

**City of Keene**  
**New Hampshire**

**PLANNING, LICENSES AND DEVELOPMENT COMMITTEE**  
**MEETING MINUTES**

**Wednesday, April 9, 2025**

**6:00 PM**

**Council Chambers,  
City Hall**

**Members Present:**

Kate M. Bosley, Chair  
Philip M. Jones, Vice Chair  
Andrew M. Madison  
Robert C. Williams  
Edward J. Haas

**Members Not Present:**

*All Present*

**Jay V. Kahn, Mayor**

**Staff Present:**

Elizabeth A. Ferland, City Manager  
Amanda Palmeira, City Attorney  
Rebecca Landry, Deputy City Manager  
Paul Andrus, Community Development  
Director  
Richard Wood, Fire Marshal/Building &  
Health Official  
Medard Kopczynski, Economic Development  
Director

Chair Bosley called the meeting to order at 6:00 PM. The Chair heard the agenda items out of the order agendized, calling item 5 forward first to accommodate the staff schedules.

**1) Continued Discussion: Councilor Robert Williams - Policy on the Discharge of Fireworks**

Chair Bosley recalled that this was an ongoing conversation the Committee began at the end of 2024 after receiving multiple requests to have fireworks displays at an individual location. She said one particular location in town seemed to bear the brunt of these displays, but it could be at other locations similarly. So, the Committee wanted to address the City's policy on minimizing the impact on different neighborhoods. She asked to hear from Councilor Robert Williams, who had initiated this request.

Councilor Williams said the purpose of his letter was to determine the City's policy. In 2024 at Alumni Field, there were four requests for fireworks displays, and it was later determined that one was a non-commercial fireworks display. He said there was a concern about a situation in which non-commercial fireworks were competing with commercial fireworks and a potential loophole to avoid a permit for these displays; he hoped to hear from the Fire Marshal about that. Councilor Williams cited many reasons he thought it was important to recognize the impact of fireworks in the community, both positive and negative. He enjoys 4<sup>th</sup> of July fireworks as much as everyone else but was unsure about the displays in other months. One of his concerns is the environmental impact, citing Keene's wonderful wildlife—like the turkey vulture outside his house—who are scared by the explosions. At this point, there would be less of the environment to appreciate in the City. He also cited domestic animals like horses and dogs being scared by

fireworks. Additionally, fireworks affect people who have sensory issues, including those with autism and veterans with PTSD. For all those reasons, Councilor Williams thought it would be a good idea to look at spreading the fireworks displays around the city so there would be less of an impact on Alumni Field.

Chair Bosley requested comments from the City's Fire Marshal/Building & Health Official, Rick Wood, who the Chair had spoken with about recent changes at the state level. Mr. Wood said one of his only concerns since this came up had been how to make an enforceable rule. In that discussion, one of the big questions was in the City's Ordinance, which says consumer fireworks can be shot without a permit. Still, there are consumer firework shows at certain locations shot by actual licensed shooters, meaning more for display than consumer. Mr. Wood explained that the State of NH recently changed its administrative rules about the Use of Permissible Fireworks by Other Than Consumers (Saf-C 2607.06). A new subsection, "h," was added to require that anyone shooting consumer fireworks other than the consumer—meaning a display—have a Certificate of Competency, the same certificate issued to a licensed display. Mr. Wood said this would make it much easier for the City to figure out who falls under a licensing requirement, providing what the City would need for the Committee to consider policy decisions on any limitations.

Chair Bosley said she spoke with the City Attorney, Amanda Palmeira, to provide the Attorney with guidance about what the Chair thought might be reasonable language to consider. Chair Bosley offered that language to the Committee earlier on the day of this meeting. She said some concerns came up as she thought about it this evening, one of which she wanted the Committee to discuss—an appropriate number of times per calendar year for displays at a particular location and how to issue those permits. She feared that one license holder might come in and request all the licenses for one location for the whole year if the City did not have some practice in place to look at all the requests for potential displays over a year at the location at once to more fairly distribute permits. She wanted to find a way to defer to the 4<sup>th</sup> of July celebration and honor that tradition in the community.

