



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
July 17, 2025
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- June 19, 2025 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nomination - Airport Development and Marketing Committee, Heritage Commission
2. Confirmations - Library Board of Trustees, Energy and Climate Committee

C. COMMUNICATIONS

1. Petition - Anne Farrington - In Support of Equal Respect for All Residents

D. REPORTS - COUNCIL COMMITTEES

1. Withdrawal: Proposal to Add the Necessary Infrastructure to Accommodate Banners Across Main Street
2. Goose Pond Spillway Bridge Proposal
3. Presentation: Martell Court Force Main Evaluation
4. Verbal Update: Downtown Infrastructure Project
5. Direct Referral to Committee: Buba Street Noodle & Bar - Request for Permission to Serve Alcohol - Sidewalk Café
6. Let It Shine - Request to Use City Property - 2025 Pumpkin Festival

7. Keene Pride - Request to Designate Keene a Sanctuary City for the LGBTQIA+ Community
8. BCM Environmental Land Law, PLLC - Request for City's Contribution to Monadnock Conservancy for Drainage Replacement at 0 Ashuelot Street
9. Acceptance of YouthWell New Hampshire Spring Grant for Youth Services
10. Acceptance of Donation - AED Device
11. Skatepark Fence - Transfer of Funds

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donations
2. Resignation - Airport Development and Marketing Committee
3. Resignation - Heritage Commission

G. REPORTS - BOARDS AND COMMISSIONS

1. Relative to Setbacks and Build-to Dimensions - Ordinance O-2025-20-A - Joint Planning Board/PLD Committee
2. Relative to Amendments to the Land Development Code to Encourage Housing Development in Keene - Ordinance O-2025-15-A - Joint Planning Board/PLD Committee

H. REPORTS - MORE TIME

1. Joe Schapiro - Safety Issues Associated with On-Street Parking - Church Street
2. Councilor Favolise - Request to Place Keno Question on 2025 Municipal General Election Ballot

I. ORDINANCES FOR FIRST READING

1. Relating to Class Allocation & Performance Bonus
Ordinance O-2025-24

J. ORDINANCES FOR SECOND READING

1. Relating to Prohibited Parking in Proximity to Driveways
Ordinance O-2025-22

K. RESOLUTIONS

1. Relating to Proposed FY26 Budget Amendment
Resolution R-2025-25
2. Relating to an Amended Return of Layout for a Public Right-of-Way
known as Grove Street *and* Relating to a Deed for land removed from the
Right-of-Way and an Easement for Public Infrastructure
Petition - Public Works Director
Resolution R-2025-26
Resolution R-2025-27

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, June 19, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Laura E. Tobin, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, and Thomas F. Powers were present. Kate M. Bosley was absent. Having declared that a quorum was present in the Council Chamber, the Mayor acknowledged that Councilor Greenwald requested to participate remotely due to family travel; Councilor Greenwald stated that he was alone at his location.

Councilor Roberts objected to Councilor Greenwald's remote participation due to the reason. Councilor Roberts felt it was a choice, and that family vacation was not one of the intended allowances for remote participation in the Rules of Order. He did not think it constituted unforeseen circumstances as the rule intended.

Hearing the challenge, Mayor Kahn called for a vote on the remote participation per the City Council's Rules of Order. On a vote of 12–2, the City Council allowed Councilor Greenwald's remote participation. Councilors Roberts and Workman voted in opposition. Councilor Bosley was absent.

Councilor Filiault led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Powers to adopt the June 5, 2025, minutes as presented was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

ANNOUNCEMENTS

Mayor Kahn wished everyone a Happy Juneteenth (June 19), noting today represented the sixth celebration of the national holiday and fifth of the state holiday. He thanked the Human Rights Committee, including Councilor Workman, for organizing the celebration on Central Square.

The Mayor announced that Concerts on the Common would begin on Wednesday, July 2, 2025, noting that more information is available on www.Keeneparks.com.

Next, Mayor Kahn shared that he participated in the NH Tech Alliance National Defense Conference along with optics manufacturers from Keene. That was a great opportunity to showcase the region. As of January 2024, the Mayor and Steve Fortier of New Hampshire Business and Economic Affairs have been convening The Keene Area Manufacturing Association. Therefore, Mayor Kahn and Mr. Fortier were invited by the NH Tech Alliance—a statewide organization—to present at the Northeast National Security Conference along with Jim Crowley from Keene State College, Samrad Bukovcan from Moore Nanotechnology Systems, and John Solomonides from Soldiers Systems D-MIL. The Mayor called it a great opportunity to showcase the optics manufacturing ecosystem that exists in this region and said it was very well received.

The Mayor also announced the *Jumanji* 30th Anniversary Celebration: A screening of the film will be held on June 20, 2025, at 6:00 PM at the Colonial Theatre, as well as events in downtown on Saturday, June 21, 2025, including a custom-themed road race on Main Street at 12:00 PM followed by a parade at 12:30 PM. Finally, there will be a scavenger hunt on Sunday, June 22, 2025, from 12:00 PM–4:00 PM, as well as a closing ceremony at the Central Square gazebo at noon.

Mayor Kahn provided the Council’s summer schedule:

- The July 3, 2025 City Council meeting is canceled for Independence Eve.
- The rest of the July meetings will be held as usual.
- The August 7, 2025 City Council meeting is canceled, and
- August 13 and 14, 2025 PLD and FOP meetings are canceled.
- Council will resume its regular schedule on August 21, 2025.

Lastly, the Mayor recognized Councilor Powers for an announcement regarding funeral arrangements for Lt. Aaron Cooper of the Keene Fire Department. Councilor Powers shared details of downtown impacts for the services, apologizing for any inconvenience for the 1–1.5 hours. On behalf of the Fire Department, Councilor Powers thanked all the individuals and businesses for stepping up to help. He also thanked communities like Berlin and Manchester, whose Fire Departments would help cover calls in Keene as needed over the next 36–48 hours.

COMMUNITY RECOGNITION - SAVINGS BANK OF WALPOLE - 150TH ANNIVERSARY

Mayor Kahn recognized the Savings Bank of Walpole’s 150th Anniversary. There is a sign inside the banks stating, “We put the community in banking.” Mayor Kahn said that had been their focus for 150 years, effective July 2, 2025. Bank President, Mark Bodin, challenged his staff to perform 150 Good Deeds in the course of the year; a list of those Good Deeds was published on the Savings Bank of Walpole website. Mr. Bodin is a member of the Monadnock Diversity, Equity, Inclusion, and Belonging (MDEIB) Coalition and Treasurer at Cheshire Medical Center. The Mayor said about one third of the staff at Savings Bank of Walpole (SBW) were actively engaged in some organization or board in the community beyond this Good Deeds program. For example, Dominic Perkins was on the Southwestern Community Services Board of Directors with the Mayor, Kristen Noonan was a member of the Monadnock Regional School District and Monadnock United Way Board of Directors, Danielle Ruffo was Board Chair of the Keene Housing Kids Collaborative and a Cheshire Health Foundation Board member, and Andrew Richardson was a member of the Chamber of Commerce. Mayor Kahn welcomed Mr. Bodin, also a member of the SBW Board of Directors and Local Corporator of NH Mutual Bancorp.

Mr. Bodin thanked the Mayor for his kindness and the Council for this opportunity to celebrate SBW’s 150th Anniversary. He said every single day of those years, SBW did nothing but serve the financial and community needs of this region; while other banks left the region, SBW stayed, even opening two new branches in recent years, now totaling seven in Cheshire County. Mr. Bodin cited approximately 100 Bank employees and 24,000 customers who had \$800 million

entrusted in SBW. Comparatively, he said big banks typically would not serve small businesses in rural towns. Whereas SBW closes over \$100 million of loans annually between businesses and individuals. Mr. Bodin was very proud of the Bank, but more than that, people tell him being a community institution is a part SBW's business model; he said the community engagement function was purposeful, with three dedicated staff. Staff are given unlimited time to be involved in the community, and community members notice. Mr. Bodin said SBW does not think there is anything more important, with its business model to be purposefully involved in the community and engaged; it had been in the company's DNA for 150 years. He explained that was why it had not changed from a Mutual Bank, which means it does not have outside shareholders or owners—SBW is owned by the community and there is no incentive to leave. He said under Gregg Tewksbury's leadership—fellow member of the SBW Board of Directors and Local Corporator of NH Mutual Bancorp—SBW was a part of a mutual holding company with like-minded banks. Mr. Bodin continued, describing the 150th Anniversary Celebration, working with their partners and the SwampBats on a community event on June 28, 2025, 4:00–8:00 PM, at Alumni Field (free admission). Mr. Bodin said the event would have a lot of kids' activities and 25–30 nonprofits tabling, with incentives for people to engage with them. He asked the Council and City to view the SBW website as they were soliciting Good Deeds to distribute to their staff. For example, a nine-year-old in Winchester submitted the idea for a blanket drive and SBW implemented the idea with the child, collecting many blankets because of their one idea. Mr. Bodin remarked on the potential of everyone's collective suggestions for Good Deeds.

Mayor Kahn invited the Council to join him when he presents a Proclamation on behalf of the City on June 28, 2025, at City Hall at 9:00 AM honoring the Savings Bank of Walpole's 150th Anniversary.

NOMINATIONS - LIBRARY BOARD OF TRUSTEES, ENERGY AND CLIMATE COMMITTEE

Mayor Kahn renominated Hollie Seiler and Pam Russell Slack to serve as Regular members of the Library Board of Trustees, both with terms to expire June 30, 2028. The Mayor also nominated Catherine Koning to serve as an Alternate member of the Energy and Climate Committee, with a term to expire December 31, 2026. Mayor Kahn tabled the nominations until the next regular meeting.

CONFIRMATION - TRUSTEES OF TRUST FUNDS AND CEMETERY TRUSTEES

Mayor Kahn nominated Andrew Royce to serve as a Regular member of the Trustees of Trust Funds and Cemetery Trustees, with a term to expire December 31, 2027. A motion by Councilor Powers to confirm the nomination was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

COMMUNICATION - LET IT SHINE - REQUEST TO USE CITY PROPERTY - 2025 PUMPKIN FESTIVAL

A communication was received from Mike Giacomo, on behalf of Let It Shine, requesting the event license for the 2025 Pumpkin Festival, scheduled for October 17 and 18, 2025. Mayor Kahn referred the communication to the Planning, Licenses and Development Committee.

COMMUNICATION - KEENE PRIDE - REQUEST TO DESIGNATE KEENE A SANCTUARY CITY FOR THE LGBTQIA+ COMMUNITY

A communication was received from Adam Toepfer, Keene Pride President, along with a petition requesting that the City of Keene be designated as a sanctuary city for the LGBTQIA+ community. The petition containing 785 signatures as well as the signatures of the nine members of Keene Pride's Board of Directors, was placed on file with the City Clerk. Mayor Kahn referred the communication to the Planning, Licenses and Development Committee.

COMMUNICATION - UNITED CHURCH OF CHRIST - LETTER OF SUPPORT FOR KEENE PRIDE'S PETITION TO BE DESIGNATED A SANCTUARY CITY FOR THE LGBTQIA+ COMMUNITY

A communication was received from Reverend Cynthia Bagley and the United Church of Christ in Keene indicating their support for the Keene Pride petition for Keene to be designated a sanctuary city for the LGBTQIA+ community. Mayor Kahn accepted the communication as informational.

COMMUNICATION - BCM ENVIRONMENTAL LAND LAW, PLLC - REQUEST FOR CITY'S CONTRIBUTION TO MONADNOCK CONSERVANCY FOR DRAINAGE REPLACEMENT AT 0 ASHUELOT STREET

A communication was received from Attorney Thomas R. Hanna, representing Monadnock Conservancy, requesting the City Council authorize the allocation of \$234,845 to pay for the portion of the Conservancy's site work relating to drainage replacement and installation of a flood compensation swale on property located at 0 Ashuelot Street. Mayor Kahn referred the communication to the Finance, Organization and Personnel Committee.

COMMUNICATION - COUNCILOR REMY - PROPOSED AMENDMENTS TO FISCAL YEAR 2026 OPERATING BUDGET

A communication was received from Councilor Michael Remy, pursuant to Section 30 of the Council Rules of Order, requesting an increase to the Arts Alive allocation in General Fund account 521815 from \$500 to \$7,000, with a corresponding \$6,500 decrease to Outside Agency account 521330 for the Keene Senior Center. Mayor Kahn tabled the communication until the consideration of Resolution R-2025-12-B later during this meeting.

COMMUNICATION - COUNCILORS TOBIN AND WILLIAMS - PROPOSED AMENDMENT TO FISCAL YEAR 2026 OPERATING BUDGET

A communication was received from Councilors Laura Tobin and Robert Williams, pursuant to Section 30 of the Council Rules of Order, requesting to increase the Arts Alive allocation in

General Fund account 521815 from \$500 to \$10,000. Mayor Kahn tabled the communication until the consideration of Resolution R-2025-12-B later during this meeting.

COMMUNICATION - COUNCILOR LAKE - PROPOSED AMENDMENTS TO FISCAL YEAR 2026 OPERATING BUDGET

A communication was received from Councilor Bryan Lake, pursuant to Section 30 of the Council Rules of Order, requesting to amend the Fiscal Year 2026 Operating Budget as follows: increase General Fund account 521815 for Arts Alive from \$500 to \$10,000; increase Outside Agency account 521360 for the Keene Community Kitchen from \$110,000 to \$115,000; increase Outside Agency account 521470 for Kh Kids Collaborative from \$12,500 to \$13,000; increase Outside Agency account 521330 for the Senior Citizens Center from \$16,500 to \$17,750; and that account 580100-Transfer-Capital Reserve be decreased from \$2,295,000 to \$2,285,500. Mayor Kahn tabled the communication until the consideration of Resolution R-2025-12-B later during this meeting.

COMMUNICATION - COUNCILOR FAVOLISE - REQUEST TO PLACE KENO QUESTION ON 2025 MUNICIPAL GENERAL ELECTION BALLOT

A communication was received from Councilor Jacob Favolise, requesting that the City Council consider placing a question on the November 4, 2025, Municipal General Election Ballot asking voters if they wish to prohibit the operation of Keno games within Keene. His letter referenced House Bill 737, which would authorize Keno statewide except in municipalities that have opted out. Mayor Kahn referred the communication to the Finance, Organization and Personnel Committee. However, he said to expect the need to hold a hearing afterward, once the City receives confirmation that the state has acted on legislation awaiting signature.

COMMUNICATION - COUNCILOR HAAS - AVAILABILITY OF 2025 HAZARD MITIGATION PLAN AND SUGGESTIONS RELATED TO CONTINUITY OF OPERATIONS PLANNING

A communication was received from Councilor Edward Haas, requesting the 2025 Hazard Mitigation Plan continue to be made available online for public review, and further suggesting the City of Keene consider developing Continuity of Operations plans for mapping departmental functions and fulfillment of critical services. Mayor Kahn referred the communication to the City Manager.

PLD REPORTS - KEENE MUSIC FESTIVAL - REQUEST TO USE CITY PROPERTY - AUGUST 30, 2025; & KEENE ELM CITY ROTARY CLUB - REQUEST TO USE CITY PROPERTY - CLARENCE DEMAR MARATHON - SEPTEMBER 28, 2025

The first Planning, Licenses and Development Committee report was read, unanimously recommending the Keene Music Festival be granted a street fair license to use downtown City rights-of-way, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the Keene Music Festival on Saturday, August 30, 2025 from 8:00 AM to 11:00 PM, with downtown merchant sidewalk sales permitted

in locations where a minimum of six feet of clearance is maintained for pedestrian access. In addition, the applicant is permitted to close off a portion of Railroad Street from Main Street to Wells Street and a portion of Lamson Street from Main Street to Federal Street. This permission is granted subject to the following conditions: the signing of a revocable license and indemnification agreement; that the petitioner provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; and submittal of signed letters of permission from any private property owners for the use of their property. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws, including obtainment of any necessary licensing for the use of intellectual property, and compliance with 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.

A second Planning, Licenses and Development Committee report was read, unanimously recommending The Elm City Rotary Club be granted permission to sponsor the Clarence DeMar Marathon on September 28, 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. This license is conditional upon the petitioner providing an adequate number of volunteer race marshals to ensure runner safety along the course, and submittal of signed letters of permission from any private property owners for the use of their property. Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws, including obtainment of any necessary licensing for the use of intellectual property; and compliance with 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.

A motion by Councilor Jones to carry out the intent of both Committee reports was duly seconded by Councilor Williams. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

PLD REPORT - COUNCILOR JONES - REQUEST FOR RESOLUTION (DECLARATION) HONORING THE LGBTQIA+ COMMUNITY

A Planning, Licenses and Development Committee report was read, unanimously recommending the Request for a Declaration Honoring the LGBTQIA+ Community be accepted as informational. Mayor Kahn filed the report as Informational.

PLD REPORT - 2025 HAZARD MITIGATION PLAN

A Planning, Licenses and Development Committee report was read, unanimously recommending the City Council adopt the 2025 Hazard Mitigation Plan and that the City Manager be authorized to do all things necessary to execute the Plan. A motion by Councilor Jones to carry out the intent of the Committee report was duly seconded by Councilor Williams. The motion carried

unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

PLD REPORT - WARRANT FOR UNLICENSED DOGS

A Planning, Licenses and Development Committee report was read, unanimously recommending the City Council issue a warrant for unlicensed dogs pursuant to NHRSA 466:14, and the Keene Police Department and the City Clerk's Office be directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2025. A motion by Councilor Jones to carry out the intent of the Committee report was duly seconded by Councilor Williams. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

FOP REPORT - REQUEST TO TRANSFER FY 2025 FUNDS TO THE AMBULANCE CIP

A Finance, Organization and Personnel Committee report was read, unanimously recommending the City Manager be authorized to transfer available FY2025 operating funds in the amount of \$39,564.00 from the Ambulance Transfer-Grant fund (line item 40200000-580080), to the FY2025 Ambulance Replacement Program CIP (#40M0002B). 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 14 Councilors present and voting in favor. Councilor Bosley was absent.

FOP REPORT - WRITTEN PUBLIC COMMENTS - PROPOSED FISCAL YEAR 2025-2026 OPERATING BUDGET

A Finance, Organization and Personnel Committee report was read, unanimously recommending the written public comments from Cameron Tease in support of Outside Agency funding for the Keene Senior Center be accepted as informational. Mayor Kahn filed the report as Informational.

FOP REPORTS - REQUEST TO EXPEND FUNDS FROM CDD PERSONNEL FUNDS TO PURCHASE A COMMUNITY DEVELOPMENT PERMITTING SOFTWARE PLATFORM; & REQUEST TO APPROVE A CHANGE ORDER TO THE OPENGOV (CARTEGRAPH) CONTRACT (PO20250067) FOR THE INCLUSION OF A CLOUD PERMITTING PLATFORM FOR THE PLANNING, BUILDING, CODE ENFORCEMENT AND HEALTH INSPECTION SERVICES OF THE CITY

The first Finance, Organization and Personnel Committee report was read, unanimously recommending the City Manager be authorized to expend \$93,557 from FY25 Community Development Department (CDD) Personnel funds for the purchase of the OpenGov Permitting Software Platform.

A second Finance, Organization and Personnel Committee report was read, unanimously recommending the City Manager be authorized to do all things necessary to execute a change order to the existing contract the City has with OpenGov for the inclusion of a cloud permitting platform.

A motion by Councilor Powers to carry out the intent of the Committee reports was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

FOP REPORT - LWCF GRANT ROUND 36 - INTENT TO APPLY

A Finance, Organization and Personnel Committee report was read, unanimously recommending the City Manager be authorized to execute an Intent to Apply for LWCF Grant Round 36 for the Ashuelot Green Space project. 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 14 Councilors present and voting in favor. Councilor Bosley was absent.

FOP REPORT - LEVITT MUSIC SERIES GRANT - LETTER OF COMMITMENT

A Finance, Organization and Personnel Committee report was read, unanimously recommending accepting the withdrawal of the Levitt Music Series Grant project request for Letter of Commitment. 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 14 Councilors present and voting in favor. Councilor Bosley was absent.

