



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
February 6, 2025
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- January 16, 2025 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Public Hearing - Interior Side and Rear Setback Requirements in the Downtown Edge Zone - Ordinance O-2024-24-A

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations - Human Rights Committee, Zoning Board of Adjustment
2. Confirmation - Ashuelot River Park Advisory Board

C. COMMUNICATIONS

1. Michael Remy/Keene Young Professionals - Request to Use City Property - Taste of Keene Food Festival - June 7, 2025
2. Jon Loveland, PE - Downtown Infrastructure Project - RAISE Grant

D. REPORTS - COUNCIL COMMITTEES

1. Request for No Parking on Either Side of the Entrance at 312 Marlboro Street
2. Request for No Tractor-Trailer Traffic Sign - Intersection of Water and Woodland Streets
3. Reduction of Speed Limit - Upper Roxbury Street
4. Proposal to Allow Overlay of Asphalt Sidewalks

5. Donation - Brian A. Mattson Recreation Center - ADA Ramp
6. Executed George Street Bridge Final Design Change Order
7. 2024 FEMA SAFER Grant

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

1. Resignation - Steve Tarbox - Zoning Board of Adjustment
2. Resignation - Michael Winograd - Energy & Climate Committee
3. Resignation - Janelle Sartorio - Bicycle Pedestrian Path Advisory Committee
4. Resignation - Ruzzel Zullo - Ashuelot River Park Advisory Board
5. Resignation - Deborah Leblanc - Conservation Commission

H. REPORTS - MORE TIME

1. Proposal to Implement a "Protection of Streets" Program - Public Works
2. Relating to Master Boxes
Ordinance O-2025-03

I. ORDINANCES FOR FIRST READING

1. Relating to Floodplain Appeals and Variance Process
Ordinance O-2025-05
2. Relating to Installation of a Stop Sign on Gilsum Street
Ordinance O-2025-06

J. ORDINANCES FOR SECOND READING

1. Relating to Installation of a Stop Sign on Jennison Street
Ordinance O-2025-04
2. Relating to Designated Loading Zones and Bus Loading Zones
Ordinance O-2024-16-A

K. RESOLUTIONS

1. Relating to the Office of City Treasurer
Resolution R-2025-03
2. Relating to Appropriations for ADA Ramp at Recreation Center
Resolution R-2025-04

3. Relating to Appropriation of Funds - Sewer Main Lining
Resolution R-2025-05
4. Relating to Appropriation of Funds - Sewer Manhole Lining
Resolution R-2025-06

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, January 16, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:01 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Bryan J. Lake, Catherine I. Workman, and Thomas F. Powers were present. Michael J. Remy and Bettina A. Chadbourne arrived at 7:04 PM. Having declared that a quorum was physically present in the Council Chamber, Mayor Kahn recognized that Councilor Mitchell H. Greenwald requested to participate remotely per the Council's Rules of Order due to travel; he was calling alone from his location. Mayor Kahn recognized that Councilor Jacob R. Favolise also requested to participate remotely due to family travel; he was calling alone from his location. Hearing no objections from the Council, the Mayor granted the remote participation for both Councilors. Councilor Roberts led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

The Deputy City Clerk pointed out a correction that had been made to the January 2, 2025, minutes suggested by Councilor Favolise on page 15 to read: "On a vote of 7-6, the motion to amend the Committee report to remove the covered structure from Railroad Square carried. Councilors Tobin, Remy, Williams, Madison, Favolise, and Workman voted in opposition." Hearing no further suggested corrections, a motion by Councilor Bosley to adopt the January 2, 2025, minutes as amended was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ANNOUNCEMENTS

The Mayor reminded the Council of a workshop on its Rules of Order on January 28, 2025, at 6:00 PM. His intent was for this to be an educational opportunity, so he asked Councilors to submit any specific topics of interest they wanted to focus on at the workshop by Tuesday, January 21. At the workshop, the Council would review the Rules and the City Charter about how meetings are structured. Comments from Councilors and Committee Chairs were being incorporated and the agenda would be sent out in advance.

The Mayor explained that the review and release of non-public minutes that was scheduled for this meeting has been rescheduled to take place during the February 20, 2025, meeting.

Mayor Kahn shared that the Human Rights Committee would be hosting an event in honor of Dr. Martin Luther King Jr., at 5:00 PM on January 20, 2025, at Heberton Hall. He said it was always a good event and that the Committee did a good job of planning. School kids were engaged to contribute art, dance, and music to the event. The Mayor invited all to join.

Lastly, the Mayor noted that Councilors were provided with a Comprehensive Master Plan memorandum: Vision Keene 20-Forward Update & Task Force Overview. Any Councilor that wanted to participate in one of the Task Forces that would provide input on the Master Plan were encouraged to contact the Community Development Department for further details. In this second phase of the Master Planning, six Strategic Pillars were identified, and the public was asked to participate in a focus group on each of those six topics: livable housing, thriving economy, connected mobility (transportation and recreation networks through the region),

vibrant communities, adaptable workforce, and flourishing economy. The Mayor noted that the memorandum listed approximately 90 names of those who had signed up for the Task Forces to date, calling it a good response. Still, he noted that there might have been some in the community missing from the list who could add valuable contributions, so he encouraged recommending those individuals to the Community Development Department as soon as possible.

PUBLIC HEARING - MINIMUM LOT SIZES - ORDINANCE O-2024-17-A

Mayor Kahn opened the public hearing at 7:13 PM and the Deputy City Clerk read the notice of hearing. Copies of the Ordinance and the staff report for Ordinance O-2024-17-A were provided to Councilors for reference. Mayor Kahn welcomed Senior Planner, Mari Brunner, on behalf of the Community Development Department.

Ms. Brunner explained that this Ordinance proposed to amend the minimum lot area in three districts—High-Density District (residential), Medium-Density District (residential), and the Downtown Transition District—by removing the minimum lot area that is required for each additional dwelling unit, which is essentially a density factor. For each of these three districts, she said there was a minimum lot size required for any use to have a lot. Then, if a residential use was proposed with more than one dwelling unit, for each additional dwelling unit, an extra amount of lot area would be required. This Ordinance proposed to eliminate that extra lot area requirement. Ms. Brunner explained that the public workshop for this Ordinance was held on November 12, 2024. She said there was an excellent discussion with the Joint Planning Board and Planning, Licenses & Development Committee. Many public members spoke on this Ordinance: some spoke in favor of it in general, and a couple of people who lived in the Downtown Transition District expressed concerns about the historic character of that neighborhood. As a result, the Joint Committee voted to amend the Ordinance to create an “A” version that would require structures in the Downtown Transition District to be attached. The reason for that change was because the Medium Density and High Density Districts are residential, where Keene’s Zoning Ordinance only allows one primary structure per lot in a residential district. That provision does not apply to the Downtown Transition District, and there could be multiple structures or multiple primary uses on the same lot. So, to ensure that any new units that are built go through a review process with the Historic District Commission in order to make sure they are in keeping with the historic nature of the neighborhood, the Joint Committee recommended ensuring that all of the units would have to be attached in the Downtown Transition District. Ms. Brunner said that was the only change from the public workshop.

Mayor Kahn opened the floor to public comments.

Josh Meehan of Langley Road spoke in favor of the Ordinance, particularly as someone whose job includes addressing the very long waiting list for people in Keene looking for a place to live that they can afford. He said that one of the few levers that a community like Keene has are zoning, density, and land use. While the City Council cannot come up with the millions of dollars needed to build, Mr. Meehan said it could address land use and zoning to help those in the community who are trying to address the housing crisis, and he thought this Ordinance was a good way to do so.

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Andy Holt of Forest Street supported this Ordinance, stating that it would make it easier to build more housing, especially in the dense urban core. He said it would be more cost-effective because the City already has infrastructure and utilities available, so it would be better than building further away. Mr. Holt thought the City could and should go even further in reducing the minimum and applying it to even more districts.

Hearing no further comments, the Mayor closed the Public Hearing at 7:19 PM, except that written comments would be accepted up until 1:00 PM on Tuesday, February 11, 2025.

A true record, attest:



Deputy City Clerk

PUBLIC HEARING - RESIDENTIAL PARKING REQUIREMENTS - ORDINANCE O-2024-20-A

Mayor Kahn opened the public hearing at 7:20 PM and the Deputy City Clerk read the notice of hearing. Copies of the Ordinance and the staff report for Ordinance O-2024-20-A were provided to Councilors for reference. Mayor Kahn welcomed Senior Planner, Mari Brunner, to address the Council.

Ms. Brunner explained that this Ordinance proposed to modify the on-site parking requirements for all residential uses throughout the City. She said the impetus for this Ordinance was twofold. First, there was a change in NH law that put limits on restrictions that local communities could place on residential parking spaces. So, the City had to amend its local parking regulations to comply with State law. Second, a consultant hired through the InvestNH Housing Opportunity Planning (HOP) Grant program completed a neighborhood parking study for the City and a part of that effort was to create a list of zoning recommendations to support additional housing development. Based on the changes to NH law and the consultant's recommendations, City staff drafted this Ordinance for a public workshop on December 9, 2024. As introduced originally, the Ordinance would have changed the parking space requirement from a per unit to a per bedroom calculation. Previously, throughout the entire City, the requirement was two parking spaces per residential dwelling unit, with some exceptions; for example, in the Downtown Core, where there are no parking requirements, or reduced requirements in other downtown districts. However, Ms. Brunner explained that at the public workshop, many members of the public encouraged the Committee to consider reducing the requirement even further, and some even spoke in favor of getting rid of all parking requirements. So, she said there was definitely strong support for modifying the parking requirement, and the Committee amended the Ordinance to simplify the new requirement to essentially a maximum of one space per unit. However, Downtown Growth and Downtown Limited Districts would be less than one space—0.9 spaces per unit—and housing for older persons and studios that qualify for workforce housing would have slightly reduced requirements as well. The Downtown Core District would continue to not

require parking. Ms. Brunner referred to a table in the “A” version of the Ordinance and reviewed the proposed numbers therein:

- Residential Uses:
 - Dwelling – Above Ground Floor, Manufactured Housing, Multifamily, Two-Family/Duplex: 1 space per unit required, 0.9 spaces per studio in Downtown Growth and Downtown Limited.
 - Housing for Older Persons (as defined by RSA 354-A:15): 0.9 spaces per unit in general (0.75 spaces per unit in the Downtown Growth and Downtown Limited Districts).
 - Workforce Housing (as defined by RSA 674:58, IV): 0.9 spaces per studio (0.75 spaces per unit in the Downtown Growth and Downtown Limited Districts).

Ms. Brunner reiterated that these proposed changes were to comply with NH law and promote more housing development by removing a barrier that could be costly to developers.

Councilor Favolise asked about the rationale for 0.9 spaces. He imagined the public listening and thinking about 0.9 vs. 1 space, so he asked about the difference. He wondered if it would be a difference at scale for larger projects to make it easier for developers, or if there was another rationale. Ms. Brunner said it was a good question and that it was a matter of scale. For a small project of only two or three units, she said it would not make a difference, but for a 30-unit project, she said it would start to add up. Keene’s Zoning Ordinance treats fractions of parking spaces by rounding 0.5 up to the nearest whole number. So, Ms. Brunner explained that if a developer calculated 5.4 parking spaces, they would be required to have 5, but if they calculated 5.5, they would be required to have 6. Thus, she said the fraction would add up for larger projects but for smaller ones, it basically comes out to one space per unit.

Mayor Kahn opened the floor to public comments.

Jared Goodell of 39 Central Square echoed earlier comments about the “Housing Champion” award that the City was awarded by the New Hampshire Department of Business and Economic Affairs (BEA), acknowledging the City’s leadership in expanding housing opportunities for residents of all income levels honors the Planning Board, the Community Development Department, and Public Works Department. He cited Councilor Greenwald’s comments of the past that it would help the City get closer to “yes” on projects rather than finding ways to say “no,” which Mr. Goodell called a good thing, so he wanted to recognize everyone’s work on the housing issue. Mr. Goodell said he was present because he advocates for removing parking requirements from all of the downtown districts specifically. He was glad that Councilor Favolise asked about the 0.9 spaces because Mr. Goodell thought this proposal would be good for larger development, stating that a 30-unit development could, for example, need three less parking spaces. However, Mr. Goodell said that a lot of the development that could take place in downtown would be infill development or in line with the Cottage Court District, which would not have large 15-unit or 30-unit buildings, so he thought that removing parking requirements in the Downtown Core would be appropriate. He said that doing so would move the needle and create new housing stock, particularly at the new studio and one-bedroom area in the City. He thought the odds of developers coming into the City and creating many 30-, 40-, and 50-unit

developments was much lower than someone like him, creating smaller 6-, 7-, or 10-unit developments. Mr. Goodell encouraged the Council to remove the parking requirements in all downtown districts for at least the studio and one-bedroom levels, which he thought would have a quick impact on creating housing in the City.

Josh Meehan of Langley Road echoed sentiments about parking minimums downtown and said he supported the notion of reducing them more generally. He cited completing a census of parking a few years ago when he came before Council for a special exemption. He found that parking for age-restricted units for people with disabilities that fewer than half of the spots that they were required to build were actually used, so anyone who visited that Court Street location would find a giant, empty parking lot. Mr. Meehan said it would be nice if there could be more housing right there, which might be possible with the proposed changes.

Toby Tousley of Washington Street said he could not agree more with Mr. Goodell and Mr. Meehan. Mr. Tousley thought that for years, the City had regulated things like parking, which he said in his opinion, was a dumb way to do it. Having been a landlord in Keene for 40 years, he had hands-on experience of how things work in Keene and said it had nothing to do with hiring a fancy consultant from the Midwest to come tell the Keene community how things should be done. He said the reality for decades is as Mr. Meehan described—unused parking spaces. Mr. Tousley added that people of particularly limited means often do not have vehicles. He said it was extremely important to enhance affordable practices to increase density and remove parking restrictions to increase housing.

Andy Holt of Forest Street said he was in favor of reducing the parking requirement to zero and he thought this Ordinance was a great step. He was glad to see the reduction from what was proposed initially, but he still thought it should be reduced further. He cited the example of Buffalo, NY, which he said had recently updated its Code to no minimum parking requirement for any land use throughout the city. Mr. Holt did not think there was a good reason for Keene to mandate a minimum number of parking spaces and said there were many good reasons to eliminate the mandate. He said every reason that had already been discussed in favor of the Ordinance was a reason to go all the way and remove the mandate entirely. He cited benefits, like development projects being less expensive and faster, noting that even simple surface parking could cost \$5,000 per space and those costs add up if in a garage or something more complicated. Most land used for parking could be used for living space. He said fewer parking requirements would mean less need to jump through hoops for variances. Mr. Holt said it would save taxpayer dollars because the City administration would be easier and faster. He continued that the tables within the Ordinance were complicated with a lot of information to track. He said that most obviously, eliminating the parking requirement would address the severe housing crisis by increasing the number of housing units. Mr. Holt said it was critical to remember that this would not be saying that one could not have parking spaces but that there is no need for the government to mandate that one has at least an arbitrary number of spaces to be able to build housing. He said developers could choose what is best for their specific projects, budgets, and future residents without the mandate. For many projects, he thought there would continue to be just as many parking spaces developed. However, in cases where land is limited or parking is

less needed, Mr. Holt thought that eliminating the parking requirement would be vital. He thought the Roosevelt School project was a perfect example. Mr. Holt continued, recalling that at a previous meeting he cited examples of larger cities that eliminated their parking minimums, and some Committee members countered that Keene is a small City, which he said was fair because it was not necessarily a perfect comparison. He referred the Council to The Parking Reform Network (www.parkingreform.org), which he said has an excellent map with cities that have made this type of reform and it can be filtered by size—5,000 to 50,000 residents. It returned 29 cities in North America that had removed these parking minimums, including Dover, Seabrook, Burlington, VT, and Hanover. He said those four cities had also added parking maximums, which Mr. Holt said was great and he thought Keene should consider too. He provided an example of an ordinance mandating a specific amount of space for gardens when developing new housing projects, which he thought would be a better use of space than parking, but he said no one would support that. He said that if the City would not mandate space for gardens, it should not mandate space for parking.

Lastly, Mr. Holt addressed concern from the previous meeting, when he said there was overwhelming support for reducing the minimums but fear about removing them entirely. While he said that a small-steps approach is often necessary and voters might not like significant changes, Mr. Holt did not think this would be a significant change. He said the City had been in a housing crisis and did not have time to wait on these things because people are sleeping on the streets and in the forest. Housing is critically unaffordable. He said that eliminating parking minimums would not change anything overnight, it would not harm the City's ability to park cars, and there would not be any actual harm for residents to complain about. He said eliminating the minimums would allow more projects to be approved, meaning more housing sooner to help residents. Mr. Holt asked: why take half measures when there is no downside to going all the way?

Bradford Hutchinson of Marlboro Street addressed something he felt was serious. He provided the example of the seven-unit apartment building he is living in, with six residential units and one commercial beauty salon. He said it was a single person with the beauty salon so there were not multiple cars trying to park at once. Of the six residences, only one person has a vehicle and occasionally they have a family member visit with a vehicle. At this small corner property, Mr. Hutchinson tried to imagine if the requirement was two parking spaces per unit—the property would need 12 to 14 spaces—which the property size cannot accommodate. He mentioned the potential of a property like that being grandfathered. He thought about development in other neighborhoods of the City. Mr. Hutchinson said the heart of his question was whether City staff knew the true parking situation in the City. For example, the parking for his building works well because only one tenant has a vehicle, but he cited poor on-street parking for deliveries. So, he wanted to know whether—throughout the City's neighborhoods—parking adequacy had been studied based on the number of residences and whether people own cars, if they were to suddenly get cars, and cause traffic congestion. He asked how to assess the reality of the situation. He recalled various issues with parking over the years in different parts of the City. When questioning whether staff understood the parking situation, he said he was referring to the fact that in many areas with dense apartments, most residents did not own motor vehicles.

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Whereas, he said that for the new four-story apartment building behind City Hall, most residents own cars, so the parking seems to be working well. He talked about the importance of requiring developers to have the appropriate number of parking spaces for the particular property and not having requirements that are too onerous for some developers or not onerous enough. Mr. Hutchinson emphasized the need to know the actual need for parking in terms of who in the City owns motor vehicles and where they live. Hearing no further comments, the Mayor closed the Public Hearing at 7:40 PM except that written comments would be accepted up until 1:00 PM on Tuesday, February 11, 2025.

A true record, attest:



Deputy City Clerk

NOMINATION - ASHUELOT RIVER PARK ADVISORY BOARD

Mayor Kahn re-nominated Kelly Cook to change from an alternate to a regular member of the Ashuelot River Park Advisory Board, with a term to expire December 31, 2027. Mayor Kahn tabled the nomination until the next regular meeting.

Mayor Kahn invited other members of the public to participate on City committees, as there were vacancies on the Heritage Commission, Historic District Commission, and the Human Rights Committee.

COMMUNICATION - GREATER MONADNOCK COLLABORATIVE - REQUEST FOR DATE CHANGE - *JUMANJI* 30TH ANNIVERSARY CELEBRATION

A communication was received from Cathy Bergstrom and the Greater Monadnock Collaborative Board of Directors, requesting that the date of the previously approved license to host the *Jumanji* 30th Anniversary Celebration on Downtown City property be changed to June 20–22, 2025.

The Mayor tabled this item until after the vote on the Downtown Renovation Project because this date change request is contingent upon the City Council approving a delay in the bid process for the Downtown Renovation Project.

COMMUNICATION - COUNCILOR WILLIAMS - REQUEST FOR LETTER OF SUPPORT - HB250 ENABLING LOCAL GOVERNING BODIES TO REGULATE THE MUZZLING OF DOGS

A communication was received from Councilor Robert Williams, requesting that the City Council direct the Mayor to write a letter to the appropriate House and Senate Committees in support of HB250. Further, Councilor Williams requested that the City Council empower the City Attorney to testify in support of this bill. Mayor Kahn referred the communication to the Planning, Licenses & Development Committee.

Mayor Kahn also complimented Councilor Williams for following through with the Council's previous conversation on this topic now that a proposed House Bill had been introduced.

PLD REPORT - KEENE DOWNTOWN GROUP - REQUEST TO USE CITY PROPERTY - ICE AND SNOW FESTIVAL - FEBRUARY 1, 2025

A Planning, Licenses & Development Committee report read, unanimously recommending that the Keene Downtown Group be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Church Street, Commercial Street, Gilbo Avenue, Main Street, Railroad Street, and designated parking spaces on Central Square and Main Street to conduct the Ice and Snow Festival on Saturday, February 1, 2025, from 10:00 AM to 4:00 PM, and reserving an inclement weather date of Sunday, February 2, 2025. In addition, the applicant is permitted to close off a portion of Railroad Street from Main Street to the exit of the Wells Street parking structure, Church Street from Main Street to Hannah Grimes back parking lot, and Commercial Street from Main Street to Commercial Street parking lot. The petitioner is further granted permission for two small outdoor campfires in enclosed firepits on City property adjacent to Railroad Square subject to obtainment of a burn permit from the Fire Prevention Bureau. This permission is granted subject to the signing of a revocable license and indemnification agreement, submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as additional insured, submittal of signed letters of permission from the owner for any use of private property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 25 Community Events Budget.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

PLD REPORT - RULES OF ORDER - SECTION 15. - VOTING AND CONFLICT OF INTEREST

A Planning, Licenses & Development Committee report read, unanimously recommending that the City Attorney introduce for first reading the revisions to Rule 15, Voting and Conflicts of Interest, as proposed by the Committee.

Mayor Kahn noted that this would be a continuing conversation with the PLD Committee after this first reading by the Council. The Council had this Conflict of Interest Rule for many years but this would clarify it for other members of a Councilor's household. The definitions presented were assisted by the State of NH's recently updated Conflict of Interest rules, which clarified what it means to be a household member, meaning someone who contributes to the economic interest of the household. The Mayor reminded the Council that any change to the Rules of Order would require a 2/3 vote of the Council to approve it.

Mayor Kahn referred this back to the Planning, Licenses & Development Committee for their continued discussion and recommendation.

FOP REPORT - PROPOSING THAT THE CITY COUNCIL CONSIDER A DELAY IN THE DOWNTOWN INFRASTRUCTURE PROJECT

A Finance, Organization & Personnel Committee report read, unanimously recommending that the City Manager be authorized to bid the downtown infrastructure project in the fall of 2025 with construction in 2026 and to pursue funding for all phases of the project through the Federal RAISE GRANT. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Powers summarized the Committee report, noting that the FOP Committee met about this twice, and recalled that Councilor Filiault brought this question to the Council. He said that many members of the public expressed their opinions on both sides of the issue and a number of ideas were raised within the Committee, so it was put on more time. In the meantime, Public Works and Finance staff worked together on the possibilities. At the second meeting, he thought the public opinions were equally split on the matter again. The Committee heard from the City Manager about what the financial impact would be from delaying. In the end, Councilor Powers said the FOP Committee unanimously recommended to delay starting the project in Summer 2025 and to earnestly work toward a bid process in the Fall 2025.

Councilor Filiault gave a lot of credit to the FOP Committee for taking the time to listen to the two dozen business owners who came to speak, as well as for putting the matter on more time and not rushing through a vote. He called it a very well-thought-out decision. He also said kudos to the City Manager and staff for taking a step back and realizing that delaying the project would not just aid the downtown merchants but would also give staff more time to look at the project. Councilor Filiault added that he happened to be talking to an out-of-town contractor, who asked him how the City would go to bid in May, noting that his company wanted to bid but could not before May. Councilor Filiault called it a wrinkle in the equation. In addition to FOP, the Councilor also thanked the PLD Committee and Councilor Bosley for their part in this; all Standing Committees ultimately had a part in this

Councilor Haas said there had been a lot of talk about how everyone was understanding the risks around this project. He said that in the insurance industry, risks are calculated very exactly and evaluated to develop real economic judgments; and in politics there are models for calculating risk. These considerations of risk are complicated and there is a lot of uncertainty. The Councilor reviewed the potential risks with delaying this project for everyone to consider the uncertainty of their judgments on each point. (1) Construction cost uncertainty if the project is delayed. He said that there seemed to be a lot of confidence that costs would go up. (2) Applying for and getting more grants. He noted that the City was not successful in the original grant it applied for. He recalled that the application had massive support from all elected officials except for Senator Shaheen. He asked if Governor Ayotte would be writing a letter of support for the next grant application. He also mentioned that there were different elected officials, and the application could be received differently in Washington, D C, this time. The Councilor recalled that in the

last grant application, this was not deemed a project of merit either, so the City would be back in line competing with the rest of the nation and other cities in NH. That said, he knew that City staff had been working with the Department of Transportation (DOT) to improve the application and understand their requirements. (3) Potential damage to the downtown environment.

Councilor Haas asked how well the businesses, merchants, and building owners would be supported by the City and citizenry who make the downtown environment happen. He said that if everyone still participates—continuing to have festivals as usual—the City might be able to make something out of the situation. He said he has a lot of confidence in this City. Councilor Haas said that the Council had been trying to plan construction details in Committee meetings that would be more appropriately specified by contractors in the months leading up to construction. Councilor Haas reiterated that his colleagues should judge in terms of how confident they are however they assessed this. (4) The impetus of the project was the poor condition of the underground utilities. Councilor Haas said delaying the project would put them further at risk of a failure in the meantime.

Councilor Haas concluded by explaining that most significantly, to him, delaying the project would be arbitrary and have nothing to do with the design or getting bids. He said it would be the Council making a judgment to put it off for some reason that the City should have been prepared for. He thought that made the Council look pretty indecisive. He anticipated that someone would raise the question: What else is this City going to do? He thought that delaying the project now would be the wrong decision at the wrong time. Councilor Haas reiterated that his colleagues should judge in terms of how confident they were in how they assessed this. Councilor Haas' opinion was that the City should go out to bid as planned because if the project had stayed on the plan, it would have been 2/3 finished by now. He suggested putting the project out to bid and then making a decision whether or not to postpone based on the bids; then, the City would know where it stands and how to restructure it. Until going out to bid, Councilor Haas said the City only has an arbitrary sense that would be perceived as more waffling and indecision by this Council. Councilor Haas suggested that this Council should get focused for once and get on with this. He recommended not voting to delay and proceed with the project as planned, making a decision whether to delay or not after going out to bid.