Vice Chair Jones questioned how to define "location." One year, there were some fireworks at Alumni Field but also three weddings at Keene Country Club with fireworks, only 1.5 blocks away. Would that be one location or two? Mr. Wood thought the only logical way to discern a location would be to use the Tax Parcel Map, which would essentially be tied to ownership, and landowners must provide permission for fireworks displays; he did not think there would be a way to say "regions" of the City, for example. Mr. Wood wondered if the landowners could determine the number of times per year on their properties and who gets priority. Vice Chair Jones agreed that this would likely be the best method. The Vice Chair was still concerned with the potential for displays affecting the same neighborhoods repeatedly, and he was unsure there was a way to avoid that. Mr. Wood agreed it was difficult for him to contemplate a way.

Councilor Haas said it sounded like there were two things the Committee wanted. First, the overall goal is to limit the number of fireworks displays licensed yearly, with the knowledge that consumers can shoot fireworks as much as they want. 4<sup>th</sup> of July would be aside; perhaps the licensed group could change year-to-year. He suggested limiting the total number of licenses and then working to distribute those licenses fairly, citing the potential for a lottery as an example.

Second, Councilor Haas wanted to have some time frame around this—he knew there was a suggested time frame of May 1—and suggested seeking feedback from the people who contract for fireworks about the timing they need to contract so the City can provide sufficient licensing time. He said having clear License applications and issuance dates would give people a fair chance at obtaining those licenses, and then the City could be responsive when needed. Councilor Haas saw a lot of work to be done regarding the number of events over the year—he envisioned no more than five but was much more partial to three—and fair distribution. Chair Bosley asked if Councilor Haas suggested that number Citywide or by location. Councilor Haas said citywide. He said that while there tended to be a focus on one location, if another wanted to have a celebration and fairly applied for an available license, so be it. Chair Bosley asked if Councilor Haas would be comfortable with something like five licenses over a season in the municipality, only three at any given location. Councilor Haas said yes. Councilor Williams said he supported Councilor Haas' suggestions.

There were no public comments.

Councilor Haas asked if the City Attorney needed any other guidance from the Committee, and the Attorney said she was waiting to hear the Committee's motion. She recalled the Councilor's comment about wanting more information from people seeking the licenses, which the City Attorney would not collect, and assumed that would happen in the Committee setting. The Committee could recommend that the Attorney draft something, and then the Committee could collect that input. Councilor Haas suggested leaving out the number of times per location, which could be subject to debate for the Committee to fill in later and otherwise provide a structure to work with.

Chair Bosley said she would be more comfortable limiting it to five times throughout the City over a year, a maximum of three times per location. She was unsure if there was background research to ensure the City provided a date that gives people enough time to apply for the license, but did not think many people would come to the meeting to debate, leaving it to the Committee to determine what it is comfortable with. The City Manager said that if the City were to notify a property owner that they are limited to three displays per year, they could decide which three to put forward at any time of the year, but they would run the risk of the total of five displays being met. I think we should leave it up to the property owner to decide whom they would grant permission to, and they should know they are only allowed to grant three permissions. Chair Bosley said she was comfortable with that. Vice Chair Jones asked who would be policing that process—the Clerk's office? The City Manager said no, the fireworks licenses would all still come through the PLD Committee. Vice Chair Jones asked who would limit them to five per year. The City Manager thought the permit language would need to be changed when the Ordinance changes to have additional language clarifying that there is a limitation. Vice Chair Jones asked if there was no state application at this time. Mr. Wood said that as a part of the recent update, you must apply to the State of NH for the display of permissible or non-permissible fireworks, with sign-off by the Fire Department. So, Vice Chair Jones said the City did not need its own application process. Mr. Wood said the City did need its application process through the City Clerk's office.

The whole Committee expressed support for the City Attorney drafting language for first reading.

Chair Bosley made the following motion, which was duly seconded by Councilor Madison.

On a vote of 5–0, the Planning, Licenses and Development Committee recommends the City Attorney draft an Ordinance on fireworks that would incorporate the PLD Committee’s recommendations.

