \$750,000 annually

- CDBG Microenterprise grants provide support to low- and moderate-income microenterprise businesses through training, technical assistance, and loans.
- Grant funding is sub-granted to a Subrecipient entity that provides services to the microenterprise businesses.

CDBG Feasibility Studies Grants - up to \$25,000 annually

- The objectives of a feasibility study grant are to determine whether or not a proposed CDBG project is feasible and/or to recommend specific action(s) to be undertaken and that at least 51% of the intended beneficiaries will be of low- to moderate-income.
- Eligible activities include income surveys, preliminary architectural and engineering design, cost estimates, and market analysis.

CDBG Emergency and Unanticipated Events Grants - up to \$500,000 annually

- Grant funds are available for eligible CDBG projects which result from emergencies and unanticipated events that have a serious and immediate threat to public health and safety and must benefit low- to moderate-income individuals.
- Applications are accepted on a first-come, first-served basis.



FY 2024 INCOME LIMITS DOCUMENTATION SYSTEM

[HUD.gov](https://www.hud.gov) [HUD User Home](#) [Data Sets](#) [Fair Market Rents](#) [Section 8 Income Limits](#) [MTSP Income Limits](#) [HUD LIHTC Database](#)

FY 2024 Income Limits Summary

FY 2024 Income Limit Area	Median Family Income Click for More Detail	FY 2024 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Cheshire County, NH	\$101,500	Very Low (50%) Income Limits (\$) Click for More Detail	36,600	41,800	47,050	52,250	56,450	60,650	64,800	69,000
		Extremely Low Income Limits (\$)* Click for More Detail	21,950	25,100	28,250	31,350	36,580	41,960	47,340	52,720
		Low (80%) Income Limits (\$) Click for More Detail	58,550	66,900	75,250	83,600	90,300	97,000	103,700	110,400

* The FY 2014 Consolidated Appropriations Act changed the definition of extremely low-income to be the greater of 30/50ths (60 percent) of the Section 8 very low-income limit or the poverty guideline as [established by the Department of Health and Human Services \(HHS\)](#), provided that this amount is not greater than the Section 8 50% very low-income limit. Consequently, the extremely low income limits may equal the very low (50%) income limits.

Income Limit areas are based on FY 2024 Fair Market Rent (FMR) areas. For information on FMRs, please see our associated FY 2024 [Fair Market Rent documentation system](#).