Councilor Workman said she shared a lot of Councilor Haas' sentiments. Councilor Workman called this a really tough decision that she had contemplated, having watched both FOP meetings and listened to all the public comments and the City Manager's comments. One thing that stayed with Councilor Workman was the City Manager's emphasis that regardless of a delay or not, City staff are ready. So, Councilor Workman was reassured again that City staff would not feel rushed, and the Council would not be changing the projected timeline. This timeline had been in place since 2022. She said she empathized with the businesses as she knew there was a lot of fear, anxiety, and uncertainty. However, she said this plan had been in place for two years, which was a solid time to plan. Councilor Workman noted that a lot of businesses had established downtown within those two years knowing that construction was pending. She referred to Mr. Sterling's comments from the FOP meeting that she agreed with. At this point, Councilor Workman said this project had been delayed for nearly a decade. The only guaranteed benefit she saw to delaying would be more time to develop a rapport with a contractor. Still, Councilor

Workman did not think that City staff would have proposed the existing timeline if they did not think it was realistic and feasible. So, she hoped her fellow Councilors would support moving forward as planned and not vote to delay.

Councilor Greenwald wanted to refocus the conversation back to the beginning, recalling that this was an infrastructure project for the benefit of the current merchants and building owners, and the future. However, he said there are not pipes breaking daily and we are not in a disaster; so, he wanted to take away some urgency. He also mentioned that when the MSFI Committee took control of the project design, it met all of the deadlines and was tasked with all of the surface feature designs. He added to the best of his knowledge, the MSFI Committee has still had not received any of the underground designs. Councilor Greenwald was unsure that those underground designs were even finished. So, he felt that the project was being rushed without any review of the underground though perhaps Public Works was more involved. Still, he said that the Council needed to see that. He wondered in his opinion—stating no real basis in fact—whether the undefined surface and underground features impacted the City not being awarded the RAISE GRANT. He said the City did not have much more than a hope and a prayer of what it was going to do when it applied for the grant. Now that the City had all of the necessary information, he thought the City had a better chance of receiving the grant, especially with a lot of support from elected officials. He noted that one individual would not campaign against the City for the RAISE GRANT as in the last round. Councilor Greenwald was unsure the public had known that all of those factors impacted the grant award, and he thought the downtown merchants understood more now. He said the merchants knew the project would happen and that the City would need to prepare them in any way to weather the storm of the project, which would not be easy. The Councilor cited his past experiences living through these projects as a retailer. So, he suggested that the Council should listen to the merchants and give them the opportunity to prepare, stating that there was no great urgency to get the project done this year. He added that the whole bidding process was fraught with the possibility that the City could not attain a contractor right away. Councilor Greenwald urged the Council to delay so the City could be fully prepared.

Mayor Kahn noted that a Senator Shaheen staff member commented that there would be support from the Senator if Keene submitted another RAISE GRANT, so there should be full Congressional support from the NH Delegation.

Councilor Bosley spoke from the perspective of the PLD Committee's interactions with the City Clerk's office over the outdoor dining license Ordinance change. The Committee heard that there was not a lot of preparation or information from City staff to those business owners and the Committee said that was not acceptable and wanted a plan for things like safety attributes, surface materials, and how businesses would access their building entrances. She said the businesses were asking for those details. Councilor Bosley said the Clerk's office had indicated their intent to withdraw the Ordinance. In addition, she has heard the City Manager's plan to hire an ombudsman to be a liaison with the downtown businesses and create a successful environment for everyone. However, she said the ombudsman had not yet been hired and the job had not been posted, and she said there was no plan for where that person was to be able to work

from. She said there were also concerns expressed from the City businesses—she had heard directly from some—that this was their first year coming out of Covid and they are in the black, paying back the debt they incurred during the pandemic. She said the project was terrifying them and without the confidence of City support, they were nervous about what their future looked like. Councilor Bosley said the Council had the resolve to make this project happen, and she had advocated for a compromised plan and for the downtown businesses. She thought the Council could see that there were some benefits to a slight delay. She remembered what it looked like hanging out on Main Street as a kid in the 90s, stating that the businesses were not like today; all of the tchotchke businesses and nice, upscale shops were in the Colony Mill and she said the downtown was a bleak place that a teenage girl should not have been hanging out. However, when the Colony Mill closed, the downtown became this beautiful gem, and she said that real value was at risk now. The City was at risk of losing the image that people consider relocating to or opening a business in Keene. Councilor Bosley said that if you ask anyone who did not grow up in Keene, they are captivated the first time they drive up Main Street and want to live here. She is not willing to risk that over six months and a lot of planning and good will. So, she wants to vote to delay.

Councilor Williams said he agreed with everything Councilor Haas said. Councilor Williams said that time is money, and more time would cost the City more money, so he would not vote to delay. He said another issue came up when the FOP Committee discussed this, which was he noticed that none of the financing for this project was coming from the Parking Fund. Considering how much of a priority it was to maintain all 167 parking spaces in this project, Councilor Williams thought that it would only be fair that the Parking Fund be used to pay for some of this project. Councilor Madison said that he honestly debated this, even while listening to this conversation. He thought that Councilors Filiault and Workman both made very good points. On one hand, this had been ongoing since 2022, so he said people have had a lot of time to prepare. On the other hand, he said the Council has just finalized the design plans, and construction was scheduled to start in three months, which was not a lot of time to prepare. So, Councilor Madison was torn. Ultimately, he decided to vote to delay the project because he thought more time would be good. Although he was heartened to hear that there might be more support from Senator Shaheen's office, he added that he was concerned about the ethics behind the previous lack of support, the Senator's local staff's involvement in the opposition to the project, and the Senator's sudden support tied to the delay of the project. He was concerned about the optics of the ethics and concerned about the Senator dictating policy to the City and tying the use of funds to the way the City governs itself. He said Representatives in Washington, DC, are to provide resources not to dictate policy. Councilor Madison stated his intention to reach out to Senator Shaheen's office in Washington, D C, to seek clarification on the comments made by her local office in Keene. Councilor Madison encouraged his fellow Councilors, the Mayor, and the City Manager to do the same.

Councilor Favolise echoed Councilor Madison's initial comments about feeling torn on this. Councilor Favolise said this was one of those votes that no matter which way he would end up voting, he felt a pit in his stomach about it. He did not feel great about either of the options. Before stating his position, Councilor Favolise reiterated a couple of things other Councilors had

highlighted. First, he thought it was great for the City to have another opportunity to go after the RAISE GRANT for all three phases of this project; the City had received feedback and knew where the weaker points of its application were, so he knew City staff would do a good job incorporating that feedback into the new application. Still, he said the Council needed to be really honest and transparent that the Grant would not be a 100% guarantee if the Council voted to delay. Second, Councilor Favolise said he wanted to be clear that there would be no getting around the disruption that this project would cause to downtown businesses. Whether it occurs in May 2025 or 2026, there would be sidewalks torn up, construction crews and rigs downtown, and parts of the street blocked off for parts of the year. This is how major infrastructure projects have to happen. The Councilor stated that delaying this project would not be a silver bullet solution so that everyone could say there would be no impacts to downtown businesses. He said it would be incumbent upon the City and the community—as other Councilors had mentioned—to support the downtown and help them through this project no matter what the Council’s decision.

Councilor Favolise also wanted to highlight and reiterate for his fellow Councilors and the public—given the recent almost unanimous vote of the Council on the final project design—that this would be a vote about the details of the process, not about the details of the project. Councilor Favolise thought that the integrity of the design that this Council had worked on and approved needed to be maintained whether breaking ground in May of 2025 or 2026. All that said, he had wrestled with this decision, watched the FOP meetings, listened to the arguments, and listened to City staff. He said it was not lost on him that this was a unanimous recommendation from the FOP Committee that he has great respect for. Councilor Favolise was unsure he could confidently say that the City could go to bid now, get shovels in the ground by May 2025, and feel like the City would have the time needed to build the kind of relationship and rapport with a contractor that a project of this scale requires. He recalled Councilor Greenwald’s reminder to the MSFI Committee when reviewing the final design that the City would only be doing this project once, and it would cost more later if it were not completed correctly because there would only be one shot. Even though Councilor Favolise did not feel good about this, it was frustrating, and he was not happy to vote this way, he was going to support the Committee’s recommendation and vote yes on the delay. He hoped the City could use the additional time to build a strong relationship with a contractor and make sure to get questions answered so things do not slip through the cracks and this project could be the best it can be. Councilor Favolise reiterated that he did not feel great about this vote—he did not think anyone did—but he thought it was the right one for the City.

Councilor Roberts asked the official name of the RAISE GRANT. The Public Works Director, Don Lussier, said the Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity Grant. Previously, it was called the BUILD GRANT: Better Utilizing Investments to Leverage Development. Before that, it was the TIGER GRANT: Transportation Investment Generating Economic Recovery. Mr. Lussier said that the acronyms described the review criteria and that each administration puts its own spin on the grant. Councilor Roberts said he asked because in looking at the Federal Registry, he saw a \$2 million economic

development grant specifically tied to rural communities that had a certain number of low-income residents.

Councilor Workman pointed out—since the Council was talking about the likelihood of attaining grants—that the RAISE GRANT would be a nationwide application process. Keene would be competing with other states like CA that just had wildfires that would probably need infrastructure projects, or parts of the south that had hurricanes, for example. She wanted to highlight that the City was putting a lot of stock in the possibility of getting this grant and getting increased grant money, but the competition would be steep. Councilor Workman stated that she was not calling this a vanity project, but when the Federal administration would look at it and compare it to others with natural disasters or those that need bridges or roads rebuilt, she thought this project would be low on the priority list. The Councilor said her understanding was that the City was still going to apply for the RAISE GRANT for Phases 2 and 3 of the project, regardless of when Phase 1 starts, and she asked City staff for clarity. Mr. Lussier replied that staff had a conference call with Stantec the day of this meeting. Depending on this vote, they would either finish the Grant application for all three phases or refine the application to describe Phases 2 & 3 only as the project scope—everything south of Lamson and Church Streets. The scope would be determined by the timing of the project.

Mayor Kahn reiterated that this vote was about project execution not funding.

Councilor Tobin said she had heard everyone’s valuable perspectives and considered how to share her thoughts. She was very uncomfortable delaying the project. While she appreciated the concerns that she heard the businesses express—and she shared concerns—she also felt it was her responsibility to set up Main Street to be successful. She remembered when the Colony Mill closed, and businesses moved to Main Street, and it came to life. She spoke about how the past few years had not been the same thriving period downtown; she felt like there had been a lot of instability and she had seen turnover in different places that left her concerned. A large part of Councilor Tobin’s concern was because she did not feel that Main Street could be a stable environment until this project was completed. Regardless of what happens, she said she would hate living in a construction site, but she was also really excited for the day after it is completed; to spend time with people outside, in businesses, and in walking around downtown. Councilor Tobin thought that getting there would be a challenge regardless of when the project starts. When she re-read the grant application, one thing that stood out to her was a line in the letter of support from the Chamber of Commerce that said, “the time is now.” She did not think that next year would be better. Based on what the Council had heard, it sounded like construction costs would continue to increase, and she was concerned about the impact of that afterward. She said one year did not sound long, but asked how that would impact Phase 3 or other projects to follow that could then be pushed back. Assuming everything was to go well—with no rainy seasons, for example—she said the last section of Main Street would not be replaced for four years with a delay. Councilor Tobin said her understanding was that City staff were ready to start the project and that the ombudsman position was ready to be posted, pending this decision. She thought there was often a tendency to think that more time would allow for more communication that would somehow make things work out better, but in hindsight she thought that was rarely the

case. She thought there was still plenty of time to communicate, and she did not think that lengthening the time would necessarily change a lot of information or cause any new information to arise in that time. Councilor Tobin thought the project should move forward now.

Councilor Greenwald made a couple of observations. First, he said that proceeding now would mean no RAISE GRANT money for Phase 1, which he called very simple. He said that there would be no money without a delay; maybe the City would get money, maybe not. However, he said it was a pretty good certainty that if the City did not reapply, it would not have any funding. He was told that now that there was a surface design, there was much more enthusiasm and a lot more information available, so he thought there was a much better chance of actually getting the RAISE GRANT. Councilor Greenwald encouraged his fellow Councilors to delay, citing good logic for taking the year to get better relationships with the contractor, noting that no one had seen the underground plans, and stating that many details needed to be exposed to the Council about who would be paying what and what services were being supplied. He knew Stantec was working on some of it. Councilor Greenwald thought it was premature to do anything other than delay so that was what he urged his fellow Councilors to do.

Councilor Haas pointed out that it sounded as if the Council was voting on the project, which was not the case. The Council was voting on whether to move forward getting bids—City staff, Stantec, and the MSFI Committee had led the Council to this point of being ready to go out to bid. He said things had come up that would have to be dealt with moving forward, but the City would deal with them. He reiterated that this was only a vote to continue down the path of getting bids and see if there are contractors, not a vote to accept any bids. He said this would only lead to more information.

On a roll call vote of 11–4, the motion to carry out the intent of the Committee report to delay the downtown project carried. Councilors Tobin, Williams, Haas, and Workman voted in the minority.

COMMUNICATION - GREATER MONADNOCK COLLABORATIVE - REQUEST FOR DATE CHANGE - *JUMANJI* 30TH ANNIVERSARY CELEBRATION

The Mayor reintroduced this tabled communication.

A motion by Councilor Bosley to suspend Section 26 of the Rules of Order to introduce and act on the request was duly seconded by Councilor Jones. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

A motion by Councilor Bosley to grant the Greater Monadnock Collaborative's request to reschedule the 30th Anniversary Celebration of the film *Jumanji* from the weekend of April 11th through 13th to June 20th to 22nd was duly seconded by Councilor Jones.

Councilor Bosley reported on her conversation with the Clerk's office. Councilor Bosley explained that the Greater Monadnock Collaborative had approached the Council several months prior to hold their event in late June 2025, but during the protocol meetings they were advised that it would behoove them to move the event to April to use Central Square because of the downtown project. Now that the project was delayed to the fall of 2025, the applicant had

requested to hold their event on the original proposed dates of June 20–22. Aside from the date change, Councilor Bosley said the scope of the event would remain the same as previously described. The applicant appreciated having this expedited to provide them with ample time to work with staff on event safety plans and to coordinate and to promote the date change to any participating downtown businesses, invited guests from outside the area, and members of the public wishing to attend. Councilor Bosley said the applicant offered their thanks for the Council’s consideration.

Councilor Haas said he was worried this event would be impacted by the downtown project delay, so he was glad to be able to have this in June. He complimented Ms. Bergstrom and the Greater Monadnock Collaborative for being flexible to move the date. Councilor Haas was glad it turned out this way and to have *Jumanji* in June.

Councilor Favolise said he would vote in support of this and defer to what he thought the original plan for this group was, which was to have this in the summer. He wanted to point out that he thought it was too bad that some of the college community—who is not necessarily in town all summer—would not have an opportunity to participate in this event; he thought that was one benefit of holding it earlier. Still, he would support the request, and he looked forward to joining in the celebration himself in June.

The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM - 2024

A Finance, Organization & Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and expend \$6,259 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Powers pointed out an arithmetic Scrivener’s correction in the background notes. The Department budgeted \$3,950 and along with the grant it would total \$10,209, not \$12,000. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

The Mayor called a brief recess from 8:43 PM–8:46 PM.

FOP REPORT - 2025 KEENE PD HIGHWAY SAFETY GRANT

A Finance, Organization & Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and to expend the grant from the New Hampshire Highway Safety Agency to fund the Highway Safety Grant - Keene. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - ANNUAL REPORTS OF BOARDS AND COMMISSIONS

A Finance, Organization & Personnel Committee report read, unanimously recommending that the City Council request that City Boards and Commissions submit an annual report to the City Council on or about July 1st, 2025. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Madison asked if these reports would be prepared by the committee members or staff. Mayor Kahn said the intent was for the City Manager to come up with guidance, so he did not think that was the debate at this meeting.

Councilor Favolise asked a clarifying question. He saw that the motion was a recommendation to submit an annual report to the City Council on or about July 1, 2025. The Councilor was looking to clarify if the intent was to try a report this year and see how it goes and then bring it back potentially in the future, or if the goal was to do this indefinitely as a new process and policy. If the latter, he was not sure why 2025 was specifically in the motion. Councilor Favolise asked the intent. Mayor Kahn clarified that this was to be on a fiscal year basis, which was the logic for the July 1 date, but he asked for input from Councilor Powers, who said that the intent would be to continue. Councilor Powers added that the July 1, 2025, date was listed in particular to get the process started and go from there.

Councilor Haas agreed that his original intent was to give all of these groups the opportunity to brag about themselves and show pride in what they are doing. He did not anticipate any structure and he certainly left it to the City Manager to decide how it should be formatted. Councilor Haas said it should be the committees' chance to advertise what they do, and if they cannot talk about all the good things they do, then he said the Council might need to reconsider things.

Councilor Williams appreciated that this would be a request of the boards and committees and not a requirement, so that if it is too much work for them, they can tell the Council, "No, thanks."

The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT - CALL VOLUME AND STAFFING NEEDS - FIRE DEPARTMENT

A Finance, Organization & Personnel Committee report read, unanimously recommending accepting the presentation relating to Fire Department call volume and staffing needs as informational. Mayor Kahn filed the presentation as informational. He said the matter would be returning to the FOP Committee.

CITY MANAGER COMMENTS

Deputy City Manager, Andy Bohannon, welcomed the City's new Finance Director, Kari Chamberlain, who would be at the upcoming FOP meetings.

Next, Deputy City Manager Bohannon recalled that last summer at community night, a young man named Walter had the opportunity to name the City's big snow blower. He chose to name it Sasquatch, and the Deputy City Manager said that Sasquatch would be attending the upcoming Ice & Snow Festival.

The Deputy City Manager also reported that the Findings building demolition was nearly completed and the only thing remaining was the safe, which was to be finished the day after this meeting. He said kudos to the Public Works Department for their work on that project.

Lastly, Deputy City Manager Bohannon reported that the weather was cold enough to officially open Robin Hood Park Pond for ice skating the day before this meeting, as well as a small area at Wheelock Park. He asked everyone to be careful at the pond and pay attention to the signs; staff drill daily to measure and they take safety very seriously. So, when the “thin ice” signs are put out it means the ice is not safe for skating, and Deputy City Manager Bohannon asked the public to please pay attention.

MORE TIME - SIGN CODE MODIFICATIONS REQUESTED BY MAYOR KAHN TO ALLOW ANIMATED SIGNS IN THE INDUSTRIAL ZONE

A Planning, Licenses & Development report read, unanimously recommending placing the Sign Code Modifications Requested by Mayor Kahn on more time. The Mayor granted more time.

ORDINANCE FOR SECOND READING - RELATING TO BUILDING HEIGHT IN THE COMMERCE DISTRICT - ORDINANCE O-2024-19-A

A Planning, Licenses & Development Committee report read, unanimously recommending the adoption of Ordinance O-2024-19-A. Mayor Kahn filed the report. A motion by Councilor Bosley to adopt Ordinance O-2024-19-A was duly seconded by Councilor Jones.

Councilor Jones said he supported this Ordinance and what it would do to make properties more valuable to developers, who he said would be able to profit more if they could build more. The Councilor was an advocate of smart growth principles and he thought this was a fit to that principle, so he appreciated the Ordinance.

The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ORDINANCE FOR SECOND READING - RELATING TO CLASS ALLOCATION AND SALARY SCHEDULE - ORDINANCE O-2025-01

A Finance, Organization & Personnel Committee report read, unanimously recommending the adoption of Ordinance O-2025-01. Mayor Kahn filed the report. A motion by Councilor Powers to adopt Ordinance O-2025-01 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ORDINANCE FOR SECOND READING - RELATING TO BOARDS AND COMMISSIONS - ORDINANCE O-2025-02

A Finance, Organization & Personnel Committee report read, unanimously recommending the adoption of Ordinance O-2025-02. Mayor Kahn filed the report. A motion by Councilor Powers to adopt Ordinance O-2025-02 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

01/16/2025

RESOLUTION - RELATING TO APPROPRIATIONS FOR TREE REMOVAL WORK -
RESOLUTION R-2025-01

A Finance, Organization & Personnel Committee report read, unanimously recommending the adoption of Resolution R-2025-01. Mayor Kahn filed the report. A motion by Councilor Powers to adopt Resolution R-2025-01 was duly seconded by Councilor Remy.

Councilor Chadbourne asked—when these trees are removed—if the City would get to keep them and process them into sawdust, chips, or mulch that residents could take. The Deputy City Manager, Andy Bohannon, said that the contractor would cut the trees, remove them, and take them away as a clean operation unless the City requested something like the Councilor described.

The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 9:08 PM.

A true record, attest:



Deputy City Clerk



PUBLIC HEARING
Amendment to Land Development Code -
Interior Side and Rear Setback Requirements in the Downtown Edge
Zone

Notice is hereby given that a Public Hearing will be held before the Keene City Council relative to Ordinance O-2024-24-A, "**Relative to Amendments to the Zoning Ordinance – Interior Side and Rear Setback Requirements in the Downtown Edge Zone.**" The Petitioner, Jared Goodell, proposes to amend Section 4.4.1 of the Land Development Code to remove the 20-foot minimum interior side setback requirement for parcels in the Downtown Edge District that directly abut a parcel located in the Downtown Transition District. The Ordinance was revised to also remove the 25-foot minimum rear setback requirement for parcels that directly abut the Downtown Transition District.

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

HEARING DATE: February 6, 2025

HEARING TIME: 7:00 pm

HEARING PLACE: Council Chambers, Keene City Hall

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

Attest:

City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.2.

Meeting Date: December 19, 2024
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Side and Rear Setbacks in the Downtown Edge Zone Ordinance O-2024-24-A**

Council Action:

In City Council December 19, 2024.

Report filed as informational. Public Hearing scheduled for February 6, 2025, at 7:00 PM.

Recommendation:

A motion was made by Councilor Madison to create an A version of the ordinance to remove the rear setback requirement where Downtown Edge abuts Downtown Transition. The motion was seconded by Councilor Williams and was unanimously approved.

A motion was made by Chair Farrington that the Planning Board find that this proposed change to Ordinance O-2024-24-A is consistent with the 2010 Master Plan. The motion was seconded by Armando Rangel and carried on a 4-1 vote with Roberta Mastrogiovanni voting in opposition.

A motion was made by Councilor Bosley that the Mayor be requested to set a public hearing for Ordinance O-2024-24-A. The motion was seconded by Councilor Madison and was unanimously approved.

Attachments:

1. Staff Report O-2024-24
2. O-2024-24_A_Clean Copy
3. O-2024-24_A_redlined

Background:

At the Joint Planning Board and Planning, Licenses and Development Committee meeting on December 9, 2024, a public workshop was held to discuss Ordinance O-2024-24. Included below is an excerpt from the draft minutes of that meeting.

" III. Public Workshop:

a. Ordinance – O-2024-24 – Relative to Interior Side Setback Requirements in the Downtown Edge District. Petitioner, Jared Goodell, proposes to amend Section 4.4.1 of the Land Development Code to remove the 20' minimum interior side setback requirement for parcels in the Downtown Edge District that directly abut a parcel located in the Downtown Transition District.

Mr. George Hansel addressed the Committee on behalf of Jared Goodell. He indicated they are working on a property on Marlboro Street which is one of four parcels in the Downtown Edge District which would have this issue because the Downtown Edge District when it is up against the Residential District requires a 20-foot setback.

Mr. Hansel noted a couple years ago when the city put in place the land use code update it was with the understanding that these types of adjustments would need to be made going forward. He stated he sees this as making a change to make it fair for everybody and putting in place a code that will work for everybody going forward.

What is being done in this instance which really doesn't impact the public very much at all because it is not on a street. The only parcels that are affected by this change are right up against Keene State's parking lot where two zoning districts come together - rear of the lots that are facing Marlborough Street. What is being requested is to take that 20-foot setback and make it 0. Mr. Hansel noted with the downtown edge zoning district, one of the things the city wanted to do was to encourage development along Marlborough Street. One of the techniques was put in place with the land use code was actually not a setback on the frontage, but a built-to on the frontage. Encouraging people to build to the street but on the back of their lots require really large setbacks. This concluded Mr. Hansel's statement.

Councilor Haas noted to the lot on the corner which is not owned by Mr. Goodell which borders up against the circle which he felt could have some issues if it is constructed according to what is permitted on the side. Mr. Hansel stated he knows of four lots that would be affected by this standard, two of which are owned by Mr. Goodell the other two are currently non-conforming. Councilor Haas stated he would like to hear staff's comments on this issue.

Staff comments were next.

Ms. Brunner addressed the Board and stated this ordinance proposes to modify the minimum interior side setback for the Downtown Edge District to be 0 feet when abutting the Downtown Transition District, instead of 20 feet. In rezoning decisions, the Board should consider existing and proposed zoning requirements; Surrounding land use and zoning patterns; Possible resulting impacts; and the consistency of the proposed rezoning request with the Master Plan.

She noted as the petitioner explained both the Downtown Edge, Downtown Transition and Downtown Limited are intended to be buffer districts or transition districts from the high intensity downtown districts of Downtown Growth and Downtown Core to the surrounding areas.

Ms. Brunner went on to say the Downtown Edge, those zones are areas that transition from Downtown Core or Downtown Growth to more commercial areas or commercial corridors. Downtown Limited is to the north of Central Square, a unique area with only one spot that is Downtown Limited - where the fire station and other institutional buildings are located. Downtown Transition is largely what used to be the office district which goes to surrounding residential areas. Ms. Brunner noted this petition would affect Downtown Edge and Downtown Transition.

She noted the intent statement Downtown Edge District states as follows: *is to provide for a heterogeneous mix of commercial and residential uses and varied development forms, including areas of both walkable development as well as more auto oriented development at the edges of downtown Keene, this district accommodates this rich mixture while providing for a transition into lower intensity commercial or residential development outside of the delineated downtown area.*

The Downtown Transition District is intended to accommodate a variety of residential open spaces and other low intensity uses and a mixed-use environment of attached and detached structures. Development within the Downtown Transition District is intended to complement and transition into existing residential neighborhoods adjacent to Downtown Keene. The Downtown Edge District allows for a wider variety of uses, 38 in total, most of which are allowed by right. There are three that require a conditional use permit and one that requires a special exception. This district allows for more of a mix of uses.

Ms. Brunner went on to say that the Downtown Transition District allows for a total of 15 uses over a third of which require a special exception or a conditional use permit. With respect to the dimensional requirements. The minimum lot area for downtown edge is 10,000 square feet, whereas for Downtown Transition it is 8,000 square feet. Ms. Brunner noted where they really differ is that as the petitioner mentioned, the Downtown Transition or the Downtown Edge District has more form based code elements to it than the Downtown Transition District does. Downtown Edge has the built two zone. It is a 0 to 20 feet built to zone for the front set back and corner side setbacks. The interior side set back and the minimum rear set back are 0 feet unless you are abutting a residential district or Downtown Transition. Whereas with Downtown Transition you have your more traditional setbacks.