**2) Pathways for Keene - Request for Use of City Property - 4 on the 4<sup>th</sup> Road Race - July 4, 2025**

Chair Bosley welcomed introductory comments from Deputy City Manager, Rebecca Landry, who attended the event protocol meetings. She provided the following details of the Pathways for Keene 4 on the 4<sup>th</sup> Road Race on July 4, 2025, from 6:00–11:00 AM:

- Running race with approximately 700 runners and walkers, about 1,200 total attendees including the spectators.
- Race starts at 7:30 AM.
- Partial closures of Railroad Street, Community Way, 93rd Street, and a small section of the service road for the Well Street Parking Garage, as well as a detour at Railroad and 93<sup>rd</sup> Streets.
- The sponsor notifying impacted parties who may be impacted by any road closures for the event date, such as the Co-Op and the Marriott.
- Ten to 20 race marshals requested by the City at various locations.
- The sponsors arranging for private traffic control at Water Street and the bike path, at Eastern Avenue and the bike path, and at the Marlboro Street intersection for everyone’s safety.
- The Police Department at the start and the finish lines for security reasons. The Police communicate with the Race Director immediately prior to the start of the race and clear the course. The Fire Department was also involved in the protocol process and would provide one ambulance within the race footprint.
- Public Works and Parking Departments were also very much involved in the protocol process and preparing for and supporting the event, which Ms. Landry thought was great.

Chair Bosley welcomed the applicant, Ted McGreer (of 115 Main Street), who noted that this would be the 23<sup>rd</sup> annual Race, with every dollar going back to the trail system. He noted that Pathways for Keene is a 100% volunteer board, with President Janelle Sartorio at this time, and Mr. McGreer as Vice President. Mr. McGreer said the Race had grown into a nice summer community event, and they were grateful for the licenses over the years.

Councilor Jones pointed out that he was a Board member for Pathways for Keene (on file with the Clerk’s office) but said he had no pecuniary interest in this matter. Chair Bosley thought it was ideal for the Vice Chair to not vote on this matter. With no opposition, the Chair accepted Vice Chair Jones’ recusal. However, Vice Chair Jones reported that this Race had raised over \$1 million for the City of Keene over the years, noting that 2025 had been one of the best years for

the Pathways for Keene Board. Mr. McGreer agreed, adding that the charitable gaming casinos contributed a lot, but the 4 on the 4<sup>th</sup> Race generated approximately \$45,000/year, with about 200 local businesses sponsoring it. There is a big party at the end, with a hot dog eating contest, a dance contest, live music, and more. Chair Bosley agreed it was a considerable amount of money donated back to the community over 23 years. Councilor Jones said it is Pathways' largest fundraiser of the year and one of the few community events for which all the funds are donated to the City.

There were no public comments.

Councilor Madison committed to running the Race this year, for the record.

Councilor Williams made the following motion, which was duly seconded by Councilor Haas.

On a vote 4–0, the Planning, Licenses & Development Committee recommends the City Council grant permission to Pathways for Keene to sponsor a running race on Friday, July 4<sup>th</sup>, 2025, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured. In addition, the Police Department shall identify Railroad Street immediately adjacent to Railroad Square as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 26 Community Events Budget. Said payment shall be made within 30 days of the date of invoicing. Councilor Jones abstained.

**3) Keene Pride Festival - Request for Use of City Property - Pride Festival - September 21, 2025**

Chair Bosley welcomed the applicant, Adam Toepfer, Board President of the 4<sup>th</sup> Keene Pride Festival, who discussed how much it had grown. In 2024, there were over 115 booths within Central Square, so there was a need to expand. This year, they requested to expand down Main Street, stopping the festival just south of Railroad Street, but Main Street would be closed to the area around Emerald Street. This year, they also requested extending the festival by one hour, from 12:00–7:00 PM (vs. 6:00 PM) to accommodate the amount of programming that could not fit into six hours. Chair Bosley called that a good problem to have.

Chair Bosley requested staff comments. Rebecca Landry, Deputy City Manager, provided the following details about this year's event:

- Road closures: Central Square and portions of Washington Street and Court Street, Roxbury Street, West Street, Main Street, Railroad Square, and Railroad Street.
- A detour for all northbound traffic on Main Street at Emerald Street. Public Works Department putting up detour signage in the morning.
- Many barricades and other equipment and put in various locations to ensure that traffic and pedestrian safety do not collide and that there are no vehicles in the footprint.

- Police Department assisting with traffic control and putting out press release and other information about all the road closures, parking restrictions, the detours, as well as providing Officers from set up to clean up.
- Parking Services posting No Parking signs in advance on kiosks and pay stations (vs. meters in past).
- Fire Department personnel from 11:00 AM until the streets are reopened. Also, Fire personnel at the turning lane on Main Street near the flagpole, to help mitigate due to issues there when stopping traffic at that point in the past. Additionally, a fire engine at Emerald Street and Eagle Court.
- Community Development and Parks and Recreation Departments also providing support.