FOP REPORT - ACCEPTANCE OF FAA AIP GRANT FOR AIRPORT – AIRPORT TAXIWAY ‘A’ RECONSTRUCTION PROJECT

A Finance, Organization and Personnel Committee report was read, unanimously recommending the City Manager be authorized to do all things necessary to accept, execute, and expend grant funding for up to the amount of \$3,300,000 from the Federal Aviation Administration Airport Improvement Program for the Taxiway A reconstruction project. 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 14 Councilors present and voting in favor. Councilor Bosley was absent.

FOP REPORT - AGREEMENT FOR CONSTRUCTION ENGINEERING SERVICES WITH GREENMAN-PEDERSEN INC (GPI), FOR THE ISLAND STREET INFRASTRUCTURE IMPROVEMENTS PROJECT

A Finance, Organization and Personnel Committee report was read, unanimously recommending the City Manager be authorized to do all things necessary to execute an agreement with Greenman-Pedersen Inc (GPI) for engineering services during construction as part of the Island Street Infrastructure Improvements Project (32MI0224, 34MI0224, 75M00624), up to the aggregate amount of \$250,000. 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 14 Councilors present and voting in favor. Councilor Bosley was absent.

CITY MANAGER COMMENTS

The City Manager, Elizabeth Ferland, reported that the Keene Public Library will now be offering public access to a Grant Station, a resource for nonprofits, government agencies, and educational institutions seeking grants. It will offer access to 150,000 plus funding profiles, 15,000 curated grants, as well as strategies and other tools for successful applications. The City Manager said this will be a welcome addition to the Library for the many nonprofits in the area.

City Manager Ferland also shared an update related to the 2025 Hazard Mitigation Plan the Council had just adopted: The plan will now be posted to the City's website. To date, it was posted on the Southwest Regional Planning Commission's website, as they assisted with drafting the document. In addition, Kürt Blomquist, the City's Emergency Management Administrator, was assigned duties working with the City departments to update Continuation of Operations Plans as a part of his Fiscal Year 2026 contract.

The City Manager also noted that Community Night will be Tuesday, August 19, 2025, 4:00 PM–7:00 PM at the Public Works facility. She said it is always a great family-friendly evening, with a lot of equipment out, and she hoped everyone would attend.

Lastly, she noted that one of Keene's own, Fire Lieutenant Aaron Cooper, passed away after a long and courageous battle with cancer. The City Manager said his loss was deeply felt by his family, friends, colleagues, and the entire Fire Department. Lieutenant Cooper would be laid to rest on June 20, 2025, and the City Manager invited City Councilors to join Department heads and other staff proceeding together to the United Church of Christ to enter as a group immediately following the firefighters and their families. The City Manager reported that on behalf of the City, flowers were sent both to the family and to the services in honor of Lieutenant Cooper's memory and service.

MUNICIPAL INVESTMENT FUND GRANT - REQUEST FOR PRE-APPROVAL OF GRANT ACCEPTANCE

The Mayor said this is time sensitive due to the Council's summer break.

A motion by Councilor Powers to suspend Section 26 of the Rules of Order to act on the memorandum on first reading was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

Community Development Director, Paul Andrus, agreed that this is a time-sensitive grant. The City was originally approached by Local Governments for Sustainability USA (ICLEI) in a planning capacity for a program development grant to support green energy projects in the region. He said the goal was to essentially build an effective coalition of partners who would attract capital and accelerate green energy projects supported by the larger community. The request submitted was for \$135,245 to hire a consultant or contract employee to work on a number of initiatives along with Keene's core coalition partners. Mr. Andrus said there would be no guarantees, noting the original funding source had been pulled back like many of Keene's federal dollars had been. He explained that the City received notice that there is potential for it to

receive this grant, so with all the timing involved, staff wants to get this pre-approval from the Council.

Councilor Favolise asked for an example of a project that would or would not be eligible for promotion under this grant. Mr. Andrus replied that it will ultimately be for clean energy projects, and the building capacity to find additional funding sources, programmatic elements, and approval processes to support those types of projects. He referred to the memo provided and said these included market building activities, which is terminology the Environmental Protection Agency (EPA) uses including marketing, customer education and engagement, community outreach, contractor engagement, workforce development, development of clean energy and climate action plans, and more activities this grant cover. The City Manager, Elizabeth Ferland, added that this will hopefully be the first grant of more to come. She agrees that this program is about building capacity—actually putting together the programs that the City might be able to implement in Keene and the region to bring forward more green projects. However, the actual construction projects themselves will be down the line.

Councilor Haas asked if this grant would cover hiring another employee for the duration of the grant. The City Manager replied that part of it would be used to hire a consultant or contract employee, and that decision had not yet been made—the contract employee would work until the end of the grant for this purpose. Senior Planner, Mari Brunner, reminded the City Manager that the City always wanted to do more with its Sustainability Coordinator position but never had funds to do so. The City Manager thought a lot of the work this consultant/contract employee and coalition might accomplish will be similar to what a Sustainability Coordinator might do for the City. So, she thought there was potential for opportunities.

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

On a roll call vote of 14–0, the City Council authorized the City Manager to do all things necessary to accept, execute and expend a Municipal Investment Fund Phase I grant, if awarded to the City of Keene, and enter into a subgrant agreement with ICLEI USA within 30 days of receipt of a notice of funding. Councilor Bosley was absent.

MORE TIME - FOP REPORT - HERITAGE COMMISSION - CITY SUPPORT FOR A 250TH INDEPENDENCE DAY CELEBRATION - JULY 4, 2026

A Finance, Organization and Personnel Committee report was read, unanimously recommending placing the request for City support for a 250th Independence Day Celebration - July 4, 2026, on more time to allow staff to begin planning efforts with the Heritage Commission to determine the City's role and the scope of event. Mayor Kahn granted the request for more time.

ORDINANCE FOR FIRST READING - RELATING TO PROHIBITED PARKING IN PROXIMITY TO DRIVEWAYS - O-2025-22

A memorandum was read from the Public Works Director, Don Lussier, recommending that Ordinance O-2025-22 Relating to Prohibited Parking in Proximity to Driveways be referred to

the Municipal Services, Facilities and Infrastructure Committee. The Mayor referred Ordinance O-2025-22 to the Municipal Services, Facilities and Infrastructure Committee.

ORDINANCE FOR SECOND READING - RELATING TO AMENDMENTS TO THE LAND DEVELOPMENT CODE, FEATHER SIGNS IN INDUSTRIAL DISTRICTS - ORDINANCE O-2025-08-A

A Planning, Licenses and Development Committee report was read, unanimously recommending the Council adopt Ordinance O-2025-08-A Relating to Feather Signs in the Industrial and Industrial Park Zones. A motion by Councilor Jones to adopt Ordinance O-2025-08-A was duly seconded by Councilor Williams. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

ORDINANCE FOR SECOND READING - RELATING TO AMENDMENTS TO LAND DEVELOPMENT CODE - SINGLE-FAMILY PARKING REQUIREMENTS - ORDINANCE O-2025-09

A Planning, Licenses and Development Committee report was read, unanimously recommending the Council adopt Ordinance O-2025-09 Relating to Parking Requirements for Single Family Dwellings. A motion by Councilor Jones to adopt Ordinance O-2025-09 was duly seconded by Councilor Williams. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

ORDINANCE FOR SECOND READING - RELATING TO THE DISCHARGE OF FIREWORKS - ORDINANCE O-2025-19

A Planning, Licenses and Development Committee report was read, unanimously recommending the Council adopt Ordinance O-2025-19 Relating to Discharge of Fireworks. A motion by Councilor Jones to adopt Ordinance O-2025-19 was duly seconded by Councilor Williams.

Mayor Kahn thanked the City Attorney, Amanda Palmeira, for her input on this straightforward Ordinance.

Councilor Williams talked about the origins of the Ordinance, particularly for newer Councilors. He recalled a few years prior, when there was an incident, in which the Council approved a fireworks display at a private location that it did not typically approve. The Council learned later via social media that an autistic child living nearby was affected because the parents did not have ample warning. That got Councilor Williams thinking about the fact that fireworks are fun, but they also have negative effects for autistic people, people with PTSD, and others who do not like the lights and noise, as well as animals, and the natural environment. He appreciated all the work that has gone into this Ordinance. Councilor Williams added that in addition to capping the number of fireworks shows that the Council would approve in a year, the Ordinance closed a loophole that would allow commercial fireworks operators to use non-commercial fireworks to avoid getting a License. He hoped his fellow Councilors would vote in favor.

Councilor Haas pointed out that for the most part, this would not change the number of fireworks shows in a year—there would still be Independence Eve and the SwampBats end-of-season game, for example. He said this would just keep them from getting out of hand and was closing the loopholes Councilor Williams mentioned.

The motion to adopt Ordinance O-2025-19 carried on a roll call vote of 13–1. Councilor Remy voted in opposition. Councilor Bosley was absent.

TABLED ITEM - RESOLUTION - RELATING TO THE 2025–2026 OPERATING BUDGET - RESOLUTION R-2025-12-B

Mayor Kahn removed from the table Resolution R-2025-12-B Relating to the 2025-2026 Fiscal Year Budget and the City Clerk, Terri Hood, read it into the record.

Resolution R-2025-12-B – Relating to the 2025/2026 Fiscal Year Budget: “Resolved by the City Council of the City of Keene, as follows: That the sum of \$30,291,365 be raised by taxation during the current year, which together with \$45,888,796 for estimated operating revenues aggregating \$76,180,161 is hereby appropriated for the use of the several departments of the City Government, and further that the sum of \$5,566,255 be appropriated for capital expenditures and capital reserve appropriations in the City proprietary funds, funded by the use of capital reserves, fund balance and current revenues, for the fiscal year beginning July 1, 2025, as attached hereto and made a part thereof.”

A motion by Councilor Powers to adopt Resolution R-2025-12-B was duly seconded by Councilor Remy.

Councilor Powers—Chair of the Finance, Organization and Personnel (FOP) Committee—summarized the City’s spending plan for the next year, noting a lot went into getting it before the entire Council. Councilor Powers said the Budget represented a lot of daily work by the staff who build it in every Department, and specifically the Finance Department who pulls everything together. He said the City had a lot of activity and he thought it had a process that worked well to consider and try to finance all the needs, so they do not adversely affect the average person paying the bill through their taxes. Councilor Powers said he was very happy to introduce the 2025/2026 Fiscal Year Budget and urged his colleagues to vote unanimously to adopt it after discussing all amendments.

Councilor Filiault noted this was his 27th Budget, four of which he was glad to be the FOP Chair, so he appreciated the challenging process. That said, the Councilor was very clear that he would not support any changes to the Budget, no matter what the amendment. He felt that staff and the FOP Committee put together an excellent Budget, stating kudos to the City Manager that the Budget was actually 0.7% below the rate of inflation for the area; he called that an incredible budget. Councilor Filiault recalled arguments during his 27 years because when he was an early Councilor, before there was a protocol for nonprofit funding, the Council would argue the Budget past midnight. He said it was based on emotion and any one Councilor could be correct about why any cause deserved funding; and not supporting one could hurt someone politically. Councilor Filiault said that system was not fair to Councilors or nonprofits, because whoever

could give the best argument might get the most money even though they might not have deserved more. So, the Council developed the existing protocol after former Mayor Lynch created a committee, which Councilor Filiault Chaired, to study how the City funded Outside Agencies on logic and protocol—not emotion. The Committee developed the existing protocol for spending the Budget before adoption night to avoid the emotional pleas. The protocol is based on how many Keene residents use the particular nonprofit, whether the nonprofit could use funding from other sources/towns, etc. Councilor Filiault said that if any Councilors did not think that protocol was fair, they should speak with the City Manager about a process for changing it, not do this on the Council floor based on which Councilor gave the best emotional speech. He said each Councilor could give an impassioned speech for each Agency and would be in the right, and the Council would be back to where it was years ago, arguing the Budget past midnight, changing it at the 11th hour for nonprofits. Councilor Filiault added that it was not fair to those nonprofit directors who went through the Council protocol and did not show up at the last minute to ask for more money; if they knew they could get more money, he said they might have been there too. He agreed that the argument that agencies were getting less money from the state and the federal governments was legitimate, but said those budgets were still incomplete, and it was unclear if the City would even get the allocations it needed from them. He cited the Rooms and Meals Tax being cut again in the City. So, Councilor Filiault asked where these extra allocations for the Outside Agencies would come from when the City is cut from state and federal budgets too. If Councilors wanted to change this protocol, he reiterated sitting down with the City Manager when emotions were not so high, doing so based on logic. He knew there would be amendments proposed to increase the funding for one Outside Agencies and to take from one agency and give to another at the 11th hour. He stated again that the Budget should be based more on logic. Councilor Filiault knew the FOP Committee and staff were aware of the six months of work that went into the Budget and every single line item; he said Councilors had a chance to attend every FOP meeting to propose changes. He reiterated that he did not support last-minute changes for nonprofits based on emotion and Councilors should propose changes to the funding protocol.

Councilor Remy said he generally agreed with Councilor Filiault except that it was completely wrong in the instance of Arts Alive, because the Agency was not listed as an Outside Agency to be able to ask for money. So, when Arts Alive came forward at the Public Hearing, it was their first opportunity to request money and be evaluated through that very detailed process. Having gone through that process and not wanting the Budget to go up more, Councilor Remy said he was trying to see if the City could meet the Agency's needs in some way because he thought it was important. He reiterated that Arts Alive did not have the same opportunity to request funding as the other Agencies and called it a matter of tradeoffs and how to balance the Budget to stay flat. Councilor Remy did not think it was fair to call that an 11th hour change, because the Council's process allows Agencies to come to the Public Hearing and request changes and this was when the Rules allowed Councilors to submit amendments. So, Councilor Remy felt that calling these amendments 11th hour was just Councilor Filiault trying to make his point, not a fair representation.

Councilor Roberts heard some of his fellow Councilors talking about being insulted because other Councilors were not following the process and submitting amendments based on emotions. Councilor Roberts stated that he was insulted because he had a long professional career of

making decisions without emotions involved. If he made mistakes, people died; so, he had to be emotionless. Thus, Councilor Filiault insinuating that fellow elected officials did not have the ability to make judgments without emotions completely insulted Councilor Roberts. Councilor Roberts said he and every Councilor had every right to stand and state what they thought was best about every proposed amendment. He added that it was wrong to imply anyone who spoke on emotion was not a leader and should not be there.

Before further comments on the general Budget, Mayor Kahn heard the proposed amendments. Mayor Kahn removed from the table Communications from Councilors Remy, Williams and Tobin, and Lake.

A motion by Councilor Remy was duly seconded by Councilor Workman to amend Resolution R-2025-12-B to increase the Arts Alive allocation in the General Fund account 521815 from \$500 to \$7,000, and that the Outside Agency account 521330 for the Keene Senior Center be reduced by \$6,500 to offset.

Councilor Favolise addressed this proposed amendment, noting as Councilor Remy said, there were three different ways to get to a similar result for the Arts Alive funding. Councilor Favolise wanted to read from the Community Funded Events portion of the Budget, which referenced the City Council's policy on the events. He said Councilor Remy referenced Community Funded Events in his letter to the Council introducing the amendment. Councilor Favolise said everything listed under Community Funded Events was a singular occurrence event—like Independence Eve and 4 on the 4th Road Race. He wondered if that accurately captured the funding under discussion. Councilor Favolise said he was always happy to go back and review policies. He said that for this particular Resolution, it stated: *“For an event to be a Community Funded Event, the City Council must find the Event takes place on public property, that the Event applicant is registered with the State of New Hampshire as a nonprofit organization, but also that the Event shall have been previously produced at least twice prior.”* Councilor Favolise said he struggled to see how something like the Keene Senior Center, as an entity, would be a Community Funded Event. He thought it was something the Council should keep in mind.

Councilor Remy clarified, confirming that the Senior Center was not categorized as a Community Funded Event but as an Outside Agency. His reason for referencing Community Funded Events in his communication was because Keene's policy states that an event must support up to 500 people in order to be considered for Community Event funding; even in that case, he said the City caps them at a \$10,000 non-cash expense, so they would not be charged for City services used. Councilor Remy explained that he was trying to correlate the services offered in being a social organization and helping to break the social isolation associated with seniors, stating it is similar for young people, with large percentages of both demographics not having someone to call. He cited the Senior Center's self-reported numbers, with 400 members, 100 of them requiring financial support. So, Councilor Remy said the \$16,500 request would be \$165/person, or \$40 for the entire membership at the funded amount, and his suggested reduction to \$10,000 would be \$100/person in financial need or approximately \$25 per total member. He thought his proposal would be more aligned with the volume of service provided to the City, which was why he suggested pulling from that line item. Mayor Kahn added that he took notes during the Senior Center's presentation, and they cited 468 members, which would cut down to

\$25/member with Councilor Remy's proposal. The Mayor said he was bothered by how close the federal and state Budget processes were to the municipal fiscal year.

Councilor Haas did not want to change the established protocols that brought the other Outside Agencies their funding and take away from another Agency that may have counted on what it thought the City was going to approve. He called Arts Alive a community service and the others Outside Agencies, stating the Council would get to that in the next proposed amendment—money for the arts, which was missing. He said it was not a Community Event or Outside Agency that replaces a social service the City would otherwise do. Councilor Haas agreed with Councilor Filiault, stating that he would not support any amendments to the Budget at this meeting although Councilor Remy tried to balance it out. However, Councilor Haas stated the Council knew the direction it wanted to go in supporting the arts.

Councilor Roberts did not support taking any money away from the Senior Center, suggesting looking at the statistics and demographics in the City of Keene. He cited the high rate of homelessness—including seniors in the Hundred Nights Shelter and others barely surviving in their homes because of increasing tax rates—as well as increased suicide rates for those over age 55 often due to loneliness. Without the Senior Center, Councilor Roberts said some of these people would not be here. He added that over the previous 20 years, Councilors had played a lot of back-and-forth about whether the Senior Center would become a part of the City's Budget; he said the City thought about selling the Senior Center for a long time and moving it into the Recreation Center. Councilor Roberts did not think the Senior Center should be recategorized as a Community Event or anything else and he did not think it should be losing any money. Councilor Roberts said the City of Keene needed to go back to deciding what kind of relationship it would have with its seniors.

Councilor Lake thanked Councilor Remy for his support in adding some funding for Arts Alive. However, Councilor Lake disagreed with the general substance of the motion and thought the upcoming two proposed amendments would better tackle the issue. So, he would not support this amendment.

Councilor Filiault acknowledged that his esteemed colleague and friend Councilor Roberts disagreed with his wording. However, Councilor Filiault said Councilor Roberts' point about the Senior Center was correct and he agreed with him, which was why Councilor Filiault said the Council should not be making last minute Budget changes. Councilor Filiault agreed that no funding should be cut from the Senior Center because its funding was based on the due process of logic, not emotion.

On a roll call vote of 2-12 the motion failed to amend Resolution R-2025-12-B to increase the Arts Alive allocation in the General Fund account 521815 from \$500 to \$7,000, and that the Outside Agency account 521330 for the Keene Senior Center be reduced by \$6,500 to offset. Councilors Remy and Workman in the affirmative. Councilor Bosley was absent.

A motion by Councilor Williams to amend the Budget by increasing the allocation to Arts Alive from \$500 to \$10,000 was duly seconded by Councilor Lake.

Councilor Williams stated that the arts were really hurting, with budgets slashed at the federal and state levels. He recalled the Public Hearing, when someone cited something like \$50,000–\$70,000 in grants were taken from the arts. So, he said the City needed to support this important activity in the community or it would hurt the economy, stating there had already been layoffs in the arts sector this week; his friend lost a job at a local arts institution due to lack of funding. Councilor Williams said it could be the first of many, which really concerned him, so he thought the City should do all it could. He thought \$10,000 would be appropriate based on how much the City funded the other initiatives. Councilor Williams hoped his colleagues would support the amendment.