She added it is pretty common to have instances where increased setbacks are required for specific uses that are adjacent to a residential zoning district and then in some instances the Downtown Transition is mixed in with other residential zoning districts. She added as the Petitioner noted, there are only four parcels of land in the city where the Downtown Transition and Downtown Edge actually touch each other. Every other instance where those zoning districts are adjacent to each other, there is a road that separates them.

Ms. Brunner stated the master plan is a pretty high level document. It does not get into the granular detail for instance of what set back should be in specific areas. However, in looking at the future land use map, this area of the city which would be impacted where these four parcels are that directly touch each other is called out in the future land use map as a traditional neighborhood mixed-use areas and TDR receding zone. It states *these areas of the community are the most developed and the best able to accommodate carefully planned growth and density. These areas can be the target of the vast majority of new smart growth, residential and mixed-use development, but only with design standards to ensure that it. Maintains the quality of existing neighborhoods, blends seamlessly and transitions into the existing downtown. Mitigates traffic and parking issues and provides for a healthy diversity of the built form that respects Keene's aesthetic appeal. More focus on design details, compatibility with historic areas. Provision of green space and quality of life within these areas are key elements for encouraging a population density consistent with the principles of smart growth. Opportunities exist to transfer development rights from residential conservation development regions into these areas.*

Ms. Brunner noted to the area Councilor Haas was referring to and noted there is an existing building on that parcel which goes up to the property line and it is already non-conforming. Councilor Haas asked what would govern filling in this area. Ms. Brunner felt if something that was built, it would probably be an addition to the existing building and it could potentially go right up to the property line. She added another thing to note is that there is also an increased setback for the rear when adjacent to a Downtown Transition parcel, and the Petitioner did not request to change that and this would just affect the side set back, not the rear set back.

Ms. Mastrogiovanni asked if the rendering Ms. Brunner was referring to outlined the new buildings on that property now. Ms. Brunner answered in the negative and indicated this is a base map from 2020.

Councilor Bosley referred to the group of properties that is zoned Downtown Transition on Main

Street which are Keene State College institutional buildings – which are not residential or mixed-use residential buildings and felt the Downtown Institution should have encompassed all of the Keene State properties. If that was the case, this would have been a non-issue. Ms. Brunner agreed and added the downtown form based districts focus less on the use and more on the built form of the property. She indicated the reason this cluster of buildings are downtown transition is because even though the use is not residential, the structures when they were originally built were residential. The character of the buildings fits more with the built form of the transition district. She agreed the uses in this little pocket of downtown transition are very different from the other pockets of downtown transition.

Councilor Bosley felt Downtown Limited, Downtown Growth and Downtown Transition don't have consistency with reference to setbacks in the code when they abut Downtown Transition and asked why that decision was made. Ms. Brunner stated in many instances when there is a proposal to have an increased setback when adjacent to a residential district, it is because it was transitioning to more residential areas. The Councilor noted to Downtown Limited, which is to the north of the square and has a 15 foot rear setback requirement and it abuts high density neighborhoods. It also has a 10 foot side set back when it abuts Downtown Transition. She stated she does not understand why the City would require Downtown Edge, which is similar to Downtown Core to have such an extended set back when it abuts Downtown Transition. Ms. Brunner agreed this is a good point. The Councilor stated she was open to creating more consistency.

Chair Farrington referred to page 16 and noted this change would be to Downtown Edge minimum interior side set back. You would just strike the Downtown Transition district from this sentence.

Ms. Brunner agreed and stated it would read *0 feet unless a budding residential district, then 20 feet*. The Chair asked why the City would have this set back requirement for the minimum rear set back. Ms. Brunner stated if the committee was interested in having more consistency, it would make sense to remove the Downtown Transition from the rear set back as well. Ms. Brunner also added if the committee wanted to make any changes, suggested it be done at the workshop phase, that way, members of the public will have an opportunity at the public hearing to weigh in on the version of the ordinance that City Council ultimately votes on.

Mr. Hoefler clarified the project in question, sounds like variances have been granted and is moving ahead. What is before the committee would solve hypothetical issues in the future if other property owners of these four parcels wanted to do similar changes. He asked whether it was worth making a change here or can it be handled through the variance process in the future.

Councilor Haas felt the changed would increase the value of the lots and create opportunity for the corner lot.

Councilor Williams felt Mr. Hoefler makes a good point with the variance, but felt one of the ways this provides value is giving people certainty about what they get with their land. Hence, including it in the code is probably the better way to go.

Mr. Kost stated it also adds to the idea that the city is trying to encourage infill development and will make it easier for people to develop properties.

The Chair asked for public comment next.

Mr. Pete Moran of Myrtle Street addressed the committee. Mr. Moran felt this was a good project that was done and fits in nicely with the neighborhood and adds housing.

Mr. Moran stated some of the descriptions uses were curious *obstructed view from the TPI building* – he noted the landscaping from Marlboro Street looking down at the property there is sort of an

obstructed view.

Quite a bit of vegetation - behind the Historic Society, which Mr. Moran stated was debatable – it was mostly weeds.

Heavily vegetated - between the Historic Society and these new buildings.

Blocks the view from Main Street - is questionable again.

He stated this was a good project but did not feel these descriptions quite explain the project. Mr. Moran noted privacy was an issue that was raised and felt when you increase density it reduces privacy.

No border to regulate – Mr. Moran felt there has to be border so it can be taxed as some sort of a lot and felt that phrase did not make sense.

Substantial justice to the neighborhood – it adds value because it is new property but felt this too was subjective.

Mr. Moran noted after the foundation was placed the Petitioner realized the setbacks were not met – an official survey was not done until after the fact. He felt the Petitioner is asking for forgiveness instead of permission.

He indicated the Petitioner has been granted the variances and questioned why this item is being presented to the Joint Committee. He felt it should be left to the Planning Department to present to the City Council.

Mr. Moran asked if the Committee voted in favor of zero setbacks. However, later on if the City decided, we can't do 0 setbacks in these zones. Does that mean this Petitioner would be grandfathered for any other projects they may bring forward.

Mr. Moran went on to say this item is being presented as workforce housing but nowhere in the information did it say anything about rents.

3000 square feet of lawn – he questioned where cars are going to park. He asked whether the lawn is going to be fenced. The reason parking on lawn is prohibited is because eventually all the dirt will wash into the storm drains.

He questioned where the dumpster is going to be located – will the dumpster be enclosed. He stressed again as to why the insured was asking for another variance. This concluded Mr. Moran's presentation.

Councilor Bosley provided some clarification regarding the questions Mr. Moran raised. She indicated this committee is not the Zoning Board and the variances that were requested were granted to a different applicant. What is discussed at the Joint Committee is never project specific; it is about underlying conditions of zoning areas. She stated her understanding is the Petitioner raised this issue because they found inconsistencies in the land development code.

She noted when she read through the Land Development Code and as she had mentioned earlier to staff, she also found additional inconsistencies in the Code. She felt it was appropriate at times for individuals in the Community to realize certain things and bring them to the City's attention.

Chair Farrington stated this is a workshop for an ordinance and from this Body it gets moved up to

Council for approval and if necessary sent back to this venue to restart the process.

Ms. Brunner thanked Mr. Moran's for his comments and stated what Mr. Moran raised today would be comments that would be appropriate for a ZBA public hearing on the variances. She added no final decisions are being made tonight. This item is being forwarded to City Council for them to decide. With respect to city staff involvement; in New Hampshire there is the ability for a resident to petition changes to the zoning code, and then that goes through a specific process depending on whether you are a city or a town. In the City of Keene, we have staff that will review the request and provide a staff report, which is what has been done tonight.

With respect to whether the Petitioner will be able to do more projects similar to this. Ms. Brunner stated the variance gave them relief for that one property. This request tonight would change the whole zoning district. If this ordinance gets approved, any parcels in Downtown Edge would be able to go up to a 0 foot side set back when they abut the Downtown Transition. She added this is a Downtown District so there is 0 foot setbacks throughout the downtown. She noted this is a little bit tricky because again, it is a transition district, so it is transitioning from the downtown to the neighboring areas. In general, there is a 0 foot setback unless it is abutting a residential or downtown transition.

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

Councilor Bosley stated she has seen these parcels and doesn't see a reason why the setbacks could not be reduced to be consistent the other setbacks in the land development code. She stated she sees other inconsistencies this issue has brought up for her. She felt at the bare minimum if the Committee did not wish to go to 0 foot setback, the side setbacks should be reduced. She stated she was in favor of what the Petitioner is asking for.

Chair Farrington noted staff had indicated in some of the other instances where these zones meet they are separated by a road and asked whether that is considered abutting. Ms. Brunner stated it is but the need for setback is mitigated by being located across the road.

Ms. Mastrogiovanni stated in the Edge District there could be cases where there are mixed used buildings, would 0 setback be appropriate and felt as Councilor Bosley said, perhaps reducing the setback might be a better solution.

Mr. Kost noted by having the side setbacks be zero it is possible this could be one big building at some point or someone could perhaps expand and houses could at that point be right next to each other. Planner Evan Clements pointed out to all buildings on Main Street which are 0 lot line and are right next to each other. Mr. Kost felt this change could create some development potential in this area. Ms. Brunner added there is already a 0 foot setback between Downtown Edge and Downtown Edge. What is likely going to be seen with these parcels because they have that 0 to 20 foot build-to zone, any new buildings are supposed to be placed up against Marlboro Street, so you are more likely to have them be immediately adjacent to each other along Marlborough Street.

Councilor Bosley clarified buildings shown as 47 and 53 could be torn down and constructed as one building right next to Marlboro Street and touching each other on each side right now and this change would not have an impact on that.

Mr. Kost clarified the Petitioner is referring to interior which is side setback not the rear. Ms. Brunner agreed, as proposed the petition only talks about the side setback, not the rear setback.

Chair Farrington asked what the appetite is for amending this proposed ordinance to include 0 setback for the rear.

Councilor Haas felt this was pretty straightforward and felt the rear setback should be included as well.

Councilor Madison stated he too agrees with the 0 rear setback which would address the housing crisis the city has. There is buildable land in the center of town and this is where people want to develop housing. He felt loosening restrictive zoning or inconsistent zoning such as this is the way to do it and the committee should move forward with it.

A motion was made by Councilor Madison that the Planning Licenses and Development Committee recommends staff to develop an A version to remove the rear setback requirement where Downtown Edge abuts Downtown Transition. The motion was seconded by Councilor Williams and was unanimously approved.

A motion was made by Chair Farrington that the Planning Board finds that this proposed change to Ordinance – O-2024-24A is consistent with the 2010 Master Plan. The motion was seconded by Armando Rangel and carried on a 4-1 vote with Roberta Mastrogiovanni voting in opposition.

A motion was made by Councilor Bosley that the Mayor be requested to set a public hearing for Ordinance – O-2024-24A. The motion was seconded by Councilor Madison and was unanimously approved."

Ordinance Overview

This Ordinance proposes to modify the minimum interior side setback for the Downtown Edge District to be 0 feet when abutting the Downtown Transition District, instead of 20 feet.

In rezoning decisions, the Board should consider and review the following:

- Existing and proposed zoning requirements;
- Surrounding land use and zoning patterns;
- Possible resulting impacts; and
- The consistency of the proposed rezoning request with the Master Plan.

Background

The Downtown Edge (DT-E) and Downtown Transition (DT-T) Districts both fall within the category of “downtown zoning districts,” which are detailed in Article 4 of the Land Development Code. There are a total of six downtown zoning districts, including Downtown Core and Downtown Growth (the highest density areas where the most intense development can occur), the Downtown Institutional District, which encompasses the portion of the Keene State College campus that interfaces with Main Street, and three “buffer” districts that are intended to transition from the downtown to the surrounding districts: Downtown Transition, Downtown Edge, and Downtown Limited. In general, the Downtown Transition District tends to be more residential in nature, the Downtown Edge District is more oriented towards commercial uses, and the Downtown Limited District includes a variety of civic and cultural uses mixed with commercial and high density residential development. Figure 1 depicts the downtown zoning districts in relation to the surrounding zoning districts.

The intent of the Downtown Edge District is to provide for a *“heterogeneous mix of commercial and residential uses and varied development forms including areas of both walkable development as well as more auto-oriented development at the edges of downtown Keene. This district accommodates this rich mixture, while providing for a transition into lower intensity commercial or residential development outside of the delineated downtown area.”*

The Downtown Transition District is intended 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.”*

The Downtown Edge District allows for a wide mix of uses (38 total), which are shown in Table 4-1 of the LDC. Most of these uses are allowed by right, with only one use requiring a special exception (SE) and three that require a conditional use permit (CUP):

- Dwelling, Above Ground Floor
- Dwelling, Multifamily
- Dwelling, Two-Family/Duplex
- Animal Care Facility
- Art Gallery
- Art or Fitness Studio
- Banking or Lending Institution
- Car Wash (by SE)
- Clinic
- Funeral Home
- Health Center/Gym
- Motor Vehicle Dealership
- Neighborhood Grocery Store
- Office

- Personal Service Establishment
- Private Club / Lodge
- Restaurant
- Retail Establishment, Light
- Self-Storage Facility – Interior Access
- Specialty Food Service
- Vehicle Repair Facility – Minor
- Community Center
- Cultural Facility
- Day Care Center
- Place of Worship
- Private School
- Senior Center
- Domestic Violence Shelter
- Food Pantry
- Group Resource Center (by CUP)
- Lodginghouse (by CUP)
- Residential Care Facility (by CUP)
- Artisanal Production
- Data Center
- Community Garden
- Solar Energy System (Small-Scale)
- Telecommunications Facilities
- Parking – Structured Facility

The Downtown Transition District allows for a total of 15 uses, over a third of which require a special exception or a conditional use permit:

- Dwelling, Above Ground Floor
- Dwelling, Multifamily
- Dwelling, Single-Family
- Dwelling, Two-Family/Duplex
- Bed and Breakfast
- Funeral Home
- Office
- Private Club / Lodge (by SE)
- Community Center (by SE)
- Cultural Facility (by SE)
- Day Care Center (by SE)
- Senior Center (by SE)
- Group Home, Small (by CUP)
- Community Garden
- Telecommunications Facilities

The table below compares the Dimensions and Siting standards for the DT-E and DT-T Districts. The Downtown Edge District is a form-based district with a build-to zone instead of a minimum front setback and corner side setback, and a 0 ft side and rear setback (except when adjacent to DT-T or residential zone). The DT-T District has conventional setbacks and also includes a density factor for residential development.

	Downtown Edge (DT-E)	Downtown Transition (DT-T)
Min Lot Area	10,000 sf	8,000 sf (8,000 sf for single dwelling unit, 5,400 sf for each additional dwelling unit)
Min Lot Width	50 ft	60 ft
Front Setback	0-20 ft Build-to-Zone	15 ft
Corner Side Setback	0-20 ft Build-to-Zone	10 ft
Min Interior Side Setback	0 ft, unless abutting residential district or DT-T District, then 20 ft	10 ft
Min Rear Setback	0 ft, unless abutting residential district or DT-T District, then 20 ft	15 ft

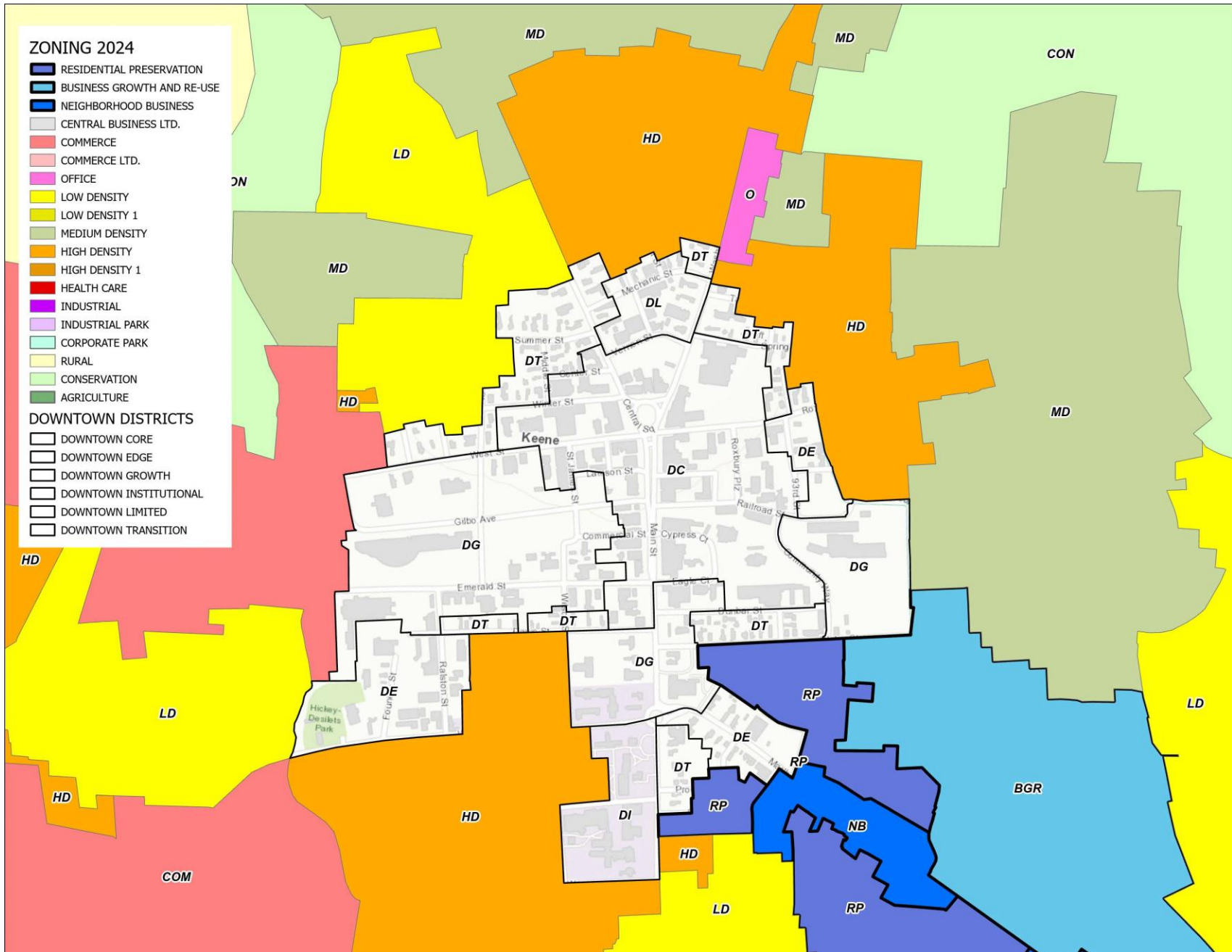


Figure 1. Zoning map of downtown Keene and surrounding zoning districts.

Discussion

Throughout the zoning code, there are instances where increased setbacks are required for uses that are adjacent to a residential zoning district. In some instances, the Downtown Transition District is also called out along with residential zoning districts as requiring an increased setback. This is due to the residential nature of the Downtown Transition District, which includes a mix of residential, office, and other low intensity commercial and open space uses. The intent of these increased setbacks is to protect residential areas from being overwhelmed by higher intensity development. For example, in the Downtown Growth District, buildings can be 85 feet and 7 stories tall. An increase in the side and rear setback when abutting a residential district or the Downtown Transition District helps reduce the massing and towering effect of buildings in these higher intensity districts relative to adjacent structures.

While the Downtown Edge District does allow commercial uses, the built form of this district encourages buildings that are close to the street with a maximum height of 40 feet and 3 stories (there is no minimum height). The side and rear setbacks are both 0 feet, unless abutting a residential district or the DT-T district, in which case there is a 20-foot side setback and a 25-foot rear setback.

As discussed previously, both this district and the Downtown Transition District are intended to serve as buffers between the heart of the downtown and the surrounding districts. There are a few areas within the City where the Downtown Edge District abuts Downtown Transition; however, there is only one location where these two districts abut each other directly with no street separating them. This area, which is shown in Figure 2, encompasses four parcels of land.

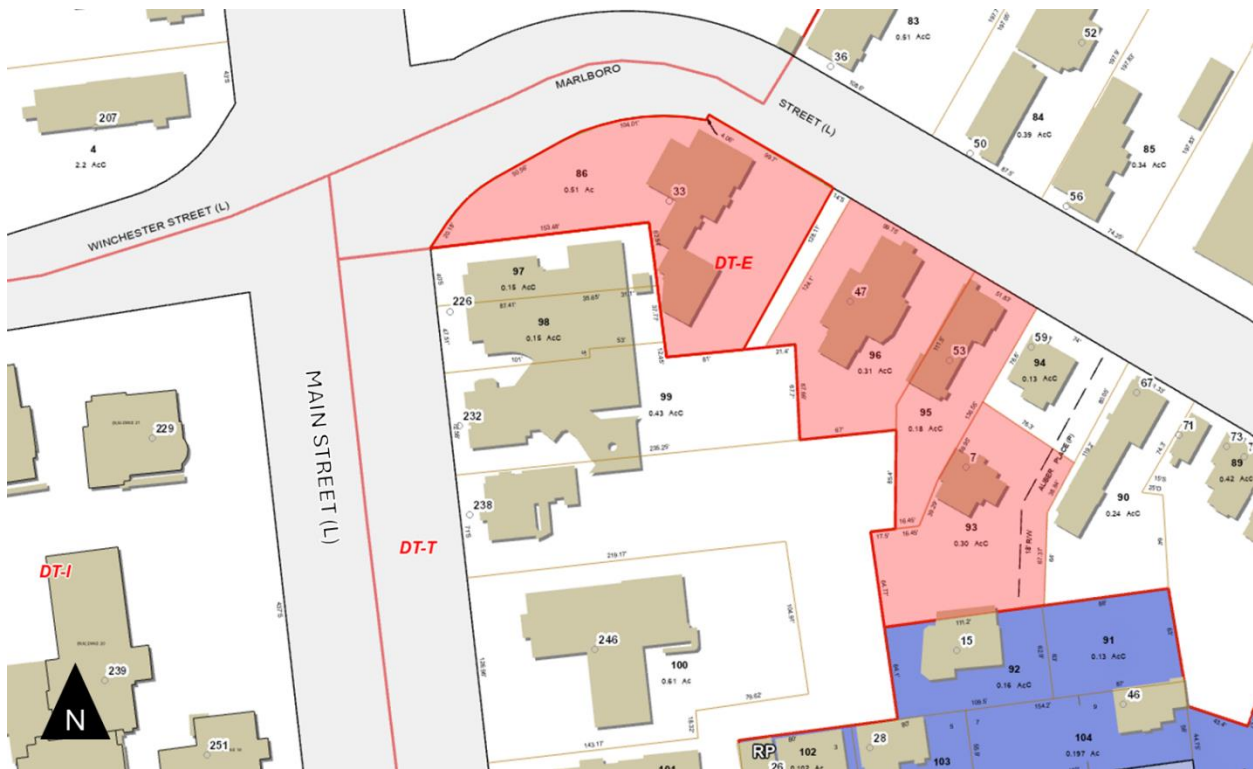


Figure 2. Image of Downtown Edge parcels, shown in red, which directly abut the Downtown Transition District.

Potential Impacts of the Proposed Change

Both the DT-E and DT-T Districts are intended to transition from the downtown to lower intensity districts. The built form between these two districts differs slightly, with the DT-E District more compatible with a mix of pedestrian and automobile-oriented uses and a wider range of commercial uses than the DT-T District, which is more residential in nature with a built form that prioritizes pedestrian-scale development. The four parcels that are directly adjacent to the DT-T district abut either the side or rear of the DT-T parcels. If a building or structure is built on the property line, life safety codes (building and fire) would ensure that these buildings or structures are built so that they could safely be located immediately adjacent to another structure.

Consistency with the Master Plan

The 2010 Comprehensive Master Plan identifies the area that would be impacted by this request as a primary growth area, specifically a “Traditional Neighborhood / Mixed-Use” area (Figure 3). The description of this area type is included below.

“Traditional Neighborhood, Mixed-Use Areas and TDR Receiving Zone – These areas of the community are the most developed and the best able to accommodate carefully planned growth and density. These areas can be the target of the vast majority of new smart-growth residential and mixed-use development, but only with design standards to ensure that it maintains the quality of existing neighborhoods, blends seamlessly and transitions into the existing downtown, mitigates traffic and parking issues, and provides for a healthy diversity of the built form that respects Keene’s aesthetic appeal.

More focus on design details, compatibility with historic areas, provision of green space and quality of life within these areas are key elements for encouraging a population density consistent with the principles of smart growth. Opportunities exist to transfer development rights from Residential Conservation Development regions into these areas.”

The Future Land Use section of the Master Plan indicates that this area is well-suited for increased growth and density, as long as attention is given to compatibility with existing neighborhoods. Reducing setbacks would encourage more density and allow developers / property owners more flexibility with placing structures on their lot.