Though not event-related, Chair Bosley pointed out that the Council had made an effort to move away from the Public Works Department using heavier equipment, and she wondered if the City would be in a position to use barriers instead of equipment in the near future. The City Manager, Elizabeth Ferland, said there were pros and cons because the larger equipment allowed the City to close and reopen quicker. Barriers are typically set up farther in advance and stored in some downtown parking places. The City Manager said barriers were discussed as a part of the downtown project, but it would not be happening now. Mr. Toepfer stated that for the nature of an event like Keene Pride, with visitors who are unfortunately a target for some people who want to cause harm, the organizers prefer the larger equipment as a barrier protecting the patrons from vehicles.

Councilor Haas asked if there was a specification to the weight/size of these barrier equipment vehicles. The City Manager compared them to very large dump trucks. Councilor Haas asked because he wondered if there might be an opportunity for private contractors to have their vehicles used and advertising in the process. Deputy City Manager Landry said City vehicles are used so City staff can move the vehicles quickly if needed. She agreed that when deciding whether to use a concrete or movable barricade, the most paramount consideration is always what is safest for the attendees or anybody downtown, using the minimal equipment necessary to meet maximum safety requirements. Councilor Haas said he would take it upon himself to explore the possibilities for private contractors.

Councilor Jones thought back to the first time Keene Pride applied for an Event License, and he questioned the time of year they chose, which he said proved right. Councilor Jones thanked the organizers for making it a true success. Mr. Toepfer recognized the Keene Pride Board, including the original Board members and over 100 dedicated volunteers. Councilor Jones said the dedication showed.

Chair Bosley opened the floor to public comments.

Mayor Kahn spoke unrelated to the Keene Pride Festival. He spoke about the concern from Main Street businesses during partial street shutdowns, when large vehicles are parked in front of their stores, inhibiting view of their storefronts. He said it was not an issue with the degree of closures for this event, but he felt the need to mention what constituents told to him. He asked the PLD Committee to consider it when providing Event Licenses with partial closures of Main Street in the future. Chair Bosley agreed that this was not related to Keene Pride Festival and said it was

really more of a Municipal Services, Facilities & Infrastructure Committee conversation about how to accomplish these closures appropriately, aesthetically, and safely. During the downtown reconstruction, Mr. Toepfer wished for the City to install the barricades that would lift out of the streets. Chair Bosley agreed, stating that Public Works was trying to find a compromise. Mr. Toepfer added that he would be submitting a formal request on behalf of all festivals about installing data cables and audio cables for festivals and events in all of downtown. Chair Bosley said that would be great.

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

Councilor Madison added that the Festival was well-run every year, and he heard great feedback from community members and business owners. While there were efforts to minimize this community at the National and State levels, Councilor Madison was really happy Keene was throwing an even bigger party. Mr. Toepfer agreed that Keene's support for the LGBTQ+ community was really important at this time.

Peter Vogel (of 189 Center St., Sullivan, NH) of Monadnock Action, an indivisible affiliated group getting started in the area, echoed that this is a critical time to show support for the LGBTQIA+ community. Mr. Vogel said Monadnock Action identified some concerning legislative actions at the national and state levels threatening this community, citing once-unthinkable actions by certain federal agencies very quickly coming to pass. He said every statement the City could make to support this effort and the LGBTQIA+ community was critically important at this time. Mr. Vogel stated symbols and actions matter, noting too many institutions had failed to stand up to protect marginalized and threatened communities. He said this sent a powerful message.

On a vote of 5–0, the Planning, Licenses and Development Committee recommends granting Keene Pride permission to use downtown City rights-of-way on Sunday, September 21, 2025, for a Pride Festival, subject to the following conditions:

- Submission of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as an additional insured;
- Execution of a standard revocable license and indemnification agreement;
- Agreement by the Petitioner to cover any City service costs exceeding the allocated City funding, with payment due within 30 days of invoicing;
- Licensee is permitted to place 12 total portable toilets and one dumpster in City parking spaces located at the following locations: The base of Washington Street, Railroad Street, Roxbury Plaza from Friday, September 19, 2025 to Monday September 22, 2025, the portable toilets will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- Submission of signed letters of permission from private property owners for any use of their property;
- Compliance with all required permits, licenses, applicable laws, and any recommendations from City staff.