Councilor Tobin thought everyone in the room would like to increase funding for arts, that everyone supported the arts, and that no one wanted to increase the budget. She said the first thing she kept thinking about was that a lot of the state and federal funding has been cut, meaning that if Keene wanted arts, they would need to be funded locally. Councilor Tobin noted that Keene has made arts the core of a lot of the things the City does—festivals, an Arts Corridor, and the Art Walk, which she called a hub for artists including writers and musicians. She recalled that when she started painting, every conversation she had, she found someone who was doing some form of art. She noted it is a powerful mental health tool, such as for addiction recovery. For example, Councilor Tobin visited Nova Arts—an organization Arts Alive is connected with—and purchased from an artist who created their art during recovery and purchased from another who made art for dealing with anxiety. She asked the artists the questions listed in the Budget as criteria for Outside Agencies such as, “Demonstrate efforts of cooperation” and “Avoid duplication with other agencies.” Councilor Tobin listed organizations Arts Alive had supported or partnered with in some way: Monadnock International Film Festival, Ashuelot Concerts, Monadnock Makerspace, The Walldogs Festival and installation, Hannah Grimes, the Chamber of Commerce, Monadnock Travel Council, Keene State College, the Art Walk, Elevate the Arts, Nova Arts, and more. She understood \$10,000 was a lot but said many of Arts Alive’s partner organizations were impacted by the same cuts at the same time so the Agency could not ask them to make up the difference. In a year going into the downtown construction when, Councilor Tobin thought it would be important to not lose that community and momentum of gaining Keene’s reputation as an art City. So, she said she would support the amendment.

Councilor Lake thanked Councilors Tobin and Williams for their words about why the arts are important. Councilor Lake spoke about the funding, stating that it was the important difference between the three amendments proposed. Having had a day to consider all three possibilities and different points of view, Councilor Lake decided that this amendment was the best way forward for Arts Alive, not his proposed amendment. He said he would support this amendment for Arts Alive and encouraged others to as well. He still planned to make other parts of his proposed amendment.

Councilor Filiault was opposed to changing the Budget. He agreed that Arts Alive is important to the City, but said all of the other Outside Agencies would probably also love a 2,000% increase—\$500 to \$10,000. He said it was not that Arts Alive was unworthy of more money, but that it should not be happening last minute; he imagined the Community Kitchen would like a 2,000% increase, too. He asked again: emotion or logic? He reiterated his agreement that Arts Alive is a phenomenal institution for Keene and a nonprofit worthy of getting money from

Keene. So, Councilor Filiault advised going back to the City Manager and staff and requesting to change the formula for Arts Alive due to the federal and state government cuts vs. this 2,000% increase.

Councilor Haas said the facts were that all the other organizations were regular Outside Agencies and this would just be a special allocation that comes from another direction within the budget. He was unsure what the correct number should be. He struggled with Arts Alive being one organization and he wondered about all the other arts supporting organizations in the City; he thought the difference was Arts Alive being broad to everything while the others were time/location specific. To the Councilor, Arts Alive fits under the category of all the other committees and commissions. Councilor Haas wondered how to compare \$5,000 allotted for Partner City work, for example, to an organization that promotes the arts across the board. Councilor Remy reminded the Council that Arts Alive did not have the same opportunity to request an increase that the other Outside Agencies did because Arts Alive had been miscategorized in the Budget under Boards and Commission.

Councilor Lake spoke about the idea of this happening on the whim—that these organizations already had their opportunity to come in person and request these funds before the Public Hearing. He agreed that Agencies had that opportunity at the very beginning of the year, then the Committee met a few times and made decisions based on information, which in some cases had changed significantly just over the previous few months; he attended several of those meetings. So, Councilor Lake said these amendments were not being made emotionally at the 11th hour as characterized. Rather, he called them reactions to changes in the political environment. Councilor Lake reiterated that these funding decisions were made quite a while ago, stating that the City Manager would testify to working on this Budget since the last Budget was adopted. So, Councilor Lake said the Council was present to finalize the Budget and make amendments as Councilors saw fit. He said these were good amendments, so he urged his fellow Councilors to vote in favor.

Councilor Roberts said that when he was a kid going to school in MA, everyone had to read a book called *Profiles in Courage*, which he said few politicians still read today. What struck the Councilor about Arts Alive was that Ms. Iris said she refused to file for a federal grant because it said she had to eliminate “diversity, equity, and inclusion”; it was more important to her to go without the money and refuse to sell her soul to the President. To Councilor Roberts, that was a logical profile in courage, not an emotional moment. So, he would support their request.

Councilor Madison said he would also support this amendment. One of his biggest concerns was not emotional but logical, considering the big downtown reconstruction project in the upcoming few years. He said a big part of Keene’s economy is the arts and they would need a lot of support during the project and the City could count on not state or federal government because he called them both “a mess” at this time. So, he said Keene needed to support its own arts economy and this was how, because Ms. Iris did not have a chance to request the increase during the formal process due to where her line was in the Budget. Councilor Madison called this logical progression to address her budget needs. That said, the Councilor asked Ms. Iris to reach out to other surrounding towns to also request support for the arts. Councilor Madison knew there was concern among many in the City and on the Council that some nonprofits only come to Keene to

looking for support and do not go to surrounding towns; either those surrounding towns will say no, which he said was true, or they were afraid of property tax increase for whatever reason. He shared the example of paving his shared driveway with his neighbor—paying 50/50, which neither would have been able to do on their own income. He said this region needed to adopt a similar mentality, stating that nonprofits and area organizations benefit the region as a whole, so surrounding towns and the County need to do more and step up to support those organizations. Councilor Madison said the City of Keene could not simply be a Piggy Bank. At this time, Keene citizens had roughly the state average median household income, while many surrounding towns had among the lowest property tax rates in the state and among the highest median household incomes. He said he was effectively asking the wealthy to pay their fair share, which he did not think was unreasonable. Nor did he think it was unreasonable to ask the organizations who come to Keene asking for funding to also go to neighboring counties—no matter how small—asking for their fair share in supporting regional activities. The Mayor said it was a good point.

Councilor Remy said he was partly glad his amendment was defeated, as much as he wanted to put forth an option for the Council that fairly balanced the bottom line. Ultimately, he thought Arts Alive was an important organization, providing a lot of services to many other organizations that are important to Keene; it is a backbone organization. So, Councilor Remy was glad to support this amendment and not take money from anywhere else.

Councilor Filiault said he would not argue with anything said about Arts Alive. He stood with his statement at the beginning that he would not approve any last-minute Budget changes. Councilor Filiault pointed out one nonprofit on the list, the taxpayers who would pay for the change.

On roll call vote of 8–6 the motion carried to amend Resolution R-2025-12-B by increasing the allocation to Arts Alive from \$500 to \$10,000. Councilors Filiault, Jones, Favolise, Workman, Powers, and Greenwald voted in opposition. Councilor Bosley was absent.

Councilor Lake stated that he already touched on why the amendment he was about to propose was important. He explained that three outside agencies did not receive an increase in the prior year's Budget. Councilor Lake wanted to clarify for the Council that the departmental requests listed in the Budget books on page 46 were the amounts recommended out of the FOP Committee performing the reviews earlier in the year, not the amounts actually requested by these organizations. So, Councilor Lake said he proposed amounts short of those requests; his proposals fell somewhere in between what that FOP Committee recommended, which was level funding from the prior year, and the request that those organizations made at the very beginning of the year. He thought it was an important clarification as to why he was proposing these increases. He thought all three Agencies deserved an increase. Councilor Lake said he tried to make the numbers as roughly in line with inflation as possible.

Mayor Kahn called a recess from 8:56–9:01 PM.

Councilor Lake continued, discussing the Outside Agencies he suggested increasing. Because of the prior unanimous affirmative vote to increase Arts Alive's funding, he felt his suggested motion regarding Arts Alive and decreasing the Capital Reserve to fund it was now moot.

A motion by Councilor Lake was duly seconded by Councilor Workman to amend Resolution R-2025-12-B as follows: Increase Outside Agency account 521360 for the Keene Community Kitchen from \$110,000 to \$115,000, increase Outside Agency account 521470 for Keene Housing Kids Collaborative from \$12,500 to \$13,000, increase Outside Agency account 521330 for the Senior Citizens Center from \$16,500 to \$17,750, resulting in a net increase of \$6,750 in the amount of revenue to be raised by taxation.

Councilor Lake clarified that the amendments for all three agencies were being made as a package and in the same spirit. He was not singling out any one Outside Agency. He reiterated that these three agencies did not receive a suggested increase from the prior year's budget. Further, he said the Keene Senior Center had been level funded for several years.

Councilor Workman spoke, noting she had not commented on the previous amendments. She stated that she fully supported increasing funding for Arts Alive, which had just occurred, but she voted against the previous two amendments because she did not want to increase the bottom line of the overall Budget by \$10,000. So, Councilor Workman supported this proposal by Councilor Lake to increase the allocations to these three Agencies, who Councilor Workman called absolute lifelines to the most vulnerable populations in communities. She said constituents really relied on those services at an increasingly higher rate. While she did not want to increase the bottom line of the Budget, she said it would not be a \$10,000 increase, rather less than \$7,000, which she called for the greater good. Councilor Workman had worked in nonprofits, and been a grant manager, stating it is about maximizing minimum resources and spreading the wealth as much as possible, and being as fair and measured in that as possible. She thought Councilor Lake's proposal did just that. So, Councilor Workman supported the amendment.

Councilor Favolise said he intended at the outset of the night to support Councilor Lake's amendment because it would not be taking money from another line item or organization in this Budget; it would be adding a little bit to the bottom line, but not quite as much as the \$10,000 that was just approved for Arts Alive. Councilor Favolise clarified that he was very happy to see Arts Alive funded and thought several Councilors made compelling cases for support, specifically through the downtown project; he wished it did not come with the bottom-line impact. He thought there was some benefit to having these discussions/debates on the fly, on the Council floor because it allows Councilors to evaluate what is best for their constituents as they hear other Councilors raising points and counterpoints. He said these were organizations that were filling gaps in services in the community and without them, no one would be providing them, or the City would provide them at a higher overall cost for people who rely on the resources. Councilor Favolise was opposed to the \$10,000 increase on the bottom line but did not want to punish these organizations. He supported increased funding for them for the reasons Councilors Workman and Lake laid and would vote yes.

Councilor Filiault reiterated his position that he was not too worried about the addition to the bottom line because realistically it would be insignificant to the tax rate. He stated that it goes

back to the process. He referred to being a “duplicate provider,” stating that was a part of the protocol, and stating his feeling that some on the Council did not have a good grasp of the protocol. If this was still happening last minute, Councilor Filiault said the protocol needed to change somehow. He said perhaps Councilor Lake was correct—maybe the Outside Agencies were submitting their requests and presenting too early in the Budget process, for example. Councilor Filiault suggested again that the Council should reevaluate its process for assessing and funding nonprofits to avoid this 11th hour situation. He said the same argument could be made for all of the nonprofits needing increased funding and there would be no question, it would be correct they would be deserving of money. However, he reiterated that if the process is not working when the Budget is completed, then the process would need to be reworked with the City Manager and staff to make it better to avoid the last-minute discussions and fixes.

Councilor Tobin asked the impact of decreasing the Capital Reserve. Mayor Kahn clarified that because of the Council’s previously adopted amendment, that was no longer a part of the motion.

Councilor Roberts stated that this was when to really take emotion out and use a cost-benefit analysis. For example, what would happen if the City gave a little extra money to the Senior Center and it saved a Veteran from suicide? What would happen if \$15/day to the Community Kitchen kept someone from getting sick and needing Medicare or another Outside Agency. He mentioned \$500 to the Kids Collaborative, noting how minimal investment in children can change generations and save a lot of money later; he compared it to his childhood as one of 10 kids on welfare. So, Councilor Roberts said when doing the cost-benefit analysis of what would ultimately save the taxpayers money, he thought this would be spending a little to save more.

Councilor Greenwald clarified that his wife was previously on the Board of Directors of the Keene Housing Kids Collaborative but no longer. So, the Councilor stated that he had no remaining Conflict of Interest.

Councilor Haas was troubled that the Council was focusing on just these few Agencies. He understood when Councilor Lake had Arts Alive included in the proposal and was trying to find other Agencies to give to them and balance the Budget. Councilor Haas said there were other very significant contributors to the community such as Monadnock Crisis and Prevention Center, which helps with homelessness. He stated that he was having difficulty voting for token amounts to some of these Agencies, noting that every dollar makes a difference, and their budgets had already been set. Councilor Haas agreed with Councilor Filiault that other Agencies had followed the process and now the Council would be passing on them.

Councilor Lake addressed Councilor Haas’ final point, stating that the Council was giving increases to every other Outside Agency except these three (Councilor Lake also mentioned CASA, which had a previous significant upgrade that he felt would have been out of line on inflation, and perhaps one other like Arts Alive being a new Agency). Councilor Lake said these were three ongoing Agencies—cornerstones of the community—that the City had been funding for an extended period and he believed they should keep up at least with inflation. Councilor Lake clarified that was why he chose those three specific Agencies to fund.

On a roll call vote of 9–5, the motion carried to amend Resolution R-2025-12-B as follows: Increase Outside Agency account 521360 for the Keene Community Kitchen from \$110,000 to \$115,000, increase Outside Agency account, 521470 for Keene Housing Kids Collaborative from \$12,500 to \$13,000, increase Outside Agency account 521330 for the Senior Citizens Center from \$16,500 to \$17,750, resulting in a net increase of \$6,750 in the amount of revenue to be raised by taxation.

Mayor Kahn called a recess from 9:19 to 9:23 PM to allow the Finance Director time to adjust the numbers to be accurate for the adoption of the Budget.

The City Clerk read into the record the amended 2025/2026 Budget Resolution.

Resolution R-2025-12- C – A Resolution Relating to the 2025/2026 Fiscal Year Budget: *“Be it resolved by the City Council of the City of Keene as follows: That the sum of \$30,307,615 be raised by taxation during the current year, which together with \$45,888,796 for estimated operating revenues aggregating \$76,196,411 is hereby appropriated for the use of the several departments of the City of Keene City Government, and further that the sum of \$5,566,255 be appropriated for capital expenditures and capital reserve appropriations in the City proprietary funds, funded by the use of capital reserves, fund balance and current revenues, for the fiscal year beginning July 1, 2025, as attached hereto and made a part thereof.”*

The motion to adopt R-2025-12- C carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

TABLED ITEM - RELATING TO CLASS ALLOCATION AND SALARY SCHEDULE - ORDINANCE O-2025-18

Mayor Kahn removed from the table Ordinance O-2025-18 Relating to Class Allocation and Salary Schedule.

A motion by Councilor Powers to adopt Ordinance O-2025-18 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

Mayor Kahn complimented the City Council for following the Budget process as it exists. He said Councilors raised good questions relative to what they might want to see in the future relative to process for considering outside agencies. The Mayor appreciated the dialogue and manner in which the Council reached the outcome.

TABLED ITEM - RESOLUTIONS - FOP REPORT - RELATING TO THE APPROPRIATION OF FUNDS FOR THE FY 2025-2026 BOND ISSUES: FIRE APPARATUS REPLACEMENT PROGRAM - RESOLUTION R-2025-13; LOWER WINCHESTER STREET RECONSTRUCTION PROJECT - RESOLUTION R-2025-14; ROADWAY PRESERVATION & REHABILITATION PROJECT - RESOLUTION R-2025-15; STORMWATER RESILIENCY PROGRAM- RESOLUTION R-2025-16; T-HANGAR APRON MAINTENANCE PROJECT - RESOLUTION R-2025-17; SEWER IMPROVEMENTS

PROGRAM - RESOLUTION R-2025-18; 3MG WATER TANK REPAIRS - RESOLUTION R-2025-19; WATER DISTRIBUTION IMPROVEMENTS PROGRAM - RESOLUTION R-2025-20; WELL FIELD UPGRADE PROGRAM - RESOLUTION R-2025-21

Mayor Kahn removed the following Resolutions from the table: Resolution R-2025-13; Resolution R-2025-14; Resolution R-2025-15; Resolution R-2025-16; Resolution R-2025-17; Resolution R-2025-18; Resolution R-2025-19; Resolution R-2025-20; and Resolution R-2025-21.

A motion by Councilor Powers to adopt Resolution R-2025-13 Relating to Appropriation of Funds for the Fire Apparatus Replacement Program was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

A motion by Councilor Powers to adopt Resolution R-2025-14 Relating to Appropriation of Funds for the Lower Winchester Street Reconstruction Project was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

A motion by Councilor Powers to adopt Resolution R-2025-15 Relating to Appropriation of Funds for the Roadway Preservation and Rehabilitation Project was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

A motion by Councilor Powers to adopt Resolution R-2025-16 Relating to Appropriation of Funds for the Stormwater Resiliency Program was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

A motion by Councilor Powers to adopt Resolution R-2025-17 Relating to Appropriation of Funds for the T-Hangar Apron Maintenance Project was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

A motion by Councilor Powers to adopt Resolution R-2025-18 Relating to Appropriation of Funds for the Sewer Improvements Program was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

A motion by Councilor Powers to adopt Resolution R-2025-19 Relating to Appropriation of Funds for the 3MG Water Tank Repairs was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

A motion by Councilor Powers to adopt Resolution R-2025-20 Relating to Appropriation of Funds for the Water Distribution Improvements Program was duly seconded by Councilor

06/19/2025

Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

A motion by Councilor Powers to adopt Resolution R-2025-21 Relating to Appropriation of Funds for the Well Field Upgrade Program was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

Councilor Filiault publicly applauded the City Manager, Elizabeth Ferland, for developing a Budget less than the area inflation rate, calling it incredible. Councilor Filiault said it was probably the best Budget he had seen presented to the Council in his 27 years as a Counselor and applauded the City Manager again.

Councilors Greenwald and Powers left the meeting at 9:37 PM

RECESS MEETING FOR COLLECTIVE BARGAINING

Mayor Kahn called a recess for collective bargaining at 9:37 PM. The meeting reconvened at 10:17 PM.

COLLECTIVE BARGAINING AGREEMENTS – KEENE CITY EMPLOYEES ATF LOCAL #6288, ATF-NH, AFL-CIO; AFSCME COUNCIL #93, LOCAL 2973; AND KEENE POLICE OFFICERS ASSOCIATION, TEAMSTERS LOCAL 633

A motion by Councilor Remy that the City Manager be authorized to do all things necessary to execute the negotiated contracts with Keene City Employees, ATF Local #6288, ATF-NH, AFL-CIO, and AFSCME Council #93, Local 2973 to be effective July 1, 2025 through June 30, 2028; and further that the City Manager be authorized to do all things necessary to execute the negotiated contract with Keene Police Officers Association, Teamsters Local 633 to be effective July 1, 2025 through June 30, 2029 was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Greenwald and Powers were absent for the vote. Councilor Bosley was absent.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 10:20 PM.

A true record, attest:


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Terri Hood, City Clerk
Subject: **Nomination - Airport Development and Marketing Committee, Heritage Commission**

Recommendation:

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

Airport Development and Marketing Committee

Julie Schoelzel
109 School Street
Slot 3 - Regular Member

Term Exp. December 31, 2025

Heritage Commission

Kathy Halverson
60 Timberlane Drive
Slot 9 - Alternate

Term Exp. December 31, 2026

Jill Bouchillon
362 Court Street
Slot 10 - Alternate

Term Exp. December 31, 2026

Attachments:

1. Schoelzel, Julie_Redacted
2. Halverson, Kathleen_Redacted
3. Bouchillon, Jill_Redacted

Background:

From: [City of Keene](#)
To: [Nicole Howe](#); [Terri Hood](#); [Heather Fitz-Simon](#)
Subject: New submission from City Board or Commission Volunteer Form
Date: Tuesday, July 8, 2025 11:00:55 PM

Submitted on 07/08/2025

Submitted fields are:

Name
Julie Schoelzel
Email
[REDACTED]
Phone
[REDACTED]
Address
109 School Street Keene, New Hampshire 03431 United States Map It
How long have you resided in Keene?
8 years
Employer
Greater Monadnock Collaborative
Occupation
President
Retired?
No
Please list any organizations, groups, or other committees you are involved in
Greater monadnock collaborative Radically Rural
Have you ever served on a public body before?
No
Please select the Boards or Commissions you would be most interested in serving on.
<ul style="list-style-type: none">Airport Development & Marketing Committee
Please let us know the Board or Commission that you are most interested in serving on.
Airport Committee
Please share what your interests are and your background or any skill sets that may apply.