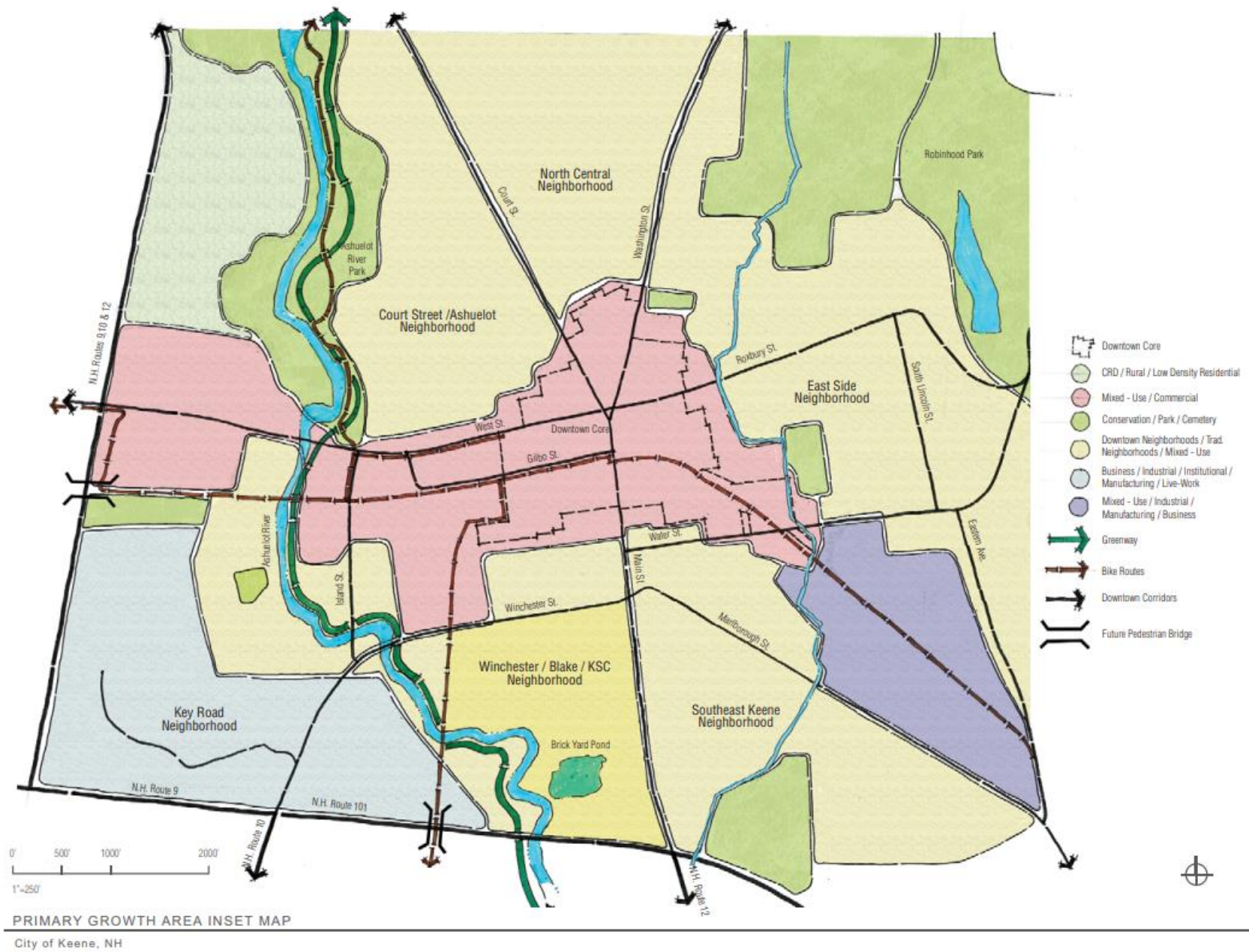


Figure 3. Primary Growth Area Inset Map for the City of Keene Future Land Use Map.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Amendments to the Zoning Ordinance – Interior Side and Rear Setback Requirements in the Downtown Edge Zone

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

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

1. That Section 4.4.1 "Dimensions & Siting" of Article 4 be amended to remove the minimum interior side setback when the boundary line abuts the Downtown Transition District, as follows:

Dimensions and Siting

A	Min Lot Area	10,000 sf
B	Min Lot Width	50 ft
C	Front Setback ¹	0-20 Build-to Zone
D	Corner Side Setback ¹	0-20 Build-to Zone
E	Min Interior Side Setback	0 ft, unless abutting residential district or DT-T District , then 20 ft
F	Min Rear Setback	0 ft, unless abutting residential district or DT-T District , then 25 ft

¹ When the front or corner side lot line intersects or overlaps with the right-of way line, the required build-to zone is measured from a line representing the average location of front lot lines along the same block. In no case shall a building be placed forward of this line.

Jay V. Kahn, Mayor



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

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E	Min Interior Side Setback	0 ft, unless abutting residential district or DT-T District , then 20 ft
F	Min Rear Setback	0 ft, unless abutting residential district or DT-T District , then 25 ft

¹ When the front or corner side lot line intersects or overlaps with the right-of way line, the required build-to zone is measured from a line representing the average location of front lot lines along the same block. In no case shall a building be placed forward of this line.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Patricia Little, City Clerk
Subject: **Nominations - Human Rights Committee, Zoning Board of Adjustment**

Recommendation:

Attachments:

None

Background:

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

Human Rights Committee

Debra Bowie, Slot 3 Moving from alternate to regular member	Term to expire Dec. 31, 2027
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David Morrill, Slot 8 Moving from alternate to regular member	Term to expire Dec. 31, 2027
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Mohammed Saleh, Slot 11 Moving from regular to alternate member	Term to expire Dec. 31, 2027
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Zoning Board of Adjustment

Adam Burke, Slot 4 Moving from alternate to regular member	Term to expire Dec. 31, 2027
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CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Patricia Little, City Clerk
Subject: **Confirmation - Ashuelot River Park Advisory Board**

Council Action:

In City Council January 16, 2025.
Nomination tabled until the next regular meeting.

Recommendation:

Attachments:

None

Background:

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

Ashuelot River Park Advisory Board

Kelly Cook, Slot 1
Moving from alternate
to regular member

Term to expire Dec. 31, 2027



ITEM #C.1.

CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Michael Remy - Keene Young Professionals Network
Through: Patricia Little, City Clerk
Subject: **Michael Remy/Keene Young Professionals - Request to Use City Property - Taste of Keene Food Festival - June 7, 2025**

Recommendation:

Attachments:

1. Communication_Taste of Keene

Background:

The Keene Young Professionals Network has submitted their annual request for a license to conduct the Taste of Keene Food Festival on Saturday, June 7, 2025.

Keene Food Festival

Alana Fiero

KYPN President

Michael Remy

KYPN Events Chair

Mayor Kahn & the Keene City Council

3 Washington Street

Keene, NH 03431

603-357-9804

Dear Mayor Kahn & the Keene City Council,

The Keene Young Professionals Network would like to submit a request to host the 2025 Taste of Keene Food Festival in downtown Keene. We plan to host our fifth annual Taste of Keene event again this June!

City Council has been wonderfully supportive of this event and we would like to continue to make this festival an annual tradition for Keene. We plan to host this event the first Saturday of June each year. This year would be June 7th from 11:30am to 3:30pm. We plan to operate in the same manor as last year with food and beverage tastings spanning from Central Square down Main Street to Eagle Court. We continue to partner with the ArtWalk for their festival to occur on the same day, but it will be planned and requested separately.

The event is intended to be beneficial for downtown Keene in several ways:

- Draw people back to our downtown businesses to kick off the warmer weather
- Put Keene "on the map" as a tourist destination and food hub
- Highlight local cuisine and beverage options
- Showcase a diversity of local talent with live entertainment
- Welcome new community members to town

Keene Young Professionals Network is a program of the Hannah Grimes Center for Entrepreneurship, with the mission of connecting young professionals in the Monadnock region to their peers and their communities through social, educational, and service opportunities.

We are hopeful to partner with the City to make this a safe, successful, and fun event that is enjoyed for years to come.

Sincerely,



Michael Remy



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Jon Loveland
Through: Patricia Little, City Clerk
Subject: **Jon Loveland, PE - Downtown Infrastructure Project - RAISE Grant**

Recommendation:

Attachments:

1. Jon Loveland Letter - Downtown Infrastructure Project 013025 - TMF Capability and RAISE Grant Application_Redacted
2. Jon Loveland Letter - Downtown Infrastructure Project 071224_Redacted_Watermark

Background:

Mr. Loveland is providing his observations relating to the City's eligibility to receive funding via the Federal RAISE Grant. One of the attachments Mr. Loveland had included in his submittal was an excel file of every community in the United States that has received a Federal RAISE grant. Because of the length of this attachment, it has been removed from the electronic packet, but the report is available if any Councilor would wish to receive a copy.

Thursday, January 30, 2025

Hon. Jay Kahn
Mayor
3 Washington St.
Keene, NH 03431

cc: Mitchell H. Greenwald, Chair, Municipal Services, Facilities & Infrastructure Committee
Kate M. Bosley, Chair, Planning, Licenses and Development Committee
Thomas F. Powers, Chair, Finance, Organization and Personnel Committee
Elizabeth A. Dragon, City Manager
Patricia A. Little, City Clerk
Randy L. Filiault, Vice-Chair, MSFI Committee

via Electronic Mail

RE: Downtown Keene Infrastructure Project – City of Keene TMF Capability and the RAISE Grant Application

Dear Mayor, City Clerk, Select Members of the Keene City Council, and City Manager:

In nearly every permit application or grant/subsidy/loan application to a State or Federal agency, a demonstration of adequate TMF Capability, or Technical, Managerial, and Financial capability (or some facsimile thereof of this concept) is a required and critical part of that agency’s vetting process and evaluation.

Recently, before the Finance, Organization and Personnel Committee meeting on January 9, 2025 (https://keenenh.gov/sites/default/files/2025-01/2025_01_09_FOP_Committee_Packet_Optimized.pdf), the following table was presented (Table 1) during the public session, shown below on p.2. Please focus closely on the “Subtotal by Location” cost breakdown information which specifically identifies the budget associated with the buried infrastructure (“Underground Utilities”) portion of the project in contrast to the budget associated with the surface restoration and improvements portion of the project (“Aboveground Infrastructure”). I believe and have stated publicly on a Keene radio station and in my letters to the City Council (please refer to my letter to Mayor and Council of 7/12/2024, see attached), that something approximating this division of costs comports with industry experience for these two very different types of infrastructure projects. To be specific, the buried infrastructure portion on this project is the lion’s share of the total project cost (80-85% of total project costs), and this fraction of the project certainly carries the greatest risk (an almost certainty in your procurement model) for large change orders, delays, and cost overruns.

Please contrast Table 1 with the following table obtained from the City’s original RAISE grant application (Table 2), also shown below on p.2.

(<https://keenenh.gov/sites/default/files/Pubworks/Downtown/documents/RAISE%20Budget%20-%20FINAL%20-%202024-02-28.pdf>)

Table 1: Consolidated Funding Review – Corrected

Description	Fund	Prior Yr.	FY25	FY26	FY27	Subtotal by Program
Street/Sidewalk/Other Improvements	General	\$780,000	\$1,204,000	\$1,240,000	\$1,277,000	\$4,501,000
Traffic Signal Replacement	General	\$196,800	\$202,700			\$399,500
Stormwater Resiliency Program	General	\$128,970	\$1,669,000	\$1,311,900	\$1,537,700	\$4,647,570
Sewer Improvements	Sewer	\$433,375	\$615,300	\$1,267,600	\$1,305,600	\$3,621,875
Water Distribution Improvements	Water	\$453,246	\$1,299,300	\$1,911,800	\$590,800	\$4,255,146
Subtotal by Annual Funding		\$1,992,391	\$4,990,300	\$5,731,300	\$4,711,100	
Project Grand Total						\$17,425,091

Subtotal by Location

Aboveground Infrastructure	\$4,900,500
Underground Utilities	\$12,524,591

Subtotal by Fund

General Fund	\$9,548,070
Sewer Fund	\$3,621,875
Water Fund	\$4,255,146

Table 2: RAISE Grant Application Project Budget

Table 1. Project Costs

Funding Source	Design & Permitting	Phase I	Phase II	Phase III	Project Total	RAISE	Non-Fed
	Amount	Amount	Amount	Amount	Amount		
Utility Infrastructure (100% Local)							
Water Infrastructure	\$0	\$744,000	\$558,000	\$558,000	\$1,860,000	\$0	\$1,860,000
Sanitary Sewer Infrastructure	\$0	\$616,000	\$462,000	\$462,000	\$1,540,000	\$0	\$1,540,000
Utility Design	\$340,000	\$0	\$0	\$0	\$340,000	\$0	\$340,000
Streetscape Improvements (80/20% Share)							
Final Design/Permitting	\$1,000,000	\$0	\$0	\$0	\$1,000,000	\$800,000	\$200,000
Mobility							
Streetscape Improvements	\$0	\$1,020,000	\$825,000	\$775,000	\$2,620,000	\$2,096,000	\$524,000
Roadway/Sidewalks/Signals	\$0	\$1,930,000	\$1,370,000	\$1,120,000	\$4,420,000	\$3,536,000	\$884,000
Resiliency						\$0	\$0
Stormwater/Green Infrastructure	\$0	\$685,000	\$540,000	\$675,000	\$1,900,000	\$1,520,000	\$380,000
Central Solar Power/EV Charging	\$0	\$800,000	\$175,000	\$175,000	\$1,150,000	\$920,000	\$230,000
Traffic Control/MOT	\$0	\$611,400	\$540,000	\$465,600	\$1,617,000	\$1,293,600	\$323,400
Mobilization/Project Administration	\$0	\$615,000	\$510,000	\$500,000	\$1,625,000	\$1,300,000	\$325,000
Contingency	\$0	\$730,000	\$550,000	\$550,000	\$1,830,000	\$1,464,000	\$366,000
Construction Administration	\$0	\$400,000	\$300,000	\$300,000	\$1,000,000	\$800,000	\$200,000
Project Total	\$1,340,000	\$8,151,400	\$5,830,000	\$5,580,600	\$20,902,000	\$13,729,600	\$7,172,400
						65.7%	34.3%

Funding Source	Funding Amount	Funding Amount	Funding Amount	Funding Amount	Funding Amount
RAISE Funds	\$800,000	\$5,433,120	\$3,848,000	\$3,648,480	\$13,729,600
Other Federal Funds	\$0	\$0	\$0	\$0	\$0
Non-Federal Funds	\$540,000	\$2,718,280	\$1,982,000	\$1,932,120	\$7,172,400
Total Project Costs	\$1,340,000	\$8,151,400	\$5,830,000	\$5,580,600	\$20,902,000

Can anyone at the City explain this disparity in a way that makes sense to USDOT?

Now, if you are the US Department of Transportation, and you are seeking to determine what the applicable project definition and cost that is legitimately eligible to be the basis for a grant is, how do you reconcile these two tables? Is USDOT in the business of subsidizing a much larger buried infrastructure/water-wastewater project?

If USDOT knew what information had been presented to the public and in what manner, what would they think? Was the RAISE grant approach, data, and budget ever presented to the public? Or did the City just assume expanding the scope to support a potentially large grant justified this approach? What would have happened if the City expanded the scope but received a grant based solely on the transportation component?

To further illustrate the issues associated with the City's approach and methods used to seek this RAISE grant relative to the others that were successful, one only has to review the database of projects that have successfully obtained grants and review the characteristics of those projects (*see attachment/enclosure TIGER 1 – RAISE 25 Award.xlsx*). Analysis of this database reveals the following:

- Over the last 16 years, 40 “Bicycle-Pedestrian” rural, capital projects have been awarded,
- The average amount awarded was 63% of the total project cost,
- The average award was approximately \$16M.

However, a review of the project descriptions reveals some additional, very important details. The projects awarded grants typically included:

- **Miles** of bicycle lanes/paths, up to approximately 55 miles,
- Overpass bridges (for safety),
- Grade separation (for safety).

The City proposed/is proposing to construct only 3600 *feet* (approx. 0.7 miles) of bike lanes. In previously asking for \$13.7M, that equated to almost \$20M per mile, with no unusual costly appurtenances (e.g., the aforementioned bridges, underpasses, or perhaps a tunnel). The proposed bike lanes intersect 15 streets, yet do not change or add to any existing bike lane connectivity. The users of these bike lanes are a very small fraction of the users they are displacing. Given these conditions, the sustainability benefits of these bike lanes are truly negligible, if not exhibiting a net positive carbon footprint.

Please review the major criteria USDOT will use to score RAISE grant applications. There are a number of fallacies that are being presented in this section of the City's proposal:

- 1) Safety – As I have exhaustively discussed and documented, oversights by the City in their design and knowledge of applicable studies of bicycle lane location and characteristics render the proposed bicycles lanes a **reduction in safety compared to the “sharrows” that currently exist**. The bike paths as designed *do not* result in increased visibility. The City's bike lanes also represent an increase in pedestrian and vehicular risk

due to the sheer number of increased crossing and turning movements the approved design introduces.

- 2) Environmental Sustainability – The City has no applicable information to support a claim that there will be a shift from motor vehicle to other modes of transit based on the introduction of 0.7 miles of lanes that change no connectivity but simply move the existing bike lanes. No estimate of net carbon footprint impact has been conducted. No traffic study of the final approved design has been conducted to support a claim of reduced traffic travel or wait times, congestion, and emissions. No study of electric vehicle use has been conducted to support the need for an electric charging station. While the addition of the stormwater management element will have the intended effect, what is not stated is that these improvements in this location are incidental and will have no impact on the flooding of Beaver Brook given the size of the catchment area and the location of this negligible amount of impoundment relative to the Brook.
- 3) Quality of Life – No applicable transportation study has been conducted showing that moving the bike lanes from “sharrows” to bike lanes in a sidewalk induce greater trips and connectivity to Downtown. The location of the bike lanes that force crossings and the narrowing of parking spaces actually limit access for some mobility-limited people. There is no regional benefit from a maximum day average of 40 cyclists a day using 0.7 of a mile of bike paths. It has not been demonstrated that cyclists are more likely to cycle Downtown just because the “sharrows” are eliminated and the bike lanes are moved into the sidewalk. It is likely any serious cyclist looking for mobility through Downtown will **avoid** these bike lanes. If your destination is Downtown as a cyclist, you are biking miles and are not deterred by the absence of a few blocks of bike lanes in a dense commercial area.
- 4) Mobility and Community Connectivity – No connections are being provided that do not already exist. No evidence exists that motor traffic will be replaced, and no evidence exists that connections will be faster, more frequent, or more reliable. In fact, a new traffic study is a curious omission from the final plan adoption when in the early phases of conceptual project options analysis, it was a focus.
- 5) Economic Competitiveness and Opportunity – Bike lanes running down the sidewalk between storefronts and parked cars will discourage economic activity and will increase accident rates for all users when compared to the status quo. New connections are not provided and the impact of relocating 0.7 miles of bike lanes is infinitesimal.
- 6) State of Good Repair – The condition assessment and need for replacement of the buried piping is indeed a driver for a water/wastewater infrastructure project grant but is immaterial to being a driver for a transportation project grant. The City is in possession of a study that concludes the Main Street bike lanes are perfectly adequate.
- 7) Partnership and Collaboration – as in Merit Criteria #6, the Partnership and Collaboration for this project is being driven by the impositions created by digging trenches, associated construction vehicle ingress and egress, providing traffic control, providing construction

laydown areas, and the extended duration schedule required for a buried infrastructure project. The much smaller, simpler, and demonstrably unneeded multi-model bike lane project would not exist on its own if the large, buried infrastructure project was not needed.

- 8) Innovation – All of the innovations listed here would accrue to the project even if it did not include the bike lanes. There has been no demonstration of the need for an electric vehicle charging station. The electric charging station concept or need cannot be found in any of the prior project discussions. The “innovation” of what amounts to a micro-microgrid was not a project component until the grant proposal was prepared and removed from the project after the grant was not awarded. The City’s own actions prove this is not needed.
- 9) The “significant increase in bicycling” is certainly exaggerated, likely by at least a factor of 2 (or 100% in error) due to errors in calculation that ignore seasonal cycling activity. Likewise, the number of “new bike trips” estimated is exaggerated because that estimate relies on a dissimilar study from an urban area with a much different and extensive network of bike lanes. Growth in cycling in Keene is unlikely to grow by adding 0.7 miles of bike lanes into a spotty network of bike lanes that simply do not service large areas of the City. Perhaps the City should review the bike lane networks that exist in other cities to understand the magnitude of the deficit.

There is a simple and inconvenient truth to this project when including the bike lanes. Nearly all of the benefits cited by the proposal would accrue to the buried infrastructure project even if the bicycle lanes were not included. In addition, the usage of the bicycle lanes is truly de minimus, and safety is reduced by locating them where they are located. In the academic world, we would characterize the majority of this proposal as “hand waving.” In the project planning world, we would characterize the majority of this proposal as “window dressing.”

The proper basis for the requested grant amount to USDOT would be some fraction of the surface improvement project that is the value that would be spent if the City were simply installing the bicycle lanes as designed in the absence of the buried infrastructure project. This area of surface demolitions and replacement is significantly smaller than the area of the buried infrastructure project and its extensions. To simplify this estimate to make the point, the City could rightfully propose to USDOT that approximately ½ of the proposed surface improvement project would stand alone without the buried infrastructure project, and this is overlooking the complete difference in schedule duration and traffic control costs if this was a stand-alone project. That would result in a bicycle lane project-only cost of \$2.5M for those 0.7 miles, something much more in concert with the comparable project costs the USDOT has seen. Then the City could expect a project award of approximately \$1.5M.

Which now highlights the real TMF issue highlighted by this project. The City has allowed the promise of perhaps a \$10M grant, when using the melded project cost as the basis, compared to, on the merits, that it might receive perhaps \$1.5M from USDOT, to completely bias the conduct of this project from the start, resulting very large project delays and significantly increased

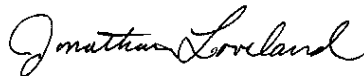
project costs. It has likely biased the inclusion of the bike lanes in the design in the first place and caused obvious safety issues and cost-benefit issues to be ignored.

And remember, since you are seeking a Federal grant, all US taxpayers now have a vested interest in the merit, quality, and outcomes of your Federal grant application and project. As such, the number of interested parties and constituency with the ability to inquire and comment is significantly larger.

Finally, the City should remember that their current conduct on these grant proposal submittals to USDOT will likely create a negative TMF institutional memory to be created, and potentially handicap future City Councils and future City Managers from successfully obtaining grant money from USDOT for worthy future transportation projects.

Based on all of the facts and analysis I have provided to you, and for the benefit of Keene NH, I strongly suggest you do not submit another RAISE grant application, and I strongly suggest you remove these ill-advised bike lanes from the design.

Sincerely,



Jonathan P. Loveland, PE
Irvine, CA

[Redacted]
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Encl:

TIGER 1 – RAISE 25 Award.xlsx
Jon Loveland Letter – Downtown Infrastructure Project 071224

Friday, July 12, 2024

Hon. Jay Kahn
Mayor
3 Washington St.
Keene, NH 03431

cc: Mitchell H. Greenwald, Chair, Municipal Services, Facilities & Infrastructure Committee
Kate M. Bosley, Chair, Planning, Licenses and Development Committee
Thomas F. Powers, Chair, Finance, Organization and Personnel Committee
Andrew M. Madison, Member, Downtown Infrastructure Project Steering Committee
Randy L. Filiault, Member, Downtown Infrastructure Project Steering Committee
Elizabeth A. Dragon, City Manager

via Electronic Mail

RE: Downtown Keene Infrastructure Project

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

I am writing you again in hopes that the new Mayor will introduce some transparency and professionalism to this process surrounding the public engagement, project scope and cost development, and ultimate approval of a project that will have profound fiduciary and commercial impacts to Downtown Keene.

I was appalled as I observed the truly extraordinary and tortuous, gerrymandered process employed to approve this project in its current form, and the terribly flawed rationale (seeking a large if ill-suited and poorly developed grant subsidy proposal) used to justify approval of the project in its current state of understanding and development.

The RAISE project budget and submittal (see attached documentation), which I believe was developed and submitted to USDOT with no public review and concurrence on size and composition, stated the project now totals \$20.9M. Of this, the cost of the buried (“utility”) infrastructure project was given as \$3.74M (18%), with the following components: 1) \$1.86M for Water Infrastructure, 2) \$1.54M for Sanitary Sewer Infrastructure, and 3) \$0.34M for Utility Design. The balance, \$17.2M (82%), including the surface improvements (“streetscape”) and ALL of the traffic control, PM/CM, and contingency was part of the total the USDOT was asked to subsidize. Had the City been awarded this grant, the City would have been committed to a project of this size and to Federal oversight and auditing. This oversight would have caused a significant problem for the City. What is unequivocal is what was submitted to the Federal government in writing.

Mind you, the City was seeking \$13.7M in subsidy from USDOT for approximately 1600 feet of very unique, risky, “multi-modal” bike paths. The two other projects in NH that were successfully awarded RAISE grants were asking approximately \$1.5M for approximately 2+ MILES of bike paths and utility improvements (see attached documentation, the “Seacoast Greenway Hampton Marsh Trail” and the “Access, Restoration, Development and Safety (CARDS) Initiative”).

I believe the budget presented to USDOT is exactly backwards and is a major reason this project, as presented by the City, did not secure a grant. The buried infrastructure component of this project should represent the 80-85% fraction of the overall cost, and the surface improvements should be relatively inexpensive and quick. This fact would have been readily apparent to the Mayor and Council had two separate conceptual projects, schedules, and cost estimates been developed and compared. They are completely different from duration, schedule, construction sequence, and traffic control perspectives. I am on record as having stated that this project will cost more than was being presented to the citizens and ratepayers of Keene, starting in 2022, and based on the current work, I maintain that this project will still cost more than is being presented.

I have good reasons for my confidence that project cost increases will have little to do to commodity and labor cost increases (as has been advanced as an explanation to the citizens of Keene) and I do not believe this is the reason why the project cost grew exponentially from \$7M in mid-2022 to \$21M in 2024. The Federal Reserve Producer Price Index (PPI) - Specialty Index for Construction Materials has actually decreased from June 2022 (349.8) to July 2024 (332.64, significant digits from: <https://fred.stlouisfed.org/series/WPUSI012011>). Likewise, construction labor costs have not increased by this magnitude over this time frame (Federal Reserve Employment Cost Index for Construction Labor, with a 8.3% increase: <https://fred.stlouisfed.org/series/ECICONWAG>). Local variances cannot account for these cost disparities, but cost estimating methods, scope presentation and significant scope “creep” can. I suggest that City staff present a detailed cost breakdown of the project as presented in 2022 versus 2024 that will explain this disparity and use detailed quantities and unit costs.

The reasons that the citizens and ratepayers in Keene can be virtually assured of genuine cost increases with this project as currently conceived include:

- Unknown, undiscovered, or changed subsurface conditions in a historic district,
- Method of contractor procurement (contract type) and construction management, both leading to significant change orders,
- Contractor competency for this size project, these types of conditions and ability to accelerate,
- Adequacy of traffic control planning and execution, and
- High probability of delay, including extended overhead costs.

Furthermore, the continued inclusion of dedicated bicycles lanes in the current project (ostensibly to prove to USDOT there is a hypothetical “multi-model” transportation need in the City) remains terribly flawed, both from a technical standpoint and a cost/benefit standpoint (as elucidated above now with USDOT “comps”).

- 1) **No scientific Bicycle Study of merit has been conducted.** The City does not have the daily, diurnal, weekly, monthly, quarterly, seasonal, or annual data of actual cyclist use in Downtown Keene, desired use in Downtown Keene, or any projection of future use in Downtown Keene. Other than an “optical” or political desire to have dedicated bicycle lanes in the design, there is no demonstrated need for the dedicated bicycles lanes, or a value analysis justifying the dedication of space those lanes would require.
- 2) **No Safety Study of merit has been conducted.** Moving the bike lanes from the street to a reservation of space currently dedicated to pedestrians only converts the risks from a

potential low risk of bicycle-vehicle collision(s) to a much higher risk of bicycle-pedestrian collision(s). I would not assume the outcome of a collision with a pedestrian is any better than the risk of a collision with a low-speed parked vehicle backing out of a parking space. But the probability of a very large increase in the number of collisions is likely. Surely once adequate data is collected an assessment of bicyclist-pedestrian risk could be determined (pedestrian density and use, cyclist density and risk, magnitude, and liability of any collision outcome). Every occupant of a vehicle (potentially multiple) who parks a vehicle and seeks to access a business or a residence would have to cross these bike lanes. Every pedestrian who seeks to cross Main Street or Central Square must now confront a protected cyclist travelling at high speed. Any attempt to limit the speed of the cyclist and control the cyclist to mitigate collision risk with a pedestrian limits the very utility of the protected bicycle lanes to the point of infeasibility.