The event footprint and layout shall include the traveled portions of Central Square, Washington Street from Vernon Street to Central Square, Court Street from Winter Street to Central Square, Roxbury Street from Roxbury Plaza (easterly side of Hannah Grimes Parking Lot) to Central Square, West Street from Federal Street to Central Square, Main Street northbound from Emerald Street/Eagle Court to Central Square, Railroad Square, Railroad Street from Roxbury Plaza to Church Street. Road closures may also extend to other streets as necessary for detour routes, with final closure and detour plans determined in coordination with City staff. The event will take place from 12:00 PM to 7:00 PM, with setup and cleanup times to be coordinated with City staff. Free parking is granted under the City's free parking policy for designated spaces on Washington Street and Roxbury Plaza for equipment storage from September 22, 2025, as well as for event footprint on the day of the festival.

**4) Direct Referral to Committee: Otto's Food and Drink - Request for Permission to Serve Alcohol - Sidewalk Café**

Chair Bosley welcomed the applicant, Kaycie Meyerrose (of 1182 Nelson Rd., Nelson, NH), Owner of Otto's Food and Drink, who had taken over the former Machina Kitchen and Art Bar. She thought it would be a great addition to their regular service to serve alcohol on their patio this summer within the same space as before but a little more spacing than they had seen previously for more access to the park. Otherwise, no additional seating was planned, and the intention was to pull everything against the building. Ms. Meyerrose hoped to be able to serve the community in a larger capacity this summer.

Chair Bosley asked if there were staff comments. The City Manager, Elizabeth Ferland, said no. This license was before the Committee because all first-time requests to serve alcohol in Sidewalk Cafés must appear before the Committee. However, she said this owner intended to follow a very similar one to get their License, and all the normal requirements would be met.

There were no public comments.

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that Otto's Food and Drink be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code, and compliance with any requirements of the NH Liquor Commission. This license shall expire on March 1, 2026.

Chair Bosley asked if it was unusual for the license to have an expiration date. The City Manager explained that the March 1 expiration date was placed on all Sidewalk Café Licenses; this would be the first for this location. The City Manager confirmed that this would be permission to serve alcohol in conjunction with the Sidewalk Café License. After receiving permission to serve alcohol, it would follow the Sidewalk Café License, and License renewal happens via administrative approval by the City Clerk's office in future years.



Chair Bosley welcomed Otto's Food and Drink to downtown Keene.

**5) Councilor Jones - Request for Resolution Honoring the LGBTQIA+ Community**

Chair Bosley asked to hear Vice Chair Jones' ideas. The Vice Chair recalled when, in 2021, he presented the City with the idea to create a resolution to honor the LGBTQIA+ community. In consultation with the then City Attorney and Mayor, the best decision was to create the City's Declaration of Inclusion, which Vice Chair Jones said was very popular. Copies of the Declaration of Inclusion hung in the City Hall lobby, and more than 30 others were requested for other locations across the City, like the Library, Recreation Center, Cheshire Medical Center, Keene State College, several banks, and some senior living centers. Vice Chair Jones paid to frame them all. Now, he would ask staff to draft an updated Declaration of Inclusion with refreshed language submitted from the community and Councilors, such as changing "lifestyles" to "sexual orientation and gender identity" for better representation. Then it could come back to the Committee for final wordsmithing. He had received many emails about this since submitting his letter to the Council. He had also met with people from various communities in the City. Vice Chair Jones recalled that there were different mediums possible: (1) a Proclamation written and signed by the Mayor, (2) a Resolution the Council must adopt and is signed by the Mayor, and (3) a Declaration, which is not codified, voted on as a City Council body, and every voting member that feels comfortable is welcome to undersign the declaration. Vice Chair Jones' intention was to proceed with updating the City's existing Declaration of Inclusion, but he wanted to hear from the public.

Councilor Haas asked whether the Vice Chair's intent would be to revise the existing plaques and circulate new ones. Vice Chair Jones said no, the Declarations from that period of time would not change, there would just be a new Declaration. He thought that, like last time, the Clerk's office could print them on parchment-like paper to be framed, which the Vice Chair said he was willing to accommodate again. Chair Bosley also suggested offering the current Declaration holders the updated copies to place in their original frames. Vice Chair Jones agreed, or said they could have both, reiterating that the new Declaration would not detract from the first Declaration.

Chair Bosley opened the floor to public comments.