Marketing, travel, economic expansion
Suggest other public bodies of interest
I don't understand this question.
Please provide two personal references:
Name
Andy Bohannon
Email
abohannon@keenenh.gov
Phone
[REDACTED]
Name
Chris Coates
Email
ccoates@co.cheshire.nh.us
Phone
[REDACTED]

From: [City of Keene](#)
To: [Nicole Howe](#); [Terri Hood](#); [Heather Fitz-Simon](#)
Subject: New submission from City Board or Commission Volunteer Form
Date: Monday, July 14, 2025 7:30:17 PM

Submitted on 07/14/2025

Submitted fields are:

Name
Kathleen (Kathy) Halverson
Email
[REDACTED]
Phone
[REDACTED]
Address
60 Timberlane Drive Keene, New Hampshire 03431 United States Map It
How long have you resided in Keene?
38 years (1987-present)
Employer
University System of New Hampshire - Wheelock Elementary School & Keene State College (Faculty Emeritus)
Occupation
Librarian
Retired?
Yes
Please list any organizations, groups, or other committees you are involved in
Historical Society of Cheshire County (2017-2024) Education Committee Auction Committee Historical Society of Cheshire County Volunteer (2016- present) United Church of Christ in Keene Diaconate Creative Justice Committee Mission & Action Committee Women's Fellowship Board (Historian) Walldogs Mural Festival Volunteer (2019) Keene Community Kitchen Volunteer
Have you ever served on a public body before?
No

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

- Heritage Commission
- Human Rights Committee

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

Heritage Commission

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

Human Rights Committee

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

My interest in History was awakened in my junior year of High School when my European History Teacher reenacted in class The Storming of the Bastille of 1789. From that time on I was always interested in history and historical perspectives even though I did not major in History in college. As a Psychology major I first was introduced to lab research and then to research in the Sociology field. Over the course of my career I have worked as a Children's librarian in public libraries, a school librarian in elementary school libraries, a researcher for a book publishing company, and an academic librarian at the college level. In all of these settings I have taught research skills and at the collegiate level taught Information Literacy skills to freshmen and to Sociology & Psychology majors. My passion for History as well as my skills for research would tie into the mission of the Heritage Commission which is committed to preserving and celebrating Keene's History and culture. As a member of the Commission I feel I would be able to help promote their mission through various projects, and also conduct research when needed. As a past trustee of the Historical Society of Cheshire I would also be able to consult and coordinate with the trustees on common preservation goals. Since I have lived in Keene for 38 years, I consider Keene my hometown and I have always been interested in it's history, culture and architecture. Thank you for your consideration.

Suggest other public bodies of interest

I have always been interested in local and state news as well as world news. I have a deep interest in knowing what is happening in our community, and what I can do to improve the lives of my fellow citizens.

Please provide two personal references:

Name

Celia Rabinowitz

Email

[REDACTED]

Phone

[REDACTED]

Name

Jenna Carroll

Email

hsc@hscn.org

Phone

[REDACTED]

From: [City of Keene](#)
To: [Nicole Howe](#); [Terri Hood](#); [Heather Fitz-Simon](#)
Subject: New submission from City Board or Commission Volunteer Form
Date: Thursday, June 19, 2025 8:56:56 PM

Submitted on 06/19/2025

Submitted fields are:

Name
Jill Bouchillon
Email
[REDACTED]
Phone
[REDACTED]
Address
362 Court Street Keene, New Hampshire 03431 United States Map It
How long have you resided in Keene?
Since 1/23/2024
Employer
N/A
Occupation
Homemaker, but formerly a Commercial Insurance Underwriter turned History Academic (MLA, MA, PhD Studies)
Retired?
No
Please list any organizations, groups, or other committees you are involved in
Friends of the Library Keene City Woman's Volunteer and Member of Historical Society of Cheshire County Weekly Volunteer of the Community Kitchen Keene Sentinel Advisory Board Norman Rockwell Museum Keene City Republicans Club Cheshire Country Republicans Club Cheshire Republican Women's Club Ballot Inspector
Have you ever served on a public body before?
No

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

- Conservation Commission
- Heritage Commission

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

I would like to serve on the Heritage Board.

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

My academic background, including three advanced degrees in history and politics, means I have a strong foundation in deep research and risk analysis – essential skills for the Keene Heritage Board. This, combined with my recent work in Business Continuity Management (BCM) and earning my DRI ABCP certification, gives me a truly unique perspective. That BCM mindset helps me apply meticulous planning and proactive problem-solving, which are perfect for identifying, documenting, and championing Keene's historic districts for the long haul. My grasp of real-world operational challenges and compliance for various organizations also means I can effectively help the Keene Planning Board weave our cultural and historic gems into the master plan, standards, and regulations. I am also adept at connecting with different groups and working together to achieve shared goals, which will be invaluable when teaming up with other boards, commissions, and local community groups. Just like explaining complex long-term benefits to entrepreneurs, I am ready to clearly talk up the vital importance and lasting advantages of protecting Keene's incredible cultural and historic resources to both property owners and the wider public.

Suggest other public bodies of interest

Adult Intramural Sports Advisory Committee (All Fitness Levels):

Kid's seem to get everything around here. This committee would be dedicated to enhancing and expanding organized intramural recreational sports opportunities for all adults, regardless of fitness level, within the City of Keene. Its primary goal would be to create and promote accessible, diverse, and engaging sports leagues and activities that cater to a wide range of abilities, allowing all adult residents to participate and socialize "within the walls" of our community. Keene's diverse adult population could organize groups for specific sports (e.g., adult softball leagues, pickleball tournaments, ultimate frisbee, walking clubs, etc.) and formats (recreational, beginner-friendly, social) that appeal to varying fitness levels.

Working with the Parks & Recreation Department, there could be short or long-term commitments seasonal commitments. Also, there could be adult-specific one-day tournaments, clinics, and informal "open play" sessions, with a strong emphasis on offering options for beginners and those with limited mobility or fitness. This would involve creative solutions to common reasons adults are unable to get adequate exercise: work schedules, family commitments, or simply being worried about not being naturally athletic and/or concerns about physical limitations.

The benefits of this are readily apparent: improved health, a chance to make new friends, an opportunity to make use of Keene's great parks and recreational facilities, and inclusivity of an often overlooked and diverse demographic. I also think it would be attractive to young professionals, adult families without children, and retirees.

****Other than that, I think Keene might consider a commission to organize an allotments program, designed to provide accessible garden plots for residents whose current living situations restrict their ability to garden. I asked the NH Secretary of Agriculture (Sec. Jasper) about this kind of program last year. He said they tried a program in another part of the state some years ago, but it was not successful in the area that was targetted. On a local level, I think enough people in Keene, especially the younger and older populations, would be excited to take advantage of such an opportunity. If anyone would like for me to go into additional explanation about my thoughts on this, I would be happy to discuss it at some point in the future.

Please provide two personal references:

Name

Chamar Drane

Email

[REDACTED]

Phone

[REDACTED]

Name

Anne Farrington

Email

[REDACTED]

Phone

[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Terri Hood, City Clerk
Subject: **Confirmations - Library Board of Trustees, Energy and Climate Committee**

Council Action:

In City Council June 19, 2025.

Nominations tabled until the next regular meeting.

Recommendation:

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

Library Board of Trustees

Hollie Seiler

Reappointment, Slot 6

Term Exp. June 30, 2028

Pam Russell Slack

Reappointment, Slot 5

Term Exp. June 30, 2028

Energy and Climate Committee

Catherine Koning

250 Summit Road

Slot 15 - Alternate

Term Exp. December 31, 2026

Attachments:

None

Background:



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Anne Farrington
Through: Terri Hood, City Clerk
Subject: **Petition - Anne Farrington - In Support of Equal Respect for All Residents**

Recommendation:

Attachments:

1. Petition_Farrington

Background:

Ms. Farrington, on behalf of the Keene City Republicans, has submitted the attached letter including an accompanying petition from concerned community members requesting that the City of Keene not designate itself a sanctuary city for any specific identity group. The petition containing 496 signatures is on file with the City Clerk.

July 15th, 2025

Dear Keene City Councilors:

In follow up to the discussion we had at the Planning, Licenses and Development Committee meeting of July 9th, regarding the Keene Pride proposal to have Keene declared a “sanctuary city”, I wanted to officially submit the petition that we had circulated with opposing views. We realize that the Keene Pride proposal to use the words “sanctuary city” is no longer on the table and that the issue has been referred to the Human Rights Committee. However, our concerns remain the same depending on what verbiage that committee proposes. We believe that any wording that singles out one group out over another is problematic and makes our city less inclusive. Since we obviously have not yet seen the new proposal, we are submitting for the record our petition which opposed the original Keene Pride proposal.

Included in the attached documents are the petition with scanned pages of those who signed paper copies (110), and the electronic signatures (386). There are 496 signatures in all – 86% of which are resident in Keene or the surrounding towns in Cheshire County.

Thank you for your consideration of our concerns.

A handwritten signature in black ink, appearing to read "Anne L. Farrington". The signature is fluid and cursive, with a long horizontal stroke at the bottom.

Anne Farrington

Chair, Keene City Republicans

June 26, 2025

**Petition to the Keene City Council
In Support of Equal Respect for All Residents**

We, the undersigned residents of Keene and surrounding towns who do business in Keene regularly, affirm our deep respect for all individuals, regardless of their identity, background, or personal choices. We strongly support the right of every person to live freely and with dignity, so long as that freedom does not infringe upon the rights of others.

At the same time, we are concerned about the proposal to designate Keene as a “sanctuary city” for a specific identity group. While we believe this effort is likely rooted in goodwill, we feel that such designations—by elevating one group for special recognition—risk undermining the principle of equal honor and respect for all people.

True inclusivity does not require singling out any one population for symbolic sanctuary; rather, it calls us to foster a city culture that is welcoming, fair, and free of favoritism across the board.

We are also mindful of how such declarations may affect Keene’s public image. Highlighting what might be deemed a political or ideological position could unintentionally signal to families, potential residents, or businesses that Keene is no longer a place of broad civic neutrality—but one where particular identities or beliefs are favored above others. Being a welcoming, inclusive community means favoring, and excluding, no-one.

We urge the Council to consider these concerns carefully; to prioritize unity, fairness, and balanced representation in all civic actions and policies; and to reject the petition to designate Keene a sanctuary city for the LGBTQ+ community.

Respectfully,



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: July 17, 2025

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Withdrawal: Proposal to Add the Necessary Infrastructure to Accommodate Banners Across Main Street**

Recommendation:

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

Attachments:

None

Background:

Councilor Filiault stated that the Petitioner withdrew the proposal for banners across Main St.

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 withdrawal be accepted as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Goose Pond Spillway Bridge Proposal**

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the plans to fundraise and build a path bridge to cross Goose Pond spillway be accepted as informational.

Attachments:

None

Background:

Carrah Fisk-Hennessey, Parks & Recreation Director, and Bryan Ruoff, City Engineer, introduced themselves. Ms. Fisk-Hennessey stated that they are excited to bring forward something that has been a long-time wish list item at Goose Pond, making it a reality at no cost to the City. They are here to share the plan to fundraise and build a spillway bridge at Goose Pond to complete the loop trail, which would allow all users at Goose Pond to go through the entire loop trail without getting their feet wet. This is a big deal. The traffic moving away from the concrete spillway will also help with all the pieces of wood that tend to travel down into the spillway itself and into the water runoff. People have used logs, branches, and twigs, trying to make their own types of bridges to try to cross. They hope to eliminate that. (This project) would also be improving the trail network, because this is not happening right at the mouth of the spillway, but about 84 feet past it into the woods.

Ms. Fisk-Hennessey continued that she can show pictures of what the spillway looks like right now, which were just taken this morning. You can see the stake with a pink ribbon, which is roughly 84 feet beyond the spillway, so they would be able to move across in a much shorter bridge span than the spillway itself. She encourages anyone who has not had a chance to get up to Goose Pond yet this summer to do so, as it is beautiful right now. She also has renderings for the bridge to share with the Committee tonight.

Councilor Favolise stated that he is a big fan of Goose Pond and is always happy to see continued work there. He continued that when he first moved to Keene, it was hard to get around Goose Pond, and the team has done a good job clearing up that trail and making it traversable. He knows that with putting the bridge in, the intention would be to increase the amount of foot traffic that will be going

over the bridge as opposed to walking through the spillway. He asked if it will still be an option for people to walk through the spillway. Ms. Fisk-Hennessey replied yes, they will not take that option away.

Mr. Ruoff stated that the idea would be to have an alternate option, though, in the interest of public safety, because it is sometimes hard to gauge those water flows. He continued that (with the bridge), they would have a path that is always clear.

Councilor Filiault asked if Ms. Fisk-Hennessey and/or Mr. Ruoff could explain the "plan to fundraise." Ms. Fisk-Hennessey replied that the Goose Pond Stewardship Committee is very actively engaged with community endeavors, and the fundraising plan is coming out of that subcommittee of the Conservation Commission.

Councilor Tobin stated that she knows exactly what they are talking about, because she walked through that water on Sunday. She continued that she had been looking for a way around and could not find one. She is excited (for the bridge plan).

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 plans to fundraise and build a path bridge to cross Goose Pond spillway be accepted as informational.

The City Manager asked if that is the action Ms. Fisk-Hennessey and Mr. Ruoff were looking for. Ms. Fisk-Hennessey replied yes. The City Manager asked if it is correct that they will come back (to the MSFI Committee) later once they have raised the money to ask for it to be accepted so they can execute (the project). Ms. Fisk-Hennessey replied yes.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Presentation: Martell Court Force Main Evaluation**

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the presentation on the Martell Court Force Main Evaluation be accepted as informational.

Attachments:

None

Background:

Bryan Ruoff, City Engineer, stated that this agenda item is a culmination of over a year of preliminary engineering work. He continued that in 2022, the City's knife gate (valve) in the Martell Court pump station failed. That failure shed light on the vulnerability of the existing wastewater collection system. They built into the Capital Improvement Plan (CIP) in FY22 a detailed inspection and analysis of the pipe, put that out for RFQ, and selected Wright-Pierce to execute that project. Kevin (Garvey) from Wright-Pierce is here and will go into more detail of the results of the analysis and the recommendations. Essentially, all wastewater collection in the City of Keene gets directed to the Martell Court Pump Station, which then extends two miles by a single force main with no redundancies to the City's Wastewater Treatment Plant. He has joked that it is arguably one of the largest, most important assets to the City, but it is serious – without it, it would take about 30 minutes before wastewater would start being discharged into the river.

Mr. Ruoff continued that with this assessment, they wanted to determine how much time they had with the current condition of the force main, and what corrective actions would be recommended based on that. He asked to hear from Kevin (Garvey), Project Manager with Wright-Pierce.

Kevin Garvey stated that to give a brief overview of his slideshow presentation tonight, they will discuss the services area, and to reiterate, what is important is the whole City flows to one pipeline. He continued that (next is) the emergency response plan, which was an earlier piece of the program that led to this project; the valve failure, which Mr. Ruoff mentioned; the internal inspections in 2024; and the external inspections this year. They (Wright-Pierce) did an alternative analysis, and then they have some recommendations.

Mr. Garvey continued that the services area is the whole City, about 100 miles of pipe and 2,000 manholes, including parts of the town of Marlborough. The station typically sees about 3 million gallons of flow a day, with a six million gallons design flow. The peak flow is 21 million gallons of flow. The pipeline is about two miles long. Everything flows to this one pipeline; there is no redundancy. Regarding the history of the program, back in 2022, the City hired Wright-Pierce to do an Emergency Response Plan and pump station evaluations for all the stations in the City. It also included a rough force main screening technology. That program looked at each pump station, and then specifically this force main had some high-level screening ideas to provide funding for the next phase.

Mr. Garvey continued that there are two main ways to inspect a pipeline – the inside of the pipe and the outside of the pipe. The program Wright-Pierce recommended for the City included both the internal and external inspections. Some (methods for internal inspections) are more expensive. Sonar inspections are about \$10,000. Coupons (the cutting of a little window into the pipe) cost about \$60,000 to \$70,000. Then, you pay for bypass pumping, which might be a quarter million dollars for a project this size. In this program, Wright-Pierce recommended the acoustic inspection, which is a sphere that can go in the force main. It allows the force main to stay active, and it can go down the pipeline and identify areas where gas is stuck in the pipeline, which might be a higher vulnerability area. It also identifies areas where gas might be leaking out of the pipeline, which is identification of a potential problem. The “Smart Pig” is identified as one of the recommendations for the future phases of the project.

Mr. Garvey continued that another chart shows the options for external inspections. Wright-Pierce recommended soil testing, test pitting, and ultrasonic testing. Soil testing is to try and understand if there is anything in the soil causing corrosion directly into the pipeline. Test pits give a visual inspection on the actual pipe. The ultrasonic inspection is a direct thickness measurement along the pipeline.

Mr. Garvey continued that the valve failure at the pump station was one of the drivers of this project, and that occurred on June 10, 2023. That identified how problematic it would be if this force main came offline. For the internal inspection, they used a device about the size of a lacrosse ball, which gets put inside the pump station. They did three inspections, and the data was different, not redundant to what they saw on the external inspections, because it was inside the pipeline. There were issues with the ball becoming lodged in the force main for longer than expected. It was supposed to be a three-hour test, but the tests took between three days and three weeks. They are not positive what the ball became stuck on, but in 1990 shortly after the force main was built, a tapping sleeve and valve were installed, and they believe the ball got stuck in that equipment somehow. The challenge is that these (spherical) devices use time to estimate where defects are, so once it became stuck in there, whether it was stuck in this exact location or 20 feet away, it then creates repetitive errors in the data they needed to deal with.

Mr. Garvey continued that regarding the general findings of the internal inspection, there were 16 air pockets. Most were in the first 1,000 feet or so of the force main, and then there were a few spots throughout the rest of the pipeline where they saw them. (Air pockets) are not directly an issue. It just means that the gas in the sewage is more likely to get stuck in that area and then start to corrode the pipeline. Additionally, they found five suspect leaks, which is more of a concern, especially with the errors they got from the ball being stuck in the force main. A suspect leak means they are hearing an air signature on the tool. It is an acoustic tool. It likely means there is air leaving the pipeline, and if it is a large enough hole, wastewater is potentially also leaving the pipeline. It is unknown at this time. When they shared these results with the Public Works Department, they immediately walked over the

pipeline to do remedial tests to see if there were any obvious signs of discharges. Nothing was clear and present.

Mr. Garvey continued that that internal program led to the external program, which included three main items. The entire, continuous length of the pipeline had soil testing, and then there was discrete testing of soil in excavation pits. There was pipe wall thickness testing, direct and in excavation pits, both total wall thickness and pitting. Pitting refers to areas where you can see an indent on the outside of the pipe. Regarding those results, you can see in the slides that they have a one foot by one foot grid all down the pipe for the whole length of the pipe. They saw a significant amount of moderate corrosion, which would be expected for a pipeline of this age. The pipe is about 50 years old, and most wastewater pipelines last 50 to 75 years. They saw quite a few areas with 12.5% of wall thickness loss, which is moderate. The worst single one-foot by one-foot area they saw, though, was significant, with a 24% wall thickness loss. Pitting was very minor. With the visual inspection, almost all the corrosion appeared to be not on the outside. They expect it is all internal corrosion.

Mr. Garvey continued that additionally, a much cheaper investigation is the air release structures and drain structures along the force main where there is access to them. Although there is limited access - you will see there are only eight or so inspections of these pipes, versus the 70 inspections for the previous ones – they also had their consultant inspect these pipes for wall thickness loss. Some of these numbers seem higher, but just a smaller number. Also, they would expect higher internal corrosion at the crown of an air release valve area. That is where they expect all the air to build up. The City has a robust program for maintaining their air release valves, but that is an area where it is known that if you do not maintain them, gas will build up.

Mr. Garvey stated that some of the key information from the external sewer inspection is that Test Pit #1, which is closest to the treatment plant, had the highest single level of corrosion. Test Pit #5, close to the Martell Court Pump Station, had the next highest, at the far ends of the pipe, which is unique. Test Pit #3 had the most significant pitting, but the pitting was relatively minor. As he mentioned previously, they saw corrosion on the crown of the air release valves. Soil was not anticipated to be a significant issue along the force main. They intentionally avoided areas with suspect leaks, mainly because of the bypass challenges they saw during the valve replacement project. They wanted to avoid the potential of a significant bypass on this project.