- 3) **No Commercial Impact Study of merit has been conducted.** The real estate impacted by any change in Downtown Keene is easily the most important change and potential impact in the entire City. How does the City know that given a perfectly circumscribed space, devoting this space to cyclists has a net benefit over the current use, or versus an expanded use for pedestrians, or an expanded use for parking? As it has now been demonstrated to the City Manager and staff, cost/benefit matters.....it matters at a local level, a state level, and a Federal level, and this needs to be considered by the City.
- 4) **No current Traffic Impact Study has been conducted.** Such concerns (wait times, emissions from idled cars waiting in a “queue”), were initially cited as a core concern of the residents of the City and a driver for changes. Given the changes proposed, what information has been provided to the citizens of Keene that the current design does not negatively exacerbate or degrade traffic conditions? My assessment of narrowed sidewalks, narrowed parking spaces, and narrowed vehicular lanes suggest that traffic conditions and wait times will be negatively impacted and significantly increased. This impact could be ameliorated by the removal of the dedicated bike lanes.
- 5) **No Rate Study has been conducted.** While the current project cost of \$21M has been put forth, and while the RAISE grant was not obtained (which was predictable), the ratepayers in Keene are now confronted with approving this \$21M project with no known impact on their rates. Many external funding sources and sources of subsidy have been proposed, but none have been finalized, so the rate or cost impact is also unknown. It remains a mystery to me why overall costs and rate impacts have not been presented to the citizens of Keene at the same time as project alternatives, that while seemingly feasible, have not included true ratepayer impacts. At this point in time, the citizens of Keene have absolutely no basis for deciding what is truly feasible if all costs and impacts are considered.

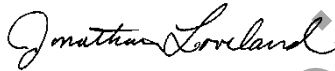
The dedicated bicycle lanes should be removed from the design and the sidewalks widened or parking restored. For the newer members of the City Council (including the Mayor), if you review the original, de-novo comments by the public (comments that are not replicated by a very small number of vocal, special interest advocates at multiple public engagement sessions,

find that the vast majority of issues vocalized by this larger sample of citizen feedback demonstrate that the vast majority of issues/comments would be addressed by:

- WIDER sidewalks,
- Raised sidewalks,
- Deployment of new traffic volume, signal technology, and timing sequences,
- Greater signage,
- Lighted and blinking signs and Rectangular Rapid Flashing Beacons (RRFBs, <https://highways.dot.gov/safety/proven-safety-countermeasures/rectangular-rapid-flashing-beacons-rrfb>).

Finally, the City must investigate alternative procurement techniques to provide greater cost certainty and earlier contractor involvement and pursue national or regional contractors who have the capability to both properly execute this project and expedite its completion. The premium would be well worth it. You will find you are in for significant changes once a contractor is secured and actively engaged.

Sincerely,



Jonathan P. Loveland, PE
Irvine, CA

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City of Keene RAISE budget submittal
(<https://keeneh.gov/sites/default/files/Pubworks/Downtown/documents/RAISE%20Budget%20-%20FINAL%20-%202024-02-28.pdf>)

USDOT RAISE project awards for NH
(<https://www.transportation.gov/grants/raise/raise-2024-award-fact-sheets>)



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Request for No Parking on Either Side of the Entrance at 312 Marlboro Street**

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the request for no parking at 312 Marlboro St. be referred to staff for implementation as part of the Marlboro St. and Cheshire Rail Trail Project.

Attachments:

None

Background:

Susan Ashworth from Home Healthcare, Hospice, and Community Services (HCS), 312 Marlboro St. stated that they are petitioning the Committee to put “no parking” on either side of the entrance at 312 Marlboro St. She continued that they feel this is necessary for the safety of participants who come to the building, which include Senior Center members, older adults with the Friendly Meals program, the gerontologist, people with the foot care clinics, and other services that involve older and disabled adults. Many people come in their own cars, and Meals on Wheels drivers enter and exit this driveway. It is also now a City Express bus stop. The bus comes nine times a day.

Ms. Ashworth continued that there have been numerous close calls at this juncture, and for everyone’s safety, it would be proactive to have “no parking” on either side of the driveway entrance. Also here to support the request are Kim Rumrill, the director of the Senior Center, and Maura McQueeney, HCS CEO.

Vice Chair Filiault asked to hear from staff.

Don Lussier, Public Works Director, stated that staff have spoken to HCS about this request. He continued that it is like requests the Committee has heard from businesses on Court St. and Washington St. where there is traffic into and out of a property, maybe a population with vision difficulties. They looked at those requests previously. City Code says you cannot park in front of or near a public or private driveway entrance. The Code does not define “near.” Staff has recommended, and the Council has agreed with, the interpretation of “near” as five feet on either side of the driveway opening. It is a balancing of the competing interests for providing on-street parking and having visibility and safety when vehicles are coming and going. In this case it may be moot.

Mr. Lussier stated that the graphic shows the existing conditions and driveway in question. He continued that there is probably not enough room for one vehicle to park between the next driveway and this driveway, if they were observing that five-foot offset. More to the point, this whole area will be reconstructed next summer as part of the Marlboro St. and Cheshire Trail Corridor Project. The bid they got in the fall was very high, so they did not accept it. He is optimistic about receiving competitive bids this spring. The area that is now an on-street parking lane on the north side of Marlboro St. will become a bike lane, so there will not be parking, as of the construction season next year. The area to the west of the driveway entrance will be a bike lane. The area to the east of the driveway entrance will be a chicane. Chicanes are traffic-calming measures; they are horizontal deviations in the roadway alignment. Today, Marlboro St. is straight and wide, which encourages people to drive above the speed limit. Adding curves forces people to slow down as they maneuver through the roadway.

Mr. Lussier continued that in the image on the screen, the shaded area will have pavement markings to indicate "no parking." About 50 feet east of the driveway entrance will be two designated parking areas. Someone might want to have a loading zone in that area at some point if there is a need for it. Once this project goes forward, there will be no parking on the (HCS) side of the street to the west, and on the east, it will be a 50-foot offset from their driveway. He suggests the Committee refer this item to staff, with the understanding that this implementation will occur during the coming construction season.

Vice Chair Filiault asked if there were any questions from the Committee. Hearing none, he asked if members of the public had any questions.

Ms. Ashworth asked for clarification of when that construction is. She continued that they do not want anything to happen prior to this construction taking place. Mr. Lussier replied that the construction will be put out to bid in the next couple of weeks. He continued that construction could start in early or mid-May. Even if the Council directed staff to do this work right now, the City could put signs up, but they would not be able to mark anything because of pavement temperatures. To put up a sign and have it enforceable, they would have to add this as a "no parking zone" to the Ordinance, which is a three- to four-week process. If they went that route, the earliest they could do something would be mid- to late-February.

Vice Chair Filiault stated that they are optimistic about construction in May. Mr. Lussier replied yes, he is very optimistic.

Vice Chair Filiault asked if there was further public comment.

Kim Rumrill, Executive Director of the Keene Senior Center, stated that there were two automobile accidents with members attempting to pull out of the driveway. She continued that drivers looking left cannot see anything coming. There is a large tree. If there are multiple vehicles on the left side, even a five-foot offset would not be enough. It needs to be further than that. By the time a driver has pulled out enough to see, (a vehicle) can be right there. She has experienced people beeping their horns and just barely being able to weave around her car. It is a bad situation, and five feet is not a large enough area.

Councilor Tobin asked for clarification on whether the problem is the parking or the tree. Ms. Rumrill replied that it is the parking, overall. She continued that the tree adds to the blocked visibility. Sometimes if a car is far enough back and as you are driving up, you can glance to the left, but the tree is there, so it is a very narrow area to try and see if cars are coming. If you do not see any cars coming, then you cannot see anything, so you have to just go for it. There is no tree on the

right, so that is a little easier.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the request for no parking at 312 Marlboro St. be referred to staff for implementation as part of the Marlboro St. and Cheshire Rail Trail Project.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Request for No Tractor-Trailer Traffic Sign - Intersection of Water and Woodland Streets

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Manager be directed to install a sign alerting drivers to the existing truck route Ordinance (i.e. "No Thru Trucks").

Attachments:

None

Background:

Vice Chair Filiault asked to hear from Kenneth or Diane Hitchcock.

Diane Hitchcock of 100 Woodland Ave. stated that she submitted this letter, because she and Mr. Hitchcock have had three issues this year with a tractor-trailer driving over their property. She continued that the street is one of the narrowest in Keene. It comes at an angle, and (tractor-trailer drivers) cannot make the corner. They should not be there anyway. The three incidents in 2023 happened during the day, so she and Mr. Hitchcock were able to go out and stop the (drivers). One of them knew he could not (make it), so he backed off, and that was fine. The next driver she and Mr. Hitchcock stopped could not back up by himself, so she and Mr. Hitchcock called the police, who came and helped him back up. Regarding the third incident, the neighbor was going to help the driver back up. He ended up taking out another neighbor's mailbox. They "ended up into a fisticuff," so the police were called to that incident.

Ms. Hitchcock continued that the first incident in 2024 was at 6:30 AM. When she saw the tractor-trailer, she could not get out the door fast enough to stop the driver, who flew around the corner and was down to Lorraine St. before she got out the door. In that incident, their rocks were moved one or two feet. The second incident was at 11:00 PM. She did not hear it but saw the damage the next day. She and Mr. Hitchcock have cameras and rewatched the footage to see (the tractor-trailer). There was not enough damage to bother. The (third) time, there was massive damage. Before she realized it was City property, she received an estimate of between \$1,500 and \$2,000 to have it fixed. She and Mr. Hitchcock have lived here almost 54 years and never had a tractor-trailer (on their property) until 2023. She thinks GPS is (a reason for) some. She does not know where the tractor-trailer was headed and does not know if the Police report has that

information. She assumes the drivers are getting lost and see on the map that the street goes around and mistakenly think they can use the street to go around, but they cannot. She does not know what can be done other than a sign.

Vice Chair Filiault stated that to clarify, the rocks Ms. Hitchcock mentioned are massive boulders that got rolled out of the way. He continued that this has happened several times a year over the last few years. He asked City staff to address this.

Bryan Ruoff, City Engineer, stated that Engineering looked at this intersection. He continued that under the City's Code, trucks of this size are not permitted within neighborhoods. They are required to stay within the numbered roads. The City works with the NH Department of Transportation (NHDOT) with an overweight permit program. They review all the truck routes that come into the City. They would never approve a truck route that would go through this neighborhood and make this turn. The damage tractor-trailers are doing is partially in the right-of-way. Even though it is not on the pavement, and it is on the lawn, which looks like private property, it is still within the road right-of-way. Thus, in the staff's opinion, this is more of an enforcement issue, as this is already something that is not allowed. He looked hard to find an advisory sign the City could install at this location instead of an enforcement sign that would require additional enforcement that is not currently being adhered to. He could not find one that made sense. Possibly, a "no thru trucks" sign could be installed at this location, but trucks are already prohibited from traveling through this area. The downside in putting a "no thru trucks" sign at this location is that other locations will want the same thing, where it is already disallowed and is already just a compliance issue.

Vice Chair Filiault stated that Ms. Hitchcock called him a while back to explain the situation. He continued that initially, he thought it was a one-time problem, but it is not. It is a continuous problem in this small, residential neighborhood. It is probably due to GPS, but nonetheless, it is happening. He asked if the only downside to the sign is that someone else might ask for one.

Mr. Ruoff replied that he is not advocating for or against the sign. He continued that he is just saying that this is already not allowed. If installed, an enforcement sign could become just another enforcement item that someone might ignore. Another possible solution is for that T intersection with the horizontal geometry to have the curve widened, so that tractor-trailers could get around the curve. There is room in the right-of-way to do that. It would be more costly than adding a sign.

Vice Chair Filiault stated that he does not think even suggesting allowing a tractor-trailer through that neighborhood makes any sense. He continued that if a sign helps, he sees no downside to that.

Ms. Hitchcock stated that regarding what Mr. Ruoff said about how there is already a law (against tractor-trailers in this neighborhood), the recent driver who did all the damage was from Canada. She continued that she is sure he did not know the laws of Keene, NH. She believes the tractor-trailer drivers coming through here are not local.

Councilor Favolise stated that it sounds like the problem is non-local tractor-trailer drivers not understanding the dimensions of the road. He continued that if they install a sign, he wants to make sure the sign is not installed where it is too late (such as) when the tractor-trailers are already up the road and realize it is too narrow and having trouble backing out. His decision will be influenced by the sign's location. He wants it to be useful as a deterrent, not something that drivers see when they are already halfway down the road and too far in.

Councilor Workman stated that her question for staff is how a tractor-trailer driver would know they are not supposed to be on that road without a sign. Mr. Ruoff replied that a driver would not know until it is too late, when they are at the point where they cannot back up and cannot make the

turn. He continued that it is about 500 to 600 feet up the road after the turn where a tractor-trailer cannot make the next right turn. Councilor Workman makes a good point.

Councilor Workman stated that she thinks this is rather simple. They need a sign there to let people know. She continued that she seconds what Councilor Favolise said about the placement of the sign.

Councilor Tobin stated that she agrees and she thinks this sounds more like an awareness issue than an enforcement issue. She continued that it does not sound like the tractor-trailer drivers who go on this street disregard information; it sounds like they are missing information. Communicating that information is a good idea.

Vice Chair Filiault asked if members of the public had any questions.

Ed Haas of 114 Jordan Rd. stated that he is curious about the possibility of other hardscape solutions, such as more trees or more boulders, or something that immediately shows to somebody when they get there that they cannot make this turn. He asked if any of that was explored.

Vice Chair Filiault replied that those who have driven through know that it is one of those neighborhoods where you do not know until you are there that you are not going to make it, and that is the problem. He continued that by the time the tractor-trailer drivers get to where they (have a problem), they are already there. Councilor Haas replied that he is questioning whether there is something obvious the City could do with hardscape to discourage tractor-trailer drivers from making the turn. He continued that passive solutions are preferable to trying to regulate or installing signage. He puts the idea to the Hitchcocks' and the neighborhood residents, himself included, and the City Engineer, to see if they can come up with some kind of hardscape. He wonders if something like a big tree would discourage them from making that turn. As the Committee just discussed (with the previous agenda item) regarding a driveway situation, the geometry of the road curve will change, to hopefully solve that problem. The City Engineer alluded to how moving the curb out (in the location now being discussed) could discourage that kind of damage. He is in favor of looking at these type of hardscape solutions.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Manager be directed to install a sign alerting drivers to the existing truck route Ordinance (i.e. "No Thru Trucks").

The City Manager stated that she can commit to following up with the Police Department on the report to see if they can find out where (the driver) was going, and then she can enter it into GPS and see where the GPS directs the drivers to go. She continued that there is an online form where you can submit a message that the directions are wrong. She will try to figure this out.

Vice Chair Filiault asked if staff could get together with neighborhood residents to figure out the most effective location for the sign, as other Committee members alluded to.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Reduction of Speed Limit - Upper Roxbury Street**

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the report as informational.

Attachments:

None

Background:

Vice Chair Filiault asked to hear from Public Works.

Mr. Ruoff stated that there was a long discussion about this at the last MSFI Committee meeting. He continued that Engineering and Public Works looked at the situation. He could not drive that segment without feeling like he was going to tip over, so he thought it was prudent to address. There was already one cautionary sign for a curve at one end at Lincoln and Roxbury St. Staff installed a second one at the other end in the interest of public safety. Staff discussed it with the City Manager, who agreed that it made sense. They also added two "20 mph" advisory signs, (both) about the sharp curve. Essentially, for the limits that were identified as being unsafe and requested as being reduced to 20 mph, staff installed advisory signage to recommend that speed, thus resolving this item expeditiously in the interest of public safety.

The City Manager stated that she thought this was an easy solution to improve the intersection. She continued that it made sense to go ahead and do it while they could.

Vice Chair Filiault asked if the Committee or members of the public had any questions. Hearing none, he asked for a motion.

Councilor Tobin made the following motion, which was seconded by Councilor Favolise.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the report as informational.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Proposal to Allow Overlay of Asphalt Sidewalks**

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Manager be authorized to develop and implement a program to overlay existing asphalt sidewalks in fair or poor condition using City forces.

Attachments:

None

Background:

Vice Chair Filiault asked to hear from Public Works.

Mr. Lussier stated that he will start with some background information, since the only person on the current Committee who was there for the original conversation is Vice Chair Filiault. He continued that in 2002, the preceding Public Works Director spoke to the MSFI Committee about concrete versus asphalt sidewalks. It was an extensive conversation over the course of a few months. He wishes he could say that things have changed and the City should change to asphalt sidewalks, but he thinks the Council's decision back then still holds. Concrete is still more expensive to install, but the life expectancy and serviceable life of it is far greater. On balance, the life-cycle cost of the concrete works out to be a better investment, even though they are very expensive.

Mr. Lussier continued that he wants to talk to the Committee about staff's interim plan. Almost three years ago, staff talked to the Committee about a Sidewalk Asset Management Plan. They had that conversation over the course of a couple of meetings and came up with some goals and ranking criteria. The goal was to get the sidewalks to a condition or level of service of "C." The goal was to replace a total of 11.5 miles of unserviceable sidewalks. Nine miles of that was asphalt and two-and-a-half were concrete. The City's existing inventory is about 29 miles of concrete and 23 miles of asphalt. Most sidewalks that are in poor condition are asphalt.

Mr. Lussier continued that last fall, per a Councilor's request, he updated the Committee on how Public Works has progressed since the Sidewalk Asset Management Plan was adopted. From 2021 to last fall, they completed a little over 10,000 linear feet of sidewalk replacements. The Winchester St. project and Roxbury St. projects ran up the score, and the amount of sidewalk replaced as part of the CIP Sidewalk Replacement Program was a small portion of those 10,000 linear feet. Current

funding in the CIP allows them to replace between 1,300 and 1,500 linear feet per year. Thus, it would take 75 years to convert the 23 miles of asphalt sidewalks to concrete. The Council has had a long-standing policy, which he could not find in writing but thinks was agreed upon in the discussions in 2002 and 2003, to allow repairs up to 100 feet to be done in kind. That is, if Public Works staff are doing work on sidewalks, they can replace it with asphalt up to 100 feet, but for more than that, the Council expects them to use the standard, which is granite curbing and concrete sidewalks. Those are the guidelines they have been using for 21 years. It limits how much staff can work on sidewalks.

Mr. Lussier stated that tonight they are proposing a program of what he calls "interim repairs." The idea is a low-cost Band-Aid over asphalt sidewalks that would give an additional 10 to 15 years of service life. It would allow the City to correct some of the ADA violations, tripping hazards, and those sorts of issues that they receive a lot of complaints about. He is not pitching this as a replacement to concrete sidewalks. It is a corrective measure, a Band-Aid approach. That said, he thinks they could get a lot of traction and do a lot of additional work at fairly-low cost. The idea is to use the City's own highway crew. Working with the Highway Superintendent, they think they can get about 1,500 feet of sidewalks overlaid each year. Essentially, they would be doubling the number of sidewalks they touch each year, either through replacements or these interim overlays. The way to execute it would most likely be done as part of the annual WOW program they started in the fall. In each ward, they would isolate and find a few sidewalks they could overlay, and for one or two days they would put a crew there and address that sidewalk in that neighborhood.

Mr. Lussier continued that regarding budget impact, they think the existing budget could cover the ongoing costs. The operating budget includes funds for sidewalk maintenance. The current operating budget consolidates a lot of line items. Previously there was a specific line item for sidewalk maintenance; now it is part of street maintenance. Those funds are in there and they know the budget earmarked for sidewalk work. This program would total about \$7,500 per year in materials. That does not include the cost of labor, but they would be doing the work during normal business hours and that time is already accounted for. The upfront cost would be purchasing the paving machine. Currently, they do not have a machine that is designed for or intended to be used for paving sidewalks. They recently acquired a used "drag box" that attaches to the back of a dump truck and allows them to overlay roadways in a similar way. For example, over the summer, Hastings Ave. was overlaid with the drag box. At very low cost, they were able to correct many of the complaints and concerns about that road. The crew have done a very good job using that equipment. That machine gets as narrow as eight feet, but it is not suitable for sidewalks. Thus, they would need to find a machine specific for use on sidewalks. These machines are available new, and staff have also looked at used machines. If this program were to gain traction and the Council decided they were interested in this, staff would bring forward a request for that initial purchase. They would first try to find a used machine, for a lower cost. Ongoing continuation of the program would be done through the normal operating budget.

Mr. Lussier continued that he has a couple examples of what they are envisioning. The photo shows a section of Court St. of about 500 feet. Replacing that (sidewalk) with concrete would be about \$62,500 with current pricing, whereas the materials cost for overlay would be about \$2,500. Another photo shows about 900 feet of Spring St. (sidewalk) that is in rather rough shape. Replacing that with concrete would be about \$112,000. Overlaying it would be a little over \$4,000. There is clearly a substantial difference in cost. Another photo shows a section of Main St. in need of sidewalk repairs. Replacement with concrete would be almost \$140,000 and overlaying it would only cost about \$5,000. Those (examples) are the motivation behind this request.

Vice Chair Filiault stated that he remembers participating in the conversation 23 years ago. He continued that he recalls that the Committee wanted the City to use concrete where applicable, especially in heavy traffic areas, but it was never automatically going to be concrete. It was one of

those ongoing discussions. As he recalls, concrete was never something definite, just something (to use) if they could afford it. He received a couple of calls from constituents today who were confused, thinking that if some concrete was damaged, staff would overlay it with asphalt. He told them that is not the case; they would be overlaying asphalt for asphalt. He asked if that is correct.

Mr. Lussier replied yes, and to Vice Chair Filiault's first point, the concrete standard was codified. He continued that it is now part of the Land Development Code (LDC). Any (sidewalk) replacement staff does, they do with concrete, no matter the neighborhood. New developments must provide a sidewalk on at least one side of the street, depending on the district, and that is going to be concrete. As Vice Chair Filiault said, this is not intended to be a replacement for that standard. It is just an adjunct.

Vice Chair Filiault stated that he remembers part of the conversation was that as you get farther out in Keene, for some of the sidewalks heavily used, it made sense to put in concrete. He continued that that is a story for another day. Obviously, asphalt is a much lesser cost to the taxpayers.

Councilor Favolise asked about how many feet of sidewalk is in "fair" or "poor" condition. Mr. Lussier replied that when they did the Sidewalk Asset Management Plan, they identified nine and a half miles of asphalt sidewalk that met those criteria, identified as "fair" or worse. He continued that some of those nine-and-a-half miles are beyond "poor" and would not be candidates for overlay. One example is Franklin St., where the sidewalk has deteriorated so much that overlaying it would not make sense. It would have six inches of asphalt in some spots and nothing in others; it is just too far gone. That is not the intention of the program. The examples in the photos here show what staff is looking for – (sidewalks) that have been patched or have puddles or settlement. Those are the sorts of defects that overlay can correct. He does not know exactly what portion of the nine-and-a-half miles would qualify.

Councilor Tobin stated that her question is at what point asphalt meets concrete. How many repairs? Mr. Lussier said it would take 75 years to bring everything up to C. She asked if a (sidewalk) could, during that time, receive more than one overlay. Mr. Lussier replied that it is unlikely, because having more than one overlay would result in significant grade changes. Typically, an overlay is an inch-and-a-half to two inches. Part of the project selection criteria are areas where they can add that one-and-a-half to two inches without creating drainage problems or a problem where a resident's driveway does not drain properly or their front yard collects water. This is sort of a policy discussion. Selecting individual locations to implement it would be a lot more detailed. Overlaying the same section of sidewalk twice would result in three or four inches of additional thickness. There are not many areas in which they could do that without creating drainage problems.

Councilor Tobin replied that she might have phrased her question incorrectly because she is not really asking if they would want to keep doing that. She continued that if the goal were to bring all sidewalks up to grade C, presumably this (program) would bring some up, for a little while. She wonders if this (program) would bring them to a point where, say, all sidewalks would be at grade C in 50 years. Mr. Lussier replied that that is a great question and he has not thought about it. He continued that he would have to play with some spreadsheets to look at that and then get back to the Committee.

Mayor Jay Kahn stated that he wants to add a neighborhood story that hopefully adds some color to this beyond just how many years and the conversion rate between asphalt and concrete. He continued that he lives on Darling Rd. About half of the street is paved asphalt sidewalk, but the residents never use it. People walk quite a bit on the street, as the street has many pets, and never use the asphalt sidewalk. His neighbor lost her eyesight and walks every day with her guide

dog. She walks in the street, because the sidewalk is at least 30 years old and so uneven and broken up, like the one in the Spring St. photo. Other neighbors do not use the sidewalk, either. He seldomly uses it, as he does not like walking on the street around curves, but residents prefer the street's level surface to the uneven sidewalk surface with many cracks. Public Works tried to work on it this summer and he appreciates their effort, but it was the old technique of dropping asphalt, pounding it, and rolling something over it. In the end, the surface was uneven. He thinks the idea Mr. Lussier is bringing forward is necessary. He thinks the criteria is more than just where (sidewalk surface) is broken up. It is also about where residents are most inconvenienced. It is throughout the city. There is a real impact of not moving ahead with a replacement schedule that is more responsive to the needs of the constituents.

The City Manager stated that she wants to recognize and thank the Public Works Director for bringing this forward. She continued that staff always tries to stretch the dollars as far as they possibly can. Since Mr. Lussier has taken on his role, he has been looking at old policies and different ways of doing things, which she appreciates. Sidewalks are a frequent topic of conversation, and a frequent complaint that staff hears about, so she is very excited about this. This is a visible, tangible improvement they can make at relatively low cost.

Vice Chair Filiault stated that he can confirm that what goes around comes around, and this will repeat. He continued that anyone still here in 75 years will see if these sidewalks are still holding up. He asked if there were any further questions. Hearing none, he asked for a motion.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Manager be authorized to develop and implement a program to overlay existing asphalt sidewalks in fair or poor condition using City forces.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Donation - Brian A. Mattson Recreation Center - ADA Ramp

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of \$10,000.00 from Savings Bank of Walpole and that the money be used for the construction of an ADA ramp at the Recreation Center.

Attachments:

None

Background:

Deputy City Manager Andrew Bohannon addressed the committee regarding a \$10,000 donation from the Savings Bank of Walpole. Mr. Bohannon provided the Committee with the background on the CDFA grant for the Brian A Mattson Recreation Center. Mr. Bohannon noted that excepting for the ADA ramp that would lead from the parking lot to the war memorial, the CDFA grant has funded the other parts of the project. He continued that the ADA ramp has been bid twice because the quotes have come in higher than anticipated. The ramp was redesigned for a different location so that it would be more cost-effective. The bid came in at \$180,000 which is higher than what was staff had originally anticipated. Mr. Bohannon stated that in order to deal with the deficit he has been reaching out seeking donations. The \$10,000 donation from the Savings Bank of Walpole is the first of those donations.