Mohammad Saleh, member of the City's Human Rights Committee (HRC), thanked and applauded Councilor Jones for taking a very timely step in revising the Declaration. Mr. Saleh said this was a very difficult time, with a lot of people feeling marginalized, so he called it admirable to be more inclusionary and empowering in the phrasing and to not try to hide behind social prejudice. He requested the HRC's participation in the review and updating process. Vice Chair Jones agreed that he was planning to visit the Committee. Mr. Saleh was one of the first recipients of the original Declaration, which was still in his office.

Adam Toepfer, President of the Keene Pride Board, called this a great idea. He encouraged expanding upon the Declaration, suggesting that Keene should be a sanctuary City for the LGBTQIA+ community. As the owner of Madame Sherri's, Mr. Toepfer knew that members of this community were terrified daily—calling it an understatement. He knew the Council could

not control anything that was happening at the state or national levels, but Mr. Toepfer thought creating a sanctuary city for the LGBTQIA+ community in Keene would show something big.

Mayor Jay Kahn thanked Vice Chair Jones for bringing this forward. The Mayor thought it would be valuable to incorporate language from the state Anti-Discrimination Act (NH RSA 354-A). He also pointed out that age was not a part of the 2021 Declaration, and he thought it should be incorporated in alignment with the statute. He agreed with the recommended action to ask the City Attorney to draft appropriate language—with input from groups like the HRC—to update the Declaration; it was not time-sensitive and would lay a path for returning to this Committee for final wording to recommend to City Council. Mayor Kahn agreed with the importance of updating the language to the appropriateness of the times and recognizing constituencies the City does not want to ignore. Vice Chair Jones agreed that this was not time-sensitive, and he would rather take the time and be very careful in crafting appropriate language.

Councilor Haas asked for more details about the recommended process. Chair Bosley questioned whether this matter could be placed on more time while this language was being updated through the City Attorney's Office and Human Rights Committee. Then it would return to the Committee for a recommendation to the Council. The City Attorney, Amanda Palmeira, said there would not be an official process for the matter, leaving this Committee and going through the HRC; for that to happen, Vice Chair Jones or someone else would have to seek that input while it is on more time. That made the most sense to Chair Bosley, so this work would begin without waiting for another Council cycle. Vice Chair Jones agreed, stating that he would work out those logistics as long as staff understood their directions.

Councilor Madison made the following motion, which was duly seconded by Councilor Haas.

On a vote of 5–0, the Planning, Licenses and Development Committee recommends placing the Request for Resolution Honoring the LGBTQIA+ Community on more time.

A brief discussion ensued about the use of the word “Resolution” vs. “Declaration” in the motion. Councilor Madison clarified that it was listed as a Resolution on the agenda item.

Councilor Jones said he would present his ideas to the HRC and bring back a draft updated Declaration of Inclusion for the Committee's review.

**6) Withdrawal: Ordinance O-2024-18 - Relating to Licenses and Permits**

Chair Bosley welcomed staff comments. The City Manager, Elizabeth Ferland, explained that Ordinance O-2024-18 was brought forward by the City Clerk and the Public Works Director in October 2024 in anticipation of the downtown construction project. There were concerns at the time about needing to create additional restrictions in the Ordinance that would authorize the Public Works Director to decide—because of the construction project—to not issue licenses for part of the year or potentially all of the construction season. That concept was met with resistance from the PLD Committee, which directed staff to revisit the Ordinance language again to develop more flexibility and additional options for Sidewalk Café Licenses during the

construction phase. As such, the Clerk's office thought it was appropriate to dispense with this more time item that was on the Committee's agenda by withdrawing the Ordinance.

The City Manager continued, explaining that there was the first follow-up outreach meeting for the license holders on April 7 with the Public Works Director to discuss how he thought the Sidewalk Café Licenses would work during different phases of active construction. Different zones downtown would be under active construction at different times. For example, Central Square would be phase one, and one block might be an active construction zone for three weeks with no permits allowed there because the ground would be disturbed. However, in other areas of the construction phase around Central Square, there could be permits, but the license holders would need to understand that there would be dust, noise, and disruption; but they would still have that choice. Public Works would announce the active construction zones seven days in advance to give the License holders time, and the Clerk's office would add language to the License that would allow the City to operate within a licensed footprint during the active construction zones in case of emergency (e.g., a water line break) and modify the licensed footprint conditions as required for public use of the sidewalk and Americans with Disabilities Act conditions. Otherwise, the typical requirements for café fencing, sidewalk clearances, access to egress and stores would all remain the same and still need to be enforced. The City Manager thought this would provide the additional flexibility the PLD Committee was seeking and provide License holders the option of whether to operate during their phase of construction. She said that during the April 7 meeting, no concerns were addressed during this part of the conversation. Concerns were mentioned later about the design and how Sidewalk Cafés would look after construction that the City Manager thought would be discussed further with the Municipal Services, Facilities and Infrastructure Committee. For the PLD's purposes, the City Manager thought staff found the most flexible possible way for Sidewalk Café Licensing during the construction phase.