Mr. Garvey continued that the inspection results led them to three main buckets of recommendations. There are some short-term repairs, looking at those five suspect leaks, some continued force main inspections for the longevity of the pipeline, and then renewing (pipeline) and (adding) redundancy. The short-term recommendation is to line the whole stretch from where they saw the leaks, which are all in a roughly 2,000-foot area. On some past projects, the City has seen that when they repair just a 10- or 20-foot leak, a month or two later something downstream happens with a leak after that, so they are recommending a wider band here. That is typical with ductile iron pipes, where the inside of the pipe pits, and you get little dimples that look like a golf ball. What usually happens is one pops through, and right next to it is another dimple, and another, all around it.

Mr. Garvey continued that the inspection looked at five individual test pits. There is a more robust tool which was not available for this inspection program, given the way the valve and pump station are currently set up. Once that new valve program is online, it would allow them to do a robust inspection of the entire pipeline, so they could see, say, the five worst spots and the five best spots, to help understand if maybe there was another weak spot in the force main, so they are not stuck with an emergency down the road.

Mr. Garvey continued that finally, the main product is the City is likely to install a new force main site to the west of the existing force main, and then for redundancy reasons, lining the existing force main after the fact. Wright-Pierce included some rough costs for this. He believes the bypass product has already been funded. Lining of the suspect leak stretch of the force main would be about \$3.3 million. Pipe Diver Inspection will be about \$660,000 down the road, which will give them an idea of what is going on with the entirety of the force main, to make sure they did not inspect just the good spots or just the bad spots. Follow-up force main inspections would be similar to what they did in this program. One of the challenges is understanding how much time of useful life the force main has. The force main has an internal liner, and right now they only have two data points – the date it was installed, and today. Thus, it is hard to say if the corruptions have been happening consistently over the last 40 or 50 years, or if the liner took 20 years to (start to) corrode and in the last 20 years it has all been happening, which would make the corrosion much quicker. Thus, the recommendation is to do a second inspection, like this one, to understand whether the corrosion is going longer or shorter. They think the worst-case scenario would be that in 10 years, the force main (condition) would be a significant concern. They hope that inspection can happen in five years and they can push the duration further out.

Councilor Filiault stated that he encourages the newer Councilors who have never been to Martell Court to set something up with Public Works and go see it. He continued that his experience, having been on the Council for many years, is that when something breaks down and is expensive, it is at Martell Court. And it cannot wait. Typically, the City Manager does an emergency repair and reports to the Council about it at the next meeting. (Many) times over the years he has been on Council, (something has broken at) Martell Court, and obviously, because of what it is, they cannot have anything break down and allow discharge into our waters. And it is not cheap to repair. He encourages all Councilors who have not yet been to visit Martell Court, the Wastewater Treatment Plant, and the Water Treatment Plant.

Councilor Tobin stated that she heard Mr. Garvey say that corrosion was worse at both ends and that was unusual. She asked if that was just kind of random. Mr. Garvey replied that it was unusual in the sense that this was only five test beds, not a large number of data they are getting on one side of things. He continued that if they were both near each other it would indicate that something is happening in that area of the pipeline, and it is not, in this case. One is happening where the pipeline comes directly out of the pump station, and one is happening way at the very far end. Thus, it is not like they are seeing something happening immediately, like if the pump starts up and it was dragging dirt along the bottom of the force main and they were seeing that at the beginning of the pump station cycle. (Instead), they were seeing it at the one end and the far end, which was surprising.

Councilor Tobin asked about the importance of redundancy. She asked if that means having a backup. Mr. Garvey replied yes, with the existing pump station, one of the plans of the bypass and the valve project is to put a bypass in around the other side of the river. As part of this project, they put a lot of time into a bypass plan, because if something did go wrong, they had people set up the mechanism to bypass across the river. There was quite a bit of effort put into it during the previous phase. They were trying to look at how to bypass and keep it on the other side of the river, which is an expensive process. With a force main this size, it is important to have some method of redundancy, to take that timeline off of needing something fixed in a few hours or a few minutes, to potentially days, if there is a way to bypass around it.

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 presentation on the Martell Court Force Main Evaluation be accepted as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Verbal Update: Downtown Infrastructure Project

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the Verbal Update on the Downtown Infrastructure Project as informational.

Attachments:

None

Background:

Don Lussier, Public Works Director, stated that he has a brief update on the Downtown Infrastructure Project. He continued that the most interesting news this month is that the Project Ombudsman (George Downing) has officially started, working about 10 hours a week right now. He spent the first couple of weeks going through the plans, going through the project history, and reviewing all of the documentation of how it got to the point it is at, so he has the background. He participated last week when they did a three-hour walk through the downtown with the consulting team with the plans in hand, taking one final look and double checking everything, making sure they thought through everything. They did find a few things they had not thought about before, so it was a good use of time. Mr. Downing got to know the design team and met a couple of the shop owners while they were walking about.

Mr. Lussier continued that unfortunately, Mr. Downing is off this week, because before the City hired him, he had a vacation scheduled for this week. He will be here next month to meet with the Committee. Next week, when he is back, he will start walking around downtown and introducing himself to business owners and property owners, starting to create those relationships.

Mr. Lussier continued that in other news, two weeks ago they received the last of the permits they need for this project. Due to the size of the project, they needed an Alteration of Terrain permit. It is a way that the Department of Environmental Services (DES) regulates projects that disturb over 100,000 square feet of earth. They are looking to make sure the City is not creating an erosion control problem, damaging stormwater, discharging mud into local rivers, or that sort of thing. The draft final bid documents are on (his) desk right now. Bryan Ruoff met with the Water/Sewer Team to review all of the utilities today. He will spend a couple of hours going through them with the Highway

team in the next week or so.

Mr. Lussier continued that he met with the Rotary Club last week, talking about the banner program. (Downtown) has banners on lampposts, a program which the Rotary Club operates for the City under an agreement. They are talking about things like whether the hardware the Rotary uses now is worth saving, or if they should replace it, how many banners they want to have in the new program, and that sort of thing.

Mr. Lussier continued that all said, he thinks they are in good shape to advertise in the fall as planned. Everything is looking good. He is happy to answer questions.

Councilor Favolise thanked Mr. Lussier for the update. He continued that he appreciates the commitment to the monthly updates, which is an important part of the process and transparency for the Council and public. They had had a conversation about the green color costing a lot of money for the bike lanes. He asked if there is additional information about that. Mr. Lussier replied that he was not quite ready to give the Committee a formal recommendation or suggestion, but he will suggest that the green bike lanes be done in a dark grey color instead. He continued that green was selected because it is the standard, accepted color for bike facilities, like what they have in Central Square right now, but instead, they will propose that every couple hundred feet, they have a green box painted onto the bike lane with the bike symbol, to make it very clear to people that that is the bike lane. They could not find a more cost effective alternative to making green concrete. It is outrageously expensive.

Councilor Favolise stated that he does not remember, from the position description, who (the Project Ombudsman) reports to. He continued that typically, an ombudsman position reports right to the President's office, at least in higher education, due to the potential for needing to mediate conflicts between people at lower levels of the organization. Mr. Lussier replied that formally the position reports to the Public Works Director. He continued that the construction team is managed by the City Engineer. The consultant that will have the inspectors overseeing the work, the consultant that did the design, that is Mr. Ruoff's role. His (the Public Works Director's) role will be to make the two sides play together. The Ombudsman represents the community and the tenants, and the City Engineer represents having to get this job constructed, and he (the Public Works Director) has to bridge that, with the advice and consent of the City Manager.

Councilor Favolise stated that it was around this time last year that the City heard back about their grant application. He asked if Mr. Lussier has any idea of a timeline on that. Mr. Lussier replied that he was hoping that would be announced soon, but it has not been announced as of today. He continued that the notice of funding opportunity that announced the grant gave a deadline for making that announcement as June 28. Thus, by Friday afternoon, they should know.

The City Manager stated that they did learn today that the grant application the City put in to Senator Shaheen's office for the downtown project, which is specifically for sidewalks, bike lanes, and lights, has moved forward. She continued that it is on the list for just over \$2.8 million, Congressionally directed, which is great news.

Councilor Filiault replied that that is great news. He continued that he knows the public has been asking when they will be sending it out to bid. Mr. Lussier replied that they are looking at late September to mid-October. He continued that they have not set a specific date yet.

Councilor Filiault asked if there were any further questions or comments. Hearing none, he asked for a motion.

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 accepted the Verbal Update on the Downtown Infrastructure Project as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Direct Referral to Committee: Buba Street Noodle & Bar - Request for Permission to Serve Alcohol - Sidewalk Café**

Recommendation:

On a vote of 5–0, the Planning, Licenses and Development Committee recommends that Buba Street Noodle & Bar 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.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Truman Nguyen, Owner of Buba Street Noodle & Bar at 44 Main Street. Mr. Nguyen sought to offer outdoor seating for customers and to contribute to the vibrance of Main Street. He hoped to be approved, noting he had submitted all the necessary documents to the City.

Chair Bosley requested City staff comments. The City Manager, Elizabeth Ferland, explained that this license was before the Committee because it was the first time the applicant was requesting authority to serve alcohol on the Sidewalk Café. If approved, future Licenses would be approved administratively through the City Clerk's office. Chair Bosley asked if there had been a Sidewalk Café at this location in the past and the City Manager said yes.

There were no public comments.

Councilor Williams congratulated Mr. Nguyen on the new restaurant and said he looked forward to checking it out.

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

On a vote of 5–0, the Planning, Licenses and Development Committee recommends that Buba Street
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Noodle & Bar 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.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Let It Shine - Request to Use City Property - 2025 Pumpkin Festival

Recommendation:

On a vote of 5–0, the Planning, Licenses and Development Committee recommends a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Saturday, October 18, 2025, to hold the Keene Pumpkin Festival subject to the following provisions:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after September 1, 2025;
- The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 26 Community Events Budget, and agrees to remit said payment within 30-days of the date of invoicing;
- Licensee shall furnish a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- Licensee shall sign a standard revocable license and indemnification agreement and associated protocol documents;
- That the footprint and layout for the event shall encumber the traveled portions of Central Square, Main Street both sides from Central Square to Emerald Street and Eagle Court, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff and will include any closures necessary to facilitate safety during pre-event setup and post-event cleanup activities;
- That the Petitioner is permitted to use the northbound inside lane of Main Street for pumpkin drop-off by area schools on Friday, October 17, 2025;
- That the actual event will be held from 2:00 PM to 7:30 PM with the times for setup and clean up to be established with City staff;
- Licensee shall submit signed letters of permission from any private property owners for the use of their property;
- That free parking be granted under the provisions of the free parking policy for City parking spaces needed for logistical purposes beginning Thursday, October 16, 2025, at 6:00 AM and extending through Monday, October 20, 2025, and spaces within the event footprint on the day of the event; and

- This license is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Michael Giacomo of 615 Hurricane Road, Chairman of the Let it Shine Board. Mr. Giacomo explained that the Board was saving substantial changes for the event until next year's Downtown project, noting they were already reconfiguring what the event would look like. This year, they were keeping it simple, with a few small changes. He said that in 2024, the kids' games were less successful between Railroad and Emerald Streets, so the goal this year was to enhance the kids' games. There would be more vendors in that area this year, as well as the Downtown, and Mr. Giacomo noted the business owners on that block requested more of a crowd; there would not be pumpkins in that location. He said the pumpkins would be in the same locations as 2024. They had learned the previous two years by spot counts that turnout was completely weather dependent, with attendances varying from 3,000–12,000 with a virtually identical event. So, Mr. Giacomo predicted good weather this year and approximately 10,000–15,000 attendees over the course of the 5-hour festival. He reported that this year there would also be the same number of craft vendors (20–25) and nonprofits (up to 12 is their limit). The organizers are considering allowing booths for nonprofits who do not have the ability to organize food sales but wanted to promote their nonprofit, aligning with Let It Shine's mission to support them. Mr. Giacomo added that the organizers were engaging with The Colonial Theater, the Keene Downtown Group, The United Church of Christ, and other entities who would hopefully be helping Let It Shine with different activities on Main Street as in past years. The pumpkin carving on Central Square and trick-or-treating would both remain unchanged from 2024 as well. He reminded the Committee that the footprint of the Festival was also the same as 2024, with the bulk of the Festival between Railroad Square and Central Square; Railroad Square to Emerald Street/Eagle Court would be the pedestrian area, with some activities but no pumpkins. Mr. Giacomo said there would be some other big announcements in the near future about the Board trying to source more supplies locally. Everyone could read about the final phases in The Keene Sentinel. Chair Bosley said she was excited to have the Pumpkin Festival back.

Councilor Haas asked how Mr. Giacomo estimated the festival's crowd sizes. Mr. Giacomo explained that during the previous Festivals, he went block-by-block on each side of Main Street and created approximately 5 x 5 x 2 grids, counting the number of people in each grid. He specifically estimated that the same number of people would be entering versus exiting a grid at any time. At each given time, he counted approximately 100 people in each grid, in addition to watching the exits and observing the average flux of people from the main entrance at Emerald Street. Mr. Giacomo said that was how he arrived at the best possible estimate of 12,000 but it was probably not scientific. Councilor Haas presumed those counts were taken at a substantially crowded time. Mr. Giacomo confirmed the counts were estimated at the peaks of the prior events, noting the peak was actually during the middle and not the end vs. for the original Pumpkin Festivals; now the event ends earlier, and people are not waiting for the pumpkin counting at the end.

Vice Chair Jones appreciated that Mr. Giacomo applied science to everything and welcomed the former Councilor back to City Hall. The Vice Chair asked if the change in kids' games/youth area would change the event footprint. Mr. Giacomo said no, explaining that the kids' games were easy to overlook down Emerald Street in 2024. They received a lot of feedback asking to make the games more visible. So, in 2025, the organizers wanted to move the games closer to the main event and

diversify them for more visibility.

Chair Bosley requested City staff comments. Deputy City Manager, Rebecca Landry, began by thanking Mr. Giacomo and Let It Shine for adjusting annually based on things that went well or could go better the previous year. Ms. Landry said they had done a really good job and set a good example for how to manage, organize, and plan for a City event. The Deputy City Manager reported the plan from Protocol meetings to date: (1) multiple personnel from the Police and Fire Departments in multiple shifts throughout the event, (2) street/lane closures in the days before/after the event to allow for delivery and staging of equipment and pumpkins as well as the safety of people involved in that process, and (3) some parking restrictions to ensure safety and adequate space.

Chair Bosley opened the floor to public comments.

City Councilor Laura Tobin of Center Street said she was really excited about this Festival; she knew it was great in the past and looked forward to going every year. She offered feedback that in 2024, The Farmers' Market of Keene felt excluded and that people did not know the Market was open. Councilor Tobin hoped Let It Shine would coordinate with The Farmers' Market.

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

On a vote of 5–0, the Planning, Licenses and Development Committee recommends a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Saturday, October 18, 2025, to hold the Keene Pumpkin Festival subject to the following provisions:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after September 1, 2025;
- The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 26 Community Events Budget, and agrees to remit said payment within 30-days of the date of invoicing;
- Licensee shall furnish a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- Licensee shall sign a standard revocable license and indemnification agreement and associated protocol documents;
- That the footprint and layout for the event shall encumber the traveled portions of Central Square, Main Street both sides from Central Square to Emerald Street and Eagle Court, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff and will include any closures necessary to facilitate safety during pre-event setup and post-event cleanup activities;
- That the Petitioner is permitted to use the northbound inside lane of Main Street for pumpkin drop-off by area schools on Friday, October 17, 2025;
- That the actual event will be held from 2:00 PM to 7:30 PM with the times for setup and clean up to be established with City staff;
- Licensee shall submit signed letters of permission from any private property owners for the use of their property;
- That free parking be granted under the provisions of the free parking policy for City parking spaces needed for logistical purposes beginning Thursday, October 16, 2025, at 6:00 AM and extending through Monday, October 20, 2025, and spaces within the event footprint on the day of the

event; and

- This license is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Keene Pride - Request to Designate Keene a Sanctuary City for the LGBTQIA+ Community**

Recommendation:

On a vote of 5–0, the Planning, Licenses and Development Committee recommends accepting Keene Pride’s Request to Designate Keene a Sanctuary City for the LGBTQIA+ Community as informational.

On a vote of 5–0, the Planning, Licenses and Development Committee recommends directing the Human Rights Committee to work with the concerned parties to draft a statement recognizing the LGBTQIA+ community and assuring dignity and respect for all persons and all communities in the City of Keene.

Attachments:

None

Background:

Chair Bosley knew there were many people present to speak on this agenda item and read a prepared statement to begin. She wanted to be very clear that as the Chair, all comments and questions were to be directed to her. She would not tolerate any disrespectful comments, whether aimed at opposing groups, City departments, City Council members, neighbors, or anyone else. Each person wishing to speak was provided three minutes to allow everyone a chance and Councilor Madison kept time, holding yellow and red cards as indications when time was running out. Chair Bosley indicated that if there were disturbances, she would provide an initial reminder, a second reminder, and if the same person disturbed the meeting a third time, she would ask them to leave the room; if someone refused to leave, she would recess the meeting, and the individual would be escorted out. Chair Bosley reminded the audience that they were all neighbors and should be treating each other as they want to be treated, which she intended to hold everyone to during this meeting. She was ready for a very good conversation.

Chair Bosley welcomed the applicant, Adam Toepfer, Founder and Board President of Keene Pride as well as a Downtown Keene businessowner. Mr. Toepfer explained that he was born and raised on Court Street and that growing up as a young gay kid in a small city definitely had its challenges. He

said many in the broader LGBTQ+ community across the nation are bullied—some to the point of suicide. He said sometimes members of this community are violently attacked and on many occasions have been murdered just for being who they are. While violence against the LGBTQ+ community here in Keene had been extremely low, Mr. Toepfer said the community still walked in fear every day. He said he did what many young gay kids from a small City do once they turn 18, he got out to find his community where there were more people like him—what he called his “chosen family.” Mr. Toepfer said he chose New York City and stayed there for 16 years, where he met some of the most amazing people in his life. In the middle of the pandemic, he moved back to Keene. He noticed there were queer people literally everywhere he went—the gas station, the post office, the DMV, the library, coffee shops, restaurants—everywhere in town he met new LGBTQ+ individuals. Mr. Toepfer learned about the huge community of queer people in Keene, but noticed there were few ways for them to come together, so he was a part of creating Keene Pride.

Mr. Toepfer explained that Keene Pride was set up to create fun, educational, community building—some family friendly and some not—programming for the LGBTQ+ community and its allies. After building Keene Pride, he met the next group of incredible people in his life and did not have to leave the City to find them. Together, he said they produced 20–30 events per year, culminating with Keene Pride Week and Festival in Downtown Keene; with upwards of 5,000 community members attending, over 120 vendors, six bands, circus acts, drag performances, magicians, children’s entertainers, and much more. The festival had grown so much that it could no longer physically fit in Central Square, and this year it was expanding down Main Street to Railroad Square, doubling the footprint. Mr. Toepfer said Keene’s was one of the few Pride festivals in America that he knew of, which was not shrinking due to fear and budget cuts but expanding due to community support and demand. He stated that this is what Keene is—a progressive City, which welcomes everyone and is not afraid to publicly and specifically say to its LGBTQ+ community members that they are safe and welcome here.

Mr. Toepfer knew there was a counterpetition coming forward requesting that the community could not say LGBTQ+ people are welcome in the community because all people are welcome in the community. He asked what that even means. Mr. Toepfer said no one was arguing that all people are not welcome in Keene but if all welcome, he asked the problem with saying LGBTQ+ people are safe and welcome here. He explained that many community members were very much afraid right now—of the President, of what would happen to them—and many no longer felt safe in the Country they call home. Mr. Toepfer asked everyone to imagine that for one second, to imagine feeling completely unsafe and unstable in their country, in their home, and in their community. Imagine needing to pack an emergency to-go bag just in case you have to flee your home in the middle of the night. Imagine having to plan your escape to a safe country just in case. He said this is America and no one should have to feel this way. He said many people thought this was hyperbole and might roll their eyes, thinking “this could never happen to me.” He said this had happened; not long-ago thousands of Japanese American citizens were taken from their homes and housed in internment camps just because of who they were, and not long-ago in Europe Jews and LGBTQ people and other minorities were thrown into camps and executed. Mr. Toepfer did not want to scare anyone but said he was stating these things because it was the truth. He said these things had happened and these atrocities can happen again. He also briefly spoke about the President substantially increasing the Budget of ICE from \$8 billion to \$170 billion recently and questioned what they would do with all that money. “If you think they’re going to stop at deporting non-U.S. citizens and not target citizens next, if they are only targeting who are in our country illegally, then why on Earth do they need \$170 billion. This is why we’re scared.”