City Manager Elizabeth Ferland thanked Mr. Bohannon for his efforts in trying to raise money to bridge the gap. She noted staff is likely going to be coming back for the shortfall.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of \$10,000.00 from Savings Bank of Walpole and that the money be used for the construction of an ADA ramp at the Recreation Center.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Executed George Street Bridge Final Design Change Order

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to execute a change order with McFarland-Johnson and DOT in the amount of \$52,931.81 as part of the additional scope of work required for the George St Bridge Project (75M020A).

Attachments:

None

Background:

City Engineer Bryan Ruoff addressed the committee and stated the City is currently under contract with DOT and McFarland Johnson for the design and replacement of the George Street Bridge project. As part of this project, the design engineer is required to perform an environmental review as required by the DOT and Federal funding standards. One of the items that was recently completed was a Soils Management Plan completed for the project. Part of this project includes documented DES hazardous materials plan which is on file with DES for a hazardous materials site at the Peoples Linen property. The limits of the contaminated material have been defined to the road right of way, but not into the right of way, river and adjacent properties that are involved with the project. As part of DES review, they have asked that this scope of testing be added to the City project to confirm or ensure that there is not contaminated soil on the property.

Mr. Ruoff stated the City has collaborated with McFarland Johnson to develop a scope that would be agreeable to all parties and so that DOT would participate in these project costs. \$42,000 of the project costs would be reimbursed by DOT and the \$10,586 balance would be the City's responsibility. At the end of the project, they may be under budget, and this could be a moot point, but he was seeking the change order so that they could track these costs.

Councilor Lake made the following motion, which was seconded by Councilor Remy.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to execute a change order with McFarland-Johnson and DOT in the amount of \$52,931.81 as part of the additional scope of work required for the George St Bridge Project (75M020A).



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: 2024 FEMA SAFER Grant

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized be authorized to do all things necessary to apply for, accept and expend the 2024 FEMA SAFER Grant and if successful maintain this staffing level.

Attachments:

None

Background:

Fire Chief Jason Martin and Deputy Fire Chief Greg Seymour were the next to address the committee. Chief Martin stated this is a continuation of the presentation from the last FOP meeting and today they will show how their staffing compares to the national average. They will also address the possible increase to staffing levels with the help of increasing ambulance revenue as well as possible savings to businesses because of the ISO rating. He indicated they will also be discussing applying for a Safer Grant.

Deputy Seymour stated the three organizations that over arch the Fire Department are NFPA (National Fire Protection Association), the NIST (National Institute for Standards and Technology), and the ISO (Insurance Services Office).

The Deputy shared a PowerPoint and a short video about Industry Standards for Career Fire Departments and what it means for a community. In three minutes, a fire could grow 16 times larger than when it started and continue to grow bigger and faster than when it started. Once the fire starts there is a short window of opportunity to save lives and property, and it is necessary to have a full crew of fire fighters to put the fire out. The Manager stated the reason for the video is because of a comment from a citizen as to how we staff the department and if other ways could be looked at to fill staffing needs. She stated this video would show why fire fighters are necessary as requested.

There is an internationally recognized industry standard referred to as NFPA 1710. During a fire there is a lot that needs to be done; stretching a hose, hooking the hose to a hydrant, searching for people, venting hot gases etc. NFPA 1710 recommends dispatching 15 fire fighters for the first alarm, for a shopping center 20 fire fighters and for a seven-story high rise a minimum of 43 fire fighters. Additional fire fighters should be dispatched if the capacity exceeds the initial alarm. The standard

also recommends the first engine arrive at the scene within four minutes of the fire. These standards are based on scientific evidence not on opinion. The common goal is to for everyone to get out of the fire alive. The quicker the response time the better the outcome would be.

Deputy Seymour stated they are currently four fire fighters short of meeting the 15 minimum standard. He explained at the present time the initial arriving companies, what the City has is Engine 1, Ladder 2 and the two ambulances. Area towns are too far away to be able to provide timely response to Keene. According to US Fire Administration, today's fires are faster and hotter due to the synthetic products used in furniture. It takes approximately three to five minutes for fires to grow out of control. He added it is difficult to arrive at a fire in less than five minutes.

He referred to another video which illustrates fire growth. The room in the video on the left depicted a legacy room (room from 50 years ago) and the modern room on the right which consists of synthetic material. The video showed smoke production comparison for two rooms – the smoke is more dangerous than the fire itself. The fire in the modern room was much more intensive. The Deputy stated fire fighters go to the second floor as soon as possible as this area is much more dangerous.

The Deputy referred to 22 Fireground Functions that need to be completed regardless of the size of a fire. Obtaining water from the water source, positioning apparatus correctly, conducting scene size, locating ladders for people to exit the structure as soon as possible, letting ventilation in as soon as possible, gaining entry through barred windows or doors, conducting primary search, and checking for fire progression.

The Deputy next addressed the ISO Rating. ISO is a company that grades fires (1-10) and uses that grading system to set insurance rates. Keene is rated at three, which the Deputy stated was average. He indicated that in the areas of company and personnel, Keene is ranked below average.

The Deputy went on to say it takes four to five fighters to remove an unconscious victim from a home. He continued cancer and heart disease are the leading cause of death for fire fighters. This is complicated by over exertion, high stress and dehydration. At times firefighters don't have a moment to rest when they come out to change a tank and have to go right back in. Most fire fighters go beyond what is healthy for a human being which decreases productivity.

Deputy Seymour went on to explain when they respond to a building fire, in district one, (the downtown) – Engine 1 with three personnel start getting the pump ready. If the ambulance is available, it will accompany Engine 1. Ladder 1 will also assist Engine 1. Th Shift Commander coordinates fire attacks on the perimeter and coordinates additional resources.

In terms of how Keene compares to other communities, the Deputy noted the shift of ten personnel responding to 6,348 incidents a year. This number compares to the Derry Fire Department with 15 personnel responding to 5,389 incidents. Portsmouth has 15 personnel responding to 6,359 incidents. Salem has 17 personnel responding to 6,340 incidents and Londonderry has 13 personnel responding to 4,444 incidents.

So far in 2025, Keene has responded to 465 incidents to date. 48% have been over-lapping incidents, four building fires, two appliance fires, one chimney fire, 314 medical emergencies, five car crashes with injuries, three carbon monoxide incidents, four cardiac arrests, 29 call backs for coverage. The busiest day so far was 36 calls.

Councilor Roberts talked about his neighbor's house fire and the time it took to put out that fire, which he indicated was long and how fast his neighbor's house burned down. He also talked about the work that went into containing that fire and the distance of the fire hydrant and the effort that went into

containing the fire.

Councilor Remy talked about a fire on Elm Street and how fast that fire spread. He stated it took about four attempts to get a hydrant working due to the cold weather. He stated he appreciated the presentation.

The Manager stated at the last meeting there was a focus on the growth in the number of calls and where the increase in numbers were coming from. She continued that the nursing facilities in Keene as well as the loss of Diluzio Ambulance, and access to other Fire Departments were contributing to the difficulty in filling positions. She stated when the conversation started this time around she was looking at increasing Paramedic and EMT service instead of creating fire fighter position, because the majority of calls was for EMT services. However, there is a need to having appropriate numbers of fire fighters to fight fires. Keene can't rely on its neighbors to assist as they once could. All of this has convinced her that there is a need for fire fighters as well. This brought up the conversation of the Safer Grant. Safer Grants only fund fire fighters, and the City would learn by September if they qualify for the grant or not and then staff will be back to look at other options.

The Manager added that that City has hired a grant writer to help write this grant who has been successful with Safer Grants in the past.

Chief Martin stated the number indicated has been justified by the need for the extra fire fighters. He indicated they meet the 1710 Standards 0% of the time now because of the lack of personnel. If they get to 15 the number would go up to 100%.

Councilor Remy felt this is the right thing to do but added that he would like the City to get creative about how the City is dealing with repeat calls (people who misuse the system). He suggested working with the 911 system to get the information so perhaps two people could be sent instead of ten for each call. He also suggested working with large corporations to see if any of their employees could be trained as volunteers for larger events.

Mayor Kahn felt the case presented is compelling. He encouraged looking at the total call volume and looking at the many variables that could help with the budget. He added the need to make sure there is minimum impact to the taxpayer.

The Manager agreed there is a lot of work being done with Medicare and Medicaid rates and the City will be involved in that legislative process. She stated the reason everyone is struggling is because 911 is not a money maker and it is difficult to collect on services provided. This is why communities are relied on as they are subsidized by taxpayers but she added the City will definitely be looking at all options to increase revenue. The Manager complimented the administrative staff at the Fire Department for making sure billing is properly billed out.

She went on to say they are looking more into where the revenue is coming from now and where the shortfall is and this work will be completed before September. Councilor Roberts reiterated what the Mayor stated about the impact on tax payers but added the City could have issues if it doesn't meet the required minimum level. He noted if the insurance companies feel the City does not have enough firefighters to meet its needs those rates would go up. The Councilor felt a proper balance is necessary.

The Mayor stated what needs to be looked at is how to increase the number of firefighters, but also reduce the overtime costs per shift. He felt this is part of the staffing equation that needs to be addressed.

Robert Skrocki President, Professional Fire Fighters of Keene addressed the committee next. Mr. Skrocki stated the grant is still a "maybe." He stated the numbers are projecting to be well over 7,000 calls this year. He felt waiting until September to take action might not be the best option. Mr. Skrocki questioned how long the Council is going to wait to direct the Manager to increase staffing level at the Fire Department.

Chair Powers stated this is an expense we are going to have to bear as a community and he hoped the City would be successful with the Safer Grant. He noted many in the community don't understand what it is to work 24/7, which is what the firefighters are doing right now.

Councilor Remy made the following motion, which was seconded by Councilor Roberts.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized be authorized to do all things necessary to apply for, accept and expend the 2024 FEMA SAFER Grant and if successful maintain this staffing level.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Evan Clements, Planner
Through: Mari Brunner, Senior Planner
Subject: **Resignation - Steve Tarbox - Zoning Board of Adjustment**

Recommendation:

That the resignation of Stephen Tarbox from the Zoning Board of Adjustment be accepted.

Attachments:

1. ZBA Board_Redacted

Background:

Due to an unforeseen circumstance, Mr. Tarbox is no longer able to serve as an alternate member of the Zoning Board of Adjustment. He was confirmed at the December 19, 2024 City Council Meeting.

From: [REDACTED]
To: [Corinne Marcou](#); [Evan Clements](#)
Subject: ZBA Board
Date: Tuesday, January 21, 2025 10:46:31 AM

Hi Corinne and Evan:

It was a pleasure meeting with you last week at the orientation meeting. As I mentioned at the start of that meeting, I have developed an unanticipated medical consequence resulting from a surgical procedure that was performed towards the end of December. As such, it would be difficult for me to attend public Board meetings as things currently stand. I wish to be removed at this time from the Board as an alternate member so that another person can be selected to take my place.

I apologize for any inconvenience. I will return the handbook that was given to me at the meeting.

Thanks,

[Steve](#)

Stephen Tarbox, PE
SCT Engineering

[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.2.

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Megan Fortson, Planner
Through: Mari Brunner, Senior Planner
Subject: **Resignation - Michael Winograd - Energy & Climate Committee**

Recommendation:

Accept the resignation of Michael Winograd from the Energy & Climate Committee with gratitude for his service.

Attachments:

1. Michael Winograd Resignation Letter

Background:

Michael Winograd is an alternate member of the Energy & Climate Committee. He has served on the committee since January 2024 and has submitted his resignation effective immediately due to a work assignment.

To the Mayor, City Council and whom it may concern

I am resigning from the Keene Energy and Climate Committee, effective immediately. I recently accepted a work assignment which has me traveling on a tight schedule and am no longer able to attend meetings.

Thank You,

Michael K Winograd



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.3.

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Will Schoefmann, GIS Coordinator
Through:
Subject: **Resignation - Janelle Sartorio - Bicycle Pedestrian Path Advisory Committee**

Recommendation:

Accept the resignation of Janelle Sartorio, Alternate on the Bicycle Pedestrian Path Advisory Committee with gratitude for her service.

Attachments:

1. Janelle Sartorio Resignation BPPAC_Redacted

Background:

Janelle Sartorio has served as an alternate on the Bicycle Pedestrian Path Advisory Committee since March 2023.

Visit: [KGIS Data Site](#)



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CITY OF KEENE NEW HAMPSHIRE

ITEM #G.4.

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Carrah Fisk-Hennessey, Parks and Recreation Director
Through:
Subject: **Resignation - Ruzzel Zullo - Ashuelot River Park Advisory Board**

Recommendation:

Accept the resignation of Ruzzel Zullo from the Ashuelot River Park Advisory Board with gratitude for his service.

Attachments:

1. Resignation Zullo_Redacted

Background:

Ruzzel Zullo served as a full member of the Ashuelot River Park Advisory Board for four years and recently submitted his resignation, effective January 14, 2025 which aligned with the first ARPAB meeting date of the new year. Mr. Zullo has started a new job and is entering a new phase in his life. We thank him for his presence on this active board.

Ruzzel Zullo [REDACTED]

To: Carrah Fisk Hennessey [REDACTED]
[REDACTED]

Fri 1/3/2025 9:39 PM

Retention: CityofKeeneEmail (3 years) Expires: Mon 1/3/2028 9:39 PM

Dear Members of the Ashuelot Planning Board,

I am writing to officially resign from my position as a member of the Ashuelot Planning Board, effective 1/14/25. I have thoroughly considered this decision, and after much reflection, I believe it is the right time for me to step down from my responsibilities as I have started a new job and am entering a new phase in my life.

I would like to express my sincere gratitude for the opportunity to serve on the board. It has been an incredible learning experience, and I am honored to have been a part of such a dynamic and impactful organization.

I have complete confidence in the continued success of Ashuelot Planning Board.

Thank you once again for the trust you have placed in me. It has been a privilege to work alongside such dedicated individuals. I wish the Ashuelot Planning Board continued success in their endeavors.

Sincerely,
Ruzzel Zullo



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.5.

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through:
Subject: **Resignation - Deborah Leblanc - Conservation Commission**

Recommendation:

Accept the resignation of Deborah Leblanc from the Conservation Commission with gratitude for her service.

Attachments:

1. Resignation of Deborah Leblanc

Background:

Deborah Leblanc submitted her resignation from the Conservation Commission on January 14, 2025. She has served on the Commission as an alternate member since March 16, 2023.

From: [Deborah Leblanc](#)
To: [Mari Brunner](#)
Cc: [Sparky Von Plinsky](#)
Subject: Re: Jan. 21 Conservation Commission Agenda Packet
Date: Tuesday, January 14, 2025 6:39:54 PM

Good evening Mari, Please accept this letter as my resignation from the Keene conservation commission, effective immediately, while I have greatly valued the time I have spent working with the committee members I feel like my skills would be better used in a different capacity. I appreciate the experiences and insights I have learned during my time serving for the city of Keene. I have in my possession two binders for city owned conservation properties I will bring to the city hall. Hopefully this week. I must step down from this position but hope to still volunteer on the vision committees and on future projects for the city. Thank you

Sincerely
Deborah A LeBlanc

On Jan 14, 2025, at 10:33, Mari Brunner <mbrunner@keenenh.gov> wrote:

Hello Conservation Commission members,

Please see attached for the agenda packet for the January 21 Conservation Commission meeting, which is scheduled for **5:00 pm** in Room 22 of the Recreation Center located at 312 Washington Street. The packet is also [posted online](#). Please note that the meeting will be on Tuesday (due to the Monday holiday) and the new meeting time (5:00 PM).

A site visit has been scheduled prior to the meeting at 19 Ferry Brook Road, which is the Cheshire County Shooting Sports Education Foundation property. Commission members should meet at 4:15 PM at the Recreation Center to carpool to the site.

Please respond to this email to let me know whether you will attend the site visit and meeting.

Thank you!
Mari

Mari E. Brunner
Senior Planner / Acting Zoning Administrator

City of Keene
3 Washington Street
Keene, NH 03431
(603) 352-5440 | KeeneNH.gov



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Proposal to Implement a "Protection of Streets" Program - Public Works**

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee placed the item on more time.

Attachments:

None

Background:

Mr. Lussier stated that he would like to discuss the protection of streets with the Committee. He continued that it is a foregone conclusion at Public Works that as soon as they pave a street, someone's sewer service fails and it will get dug up, or the gas company will have a leak they have to dig up. It seems to be inevitable. What other communities have done to discourage that sort of problem is implement what most of them refer to as a "protection of streets" Ordinance in their city or town rules. The idea is that for a period of five years after the City invests in the roadway, an umbrella of protection is placed over it. He looked at a few different cities to see how they have done this. Many of these (cities' Ordinances say that) for the first two years, if you must cut that roadway to make a repair or put in a new service or whatever else, you will have to pay a damage fee at three times the normal rate. Between years two and five, if you must cut into it, you will have to pay twice the normal rate. It tapers off overtime, and after five years you would just pay the normal rate. The idea is that the City announces the roadway paving program at least a year in advance, encouraging people to have their sewer service inspected or do what they need to do. If someone is going to build on a vacant parcel, the City encourages them to extend utilities to that vacant parcel in advance. They give people the opportunity to make the necessary corrections and repairs (before the Roadway Paving Program) to try to minimize the amount of damage to new pavement.

Mr. Lussier continued that over the last several years the utility companies have been very cooperative and helpful with this. Liberty in particular has been doing an excellent job of considering the City's paving list and going into those neighborhoods a year or two in advance to replace mains or cap off old services as needed. That coordination has been very productive and is going very well, but this is still a concern and something he would love to see a way of discouraging.

Vice Chair Filiault asked if there were any questions from the Committee.

Councilor Favolise stated that he does not want to get into the weeds without seeing a draft Ordinance, but a question he has right away is who would be the arbiter of whether no other reasonable option is available to provide services to new buildings. Mr. Lussier replied that the City Code gives that authority to the Public Works Director. He continued that in practice, the City Engineer administers the road excavation permit program. If, for example, someone's lateral service for their sewer failed tonight, right now the City is in a pavement excavation moratorium. They do this during the winter months because contractors cannot get hot mixed asphalt at this time of year. The closest plant that makes hot mixed asphalt is in Dracut, MA. Most contractors do not have trucks or the wherewithal to drive to Dracut to get a truckful of asphalt to make the patch. In effect, when there are emergency repairs, the contractors must "babysit" that patch through the winter. They put gravel or cold mix on it, but they have to go fix it every few days or after every storm. He thinks this would work basically the same way. If an emergency repair needs to be made, no one in Public Works will tell someone they cannot flush their toilet for five years. Things are still going to happen, and these repairs will need to be done. Public Works will not tell the gas company they cannot fix a leak. The idea is that the City would collect this damage fee. If this proposal moves forward, he recommends that the damage fees collected be set aside for roadway maintenance. They have a capital reserve for that purpose already. He suggests the money go into that capital reserve, which would then be available for repairs such as crack sealing, infrared, and mill-and-fill repairs later.

Councilor Tobin asked how often something urgent happens, where they would not be able to plan with a year advance. Mr. Lussier replied that he does not know if this answers her question, but an example is that with the winter work nearly every week a contractor comes to Public Works because someone's sewer is backed up and they need to dig in the street. Obviously, Public Works cannot tell someone they need to tough it out until April. These things happen, and contractors are required to keep the patch up to snuff until they can get hot mixed asphalt in it. If the City used this (Protection of Streets) program, Public Works would be aggressive in announcing which streets they would be paving the next year to give people at least 12 months to have their service inspected. If someone knows there is a problem – for example, they need to have their sewer line cleaned out every two weeks - Public Works would encourage them to get that work done in advance, so they would not have to charge them that extra fee. The idea is not to collect extra fees in the form of damage bonds or something like that, it is to encourage people to make any needed underground work ahead of time so they do not need to cut the road.

Councilor Tobin stated that her other question was for clarification on the name. She continued that it is called "Protection of Streets," but she heard Mr. Lussier talk about the "roadway," which sometimes has a different definition. Mr. Lussier replied that "Protection of Streets" is the verbiage he got from Concord's and Dover's Ordinances. He continued that this would apply to both the travel surface of the roadway, plus any paved shoulders and whatnot, as well as in the case of a new sidewalk. The same kind of thing would apply, or at least that is his recommendation. If the City puts in a new sidewalk and a contractor has to dig it up, the City would want to collect extra fees to be able to babysit that and make sure it gets put back correctly.

Councilor Workman stated that she supports this, but she wants to make a point. She continued that she does not love that the cost would come down to the property owner but, in regard to the communications that staff sends out a year in advance, she asks them to include – if they do not already do so – some information on where property owners could access financial assistance if they need major repairs. Keene has an aging population and many people on fixed incomes.

Councilor Favolise stated that he has a clarification question. He continued that the way he is reading this proposal, an emergency repair would be exempt from this. (If not), he would need to think about that. The second piece is, "...when a situation arises that meets the criteria for an exception, the applicant is charged the fee or required to perform far more extensive restoration." He

has not heard that talked about. Mr. Lussier replied that he does not love the idea of that, but it is how Nashua does it. He continued that, for example, if your sewer fails tonight and you have to patch it, the way Nashua handles it is that as part of the restoration of that patch, the contractor is required to excavate the full depth of the roadway. If it goes down about three feet below the road surface, they have to excavate all of the material and build it back up in layers with all new gravels, crushed gravels, and everything else. The asphalt surface has to be patched from curb to curb, 20 feet in each direction from the patch. Thus, not only are you excavating more in the roadway to replace the gravel that is disturbed but, you are milling and overlaying a section of roadway that could be about 50-feet long by the full width of the roadway. The intent is, it creates a much smoother surface than all the rest and inconveniences the rest of the traveling public for a much longer period of time, so it is not his preference for how they would do it, but it is another approach.

The City Manager stated that when the Public Works Director first told her about this idea, she thought it was great, because utility companies are always cutting into the roads after the City does a road project and it is never right every time it is fixed. She continued that, however her concern is related to emergency repairs for home owners. She is not excited about a homeowner who does not know that their sewer is about to fail and needs to make a repair paying two or three times the cost, and she does not have a sense of what that cost is. Emergencies like that will happen, and as Councilor Workman said, they have aging infrastructure and an aging population. She is concerned about someone who did not know they would have an expense to fix their sewer line now also having this additional charge on top of it. From there, they talked briefly about whether there is a way to address that and add some language that would exempt homeowners from this if they had emergencies. The challenge is making sure the City is treating utility companies and other contractors equal to how they are treating homeowners. She thinks that is worth talking about a little more, to see what options they have, and to get some direction from the Committee regarding how they would like to see this framed, if staff does bring back an Ordinance for them.

Vice Chair Filiault asked if the City Manager is asking for this to go on more time. The City Manager replied that she is asking for the Committee's input. She continued that if the Committee has the same concern she has, related to how they are addressing homeowners' emergency repairs, maybe the answer is to seek more creative ways to address that. Vice Chair Filiault replied yes, they want to get this done right the first time. He continued that he is okay with (placing this on more time) for a couple of weeks to allow staff to hear more from the Committee and the rest of the Council and to brainstorm about these open-ended questions.

Mr. Lussier stated that the City Manager raised a good point, and he should have put information in his memorandum about what "two times" or "three times" the cost means. He continued that Dover, for example, charges \$5 per square foot for the damage bond on every excavation. Concord charges \$7. A typical excavation would be, say, five feet by 20 feet. If the utility you are connecting to is on the other side of the road, say it is 100 square feet. The normal bond would be \$500. That is also what they currently charge as a security deposit. If the City went forward with something like this, they would be talking about \$1,000 or \$1,500 as the fee. How they currently do it is they collect a security bond and hold it for one year. After a year, a Public Works staff member goes out to look at the patch and makes sure everything is still holding up. If it is, they release the funds back to the contractor. Something that has always given him concern is that he suspects some contractors do not tell their clients that the money comes back to them if they did the job properly. That is probably money that the homeowners are not seeing come back to them.

Vice Chair Filiault stated that he appreciates having that context, but since he thinks this item is going to be placed on more time, it does not make sense for the Committee to keep asking more questions right now because staff will have to come back before the Committee anyhow. Before they can get a first reading, they must have a draft Ordinance.

Vice Chair Filiault made the following motion, which was seconded by Councilor Tobin.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee placed the item on more time.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Relating to Master Boxes
Ordinance O-2025-03**

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the Ordinance relating to master boxes be placed on more time.

Attachments:

None

Background:

Councilor Filiault asked to hear from staff.

Jason Martin, Fire Chief, and Rick Wood, Fire Marshall/Building Official, introduced themselves. Mr. Wood stated that they are here to discuss a proposed update to the Ordinance regarding fire alarm systems to facilitate a controlled decommissioning of the City-owned and maintained 100-milliamp wired master box system. He continued that the master box system has been part of the Fire Department's infrastructure since its approval on November 10, 1885. It served the City for about 140 years, which is impressive. In those days, the system was not only used to serve to alert the Fire Station of a problem, but it was also used by the responders, because it is built off the telegraph system. Each box had a teletype button to communicate back to the station to get more help.

Mr. Wood continued that there have been major iterations of technological advances that have provided viable options for the transmission of alarms and communication between the scene and the units and dispatch. The current system needs significant capital investment to maintain and update to ensure reliable service delivery is maintained. Given the challenges and the needs facing the City and Fire Department, staff have been reviewing and evaluating how to best provide core mission services. (He can speak to what) the impact (would be) if they go ahead with this Ordinance. Currently, there are about 210 master boxes on the wired system, which means they are connected via wire to the receiving station on Vernon St. Each property location would be required to transition to one of the transmission methods allowed by the NH Fire Code. That would have an impact.

He continued that there are four code-compliant options. (First is) the one the City currently operates, the radio master box system. It uses the radio frequencies to transmit the alarm instead of

wires, received at the dispatch center. (The second) is a proprietary supervising system, which means an owner of multiple properties can have an alarm-receiving station to monitor all of his or her properties and then call the Fire Department from there. That system is utilized around the country by companies like Walmart. (The third is) the remote supervising station, a business that monitors a property owner's alarms. They charge a fee for service, monitor your alarms, and transmit them via a variety of different pathways. (The fourth) is central station monitoring, which is an Underwriters Laboratories certified alarm-receiving station. It is a much more rigorous standard, typically used by companies that require a higher level of certainty.