Chair Bosley asked the Committee's course of action and the City Attorney, Amanda Palmeira, said the Committee could accept withdrawing the Ordinance as informational for the record. Chair Bosley thanked the Clerk's office for its willingness to hear the Committee, be flexible, and think outside the box about everything the Committee was hoping for—allowing business owners to operate in some capacity with phases of construction. She applauded the Clerk's office and Public Works Department for being open to that. She also applauded staff for working toward having an Ombudsman to work in conjunction with these business owners, ensuring these things happen and all this information is disseminated smoothly to help the project be perceived positively. The City Manager agreed that the Public Works Director and Clerk's office have developed a good compromise that would offer as much flexibility as possible, while also maintaining safety in the downtown.

There were no public comments.

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

On a vote of 5–0, the Planning, Licenses and Development Committee recommends that Ordinance O-2024-18, which was introduced by City staff be withdrawn.

**7) Relating to Adopting the Provisions of RSA 79-E "Community Revitalization Tax Relief Incentive" - Resolution R-2025-09**

Chair Bosley welcomed the Economic Development Director, Med Kopczynski, who was tasked by the City Manager with a number of projects related to housing opportunities, one of which was related to NH RSA 79-E, Community Revitalization Tax Relief Incentive. Mr. Kopczynski explained that there were two sections of 79-E the community might want to adopt: 79-E:4-b & 79-E:4-c, which was the genesis for why he was before the Committee, but not what he was present to talk about; there would be a request for proposals (RFP) opening to hire a consultant separately to address this issue. Mr. Kopczynski was present because when he began reviewing 79-E, he found that the City map was outdated and reflected the old downtown Zoning. He presented a 2024 map to the Committee that represented the City's new Land Development Code designations. He noted that by the time the City Council would adopt it, the City Clerk's office would update it to reflect 2025. Mr. Kopczynski welcomed questions. Chair Bosley said she thought this was a great program to have available in the City, noting that she was excited about some potential for it to expand.

Vice Chair Jones said that when the City first introduced this in 2017, it was more for corporate and industrial, and since then, 79-E morphed more toward commercial and mixed-use. Mr. Kopczynski said 79-E was originally for historic building preservation and renovation. Some communities designate one area and others the whole community. He said the Vice Chair was correct that the Statute had morphed through the years, as it was not originally designed for housing per se and now included housing components. Mr. Kopczynski did not anticipate more changes to 79-E as the legislature worked on some of these housing issues. As the state had changed, Vice Chair Jones asked if the City had updated its Ordinance accordingly. Mr. Kopczynski said no if looking at 79-E:4-b & 79-E:4-c, two specific sections of the statute the Council had not adopted.

The City Manager, Elizabeth Ferland, reiterated that the Community Development Department was getting ready to undertake a project with an RFP for a consultant to see how the City might be able to take advantage of some of the other 79-E opportunities.

Councilor Haas thought it was great for the City to use 79-E wherever possible and agreed with moving forward looking for opportunities in the future. He asked for clarification on Resolution R-2025-09 as presented. Item 9 on the list of qualifying structures referenced "a home energy score," which the Councilor presumed was the U.S. Department of Energy Better Buildings Initiative Home Energy Score. Councilor Haas said that should be clarified exactly. Mr. Kopczynski said there was an actual application package that went along with that and explains all the different sections as a method of scoring for the City Council. Chair Bosley pointed out that what Councilor Haas' was referencing was already an adopted program in the community and Councilor Haas was looking at the adopted version (i.e., no red lines). The only change would be the map.