Mr. Toepfer concluded explaining the petition with over 914 signatures from people who lived, worked, and shopped in Keene saying it was time for the City of Keene to publicly state that Keene is a safe and welcoming City for its LGBTQ+ residents and visitors, and that Keene will never use City resources to harm innocent people. Over 550 of those signatures were Keene residents. Mr. Toepfer knew that “Sanctuary” cities had now been banned by Governor Kelly Ayotte (May 22, 2025), so that original terminology was no longer possible. Instead, Keene Pride was asking the City Council to publicly declare:

- That Keene is a safe and welcoming City for the LGBTQ community,
- That being LGBTQ+ is never a crime, and
- That the City of Keene will never use its resources on their own or in conjunction with the federal or state governments in the unjust search and seizure and harassment of LGBTQ+ people.

Mr. Toepfer said the community should be striving for this and declaring this would show other young LGBTQ+ kids that their community loves, welcomes, and supports them. They would not have to run away; they could build a family here, open a business, and buy a home. Mr. Toepfer said that is what makes communities great.

Chair Bosley recognized Mayor Jay Kahn, who appreciated the turnout. In conversations with Mr. Toepfer and members of the Keene City Republican Committee. The Mayor thought Mr. Toepfer and the Keene Pride Board had the understanding that “Sanctuary City” was no longer the issue before the City Council as relative to immigration issues. The Mayor continued, restating Mr. Toepfer’s intent to declare that Keene is a safe and welcoming City, that it is never a crime to be an LGBTQ+ person, and that the City will not use resources to harass LGBTQ+ people. Mayor Kahn said that was different than the original proposal and one the Committee might want to consider if someone proposed precise wording, which the Mayor said was not before the Committee at this meeting. The Mayor hoped that was a clear expectation to the Committee and the audience. He stated that there were real lived experiences in Keene underlying the petition Mr. Toepfer brought forward, which the City and City Council should understand and deal with. For example, the Mayor cited students questioning their sexual orientation and gender identities, who had been bullied and had to leave their local schools, which left them to attend smaller charter schools in the area. He said that if those were the current lived experiences the Council was interested in bringing forward then it was worthy of understanding. He noted that losing rights is a slippery slope and cited recent legislation such as removing gender affirming healthcare from Medicaid coverage, banning books in school libraries, and allowing families to remove students from classes that mention same-sex relationships, for example. These fights were primarily in federal and state government courts, where Mayor Kahn said these rights were in fact under consideration and some would say under attack. He stated that the local government had no laws governing the behavior of one group, which did not apply to all other groups. So, it was not exactly clear what action the City might take around proposed legislation that was not on the City’s agenda. The Mayor suggested that perhaps the City should state that it, “stands against acts of bigotry and hate against any group or individual,” which was in fact what the City Council declared in their 2021 Declaration of Inclusion. Mayor Kahn was unsure the City Council could do better than reaffirming the 2021 commitment. The Mayor said he could not come to this meeting given his background without thinking of Martin Niemöller, a prominent Lutheran priest in Germany who was imprisoned during his time by Nazi rule. Niemöller regained his voice and public ability to speak when the war ended, and he said “First they came for the socialists, and I did not speak out—because I was not a socialist. Then they came for trade unionists, and I did not speak out—because I was not a trade unionist. Then they came for Jews, and I did not speak out—because I was not a Jew. And then they came for me—and there was no one left to speak for me.” Mayor

Kahn said if we have local issues, we should not wait until it is too late to face them together as a Keene community.

Vice Chair Jones noted that being a straight, white, married, Christian-raised, working class, male meant he could not fathom in the same way what it was like to have that target on his back that other people do. The Vice Chair stated he had the fortunate ability to be invited to attend a Keene Pride meeting with the Mayor. Vice Chair Jones said it was a learning experience that he appreciated. They spoke with the Keene Pride members about the sanctuary city aspect and Vice Chair Jones clarified that he did not support that statement at this time, and he appreciated Keene Pride listening to his reasons why, even if they did not agree. Vice Chair Jones said he listened to Keene Pride's very good reasons for why they thought Keene should be a sanctuary city, but the Vice Chair still did not think that was the right answer to achieve their goals at this time, even if he agreed with many of the things in Keene Pride's letter.

Chair Bosley opened the floor to public comments.

Jim McConnell of North Swanzey opposed the proposed LGBTQIA+ resolution, having taken out the reference to sanctuary cities that was in his original testimony. Mr. McConnell said that during his 20 years living in Swanzey, Keene deserved the reputation of being welcoming and inclusive, which he was comfortable with and believed the overwhelming majority of people in the Keene area felt the same. However, he stated that being welcoming and inclusive means regarding everyone equally and favoring and excluding no one. Mr. McConnell noted he had also observed that when a community becomes identified as "an LGBTQIA community," that identity becomes overwhelming; he cited towns in MA, for example. Should the proposed resolution be adopted, he suspected Keene would be identified in the same way. Mr. McConnell asked how, for example, that would affect applications to Keene State College, an important economic driver for the community. He stated: "I'm certain most parents have no trouble picturing their children in a welcoming and inclusive environment, but I think an overwhelmingly LGBTQIA+ environment would give many parents pause."

Donna Ferrantello of Keene submitted a letter to the Council including the first page of the Bill of Rights in the NH Constitution; she referred to Articles 1, 2, 2-b, 4, 5, and 6 in the NH Constitution, all of which she said were relevant to the Keene Pride request. Ms. Ferrantello stated that if the City Council named the LGBTQIA group in any statement, decree, declaration, or gave them any special status/recognition and support for any reason, that affirmation/action would violate Articles 1, 2, 2-b, 5 and 6 of the NH Constitution. She said that action would be unconstitutional and thus promote illegalities in the City of Keene, specifically from Article 6 on Morality and Piety, which she quoted: "But no person shall ever be compelled to pay towards the support of the schools of any sect or denomination. And every person, denomination or sect shall be equally under the protection of the law; and no subordination of any one sect, denomination or persuasion to another shall ever be established." As concerned citizens, Ms. Ferrantello said she submitted a petition against this unconstitutional action.

Anthony Ferrantello of 84 Woodland Avenue said the City of Keene was being asked to reinforce values of diversity, equity, and inclusion (DEI). He said it sounded like a benign non-discrimination administrative tool but stated that DEI had been found to be discriminatory, stating it was on its way out of boardrooms and universities like New Hampshire University, who were rejecting it because it undermines meritocracy. Mr. Ferrantello said those with superior skills were being sidelined by unqualified individuals who meet an identity quota, and the results were mediocrity, mismanagement,

shareholder losses, a bickering workforce, and economic downturn. He did not think this should be the future of Keene. To that end, Mr. Ferrantello felt that any effort by the City of Keene to honor/create a special category/protected class or a special safe haven/sanctuary for a special community, or other wording resulting in the same outcome would be insulting, divisive, and contradictory to the inclusivity that the City of Keene and the LGBTQ+ community claimed to promote. Mr. Ferrantello said frivolity breeds divisiveness, so it should not be rewarded and certainly not be irresponsibly sanctioned nor normalized under the aegis of a governing entity such as the City of Keene. He urged the City of Keene to refrain from creating divisions in the community and urged this Committee not to bestow special recognition, status, and privilege on one group while coercing all other residents to blindly affirm and comply with a proposed decree.

Anne Farrington of Keene submitted a petition she had been circulating for the previous two weeks with more than 360 signatures. It was also regarding the proposal for a “sanctuary city” and honoring/calling out special privileges for any individual group. Ms. Farrington noted that no one who signed the petition in any way condoned acts of bigotry or hate, that they believed Keene was a welcoming City, and would obviously be against the City Council doing any acts discriminatory or counter to the law. She read the petition language & thanked the Committee:

“In Support of Equal Respect for All Residents: We, the undersigned residents of Keene and surrounding towns who do business in Keene regularly, affirm our deep respect for all individuals regardless of their identity, background, or personal choices. We strongly support the right of every person to live freely and with dignity, so long as that freedom doesn’t infringe upon the rights of others. At the same time, we’re concerned about the proposal to designate Keene as a sanctuary city for a specific identity group. While we believe this effort is likely rooted in goodwill, we feel that such designations, by elevating one group for special recognition, risk undermining the principle of equal honor and respect for all people. True inclusivity does not require singling out one population for symbolic sanctuary. Rather, it calls us to foster a City culture that is welcoming, fair, and free of favoritism across the board. We’re also mindful of how such declarations may affect Keene’s public image. Highlighting what might be deemed a political or ideological position could unintentionally signal to families, potential residents, or businesses that Keene is no longer a place of broad civic neutrality, but one where more particular identities or beliefs are favored over others. Being a welcoming, inclusive community means favoring and excluding no one. We urge the City Council to consider these concerns carefully and to prioritize unity, fairness, and balanced representation in all civic actions and policies.”

Taylor Murray, a homeowner in Keene, was born in the City in 1979 and left NH to train to be a U.S. Army Airborne Ranger at Fort Benning at age 17. Then, he was sent to Fort Lewis with the 2nd Battalion, 75th Ranger Regiment to fight for his country before leaving for Fort Riley, KS, to serve with the 1st Infantry Division. He returned to Fort Lewis to finish his tour as a member of Operational Detachment Alpha with the first Special Forces group. Mr. Murray stated that he had seen horrors no one ever wants to have to see. He had also seen hate and intolerance he never in his wildest dreams imagined he would see in the 43 years since signing out of service to his country as a combat soldier fighting with a rifle and bayonet in hand—not as a truck driver or typist. He said he fought against the fascism he had seen in other countries, and he was scared—absolutely frightened. Mr. Murray heard all kinds of talk about the Constitution but heard nobody talking about equal access under the law. He heard a lot of people talking about fairness but said he thought back to times of separate but equal and Jim Crow. Mr. Murray stated people in this community were scared right now. He said people all over the country were coming after the LGBT community. He had been refused service at restaurants in NH. Mr. Murray asked everyone to think about this—he came home a Veteran, and this is what he

met. He said all this community was asking for was to be recognized and protected by the City. Mr. Murray asked what kind of a grateful nation that would be.

David Morrill of Mechanic Street shared that he was watering flowers on his back porch the day before the meeting, with two pots of yellow flowers and two of purple. He noticed a little white flower in one of the pots with the purple flowers. Personally, Mr. Morrill said he thought it was nice to see that splash of another color, but some folks might not because it is different; he liked it, so he would do what he could to help it grow. Mr. Morrill continued, stating that there was a lot of harmful behavior against marginalized groups these days that he did not think was news to the Committee; he was not trying to debate or change minds that were not open to learning or loving their neighbors, but trying to be the best ally and support he could to the queer community. He said that group of people, after experiencing a moment of progress, was feeling backlash from a minority that wanted to impose their religious beliefs on everyone. Mr. Morrill said this backlash was harmful at a minimum, often even violent, and it was being ignored by federal and state governments right now at best and encouraged or even perpetrated by them at worst. As a result, he stated that the City's "LGBTQ+ siblings [were] rightfully afraid for their safety and well-being." Mr. Morrill repeated for emphasis that the City's "LGBTQ+ siblings were rightfully afraid for their safety and well-being." He said they were being denied a basic human need. Though not a queer person himself, Mr. Morrill said he had experienced religious abuse and known bullies who wanted to impose their will on others. As a result, he often felt more comfortable and welcomed in queer spaces and with queer people than he did in spaces designed for and by his ingroup. He said he could only imagine how much truer that was for queer people. Mr. Morrill noted that the City plows roads when it snows because it is a need, likewise firefighters and ambulances are sent when people are in crisis, and we give chemotherapy to patients with cancer because those are the people that need it. Similarly, Mr. Morrill stated that there were communities being attacked at this time who needed protection. He urged the City of Keene to do what it could to help them, or at very least, to commit not to adding or aiding in the harm.

Makayla Carter of Keene wanted to petition for Keene to be a safe place for the LGBTQIA+ community. The previous few months, she said the LGBTQIA+ community had faced threats of violence and even death growing out of hatred from groups of people who disagree with the community's very existence. Although this tragedy had been going on for years, Ms. Carter said with the current political climate, the LGBTQIA+ community was facing more discrimination than ever before; especially with recent laws being passed that censor history and voices of the past generation who fought for freedoms today with but not limited to book bans, bathroom bans, and limiting gender affirming care. Ms. Carter encouraged the Committee to let Keene be a safe place that the LGBTQIA+ community could call home and feel safe with their friends, families, and neighbors.

Tom Savastano of Keene expressed his opposition to the original petition to make Keene a sanctuary city for the LGBTQ+ group. His opposition also extended to any proposed change of language to "safe city," etc., which he said would elevate this group—or any group—for special recognition and treatment. Mr. Savastano noted that Keene Pride's petition used phrases like "increasing and alarming legislative attacks," "troubling Surgeon General policies," and "atmosphere of fear and uncertainty." He said that the testimony so far certainly indicated there could be serious problems in our society. However, he said the issue was that Keene Pride's petition did not reference any specific proposed laws or substantive policy debate now and in the future; Mr. Savastano said that was really needed. Secondly, he said it appeared that this recognition would only be the first step toward greater levels of favorable treatment. Mr. Savastano quoted Keene Pride's petition wanting, "collaboration between City leaders, local organizations like Keene Pride, and community

stakeholders to create programs and initiatives that uplift and support LGBTQ+ residents.” He said that would mean using City resources, time, and money to elevate a particular group’s interests. Mr. Savastano believed the answer was fair and equal treatment across the board. He believed Keene had already run fairly and on pluralistic principles. He felt that no group should be elevated for special recognition and treatment. Mr. Savastano urged the Committee to reject this petition and reject the precedent that it would be acceptable for many other groups to seek special favorable treatment for their goals and priorities. He said City resources, time, and money were finite not infinite.

NH Representative Nick Germana of Baker Street wanted to speak about why he thought a petition or declaration like this was warranted, referring to the landscape in which everyone was living right now. Mr. Germana cited the President of the United States who issued an executive order declaring that there are only two sexes, despite the fact this is biologically simply not true, attempting to erase the existence of hundreds of thousands, maybe millions, of Americans. Mr. Germana said that same President issued an executive order saying trans individuals are inherently dishonest and dishonorable, therefore prohibiting them from serving in the United States military. Mr. Germana mentioned a Justice on the United States Supreme Court, in a concurring opinion in the Dobbs case, stating that the Supreme Court should go back and rethink the Lawrence v. Texas case, in which the Supreme Court ruled laws making homosexual behavior illegal are unconstitutional. He added that a fellow NH Representative and member of the General Court recently suggested that the majority party in Concord should revisit NH’s original law respecting same sex marriage. Mr. Germana said week-after-week in Concord, he saw elected officials stand in the well of the New Hampshire House of Representatives and demean, diminish, dehumanize, and demonize members of the LGBTQ+ community. He said those elected officials argued that members of the LGBTQ+ community are inherently prone to violence, criminality, and that their presence in public spaces is inherently threatening and dangerous to justify legislation that directly undermines the civil rights of LGBTQ+ citizens. These legislations had barred these community members from participation in some of the same activities everyone else takes for granted, like entering into some public spaces. Mr. Germana noted that when books were removed from school libraries for offensive material, it was often due to LGBTQ+ characters or authors. He said there was absolutely no question these members of the Keene community were under attack in our country right now; it was not hyperbole; they had every reason to fear for their safety. He called Keene an accepting and inclusive community and said the City should state that those are genuinely its values. Mr. Germana addressed the argument that the City should not single out one group over others for this type of statement and countered, stating that sanctuary policies are specifically for groups being targeted by legislative actions like the ones he cited.

Autumn DelaCroix of Court Street said she did not realize “sanctuary city” had become offensive, so she would speak about the proposal despite it no longer being the precise wording. Ms. DelaCroix stated that the City of Keene was worried about its future population, especially its young workforce and students choosing to leave. She suggested that to keep them, the City must make it clear they are welcome and said, “naming the city a sanctuary would send forth a Clarion call that the City supports this community; a call whose echo would be heard across the state and draw the youth to Keene.” Ms. DelaCroix said this declaration would set a precedent clarifying the City’s values and those of its officials, its employees, and its people. She said failing to take this opportunity to become a sanctuary city would likewise make clear a lack of values in light of the national climate, stating it would be vital to show support rather than alienate this vibrant, politically motivated community. On a more personal note, Ms. DelaCroix wanted to emphasize the distinction between equality and equity, given the discussion of why the LGBTQIA+ community should get something special. She said she had the right to marry who she wanted, her wife, without any fuss. Since transitioning, Ms. DelaCroix

stated she must fight annually—despite having had the equal right to marry her wife—to prove to the insurance company that she is who matches the Marriage Certificate, because the City Clerk has no format to allow her to update her name and gender. This had forced Ms. DelaCroix annually to newly disclose her transition to her insurance company. When she asked the City Clerk's office about it they said there was no recourse. When she asked the Attorney General of NH, they said the only recourse would be to sue the City of Keene, which Ms. DelaCroix did not want to do. She hoped the City would develop solutions that acknowledge there are trans people in the City. Ms. DelaCroix said it would not be a special right even if it is unique solution to unique problem that not everyone has.

Sam Jackson of Court Street agreed with Ms. DelaCroix's comments. Ms. Jackson added that there were a lot of young people in the LGBTQIA+ group, and this would be a really good opportunity to show them how much the City does care in a political climate that, at every turn, has claimed it cares and changed its minds. If being totally honest, Ms. Jackson said she was considering leaving Keene because she did not feel incredibly safe here. While the City was safe in a lot of ways, she noted that things that change, and they could change fast. Ms. Jackson stated that she did not want to lose her family but needed to know that they would be safe and protected. She would rather not have to think about escape routes.

Rebecca Montrone of Winter Street, a Keene businessowner, read a letter submitted to the City Council, expressing concerns regarding the proposed LGBTQ+ "sanctuary city" designation: *"Dear members of the Keene City Council, As a longtime resident of Keene and a local business owner, I'm writing to share my concerns about the proposal to designate Keene as a sanctuary city for the LGBTQ+ community. First and foremost, I believe everyone in our City, regardless of identity, deserves to live freely, safely, and with respect. This is how I conduct my business and my personal life, and I know many—I would say the vast majority in Keene—feel the same way. That said, this proposed designation raises important questions. 1) Sanctuary from what? I have not seen credible evidence that LGBTQ+ individuals in Keene are currently in danger or unable to live their lives openly and peacefully. I believe our community already strives to welcome and protect everyone equally without needing a special designation. 2) Impact on our City's balance and culture, (Ms. Montrone interjected that this really concerned her) designating Keene as a sanctuary city for this specific group could serve as a magnet, drawing a disproportionate number of people here for that reason alone. It may also discourage individuals and families whose lifestyle, values, or priorities differ with what such a designation signals, making them less likely to choose Keene as a place to live, raise children, start a business, or invest in our community. In effect, it ties our City's reputation to a particular political and cultural ideology rather than preserving the broad and diverse mix of values that make Keene a vibrant and welcoming place for everyone. 3) No discrimination, just fairness. Choosing not to single out one community for special sanctuary status does not indicate a desire to discriminate or marginalize them. Quite the opposite. It affirms our commitment to treating everyone with equal dignity and respect without favoring one group above others in civic policy. In my view, true inclusion is rooted in equality, respect, and the freedom to live privately as one chooses, without elevating any one identity group to a higher symbolic status. This is what has always made Keene feel like home to so many of us. Thank you for your time, for considering the broader impacts of this proposal, and for your continued service to all who call Keene home."*

Richard Doherty of Elm Street said he had lived in the Monadnock Region since 1981. He moved to Keene because was feeling unsafe in one of the small local towns further away in the current political climate and thought Keene was really accepting and welcoming to queer people. He supported any wording of this proposal because it was basically his situation. Mr. Doherty said he had been welcomed into the Keene community really incredibly so far, like the being invited to be the speaker

at the Pride Art Walk this summer and to share his queer life history and the Cheshire County Historical Society. No matter what the wording, he thought it would be a smart action for the City to have something indicating that this is a safe and welcoming place for people to come. On the issue of having enough City resources and that needing to be equal, Mr. Doherty stated that “the straight, white community gets more than their share, [more] than queer people do” because queer people do not feel comfortable in every space. So, he thought it would be smart to have resources for everyone because there was clearly a section of the population advantaged over the queer community.