Mr. Wood continued that those are the options for replacement. He and Chief Martin are trying to give the Committee an idea of what the execution looks like. The first step is soliciting an RFP, which they are in the process of, to do two things. One, they are looking at how to make sure to get the economy of scale for City buildings, because approximately 12 City buildings will require changes. Two, they are writing the RFP in a way that anyone who needs to change over their master box to a different system could use the same pricing the City receives through this RFP. That RFP would be going to the radio master box system, so it would still use that system, but it would go to radio transmission capable systems. That is one option, the first option he talked about. They will write to people and make them aware of this change. They worked on a flyer, for if this Ordinance is recommended and passed. They would mail a letter to every property owner who has a master box, with the letter indicating how it will be engaged, what the timeline is, what the deadlines are, and how the City can service and help people navigate the change. The flyer would explain the options and help property owners understand, from their perspective, what the best choice is.

Mr. Wood continued that they intend to host a couple of informational sessions to allow people to access City staff and ask questions about the different options, recognizing that it is complicated for people and people might not understand (the options). The goal is to allow the end-user to choose their system. One end-user might feel like a more upfront cost in the beginning is better suited for them, while another might want a lower cost up front and a higher perpetual cost for maintenance. They want to make sure the end-user gets that choice.

Mr. Wood continued that lastly, staff would do a follow-up notice, 60 or 90 days out, to give people a final reminder that the City will shut the system off on a certain date and what (to do), so they do not leave anyone hanging. They know that sometimes when people are given a lot of time (to do something), they procrastinate a bit, so they want to make sure to capture that as well. He and Chief Martin would be happy to answer the Committee's questions about the proposed Ordinance.

Councilor Tobin stated that she appreciates that Mr. Wood and Chief Martin came with this (draft Ordinance) and also a communications plan, and a plan to help people figure out what the best option is for them.

Vice Chair Filiault asked for public comment.

Jared Goodell of 39 Central Sq. stated that he has a couple of questions for Mr. Wood. He continued that first, there are some changes to the requirements of fire alarm systems in general. Section 34-93 talks about addressing and indication of things. His concern is existing buildings that have systems that might have portions that are not addressable. He asked how this Ordinance effects existing systems, particularly when a building might have a partial renovation. He asked if they would need to upgrade or update their entire fire alarm system to comply with this new Ordinance if their system does not comply with the requirements.

Mr. Wood replied that the intent is to have the primary mechanism they have in the state for existing buildings fall with the existing State building code, which dictates what comes into play based on the

level of work. There is an actual methodology to that. It would be disingenuous to answer with a blanket “No, never,” because the Code recognizes certain levels of work. There are three different alteration levels. The first is changing minor things like finishes. The second is if you are going to reconfigure your space. The last one is reconfiguring more than 50% of your building’s floor area. Thus, when you get to that third level of alteration, absolutely there might be some kick-in. In the first two levels, not generally. It is only confined to the defined space being worked on, so, it is limited for that purpose. This change Mr. Goodell is referring to in Section 34-93 is focused on having consistency. Right now, they do not have a way to communicate to people when they should be doing a voice system. There are some very specific things called out in the panel when you get to different types of occupancy. For example, a point where you need point enunciation. What that means is, each device has its own address, so it can tell (the Department) exactly where the problem is. In older systems, the entire loop of wire is considered one device, so all you would know is that X amount of floor area. This tries to indicate that when they get above a certain distance, they need this addressable. The reason is that it has to do with responding efficiently to the actual alarm. If someone is doing a small renovation, the intent is not to invoke a different standard or to make someone upgrade a full system.

Mr. Goodell stated that another question is about subsection G, where there is new language saying access to panels shall be for site management personnel approved by the Fire Marshall. He asked Mr. Wood to explain that. Mr. Wood replied that with the way the master box Ordinance reads, there is no ability for property owners to access the inside of their master box. He continued that staff is trying to shift the responsibility and the ability for property owners to maintain their system. The (City) does not need to be the “babysitter of the master box.” The reason that was important when the master box was in play was because things you do inside the wired system can affect not only your box, but also the downstream boxes on the system. If you go into your box and disconnect the wrong wire, you could take 50 or 75 other clients offline. That is why the Ordinance had a restriction. This will only apply to radio master boxes in the future, because that is all that will be going in. There is no way you can take down additional clients, so the Department is saying they do not need to manage access to the box anymore. The property owner will be able to manage it. It is just to make sure that they do not have someone who does not know how to navigate the box. If you are running a location that needs to be shut down, the Department would train you on how to do that, and then you would essentially be approved. It is very similar to other types of things they do in the Code industry.

Mr. Goodell asked if that access is only for the radio box portion of the system, not the fire alarm portion. Mr. Wood replied that is correct. He continued that a property manager needs to be able to manage their own system. Right now, there is an access permit requirement. That is being removed because they feel like because they are not taking anyone else offline, they (the Department) does not need to be in the mix. The Department is trying to remove that actual access permit and transition it back to the private vendor-initiated repair and modification process.

Mr. Goodell stated that regarding Section 33-105, Mr. Wood mentioned that it is titled “Responsibility” and he proposes deleting that in its entirety. This section currently describes that the building owner pays for the installation of a radio alarm box and then upon its activation the box becomes the City’s property upon its tie-in to the system. That would change. In theory, he is not opposed to that, except that currently, folks in the system are paying an annual fee and will continue to do so but will now be responsible for the maintenance of the radio box and its good working condition. His question is what the annual fee will be going towards if the Ordinance takes ownership away from the City and puts it onto the property owner and the City is no longer maintaining that module.

Mr. Wood replied that the proposal is to leave the fee the same. He continued that the point of the annual fee is not necessarily just maintenance. That was when staff had to go out to boxes to be

able to let them into the box. That is to monitor the system. Staff still has to monitor the system. They just had a capital project where they put in a second receiver, so they would have continuity if one receiver went down. That annual fee is to make sure the Department can both receive and process someone's alarm signal. The reason 105 was removed is because when they are dealing with a piece of infrastructure that is connected into a wired system that could take other people down, they needed that level of restriction. The NH Fire Code as currently written puts the responsibility for alarm systems and transmission of alarm systems on the property owner. All the Department is doing is reverting to the Fire Code. There is a transition piece here. They intend to look at how to transition, because they might need to realign the numbering of the box. Currently, when a box is installed, the Department goes out and programs it, and then witnesses it being tested. They anticipate that the Department will not need to do that anymore. They want to turn that over to the vendor as part of the RFP. They do the programming. The Department has very specific sequencing set up, and (the vendor) is aware of that. Any vendor could buy a box, install it according to the vendor who is supplying the boxes, and then the Department goes to witness and test it. The Department has to permit every box installation anyway, so that allows a more efficient flow, and allows the ability for multiple vendors to be installing boxes instead of City staff being in that loop.

Mr. Goodell stated that they also propose deleting Section 34-106, "Exceptions," in its entirety. He continued that this aligns with a lot of building code in general, which essentially says that if a person might have, say, a legacy system or a building that means maybe they cannot meet the true intent of this Code, that they could apply to the Fire Department for an exception and as long as the intent could be met, they could be approved to have an alternative way to meet the intent. It is always good to have that flexibility. Fire alarm systems are very expensive. For example, he just had to have a single pole station in a building fixed and it cost \$4,000. The companies that service these systems are not in Keene. They are proprietary systems and there is heavy programming involved. It is very expensive to do, so he thinks the Council should consider allowing that exception paragraph to stay.

Mr. Wood replied that that exception is in there because Section 34-98 currently provides very explicit occupancies that must use the system currently. He continued that the Department is removing that. They are diverting back to the NH Fire Code, which they are obligated by law to follow anyway. The exception would divert back to what the NH Fire Code or Building Code requirement is, and a Variance process is embedded in that by statute.

Mr. Goodell stated that lastly, with all of those questions answered, he thinks that broadly, this is a good thing. He continued that as Mr. Wood mentioned, the system is old and needs to be updated; it is non-functional in many areas. However, he is concerned that it is now January 22 and people would need to be fully switched over, under the current text, by January 6, 2026, which is less than a year away, and this still has to go through the full City Council process. Fire alarm systems can be expensive, as is the programming. People are booked out for months; it takes a long time to get them in. He thinks the timeline on this is a little aggressive. He thinks they should look at giving people a little more time than eight or nine months. This could have a real financial impact on the buildings that need to move away from the master box system into one of the other approved systems. He suggests the timeline be less aggressive or provide for an alternative for someone who cannot get someone out there (to install it) or cannot afford it. Maybe they could put a plan in with the Fire Department so they are at least working toward getting upgraded. Expecting the entire city to be moved away from the old system and into the new one by January 6, 2026 is very aggressive.

Vice Chair Filiault stated that his comments are duly noted. He asked if there were any further questions from the Committee or audience.

Mr. Wood stated that he wants to comment on the timeline piece. He continued that the balance they are trying to strike here is between the aging system and maintaining it for that period of time because there is liability if the system does not work. They are trying to balance that along with that interest, and that is why January 2026 was selected. Certainly, if they need to do something a little different, they can look at that.

Vice Chair Filiault asked if the City Manager and the City Attorney are good with this. Tom Mullins, City Attorney, replied that the suggested motion is to place this on more time for one more cycle. He continued that they need to do some wordsmithing to the Ordinance. Substantively, at this point, nothing is expected to change, but there are some changes needed.

Councilor Tobin made the following motion, which was seconded by Councilor Favolise.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the Ordinance relating to master boxes be placed on more time.

Councilor Favolise stated that this might be something he should be saying when the Ordinance comes back to the Committee, but he would not be opposed to thinking more about the timeline of January 6, 2026, as they move forward with this.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Michael Hagan, Flood Plain Administrator
Through: Elizabeth Ferland - City Manager
Mari Brunner, Senior Planner
Subject: **Relating to Floodplain Appeals and Variance Process
Ordinance O-2025-05**

Recommendation:

That Ordinance O-2025-05 be referred to the Planning, Licenses and Development Committee for their review and recommendation.

Attachments:

1. Narrative_O-2025-05_Final 01-09-2025
2. Article 24_FloodplainRegulations
3. Article 26_Floodplain Variance
4. Article 27_Appeals
5. ORDINANCE O-2025-05_Final 01-28-2025_Version 5

Background:

Ordinance O-2025-05: Amendments to the Land Development Code – Article 24 Floodplain Regulations, Article 26 Application Procedures, and Article 27 Appeals

This proposed ordinance change introduces an appeals and variance process for floodplain regulations, in compliance with State law under RSA 676:5, RSA 676:5-a, and RSA 674:33, I(b). The aim of this change is to establish a formal procedure for applicants who believe the floodplain regulations have been misinterpreted or who seek relief from the established regulatory standards.

In this context, a **variance** refers to the granting of relief from the floodplain management regulations, which typically permits development that contradicts established floodplain management practices, or the higher standards outlined in Article 24. Because such developments may increase the risk to life and property, the issuance of floodplain variances should be rare and carefully considered. The changes to Article 26 Application Procedures and Article 27 Appeals process are intended to help ensure that variances are granted only under appropriate and well-considered circumstances.

The attached materials include the full text of Ordinance O-2025-05, as well as the relevant sections of the City of Keene Land Development Code that will be amended.

CITY OF KEENE
NEW HAMPSHIRE

**Ordinance O-2025-05: Amendments to the Land Development Code – Article 24
Floodplain Regulations, Article 26 Application Procedures, and Article 27 Appeals**

This proposed ordinance change introduces an appeals and variance process for floodplain regulations, in compliance with State law under RSA 676:5, RSA 676:5-a, and RSA 674:33, I(b). The aim of this change is to establish a formal procedure for applicants who believe the floodplain regulations have been misinterpreted or who seek relief from the established regulatory standards.

In this context, a **variance** refers to the granting of relief from the floodplain management regulations, which typically permits development that contradicts established floodplain management practices, or the higher standards outlined in Article 24. Because such developments may increase the risk to life and property, the issuance of floodplain variances should be rare and carefully considered. The changes to Article 26 Application Procedures and Article 27 Appeals process are intended to help ensure that variances are granted only under appropriate and well-considered circumstances.

The attached materials include the full text of Ordinance O-2025-05, as well as the relevant sections of the City of Keene Land Development Code that will be amended. Proposed changes are indicated as follows: **bold and yellow-highlighted text** for additions and **struck-through text** for deletions.

24.1 GENERAL

24.1.1 Authority

This Article is adopted pursuant to the authority of NH RSA 674:16, NH RSA 674:17, and NH 674:56.

24.1.2 Purpose

- A. The floodplains and floodways of the City represent a substantial public interest. Collectively, they are an essential component of the City's natural resource infrastructure, and their capacity and function must be protected and, when possible, enhanced.
- B. The regulations in this Article have been established to ensure that no construction takes place in high hazard floodway areas and that any development within the floodplain is done so as to preserve the full function and capacity of this essential resource system.
- C. It is the specific purpose of this Article to:
 - 1. Reduce flood hazard threats to the health, safety and general welfare of City residents.
 - 2. Protect occupants of floodplain or floodway areas from a flood.
 - 3. Protect the public from the burden of extraordinary financial expenditures for flood control or flood damage repair.
 - 4. Protect and when possible enhance the capacity of the floodway and floodplain areas to absorb, transmit and store floodwaters.
 - 5. Minimize prolonged disruption of commerce and public services.
 - 6. Minimize damage to public facilities; utilities such as water and gas mains, electric, telephone and sewer lines; streets; and bridges located in special flood hazard areas.
 - 7. Avoid increases in flood intensity, height, extent, or duration.

- 8. Ensure that those who occupy or develop in flood hazard areas recognize the risk to themselves, adjacent property owners and the general public.

24.1.3 Applicability

- A. Certain areas of the City are subject to periodic flooding, causing serious damage to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the City has chosen to be a participating community in the National Flood Insurance Program (NFIP), and agrees to comply with the requirements of the National Flood Insurance Act of 1968, as amended, as detailed in this Article.
- B. These Floodplain Regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Cheshire, New Hampshire", dated May 23, 2006 or as amended, together with the associated Flood Insurance Rate Maps (FIRM) dated May 23, 2006, or as amended, which are declared to be part of this Article and are hereby incorporated by reference.
- C. This Article establishes a permit system and review procedure for development in a special flood hazard area of the City.
- D. For the purposes of this Article, the term "new construction" means structures for which the "start of construction" commenced on or after the effective date the Floodplain Regulations were initially adopted by the City and includes any subsequent improvements to such structures.
- E. **For the purposes of this Article, the term "development" means "any man-made change to improved or unimproved real estate." This includes, but is not limited to construction of new structures, modifications or improvements to existing structures this includes replacement of equipment, excavation, filling, paving, drilling, driving of piles, mining, dredging, land clearing, grading, and permanent storage of materials and/or equipment.**

24.6.2 Documentation of Substantial Improvement

Following completion of new construction of a structure or an existing structure that was substantially improved or replaced, or that incurred substantial damage, or the placement or substantial improvement of a manufactured home, the applicant shall submit the following to the Floodplain Administrator.

- A. A completed and certified copy of an Elevation Certificate that includes the as-built elevation (in relation to mean sea level) of the lowest floor of the structure and whether or not the structure has a basement.
- B. If a non-residential structure includes dry floodproofing, a completed and certified copy of the Floodproofing Certificate for Non-Residential Structures that includes the as-built elevation (in relation to mean sea level) to which the structure was dry floodproofed and certification of floodproofing.

24.7 APPEALS & VARIANCES

- A. **Any order, decision, or determination of the Floodplain Administrator made under this section may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5, 674:56 I, and Articles 26 and 27 of this Land Development Code.**
- B. **Variations shall not be issued within any regulatory floodway.**

26.20 FLOODPLAIN VARIANCE

26.20.1 Description

Variances are intended to address unnecessary hardships or practical difficulties resulting from the strict interpretation of the Floodplain Regulations. The purpose of the variance process is to provide a narrowly limited means by which relief may be granted from the unforeseen applications of the Floodplain Regulations.

26.20.2 Initiation

The applicant for a variance shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

26.20.3 Authority

The Zoning Board of Adjustment has the authority to authorize variances from the provisions of the Floodplain Regulations of this LDC, subject to the requirements of this Article, and NH RSA 674:33. Provided that a variance shall not be granted within any regulatory floodway

26.20.4 Submittal Requirements

An applicant for a Floodplain variance shall submit a completed variance application to the Community Development Department, which shall include the following.

- A.** A written narrative that describes:
 - 1.** The property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed variance, including a response to each of the variance criteria.
 - 2.** That the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense.
 - 3.** That the variance is the minimum necessary, considering the flood hazard, to afford relief.
- B.** A scaled plot plan clearly displaying the location and dimensions of all structures and open spaces on the lot in question and on the adjacent lots, as well as any proposed changes

to the site, such as, but not limited to, additions to existing structures or the construction of new structures, land alterations and any supporting evidence.

- C.** Any technical reports prepared by a NH licensed engineer or qualified professional, which may be required or reasonably requested by the respective decision-making authority, based on the nature and scope of the proposal. Such reports and plans may include, but are not limited to, wetland analyses, hydrologic analyses, floodproofing, soils testing, hazardous or toxic substances testing, and elevation certificates.
- D.** A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.
- E.** 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- F.** Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

26.20.5 Procedure

In addition to the common application and review procedures of this Article, the following review and approval procedures shall apply to applications for a floodplain variance.

- A.** Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.

- B.** The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.
- C.** Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.
- D.** The Zoning Board of Adjustment shall give reasons for all decisions on variance applications and shall make reference to the appropriate sections of the Floodplain Regulations, where applicable.
- E.** The Zoning Board of Adjustment shall notify the applicant, in writing, that the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.) for one hundred dollars (\$100.) of insurance coverage and such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
- F.** The City shall maintain a record of all variance actions, including its justification for their issuance, and report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.
- E.** Literal enforcement of the provisions of the Floodplain Regulations would result in unnecessary hardship.
- F.** That the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, technical data may be required as outlined in section 26.20.4 E.
- G.** That the variance is the minimum necessary, considering the flood hazard, to afford relief.

26.20.6 Expiration

- A.** Any variance granted by the Zoning Board of Adjustment shall be void if the use or structure authorized by the variance has not been begun within 2-years from the date of final approval.
- B.** Any application for an extension shall be heard as a new application; any other time limitation shall be specifically prescribed by the Zoning Board of Adjustment.

26.20.6 Approval Standards

The Zoning Board of Adjustment may authorize a variance from specific requirements of the Floodplain Regulations only when the Board finds that all of the following conditions apply.

- A.** The variance will not be contrary to the public interest.
- B.** The proposed variance is not contrary to the spirit of the Floodplain Regulations.
- C.** By granting the variance substantial justice would be done.
- D.** The values of surrounding properties would not be diminished.

City Council, the applicant may appeal to the Superior Court within 30 calendar days after the date upon which the City Council voted to deny the motion for rehearing.

- F. Any further appeal of a final decision or order of the City Council shall be in accordance with NH RSA 677:4.

27.8 APPEAL OF DECISIONS ON STREET ACCESS PERMITS

- A. An applicant or abutter may appeal any decision of the City Engineer relative to decisions on street access permit applications to the Planning Board, provided the notice of appeal is filed with the Community Development Department within 30-calendar days from the date of the City Engineer's decision, and all applicable fees are paid.
- B. The notice of appeal shall specify all grounds on which the appeal is based.
- C. Any aggrieved party appealing such a decision of the City Engineer is entitled to a de novo review before the Planning Board.
- D. The Planning Board shall have final jurisdiction over all such appeals.

27.9 APPEAL OF DECISIONS ON EARTH EXCAVATION PERMITS

- A. Following the approval or disapproval of an earth excavation permit, or the approval or disapproval of an amended or renewed earth excavation permit, or the suspension or revocation of an earth excavation permit, or the approval or disapproval of a waiver or exception to earth excavation permit requirements, any interested party affected by such decision may appeal to the Planning Board for a rehearing of such decision, or any matter determined thereby, in accordance with the provisions of NH RSA 155-E:9.

- B. The motion for a rehearing shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable and shall be filed within 10-days of the date of the decision appealed from.
- C. The Planning Board shall either grant or deny the request for rehearing within 10-days, and if the request is granted, a rehearing shall be scheduled within 30-days. Any person affected by the Planning Board's decision on a motion for rehearing may appeal in conformity with the procedures specified in NH RSA 677:4-15.

27.10 APPEAL OF FLOODPLAIN ADMINISTRATOR DECISION

- A. **In accordance with NH RSA 674:56 and 676:5, appeals to written decisions of the Floodplain Administrator shall be made to the Zoning Board of Adjustment, provided the notice of appeal is filed with the Community Development Department within 30 calendar days after the date of the Floodplain Administrator's decision.**
 - 1. **The notice of appeal shall specify all grounds on which the appeal is based, and why the request of appeal should be granted.**
- B. **Any person aggrieved by the decision of the Zoning Board of Adjustment shall petition for a rehearing, in accordance with NH RSA 677:1-14, before appealing the decision to the Superior Court.**



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Floodplain Ordinance Appeals Process Articles, 24 Floodplain Regulations, 26 Application Procedures, 27 Appeals,

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

Chapter 100 of the Code of Ordinances, the Land Development Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded and underlined text, as follows section 24.1.3 E., Section 24.7, Section 26.20 through 26.20.7, and Section 27.10.

1. Article 24. Floodplain Regulations:

Article 24.1.3 E.

E. For the purposes of this Article, the term “development” means “any man-made change to improved or unimproved real estate.” This includes, but is not limited to construction of new structures, modifications or improvements to existing structures this includes replacement of equipment, excavation, filling, paving, drilling, driving of piles, mining, dredging, land clearing, grading, and permanent storage of materials and/or equipment.

24.7 Appeals & Variances.

A. Any order, decision, or determination of the Floodplain Administrator made under this section may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5, 674:56 I, and Articles 26 and 27 of this Land Development Code.

B. Variances shall not be issued within any regulatory floodway.

2. Article 26. Application Procedures:

26.20 Floodplain Variance

26.20.1 Description

Variances are intended to address unnecessary hardships or practical difficulties resulting from the strict interpretation of the Floodplain Regulations. The purpose of the variance process is to provide a narrowly limited means by which relief may be granted from the unforeseen applications of the Floodplain Regulations.

26.20.2 Initiation

The applicant for a variance shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

26.20.3 Authority

The Zoning Board of Adjustment has the authority to authorize variances from the provisions of the Floodplain Regulations of this LDC, subject to the requirements of this Article, and NH RSA 674:33. Provided that a variance shall not be granted within any regulatory floodway

26.20.4 Submittal Requirements

An applicant for a Floodplain variance shall submit a completed variance application to the Community Development Department, which shall include the following.

A. A written narrative that describes:

1. The property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed variance, including a response to each of the variance criteria.
2. That the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense.
3. That the variance is the minimum necessary, considering the flood hazard, to afford relief.

B. A scaled plot plan clearly displaying the location and dimensions of all structures and open spaces on the lot in question and on the adjacent lots, as well as any proposed changes to the site, such as, but not limited to, additions to existing structures or the construction of new structures, land alterations and any supporting evidence.

E. Any technical reports prepared by a NH licensed engineer or qualified professional, which may be required or reasonably requested by the respective decision-making authority, based on the nature and scope of the proposal. Such reports and plans may include, but are not limited to, wetland analyses, hydrologic analyses, floodproofing, soils testing, hazardous or toxic substances testing, and elevation certificates.

F. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.

G. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.

H. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

26.20.5 Procedure

In addition to the common application and review procedures of this Article, the following review and approval procedures shall apply to applications for a floodplain variance.

A. Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.

B. The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.

C. Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.

D. The Zoning Board of Adjustment shall give reasons for all decisions on variance applications and shall make reference to the appropriate sections of the Floodplain Regulations, where applicable.

E. The Zoning Board of Adjustment shall notify the applicant, in writing, that the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.) for one hundred dollars (\$100.) of insurance coverage and such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

F. The City shall maintain a record of all variance actions, including its justification for their issuance, and report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

26.20.6 Approval Standards

The Zoning Board of Adjustment may authorize a variance from specific requirements of the Floodplain Regulations only when the Board finds that all of the following conditions apply.

A. The variance will not be contrary to the public interest.

B. The proposed variance is not contrary to the spirit of the Floodplain Regulations.

C. By granting the variance substantial justice would be done.

D. The values of surrounding properties would not be diminished.

E. Literal enforcement of the provisions of the Floodplain Regulations would result in unnecessary hardship.

F. That the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, technical data may be required as outlined in section 26.20.4 E

G. That the variance is the minimum necessary, considering the flood hazard, to afford relief.

26.20.7 Expiration

A. Any variance granted by the Zoning Board of Adjustment shall be void if the use or structure authorized by the variance has not been begun within 2-years from the date of final approval.

B. Any application for an extension shall be heard as a new application; any other time limitation shall be specifically prescribed by the Zoning Board of Adjustment.

3. Article 27. Appeals:

27.10 APPEAL OF FLOODPLAIN ADMINISTRATOR ADMINISTRATIVE DECISION

A. In accordance with NH RSA 674:56 and 676:5, appeals to written decisions of the Floodplain Administrator shall be made to the Zoning Board of Adjustment, provided the notice of appeal is filed with the Community Development Department within 30 calendar days after the date of the Floodplain Administrator's decision.

1. The notice of appeal shall specify all grounds on which the appeal is based, and why the request of appeal should be granted.

B. Any person aggrieved by the decision of the Zoning Board of Adjustment shall petition for a rehearing, in accordance with NH RSA 677:1-14, before appealing the decision to the Superior Court.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Relating to Installation of a Stop Sign on Gilsum Street
Ordinance O-2025-06

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Manager be directed to draft an Ordinance adding a stop sign at the intersection of Gilsum St. and Washington St.

Attachments:

1. O-2025-06 Stop Sign on Gilsum St

Background:

Vice Chair Filiault asked to hear from staff. Mr. Ruoff stated that Public Works received an anonymous request through the "See Click Fix" reporting system for the installation of a stop sign at the triangle intersection with Gilsum St. and Washington St. He continued that at this location there is currently a red flashing light for southbound traffic on Gilsum St., which serves the same purpose as the proposed stop sign. The Engineering Division did a review of this intersection and drove it a couple of times. It drives like a yield, basically. All the cars go right through it. He does not think it is anything deliberate; it is just how it drives. However, it is a stop, and people are not stopping.

Mr. Ruoff continued that they looked at the line of sight. The agenda packet includes an overhead view of the intersection. There is a section of parking where you lose the line of sight on Gilsum St. to see what is coming on Washington St. That is probably why that is a stoplight on Gilsum St. for southbound traffic on Washington St. For Washington St., at the same location, a yellow flashing light signifies the yield, which makes sense because Gilsum St. cannot see the traffic on Washington St. The lights make sense, but the problem is that people are not obeying them. The Gilsum St. at Washington St. intersection is (incorrectly) listed in the City Code as a yield, but this is a flashing red light, which acts as a stop. It needs to be corrected either way in the City Code.