Councilor Williams said he likes the 79-E program but could only recall a few 79-E projects the Council had ever voted on, so he asked if there was anything the City could do to make it more popular. Chair Bosley said yes, she assumed hiring the consultant to expand the program would

be the direction. She thought some projects at this time could take advantage of 79-E in its current form, but the expanded map would allow the City to offer tax relief for rehabbing the older housing stock to more people. She thought the Committee needed language to provide guidance on how to do that correctly. Mr. Kopczynski said that the 79-E program needed to be advertised more overall from an economic development perspective, and Chair Bosley mentioned a social media update.

Councilor Madison asked if the current update would increase the amount of housing stock eligible for 79-E. Chair Bosley said no. Councilor Madison said that was disappointing. Chair Bosley agreed, but said that part would be coming, recalling that a consultant would be hired to draft language to create that. This update, Chair Bosley explained, would allow the current language to be applied to the Zoning Map. The Zoning Map now identified the old, incorrect downtown zones. That clarified things better for Councilor Madison. He was still at a loss because the High-Density Zone was not included in the Resolution and he thought High Density would fit in with the spirit of 79-E, citing properties that would be ideal outside of downtown. It did not make sense to him. Mr. Kopczynski said this evening's exercise was to change the map. However, he agreed with Councilor Madison's point, which was one of the reasons the City was seeking the consultant, because 79-E was originally about designating a downtown Central Business District. That was expanded during former Mayor George Hansel's term to include the Marlboro Street Corridor as an extension of downtown. Mr. Kopczynski thought there was a reasonable case for including the High-Density Zone for the residential property revitalization zone section of 79-E, a case for some plain housing development under 79-E:4-c, and he also listed changes the City had made to the Commerce District, especially on West Street, that were arguably an extension of downtown. Mr. Kopczynski looked forward to more of these vigorous and useful conversations on 79-E for the community's long-term health. He called 79-E a useful tool for building renovation and housing expansion (e.g., housing tracts).

The City Manager quoted the first line of RSA 79-E, "It is declared to be a public benefit to enhance downtowns and town centers with respect to economic activity," which is the original 79-E language the City of Keene adopted. The other changes came later that the Council had not adopted yet. She thought going through this process to understand how the Council might want to adopt those other changes would be worthwhile.

Chair Bosley agreed with Councilor Madison that she was excited to see this expanded, citing the RFP for a consultant to help with that. The Chair added that with the modern cost of renovation, there is a huge opportunity to provide any sort of tax relief to people trying to improve property adjacent to downtown—or if expanded into some commercial areas. She said it would only bring longevity to the community.

The City Manager spoke about Accessory Dwelling Units (ADUs) as a tool the City had not been able to use because of the cost to build an ADU, even within an existing structure (e.g., garage), despite all the recent changes. The City Manager said there might be potential to create a program within 79-E to help offset the initial expenses and meet some of the City's housing goals. Mr. Kopczynski said it was a great point. He did not think the community talked a lot about the cost of things. He cited his discussions about ADUs at the state level and people being unhappy about it still costing \$350.00 per square foot to build. He said 79-E allows for working

with a funding stack, which might make the important difference in whether a project goes forward.

Councilor Williams asked how the funding for the 79-E consultant would be impacted by what was happening with the budget at this time. The City Manager said the City had the authorization to move forward with this small Housing Opportunity Planning Grant (Invest NH). The City had applied for a few initiatives (e.g., looking at short-term rentals) that were not approved. To date, the City Manager said the state had approved of the Housing Opportunity Planning Grant program. Councilor Williams heard some concern that the Housing Champions Fund would not get further money, and the City Manager said she heard the same and the City would have to monitor the program moving forward. As an aside, Mr. Kopczynski said Invest NH was looking forward to the 79-E work the City was doing, if it moved forward, because no one else in the state had hired a consultant to look at it quite this way. Keene would be setting a precedent. Chair Bosley loved that. Vice Chair Jones added, as a long-term consultative selling teacher, that he met with someone in industrial and business real estate who asked what he could do. The Vice Chair advised him to be the expert on 79-E and Economic Revitalization Zones to gain customer points.

There were no public comments.

Councilor Haas made the following motion, which was duly seconded by Councilor Madison.

On a vote of 5–0, the Planning, Licenses and Development Committee recommends adopting Resolution R-2025-09.

#### **8) Adjournment**

There being no further business, Chair Bosley adjourned the meeting at 7:25 PM.

Respectfully submitted by,  
Katryna Kibler, Minute Taker  
April 12, 2025

Edits submitted by,  
Kathleen Richards, Deputy City Clerk