Dr. Mary Gannon of 33 Parker Street in Winchester spoke as a member of the Monadnock Diversity, Equity, Inclusion, & Belonging Coalition Steering Committee and NAACP Chapter in Windham County, VT. Her work over the previous 35 years included supporting initiatives in public education to create safe, welcoming, and belonging school cultures. Dr. Gannon said she had a lot of things she wanted to say but looked at her notes and realized they might not be as relevant. Sitting there as someone who identified as a straight, white cisgendered individual, she noted she did not live with the fear, weight, or concerns that many who had spoken before her did. She said she was heartbroken because of some of the things she heard tonight. Dr. Gannon agreed with and appreciated many of the comments shared about what the culture and climate felt like nationally, but more importantly, in NH at this time. One of the things she was most concerned about that had not been mentioned was the youth watching. She said the students in Winchester were watching; many were wrestling with their senses of identities and relying on adults who always spoke about how much they valued diversity and inclusion. Dr. Gannon said the community did not actually think diversity was always a good idea when it came down to policies and practices that meant anyone might have to feel uncomfortable. Dr. Gannon did not know what the Council would decide or how the community would reckon with this, but stated we were living in a culture of terror and fear, so she was most concerned about how adults would start modeling/walking/talking what they feel so passionate about.

Emily Benson of Kendall Road explained her job to attract and retain employees to Bensonwood, her family's local construction company. She said she was very ethically and morally behind the spirit of Keene Pride's petition and wanted to provide an economic viewpoint to the discussion. Ms. Benson noted that Bensonwood had over 100 employees across approximately 15 professions related to construction and like most businesses in Keene, was having a lot of trouble attracting and retaining employees. She said adding inclusive language to their policies, bathroom signage, and other things had made a positive impact on Bensonwood's recruitment efforts. She added that some of her co-workers felt safer having the inclusive language around the company. Other coworkers who might not have understood or liked new signage at the company came to understand that it helped make coworkers feel safe, attract new coworkers, and attract young people with skill sets and talents desperately needed. Ms. Benson was also really concerned about how the recent anti-trans laws in NH would affect Bensonwood's ability to attract and retain talented people, especially current LGBTQ+ employees; the company was already losing many employees to Boston and places in MA that were adopting sanctuary policies or inclusive language. She really believed that if Keene could clearly position itself as a community that supports and protects its LGBTQ+ residents, it would send a powerful message that this region is a place where people of all identities could thrive; even as the state was sending a very different message through the bills being passed and rhetoric. Ms. Benson said the City's commitment to inclusivity would make a real difference not just morally, but also practically and economically, for building a strong and resilient workforce in Keene; as well as to help her ability to attract and retain employees.

Kristen Petricola of Beaver Street said it was wonderful to be part of a community of people who

could thoughtfully disagree about something very important. She thought the City has a moral obligation to stand behind marginalized communities who are under attack by the current leader of the ruling political party. Ms. Petricola thought the community could find a way to do that by working together with the notion of a moral obligation.

Rev. Elsa Worth explained that five months after she was called Saint James Episcopal Church in Keene, her middle child came out as transgender, and a few months later tragically died by suicide. She said she and anyone who knows transgender youth, know how tenuous life is for them; even in the best of times, the stigma is difficult. Eight years later, Rev. Worth said she could not imagine what it is like for trans children or their families. She was unsure how many in the room—especially those opposed to this—had such personal experiences and knew that there was actually an Underground Railroad being organized for families to leave hostile states and come north; not to New Hampshire, because she said it was not a safe place anymore. Rev. Worth stated, “In my faith, God goes well out of God’s way to run toward those who are hurting and marginalized on the edges, and this is not called favoritism, this is called love. And I think that there is a population among us, many that are in need of love from a town whose best vision of ourselves is as a welcoming, creative, open community.” She thought it was important to remember there are people who do not feel the equal rights that everyone else assume; she said that lack of rights could not only be hurtful, but deadly. Rev. Worth urged this Committee and the City Council to find a way not to single out this group, not to apply favoritism to this group, but to remember this group and stand with them in this time of attack.

The City Manager left the meeting due to a water main break emergency.

Lynn Forrest had moved to Keene seven months prior, and one reason was the openness she felt in the community. She said she supported the purpose of the issue before the Committee, whether called sanctuary city or something similar, she thought the purpose was important. Ms. Forrest stated she is a lesbian and was a member of the LGBTQ community before it had all the letters at the end. She was afraid in the current political situation with a gay daughter, Black grandson, and transgender ex second husband; Ms. Forrest had a whole family worrying across the U.S. She said recognizing the LGBTQIA+ community would not elevate them above anybody else, only recognize the threats against that community currently and in the future. Looking at history in other places, she said the hetero population did not have to worry about those threats; she specifically stated “hetero” as opposed to “straight” because she thought straight was a very positive thing. Ms. Forrest said she loves the City and wants it to have her back. She was really excited everyone spoke so respectfully to each other. She quoted Israel Kamakawiwo’ole who said, Aloha means “not stepping on anybody’s toes.” Ms. Forrest hoped everyone in Keene would continue to act with Aloha.

Bronwyn Sims of Nelson said she spoke as a woman, athlete, and a gymnastics coach for girls and women in Keene, as well as a signatory to the Declaration on Women’s Sex-Based Rights called The Declaration. Ms. Sims explained that The Declaration was authored by Women’s Declaration International, a global feminist women’s rights organization dedicated to opposing the erosion of women’s sex-based rights caused by incorporation of gender identity ideology in law and policy; she volunteered with its U.S. chapter. She shared her perspective on the proposed declaration establishing Keene as a sanctuary city for the LGBTQIA community. Ms. Sims said she deeply values fairness and respect for all individuals, and believes the community thrives when everyone is treated equitably. She respectfully suggested that any declaration should honor all people equally, rather than focusing on one specific group, stating that recognizing one group over others can unintentionally make some community members feel overlooked or undervalued. If the Council felt a

declaration was necessary, she encouraged a message celebrating the diversity and worth of every individual in Keene, fostering unity without elevating one group above others. Ms. Sims also wanted to share concerns that some women and girls in the community had expressed, particularly regarding fairness in sports and the safety of private spaces like bathrooms and locker rooms. As a coach and athlete, she said she had seen how important it was for women and girls to have equal opportunities in athletics, as protected by Title IX for over five decades. She stated that some women and girls had their awards, scholarships, and podium placements stolen through policies allowing males to compete in women's sports. She said this had led to feelings of frustration, injury, and trauma among female athletes who worked hard to succeed. Ms. Sims also wanted to share a personal experience at the Keene YMCA that left her feeling unsafe. After exiting the shower completely unclothed in the women's locker room, she said she encountered a man dressing in the same space. Feeling uncomfortable, she quickly moved to a private changing area. When Ms. Sims inquired at the front desk, she was informed that the YMCA has a community locker room for individuals who identify outside traditional gender categories, but it was unclear why this space was not used in this instance. She said this experience raised concerns for her about the safety and privacy of women in designated spaces, particularly for those who have experienced past trauma. Ms. Sims believed clear policies and consistent enforcement were essential to ensure women's and girls' safety. She thanked the Committee.

Heather Harada of Keene stated that she went to school for fashion design, so she appreciated an alternative community. As a completely outgoing and outspoken person, Ms. Harada said she never felt like she fit in Keene because of her personality, so she understood what everyone was saying. She noted that she was specifically present for a higher perspective; for those doing astrology, she stated being a Sagittarius from the 9th house. Ms. Harada said the audience was honing on specifics and she wanted to provide the higher perspective. She felt there was a spiritual warfare happening on this entire Earth at this time and that everyone deserves to have respect and to feel they fit in. Ms. Harada said she had been targeted by Police in Keene because she is blonde, stating she had been pulled over for no reason while late for work; she had story-after-story. She said she was at the meeting to note that she did not understand how the City could make people feel safe in a tangible way. She personally felt that was an internal, individual job. So, Ms. Harada wanted to hear how a city could do that in steps because she would love everyone to feel included, but did not know what that would look like; how could local policies make people feel safe? She said she had been through a lot in this City. Especially having an alcoholic husband who passed away one year prior, Ms. Harada believed safety and worthiness was an inside job, not something policies could create. So, she expressed confusion—comparing it to the hangman in Tarot—asking how to make people feel physically safe in the City. She said she did not feel physically safe in the City, with no offense to the lovely Police Officer in the room, but said every time she saw Keene police she was paranoid; whereas she came from Nashua and was not paranoid there. Ms. Harada said she totally understood what this community was saying but asked what the proposal would look like. She thought there was a spiritual warfare happening in this world and behind it, dark and light; she asked how to make it gray. She was unsure. Like Dr. Gannon, she did not state most of what she intended after listening to others speak. Ms. Harada concluded that yes, she understood what the petitioners were saying but did not know how Keene could do it. She said you have to look inside and figure out how you can feel safe.

NH Representative Jodi Newell (Cheshire 4) of Leverett Street spoke in support of the Keene Pride petition. Ms. Newell said she had spent hours and hours in hearings about bills that were coming through the state, listening to stories of people going through extreme attacks and extreme fear. She saw exactly what these types of policies translated to people personally. Then, she said she was so

happy she got to come home to Keene, where the people who she loves most in the world—who had come out recently—felt very welcome and very free to do that. Ms. Newell thought anything the City could do to underscore that safety and protection for the LGBTQ+ community would be warranted, needed, and she would appreciate it. Representative Newell also took the opportunity to thank the Keene Fire Department for their help when her house was on fire the year prior.

Elijah Zimmer of Bellows Falls, VT, wanted to provide an outsider's perspective as someone who is a frequent visitor to Keene. Mr. Zimmer felt that Keene was a welcoming place. He believed that the more the City could demonstrate it is welcoming to all people, the more it would grow and prosper. He thought this declaration was definitely a way to demonstrate that all people have an equal place here. Mr. Zimmer stated that everyone is not equal until all parts of the population feel safe and equal. He added that he was a Town of Rockingham, VT, Selectboard member, so he understood the Committee's challenge with this very complex issue. Mr. Zimmer realized there were many different sides, but from the perspective of an outsider, he said this would be something that could have a very positive effect on the City's image.

Steve Lindsey of Franklin Street, a former NH Representative, spoke in support of the Keene Pride petition. He said, "We are lighting a candle in the darkness by this forthright action." He stated there was a lot of darkness in the world right now, as seen in Washington, DC, and Concord, NH. Mr. Lindsey said this was not a good thing for vulnerable groups. One of his favorite images of Keene is when the City lights up Main Street and the main thoroughfares in the fall; for example, he referred to the former Kristallnacht Remembrance, when merchants would display candles on Main Street and Central Square to make a bold statement against the darkness. Mr. Lindsey wanted the Committee to do the same by supporting this petition.

Jennifer McCalley of Pako Avenue explained that she always told her kids every person deserves safety and fairness, and that we should stand up for our neighbors even if it is hard or scary. Ms. McCalley said Keene Pride was asking the community to acknowledge that queer and trans folks did not have safety or fairness everywhere, but that this community would stand up for them all. She said there were some people in NH and the country actively working against queer people in order to divide and grab power. Ms. McCalley said affirming Keene Pride's request and petition may feel hard, but as leaders, the Committee was called to do hard things and many were standing beside them to help them do the right thing; "We're queer, straight, cis, and trans, but we are behind you, ready to do the hard thing." She said Keene Pride's petition was not for special rights at the expense of anyone else in Keene, it was an opportunity to show that Keene would not tolerate any part of the community being bullied or targeted.

John Schmitt of Keene recalled that the last time was before the Committee he was one of the few to discuss religion, so he wanted to briefly do so again. Mr. Schmitt stated that God destroyed Sodom and Gomorrah. He said that was history "because of the behaviors of this LGBTQ+ movement." He did not think the City should encourage "these people" in any way, stating that it would be going against God. Mr. Schmitt also stated that he had not seen violence in Keene against any particular group and did not see how the City could stop that violence if it was real by making any possible statement, other than hiring enough Police to place on every corner. He suggested that if there was violence, Police would investigate after the fact, not stop things. Mr. Schmitt suggested personal protection and that others who were worried about their safety were being naïve. He continued, addressing the name "Keene Pride," stating that pride is one of the seven deadly sins; he said it was the reason everyone had been listening quietly, the reason Lucifer was thrown out of heaven, and the reason Adam and Eve were thrown out of the Garden of Eden—they wanted to be like God. Mr.

Schmitt stated, “This group uses pride. They’re apparently very proud of their sexual aberrations.” He noted he was not without sin, but he was not proud of them, he was ashamed of them. He thought it said something to use a name like “Pride.” Regarding bullying in schools, Mr. Schmitt said that cannot be stopped, that “kids will be kids,” and the schools might have to do something about it. He did not think any statement the City made would do anything about that. He said he heard talk about bigotry and hate, and said those terms were used to denigrate people who want to speak truth, like himself. Mr. Schmitt said people would call him a bigot and hateful, but he was not. He stated that his religion taught him from Jesus Christ that he has to love everybody, even his enemies. Mr. Schmitt stated, “I don’t hate this group. I hate their behaviors because God hates their behaviors. Nature even hates their behaviors.”

Rev. Craig Breismeister of Pako Avenue stated that he had served Cheshire County churches for over a decade. He spoke in favor of the sanctuary designation from a religious perspective and as a Christian minister. Rev. Breismeister felt the Christians who had big pulpits in the ears of legislators appeared to have forgotten the heart of Christianity—love of neighbor. He was very concerned about the current political climate that was increasingly hostile to the LGBTIA community. So, Rev. Breismeister called upon this body to deliberate with a love of neighbor, compassion, grace, and a servant’s heart.

Finnigan Jackson of 157 Eaton Road, Swanzey, explained that he worked in Keene with several groups of people from ages 2–103. Mr. Jackson said that in the previous six months, he had said goodbye to a lot of the people he knew of because they were afraid of living in this City and in this country. He had seen a couple of people move back to Keene but not many people who have left wanted to come back; he said they were afraid. He heard it day-to-day—including from several straight people—how much they were afraid. He said, “We’re not the only ones on our side. The whole country is afraid, the whole country is divided, and everyone’s not sure what to do.” Mr. Jackson wanted to mention that he saw a lot of people leaving because he thought that perspective was needed if the City wants to be more supported.

Ann Savastano of Winter Street wanted to speak in response to some comments, noting her background having attended an Evangelical seminary, the board of which Billy Graham served on. She said that remained the background of her own spiritual convictions and morality. Ms. Savastano said that she interestingly discovered, and her perspective was now informed by, being a direct descendant several times over of William Bradford the Pilgrim; she studied this and participated in the 400th anniversary of the Pilgrims. Ms. Savastano believes that the U.S. Constitution, when properly adhered to, is a remarkable document that gives rights and freedoms—even from government overreach—which should be respected. She said the Constitution is based on Judeo-Christian principles, as most of the people who formed it had those principles. Ms. Savastano stated that this nation’s body of law is primarily based on Judeo-Christian principles, but said part of that—uniquely—was not prescribing certain religious beliefs. Rather, she said the Constitution guarantees religious freedom and freedom of speech. In looking back over some of the history of our nation, which is unique, Ms. Savastano said she saw civil discourse and respect for individuals, not a socialist state and what is good for the collective. She saw real respect in this nation that she thought had been missing historically—and in many nations today—for individual liberty, rights, and respect. She was afraid some of that was being eroded by the divisions in the nation and in communities; between cultural divisions and the lack of civil discourse. As an Evangelical Christian, Ms. Savastano agreed with Mr. Schmitt in certain ways.

Mohammad Saleh of Keene did not plan to speak but felt compelled. He stated that if he went home

and his children asked him why he was late, he would have to tell them what he was doing, they would ask if he made a position, and he would not be able to say he was silent. Mr. Saleh said there are moments when we have to take a strong position, even if it is inconvenient. He said this was a moment and he understood it was political, with pressure from Concord and potential economic consequences for the City. All that said, he thought everyone needed to look deep in their heart and say, "Do we stand with the oppressed and the people who are feeling vulnerable and feeling afraid?" Mr. Saleh noted that he is an immigrant, and explained he comes from a culture and country where all the minority rights are not necessarily enshrined. He became an American Citizen approximately 30 years prior. Mr. Saleh said he loves the United States because this country gave him the promise that everybody is equally protected and nobody is afraid. He said he loves NH and Keene because he believes that that Keene, in particular, is the most welcoming City he had ever lived in; it felt more like home than where he was born. Mr. Saleh added that Keene is also the City of Jonathan Daniels, stating he always reminds himself of that. He said, "It is like not any other City— Jonathan Daniels gave his life because he stood with the oppressed." So, Mr. Saleh asked the Committee to consider that when they voted.

Rev. Derek Scalia of Keene said he was thinking the prior weekend about how far we had grown apart from one another. At this meeting, he said neighbors were hearing neighbors tell painful stories, that they need to be seen, and that there is something deeply troubling happening in our communities—not just here, but throughout NH, New England, in the country. Rev. Scalia stated that when his neighbor cries out for help, he has a moral obligation to at least hear them; when they share their pain and suffering, his obligation is to accompany them, which he said he could do as a citizen and a deep person of faith. However, he expected his government to acknowledge that there was pain and suffering happening here, stating that an effective government is a place where people can share their pain and suffering and expect that the government at least hear them; a government in which there can at least be a sense of justice, purpose, resolve, and humanity seen, acknowledged, and affirmed in this community. Rev. Scalia said he had seen the City do it in beautiful ways. He was excited to accompany the City on this next journey as it again affirmed this is a place where people can be seen, valued, and respected; and when they share their pain and suffering, the City will hear it and accompany them.

Stanley Wood of Main Street said he was not for theatrics and would get to the point. He did not understand debating the fact that people could feel safe here or have a banner stating they are safe here. Mr. Wood said it would not mean stating one group of people were better or worse, but acknowledging people were scared and they were welcome in Keene. He said, "Love your friends, love your neighbors." Mr. Wood added, "If we're talking about a religion that's not going to hate everyone, but we are clearly trying to push away a certain group of people. I think that might be hate."

Linda Chmielewski of Keene stated that people who opposed the Keene Pride petition or said there was nothing to be worried about had not seen the abuse, they did not know because they were not in this situation. She said it was a shame those in opposition were not open to other people's ways of life. Ms. Chmielewski said you cannot help it; you are born this way.

Patrick Heneghan of East Surry Road shared an anecdote of a phone call the week prior with his son who lived in Copenhagen. Mr. Heneghan said his son was upset and scared. Copenhagen is a very friendly country, and his gay son was not scared about living there but was scared about his parents living in the United States. Mr. Heneghan said it does not matter that his son is gay and said all the people who spoke at this meeting were the sons, daughters, and children of other people. He said he

listened to his son for nearly 30 minutes talk about why he was afraid to come home and visit his family. Mr. Heneghan said he heard that the City would be elevating other people with this petition. He said he had five other children. One of his children was gay and he said his son elevated him, taught him understanding, and gave Mr. Heneghan insight into his world, family, and neighbors. He said his son is a gift and a blessing. Mr. Heneghan felt that by elevating this group of people, they would reach out and elevate him in return and asked what would be wrong with that. He reiterated that his son was afraid to visit his home in NH and Mr. Heneghan wanted him to be able to visit, noting that these were all his neighbors. He said he did not know much about religion, but said he was a 'roaming' catholic" because he likes to roam in whatever faith tradition teaches love, forgiveness, tolerance, and acceptance.