Mr. Ruoff continued that because you lose that line of sight on Gilsum St., staff's recommendation is that until they reconstruct the intersection, they install a stop sign in addition to the flashing red light so cars stop there instead of continuing to drive through it.

Vice Chair Filiault asked if there were any questions from the Committee or the public. Hearing

none, he asked for a motion.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Manager be directed to draft an Ordinance adding a stop sign at the intersection of Gilsum St. and Washington St.



CITY OF KEENE

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

AN ORDINANCE Relating to the installation of a Stop Sign on Gilsum Street

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded underlined text to the provisions of Section 94-321, "Stop Signs" in Division 5, "Specific Street Regulations", and deleting the stricken text from the provisions of Section 94-346, "Yield Signs" in Division 6, "Specific Street Regulations" in Article IV of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows.

Sec. 94-321. - Stop signs.

Gilsum Street for South bound traffic at the intersection with Washington St.

Sec. 94-346. - Yield signs.

~~Gilsum Street and Washington Street for southbound traffic on Gilsum Street~~

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Relating to Installation of a Stop Sign on Jennison Street Ordinance O-2025-04**

Council Action:

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2025-04.

Attachments:

1. Ordinance O-2025-04 Stop Sign on Jennison St_Referral

Background:

Mr. Ruoff stated that this was heard in front of the MSFI Committee on December 18. He continued that it is a revision of the City Code to add a stop sign at Jennison St. for northbound traffic at the intersection with Foster St. The draft Ordinance is in the agenda packet. It is rather straightforward.

Vice Chair Filiault replied yes, it is straight forward. He asked if there were questions or comments from the Committee or the public. Hearing none, he asked for a motion.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2025-04.



CITY OF KEENE

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

AN ORDINANCE Relating to Installation of a Stop Sign on Jennison Street

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded text to the provisions of Section 94-321, "Stop Signs" in Division 5, "Specific Street Regulations" in Article IV of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows.

Jennison Street for North bound traffic at the intersection with Foster Street.

Jay V. Kahn, Mayor

In City Council January 2, 2025.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.

City Clerk



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Relating to Designated Loading Zones and Bus Loading Zones
Ordinance O-2024-16-A**

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2024-16-A.

Attachments:

1. ORDINANCE O-2024-16A Loading Zones
2. ORDINANCE O-2024-16A_Redlined
3. Bus Loading Zones

Background:

Mr. Lussier stated that this was placed on more time during a previous meeting, specifically because Chair Greenwald had some questions and was looking for some additional information. He continued that if the Committee wants to wait for Chair Greenwald to be back before they vote on this, that is fine. Vice Chair Filiault replied that Chair Greenwald contacted him and said that it is fine for the Committee to move forward on this in his absence.

Mr. Lussier stated that the question that came up last time was whether all of the areas that were proposed on Gilbo Ave. were needed for the bus loading zone or if they could be trimmed down to leave some space for normal vehicle loading and unloading of trucks, with some space preserved for buses. The Committee asked him to come back with some dimensions so they could better understand that. The graphic shows Roxbury St.'s dimensions. The indented portion in front of Central Square Terrace is 99 feet long. Staff proposes 50 feet of that be designated as a bus loading zone. That would leave enough space for two normal car-sized loading spaces. The next one is Gilbo Ave, which they had questions about last time. That area, the curb line in front of the Transportation Center, is about 95-feet long. Staff propose 50 feet be preserved for the buses, leaving 45 feet for two normal car or small truck parking spaces. Something like a Cisco truck or box van would probably take up both of those spaces, which would be okay. The final one (on West St.) is 33-feet long along the curb line, with very gradual tapers in and out. He does not think anyone is confusing this one with anything but a bus stop, so this one is just included in the Ordinance to be consistent with the other treatment.

Councilor Tobin asked about clearing snow and anything else that is placed in there. She asked if the expectation of a bus stop versus a loading zone would mean that snow would be cleared from that area. Mr. Lussier replied that staff would maintain them exactly the same in the winter. They would be cleared. They would be part of that overnight no parking on the streets where they go around and clean up the nooks and crannies. Councilor Tobin asked if it is correct that that is how it is right now. Mr. Lussier replied yes.

Vice Chair Councilor Filiault asked if the City Manager had anything to add. The City Manager replied that she thinks this was a good resolution to Chair Greenwald's concerns. She continued that it provides for the loading zone space and the bus parking space.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2024-16-A.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Designated Loading Zones and Bus Loading Zones

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by removing the stricken text and adding the bolded text to the provisions of Section 94-92, “Designated loading zones.”; and by adding the bolded the bolded text as subsection (h), “Bus Loading Zones”, within Section 94-94, “Restrictions”, Division 2, “Specific Street Regulations” of Article III, “Parking Services”, of Chapter 94, entitled “TRAFFIC, PARKING AND PUBLIC WAYS” as follows;

Sec. 94-92. – Designated loading zones.

...

Gilbo Avenue, south side, from a point ~~64~~ **96** feet west of Main Street, **continuing westerly 45 feet** to a point opposite the west end of the Transportation Center.

...

Roxbury Street, north side, ~~along~~ **beginning at a point 70 feet from the southeast corner of the former Cheshire County Savings Bank, continuing easterly for the remainder of** the indented portion of the street curbing directly in front of the Central Square Terrace apartment building.

Sec. 94-94. – Restrictions

...

h) *Bus Loading Zones* – It shall be a violation for any vehicle, other than an emergency vehicle as defined in NH RSA 259:28 or a community transportation vehicle as defined in NH RSA 239-B:1-a (i.e., public transit service), to stop, stand or park at any time, at any of the following locations:

- (1) Roxbury Street** – In front of the Central Square Terrace apartment building on Roxbury Street, westerly of the designated loading zone defined in Section 94-92, above.
- (2) Gilbo Avenue** – Beginning at a point approximately 141 feet west of Main Street, continuing westerly **50** feet along the curblines on the north side of the Keene Transportation Center.
- (3) West Street** – Within the indented portion of curblines on the south side of the Keene Public Library.

Jay V. Kahn, Mayor



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Designated Loading Zones and Bus Loading Zones

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by removing the stricken text and adding the bolded text to the provisions of Section 94-92, “Designated loading zones.”; and by adding the bolded the bolded text as subsection (h), “Bus Loading Zones”, within Section 94-94, “Restrictions”, Division 2, “Specific Street Regulations” of Article III, “Parking Services”, of Chapter 94, entitled “TRAFFIC, PARKING AND PUBLIC WAYS” as follows;

Sec. 94-92. – Designated loading zones.

...
Gilbo Avenue, south side, from a point ~~61~~ 96 feet west of Main Street, continuing westerly 45 feet to a point opposite the west end of the Transportation Center.

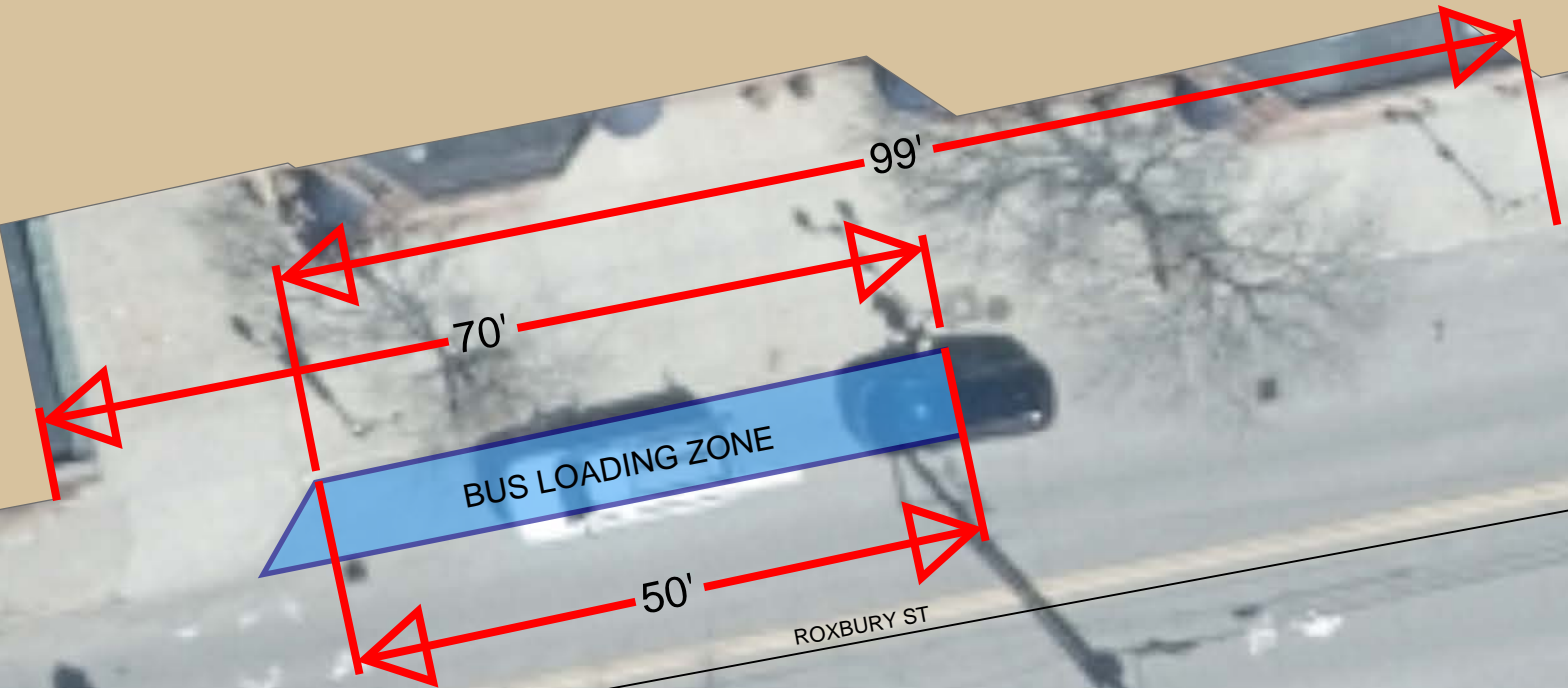
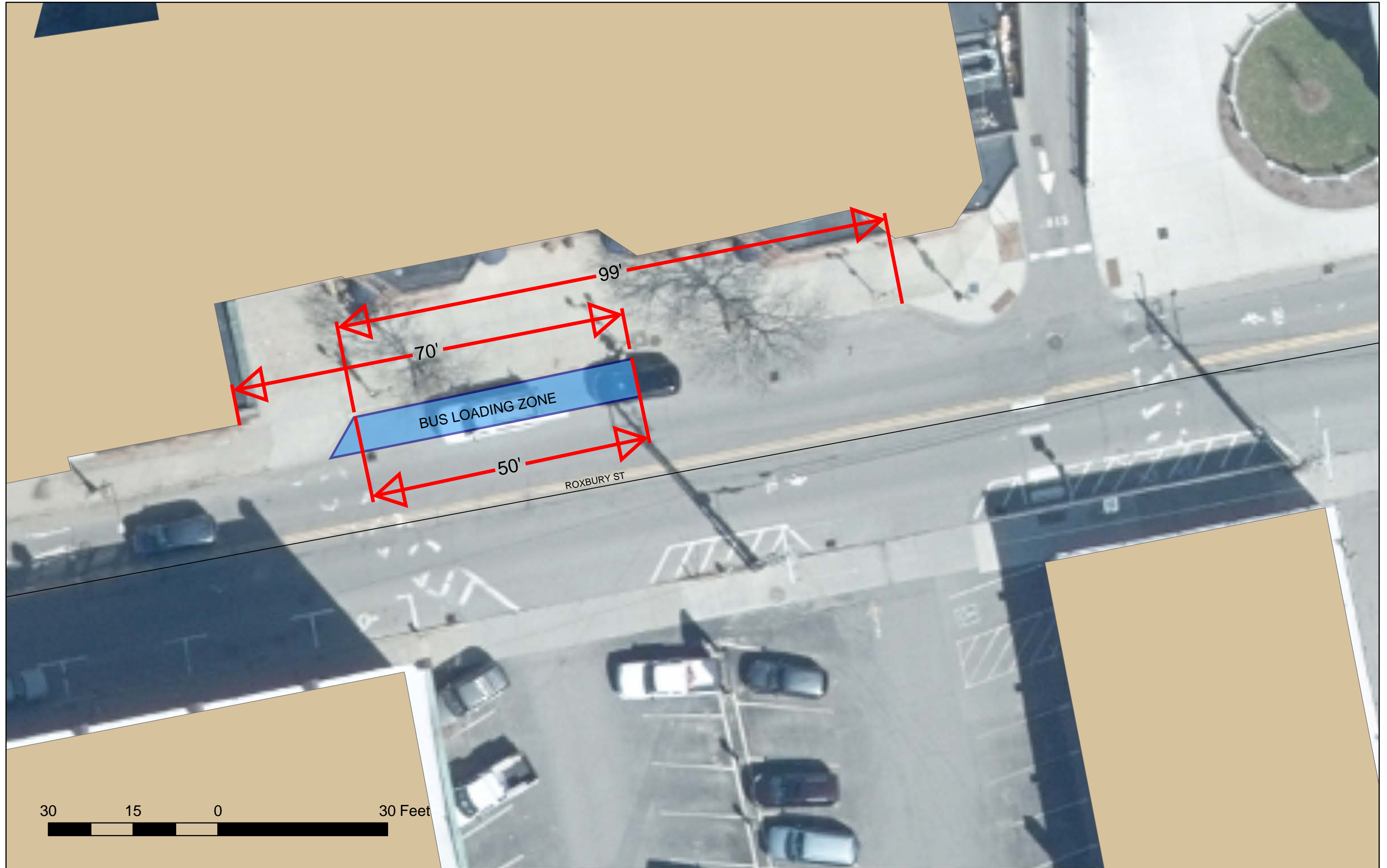
...
Roxbury Street, north side, ~~along~~ **beginning at a point 70 feet from the southeast corner of the former Cheshire County Savings Bank, continuing easterly for the remainder of the indented portion of the street curbing directly in front of the Central Square Terrace apartment building.**

Sec. 94-94. – Restrictions

...
h) ***Bus Loading Zones*** – It shall be a violation for any vehicle, other than an emergency vehicle as defined in NH RSA 259:28 or a community transportation vehicle as defined in NH RSA 239-B:1-a (i.e., public transit service), to stop, stand or park at any time, at any of the following locations:

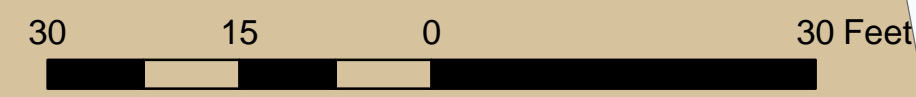
- (1) **Roxbury Street – In front of the Central Square Terrace apartment building on Roxbury Street, westerly of the designated loading zone defined in Section 94-92, above.**
- (2) **Gilbo Avenue – Beginning at a point approximately 141 feet west of Main Street, continuing westerly 50 feet aAlong the curbline on the north side of the Keene Transportation Center.**
- (3) **West Street – Withing the indented portion of curbline on the south side of the Keene Public Library.**

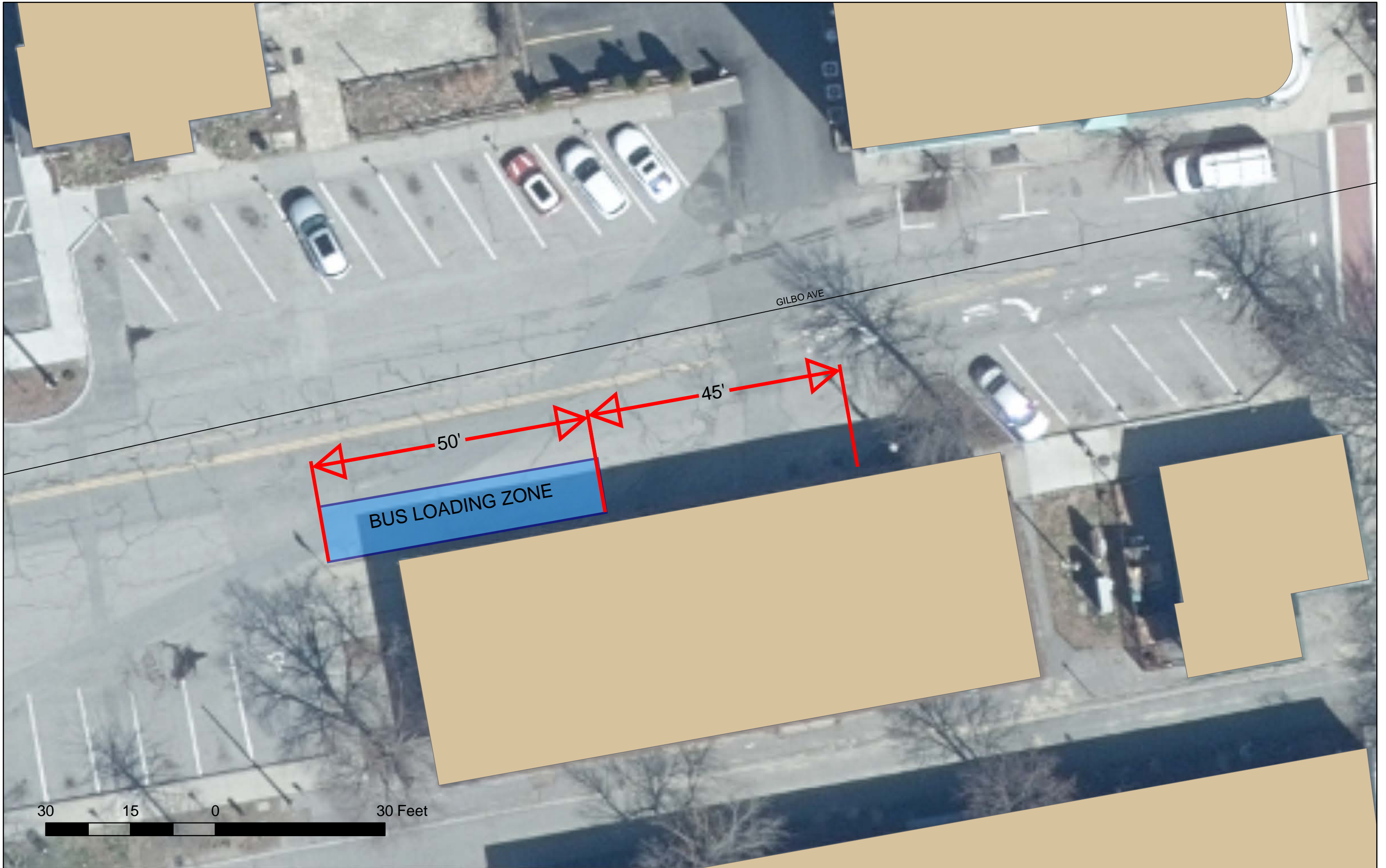
Jay V. Kahn, Mayor



BUS LOADING ZONE

ROXBURY ST









CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Ferland - City Manager
Subject: **Relating to the Office of City Treasurer
Resolution R-2025-03**

Recommendation:

Adoption by the City Council of Resolution R-2025-03.

Attachments:

1. R-2025-03 Relating to City Treasurer K Chamberlain

Background:

Kari L. Chamberlain assumed the position of City Finance Director/Treasurer on January 13, 2025. City Code provides for appointment by the City Council of a City Treasurer to fulfill the functions and powers provided under City Code and state statute. Action by the City Council on R-2025-03 will fill the vacancy created in the position of City Treasurer upon retirement of Finance Director/Treasurer Merri E.B. Howe on January 3, 2025.



CITY OF KEENE

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

A RESOLUTION Relating to the Office of City Treasurer

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

That Kari L. Chamberlain be appointed as City Treasurer to perform the duties as prescribed by NH RSA 48:16.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Andrew Bohannon, Deputy City Manager
Through: Elizabeth Ferland - City Manager
Subject: **Relating to Appropriations for ADA Ramp at Recreation Center
Resolution R-2025-04**

Recommendation:

That Resolution R-2025-04 Be referred to the Finance, Organization and Personnel Committee for their review and recommendation.

Attachments:

1. Resolution R-2025-04

Background:

As part of the CDFA Community Center Investment program, the City identified the need for an ADA-compliant access ramp from the Brian A. Mattson Recreation Center parking lot to the Veterans Memorial in Fuller Park. Despite high bids and budget adjustments, the project remains on track, except for the ramp.

Initially budgeted at \$115,000, the first base bid came in at \$234,582 and was rejected. With assistance from City Engineering, the bid scope was revised and scaled to a basic switchback ramp with railings. The low bid on the second round was \$180,024.00, and difference of \$65,000. A recent donation of \$10,000 from the Savings Bank of Walpole reduced the difference to \$55,000. Additionally, efforts have been made to acquire other donations and grants, and these results will not be known for another 60 days.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to appropriations for ADA ramp at Recreation Center

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

That the sum up to Sixty Thousand Dollars and no cents (\$60,000.00) be and here appropriated from the unallocated fund balance for the purpose of funding the ADA ramp at the Brian A. Mattson Recreation Center.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Bryan Ruoff, City Engineer
Through: Elizabeth Ferland - City Manager
Subject: **Relating to Appropriation of Funds - Sewer Main Lining Resolution R-2025-05**

Recommendation:

That Resolution R-2025-05 be referred to the Finance Organization and Personnel Committee for consideration and recommendation back to City Council.

Attachments:

1. R-2025-05 Relating to Appropriations for Sewer Main Lining Program

Background:

In 2022, the City applied for and obtained a NHDES Clean Water State Revolving Fund (CWSRF) loan in the amount of \$1,029,900 for the scope of construction services for the City's Sewer Main Lining and Repair Program (32MI04). The CWSRF includes 10% loan forgiveness to the City, in the amount of up to \$102,900, based on the awarded and executed loan amount.

In December 2024, the City publicly bid the scope of work for the construction services for the project. Two bids were received by the City, with an associated low bid of \$741,959, received from Insituform Technologies for the Project. Currently, roughly \$381,000 has been appropriated to date under the Sewer Main Lining Program (32MI04) for this scope of construction services. In order to maximize the value of the loan to the City and rate payers, Resolution R-2025-05 will be appropriated planned FY26 CIP funds (\$225,000) and planned FY27 CIP funds (\$225,000) immediately. The resulting additional appropriation of \$450,000 will allow the city to execute this contract with the low bidder for construction for the Sewer Main Lining Project (32MI0425). The FY26 and FY27 funds will be removed from the CIP through the ordinary budgeting process.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to appropriations for the Sewer Main Lining Program

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

Related to an Appropriation for the Sewer Main Lining Program (32MI04)

WHEREAS, The City has been awarded a Clean Water State Revolving Fund (CWSRF) loan for the implementation of our Sewer Main Lining Program (32MI04); and,

WHEREAS, The award incentivizes municipal investments in wastewater infrastructure through “principal forgiveness” of a portion of the qualifying costs for the projects; and,

WHEREAS, The City desires to maximize the benefits of this program for our ratepayers;

NOW THEREFORE BE IT RESOLVED That the sum of Four Hundred fifty thousand dollars (\$430,00), previously planned for fiscal years 2026 and 2027, is hereby appropriated in the 2024-2025 fiscal year for the purpose of providing funding for the Sewer Main Lining Program, Project#32MI0425.

Said appropriation will be funded by the proceeds of the aforementioned loan program.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.4.

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Bryan Ruoff, City Engineer
Through: Elizabeth Ferland - City Manager
Subject: **Relating to Appropriation of Funds - Sewer Manhole Lining Resolution R-2025-06**

Recommendation:

That Resolution R-2025-06 be referred to the Finance, Organization, and Personnel Committee for consideration and recommendation back to the City Council.

Attachments:

1. R-2025-06 Relating to Appropriations for Sewer Manhole Lining Program

Background:

In 2022, the City applied for and obtained a NHDES Clean Water State Revolving Fund (CWSRF) loan in the amount of \$836,700 for the scope of construction services for the City's Sewer Manhole Lining and Repair Program (32MI06). The CWSRF includes 10% loan forgiveness to the City, in the amount of up to \$83,670, based on the awarded and executed loan amount.

In December 2024, the City publicly bid the scope of work for construction services for the project. Three bids were received by the City, with an associated low bid of \$1,265,417.02 was received from GVC Construction for the Project. Currently, roughly \$487,067 has been appropriated to date under the Sewer Manhole Lining and Rehab Program (32MI06) for this scope of construction services. In order to maximize the value of the loan to the City and ratepayers, planned FY26 CIP funds in the amount of \$172,000 and planned FY27 CIP funds in the amount of \$172,000 will be appropriated as part of the FY25 budget, resulting in a total additional appropriation of \$344,000 from the future planned CIP FY26 and FY27 in order to execute a contract with the low bidder for construction for the Sewer Manhole Lining & Rehab Project (32MI0425).



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to appropriations for the Sewer Manhole Lining Program

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

Related to an Appropriation for the Sewer Manhole Lining Program (32MI06)

WHEREAS, The City has been awarded a Clean Water State Revolving Fund (CWSRF) loan for the implementation of our Sewer Manhole Lining Program (32MI06); and,

WHEREAS, The award incentivizes municipal investments in wastewater infrastructure through “principal forgiveness” of a portion of the qualifying costs for the projects; and,

WHEREAS, The City desires to maximize the benefits of this program for our ratepayers;

NOW THEREFORE BE IT RESOLVED That the sum of Three Hundred Forty Nine thousand, Six Hundred dollars (\$349,600), previously planned for fiscal years 2026 and 2027, is hereby appropriated in the 2024-2025 fiscal year for the purpose of providing funding for the Sewer Manhole Lining Program, Project#32MI0625.

Said appropriation will be funded by the proceeds of the aforementioned loan program.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #L.1.

Meeting Date: February 6, 2025
To: Mayor and Keene City Council
From: Patricia Little, City Clerk
Through:
Subject: Rules of Order Amendment - Section 26. "Review of Items of Business"

Recommendation:

Main Motion made by Councilor Bosley and duly seconded by Councilor Jones: 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.

Motion to amend made by Councilor Remy and duly seconded by Councilor Bosley: to amend the motion before the City Council to recommend adoption of the amendments to Section #26 "Review of Items of Business" as originally presented for first reading on October 17, 2024, and referred to PLD.

Attachments:

1. Section 26_Review of Items of Business

Background:

At the November 21, 2024, regular meeting, the City Council voted with seven in favor and six opposed to lay on the table the main motion and all pending amendments to Section 26, "Review of Items of Business."

SECTION 26. REVIEW OF ITEMS OF BUSINESS.

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

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

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