City Councilor Catt Workman of Colorado Street said she was holding her comments until a later date but heard a lot of people asking what they could do and challenged people to do a couple of things. First, she referred to the Riddle Homophobia Scale created by psychologist Dr. Dorothy Riddle. Councilor Workman listed the four levels of homophobic attitudes: repulsion, pity, tolerance, and acceptance. There are also four levels of positive attitudes: support, admiration, appreciation, and nurturance. She said the community needed to get to the "nurturance" part, stating that was the goal of the Council's 2021 Declaration of Inclusion. Lastly, Councilor Workman encouraged everyone to read one of her favorite books, *I Promised I Would Tell*, which she said paralleled what was happening and would provide a bit of education; \$9.99 online and only 100 pages. She asked everyone to please educate themselves.

All members of the public who wished to speak had the opportunity, so Chair Bosley closed the floor to public comments.

Councilor Haas wanted everyone in the audience to understand that ultimately, the Committee would have to follow some process regarding the Keene Pride letter that was submitted, though he acknowledged the content of the letter had changed during the meeting. He said there were a variety of different next steps the Committee could choose for asking Keene Pride for a different letter: accept as informational and waiting for new submission or send it through to the Council as is for a "no" vote. He did not think the latter option was preferable. Regardless, Councilor Haas looked forward to working through the process. Additionally, he noted how many people came to a City meeting and stood for the first time and spoke up for their values. Councilor Haas said what a wonderful comment that was and though values differed based on our backgrounds and upbringings, it was great that everybody could stand and say what they believed and disagree. He thanked Mr. Toepfer for his work and the Pride events, and the wonderful atmosphere Pride brought to this community, as demonstrated by the Pride Festival coming up in September. Councilor Haas added that he expected to see everybody in the audience at the Pride Festival if they believed what they were saying. He called it a great place to show true support for the Pride community. Councilor Haas also thanked Ms. Farrington for her letter because it started with a value statement that the Councilor thought everybody in the room would agree with about dignity and respect. Councilor Haas hoped everyone could come together through further conversations and develop something along the lines of shared values. He said the real issue here was a group that was under attack from our governments and said no matter the agreement with the Keene Pride group, the City should stand up and support the group. Councilor Haas said that support might just be attending the Pride Festival and spending as much money as possible, or it could be a document out of the Committee—he was unsure that would happen at this meeting. He reiterated the idea that our government was attacking a specific group; he said groups are attacked all the time by other groups, which is not right, and the City should work on that too. However, he said when the government attacks a group, that is when

the Council should stand up for it.

Chair Bosley applauded the audience for being very respectful of each other's opinions during this hard conversation with different perspectives. She appreciated that it allowed a good, healthy conversation to a result that everyone could be proud of at the end.

Councilor Williams shared a story from his first job detasseling corn in Wisconsin, when he used to get beat up on a regular basis for being gay. Councilor Williams stated that he is not even gay. He did not think there was anything wrong with being gay, so he got the label on him, and people beat him up for a few weeks before he told people he was not really gay, and it stopped. Councilor Williams said that violence exists, he had seen it, understood it, and people had experienced it a lot more than he had. He thought it was deeply regrettable and begged the question of where that comes from. Councilor Williams thought it came from the values of the community, and said in a community with homophobic values, kids will beat up their coworkers because they think that is the right thing to do. However, he said if a community can make a statement that says, "No, we value these people. We understand not to raise them above anyone else, but to say that we recognize that they are under threat in a way that most other people aren't." Councilor Williams thought that was very important. He noted that when any group comes to a government to say they feel in danger, it is the government's job to respond to that. So, he thought the Council should. He said it was difficult to determine the wording, but he referred to the three points Mr. Toepfer provided at the beginning. For the City to publicly state:

- That Keene is a safe and welcoming City for the LGBTQ community,
- That being LGBTQ plus is never a crime, and
- That the City of Keene will never use its resources on their own or in conjunction with the federal or state government in the unjust search and seizure and harassment of LGBTQ+ people.

Councilor Williams was open to workshopping the language, but his preference was to ultimately have the Council unanimously adopt such a statement, or at least a strong majority. He wanted to refer this language to the City's Human Rights Committee (HRC) to workshop for a recommendation back to this Committee before a final recommendation to Council.

Chair Bosley was similarly concerned about trying to write something at this meeting because she wanted it to have careful thought. She appreciated the opportunity to sign the City Council's original 2021 Declaration of Inclusion, which she read:

"Before the Keene, New Hampshire City Council on the nineteenth day of August 2021. Declaration of the City of Keene, New Hampshire as an Inclusive and Welcoming City. We, the governing body of Keene, New Hampshire do hereby declare our pledge to make Keene a City of diversity, equity, and inclusion. We as a City truly welcome people of all colors, creeds, beliefs, lifestyles, nationalities, physical abilities, mental abilities to live, work, play, worship, and shop in our welcoming City. We vowed to condemn and never ignore acts of racism, bigotry, oppression, and hatred. We truly believe that diversity, equity, and inclusion makes us stronger."

Chair Bosley said that it was signed by all sitting Councilors at the time (one vacancy) and she was very proud of that Declaration. While City Declarations do not go away, she thought it was possible the Council could write something to rival/recreate a modernized welcoming statement/declaration. She did not think the Committee was equipped to do that at this meeting. For actionable steps, she liked the suggestion of having a workshop through the HRC or having Keene Pride resubmit a letter

with revised language for the Committee to consider that would be appropriate. However, while considering actionable steps, Chair Bosley said accepting the letter before the Committee as informational made sense to her in order to have a path forward.

Councilor Madison also commended the audience for a really civil discussion, which does not always happen. He said he had not experienced discrimination in his life as a straight, white man. However, he saw and believed the people in the audience and understood that the fear was real. Councilor Madison believed the City needed to reassure the LGBTQ+ community that they are safe, welcome, and home in Keene; that the City would never use its resources or power to disenfranchise or make someone feel unsafe. He said he felt the need for that statement in the current political climate, citing laws at the national level and actions by the President that eroded Americans' faith in their safety and their own security from their government. Councilor Madison referred to politicians at the Statehouse in Concord who ranted and raved about Live Free and Die but drastically eroded that principle. He thought Keene needed to take stand and did not know what exactly that would look like. He agreed with accepting the letter as informational or referring it to the HRC to wordsmith. Councilor Madison thought the Council needed to do something to send a message to this community that this is their home, they are safe, welcomed, protected, and the City is happy to have them here. He said if something like this would bring more people like Mr. Toepfer, Ms. Jackson, and Ms. DelaCroix to this community, Councilor Madison would be thrilled to see it.

Vice Chair Jones agreed that the Committee should not accept this as informational. He explained to the audience that this process started through the Human Rights Committee; Vice Chair Jones and the Mayor already met with the HRC twice. So, Vice Chair Jones was proud to say the HRC was ready to start working on something that would be acceptable to the entire community.

Councilor Haas noted that sending this back to the HRC was a necessary path to accomplish next steps. However, he pointed out that many people did not feel welcomed at the Human Rights Committee meetings. So, he asked the HRC to make other voices feel welcome in their meetings and deliberations, which Councilor Haas noted are all open to the public and are posted on the City Calendar.

Chair Bosley asked if the Committee should motion to recommend accepting this letter as informational and then have a second motion to send a communication to the HRC directing them to continue working on statement language. The City Attorney, Amanda Palmeira, agreed with the idea of two motions. Councilor Williams was concerned that by accepting the letter as informational, it would trigger the clause in the Council's bylaws prohibiting the topic from being addressed again within the calendar year. Chair Bosley assumed the intent of the new letter would have slightly different language (i.e., no reference to "sanctuary"). The City Attorney agreed that the Rule Councilor Williams referred to was in Section 33, which prohibits items of the "the identical subject matter to that matter shall not be taken up again by the City Council during that calendar year." So, the City Attorney stated that as long as Keene Pride's future communication would be different than a petition for sanctuary city designation, it should be fine. Chair Bosley added that the Council could always suspend its Rules of Order to reconsider the same matter in the same calendar year.

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 accepting Keene Pride's Request to Designate Keene a Sanctuary City for the LGBTQIA+ Community as informational.

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

Before voting, Vice Chair Jones questioned directing an advisory Committee, especially when it was already working on something. He felt like it was bullying the HRC when all these volunteers were working on something good and special. Vice Chair Jones thought they should leave the HRC out of it. Chair Bosley felt that the Council gave direction to its committees fairly regularly. She provided the example of drafting language for the Charitable Gaming Ordinance and requesting the help of the Energy and Climate Committee to create proper direction for an individual Ordinance for electric charging stations that the Council could adopt citywide. So, Chair Bosley thought there were times the Council did offer input and direction into the Committees' movements. She hoped the HRC would not see it as a negative, but as they have Council support to move forward finding a solution to all of the concern heard at this meeting. Councilor Williams agreed and said it would be valuable to give the HRC a mandate for what they were doing, which was how he saw this motion. Vice Chair Jones agreed with the Committee.

On a vote of 5–0, the Planning, Licenses and Development Committee recommends directing the Human Rights Committee to work with the concerned parties to draft a statement recognizing the LGBTQIA+ community and assuring dignity and respect for all persons and all communities in the City of Keene.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: July 17, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **BCM Environmental Land Law, PLLC - Request for City's Contribution to Monadnock Conservancy for Drainage Replacement at 0 Ashuelot Street**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute an agreement with JRR Properties LLC and the Monadnock Conservancy for the development and donation of parcel #567-001 Lot 2. As part of that agreement, the City will reimburse the Monadnock Conservancy for the replacement of the City's existing drainage infrastructure with a combination of open drainage swale and the new stormwater pipes in the amount of \$234,845.00, with funding to come from the Stormwater Resiliency program 75M- 00621 A.

Attachments:

None

Background:

Attorney Tom Hanna of BCM Environmental Land Law addressed the committee on behalf of the Monadnock Conservancy. Attorney Hanna referred to his letter to the City dated June 17, 2025, requesting that the contribution from the City to the Conservancy be authorized by Council and the amount be set at \$234,000. He noted it was proposed by the Public Works Director that the City and the Conservancy should collaborate on flood compensation storage and the need to replace the storm water pipe that runs north to the rear of the Mascoma Bank. He felt this collaboration is much more conducive than the straightforward replacement of the pipe which is what the City would have had to do if not for this gift of land to the City.

Attorney Hanna noted that during the meeting in December with City staff, the Public Works Director had indicated the City's contribution would be \$230,000. He noted that this is the budgeted amount but, falls short of the contracted amount the Conservancy signed which is \$269,000. Attorney Hanna stated in May that he prepared a Memorandum which memorialized the agreement with the City at \$230,000. On May 8, 2025, the Public Works Director sent an email indicating the \$201,000 was incorrect and that the correct amount was \$201,400 and forwarded a copy of the CIP. Mr. Hanna noted the CIP was an estimate for a variety of flood projects, the replacement of the pipe was made in 2019 and at that time the cost was estimated to be \$189,000 with a clause that indicates there will

be a 3% per annum inflation factor. As of 2021, the estimate for this project was \$201,400. Mr. Hanna stated this is a large shortfall for the Conservancy and this is what he is here to address today. He is asking the City to increase its contribution to \$234,845. He noted according to the Public Works Director, a more accurate inflation percentage from 2019 to 2025 would be 23.7%. He added the \$269,000 the Conservancy is expending does not cover a catch basin in the parking lot of the Mascoma Bank which the City is expecting the Conservancy to cover. This is another \$4,500, which makes the shortfall bigger.

Attorney Hanna went on to say that the Conservancy is not asking the City for a donation by any stretch of the imagination but believes increasing the amount to 234,000 is fair and is a reasonable exchange for the value and the several benefits that the City is receiving.

The first benefit is that the Conservancy is responsible for the replacement of the entire pipe with a combination of a swale and a pipe, both of which will have the function the City is looking for, which is to convey the drainage. The public will also benefit by having this riparian swale as part of the City park and the children's playground. He noted what was stated by Andy Bohannon at a previous PLD Committee meeting, that the Ashuelot River Park Advisory Board is looking forward to the educational value that this development could add to the park, specifically, with Monadnock Conservancy at this location and possible collaboration with Antioch University New England. Mr. Bohannon reminded the Council that the natural environment should be a priority when designing this park. Councilor Williams at that same meeting stated that the riparian swale is characteristic of a creek and will provide habitat for native pollinators and aquatic species. Attorney Hanna added that there are both wildlife and environmental benefits.

Moreover, the Conservancy anticipates working with the City, sharing responsibility for the maintenance of the swale. Similarly, Monadnock Conservancy is very interested in working with the Parks and Recreation Department on maintaining native plants along the banks of this swale eradicating invasive species.

Another benefit to the City is flood storage credits. The swale has been designed and will be built so that it doesn't have any excess storage. However, many months before Monadnock Conservancy had to commit to this swale, FEMA issued new floodplain maps that show this site is not in the floodplain. This will mean that the entire swale will be excess and the City is retaining flood storage credits. This concluded Attorney Hanna's presentation.

City Manager Elizabeth Ferland stated the reason the motion is before the committee is twofold: First is to accept the donation, and second is the arrangement of the swale between the City and the Conservancy, which is not yet formalized. She also added that the funds that were set aside for this project fell short. The Manager indicated the Public Works Director has looked at the City's stormwater resiliency fund, and there are funds available to support the request of \$234,865.

The Public Works Director addressed the committee and noted that he had provided an incorrect number, and the Conservancy relied on that number. He said in 2019, when this project was anticipated, an estimate was added to the CIP, but at that time, staff did not have an idea as to what type of design would go into the park, but a 3% inflation was calculated, as had been done with most projects in the CIP. A 3% increase from 2019 to 2025 would have been a project budget of approximately \$226,000, which is very close to the number being discussed.

Mr. Lussier added that the open swale system is something that will be easier and cheaper to

maintain. There will be no pipe to replace in the future. He said the park provides educational opportunities for the public and provides habitat for native pollinators and aquatic species.

The Chair asked for public comment. There was no public comment.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute an agreement with JRR Properties LLC and the Monadnock Conservancy for the development and donation of parcel #567-001 Lot 2. As part of that agreement, the City will reimburse the Monadnock Conservancy for the replacement of the City's existing drainage infrastructure with a combination of open drainage swale and the new stormwater pipes in the amount of \$234,845.00, with funding to come from the Stormwater Resiliency program 75M- 00621 A.

The Manager thanked the Public Works Director for his efforts during the last few days with the City flooding.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.9.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of YouthWell New Hampshire Spring Grant for Youth Services**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept and expend funds provided by YouthWell New Hampshire for Youth Services programs.

Attachments:

None

Background:

Youth Services Manager, Alyssa Bender stated that the Youth Services Department has been granted another funding opportunity for \$12,560. This is a grant from Youthwell New Hampshire, a nonprofit that addresses youth mental health and provides organizations throughout the state with funds to promote programming that can limit and decrease the number of youth who are dealing with challenging situations.

Ms. Bender stated that this was a great program that helps teach adults who traditionally work with younger youth ages 12 to 18, who are experiencing mental health or addiction challenges due to a crisis in their life. She stated that the department has also been offering training free of charge to community members and organizations through the UNH Extension, the Keene Family YMCA, and the Monadnock Youth Coalition.

Ms. Bender added one of the other programs that they were able to get money for under this grant is to offer wellness programs in schools. These programs are very school-specific; they focus on a mix of social, emotional learning as well as exercise.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept and expend funds provided by YouthWell New Hampshire for Youth Services programs.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.10.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Acceptance of Donation - AED Device

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a donation of an AED from ZOLL Medical and Outdoor AED enclosure from Dartmouth Health's Cheshire Medical Center and AED Team.

Attachments:

None

Background:

Fire Chief Jason Martin addressed the committee next and stated this item is regarding acceptance of a donation. He explained that in year 2024 the City of Keene Fire Department responded to 31 cardiac arrests, 17 of which required CPR to be initiated by a family member or a bystander. He stated they are proud to report five of those people survived and are successfully living out their normal lives today. He noted this is a 16% survival rate, which is above the national average, which is 10%.

Dartmouth Health Cheshire Medical Center wants to continue this positive work in the community by donating an automated external defibrillator along with a heated storage cabinet. This is to be installed somewhere in the City that has access 24 hours a day – it would need to be installed outside not in a locked building. The Chief stated Railroad Square is the location staff is suggesting and it will be mounted on Public Works Storage Shed.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a donation of an AED from ZOLL Medical and Outdoor AED enclosure from Dartmouth Health's Cheshire Medical Center and AED Team.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.11.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Skatepark Fence - Transfer of Funds

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends accepting the withdrawal of this item.

Attachments:

None

Background:

The Manager stated a motion could be made to withdraw this item as funds have been procured in the budget to complete this work.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends accepting the withdrawal of this item.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Kari Chamberlain, Finance Director/Treasurer
Through: Elizabeth Ferland, City Manager
Subject: **Acceptance of Donations**

Recommendation:

Recommend that the City Council accept donations in the amount of \$15,000, and the City Manager be authorized to use each donation in the manner specified by the donor.

Attachments:

None

Background:

Revision Energy donated \$5,000 to allow Parks & Cemeteries, following the plans created by Engineering, to build out new plots of various sizes in an adjacent space to re-establish Monadnock View Community Gardens, as the previous space was sold to Cedarcrest for the installation of a solar farm.

An anonymous legacy gift of \$10,000 has been donated for the benefit of the Keene International Festival, to provide a welcoming space for our community's cultural diversity to be championed.

C&S Wholesale Grocers recently donated (15) 24-packs of water for the funeral services of KFD Lieutenant Aaron Cooper. In addition, C&S donated numerous pallets of bottled water to support our community during the recent water main break on Water Street, for which there was a boil water notice. We greatly appreciate their ongoing support of our community.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.2.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: David Hickling, Airport Director
Through: Elizabeth Ferland, City Manager
Subject: **Resignation - Airport Development and Marketing Committee**

Recommendation:

Recommend that the City Council accept the resignation with gratitude for service.

Attachments:

1. Luca Resignation Email_Redacted

Background:

Luca Paris, former President of the Greater Monadnock Collaborative, has submitted the attached resignation from the Airport Development and Marketing Committee. Mr. Paris has served on the ADMC since January of 2023.

From: Gianluca Paris <[REDACTED]>
Sent: Monday, June 23, 2025 7:30 PM
To: David Hickling <DHickling@keenenh.gov>
Subject: Airport Committee

David and Elizabeth

I apologize for the late notification.

I was under the impression that since I was no longer president of the Greater Monadnock Collaborative, or a resident of Keene, that my tenure concluded at that point.

Please accept this email as my resignation from the committee retroactive to my departure from the Greater Monadnock Collaborative in January of 2025.

Thank you
Luca Paris.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.3.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Megan Fortson, Planner
Through: Paul Andrus, Community Development Director
Subject: **Resignation - Heritage Commission**

Recommendation:

Recommend that the City Council accept the resignation with gratitude for service.

Attachments:

1. Marilyn Huston Resignation Letter_Redacted

Background:

Marilyn Huston is a regular member of the Heritage Commission. She has served on the commission since 2020 and has submitted her resignation effectively immediately due to health issues.

From: [Evan Clements](#)
To: [REDACTED]
Cc: [Megan Fortson](#)
Subject: RE: Resignation
Date: Friday, July 11, 2025 10:18:30 AM

Good morning Marilyn,

Thank you for letting us know. I wish you a speedy recovery and look forward to working with you again soon.

Be well,

Evan

From: Marilyn Huston
Sent: Friday, July 11, 2025 9:17 AM
To: Evan Clements
Subject: Resignation

Dear Evan, I am sorry to report that I need to resign from the Heritage Commission due to ill health. I will be under treatment until late in the fall, but with a complete recovery, I hope to reconnect with the Heritage Commission. It has been a complete joy being part of the commission, and working with all the members involved.
Sincerely, Marilyn

Marilyn L. Huston



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: July 17, 2025

To: Mayor and Keene City Council

From: Mari Brunner, Senior Planner

Through: Paul Andrus, Community Development Director

Subject: **Relative to Setbacks and Build-to Dimensions - Ordinance O-2025-20-A - Joint Planning Board/PLD Committee**

Recommendation:

Planning Board Chair Harold Farrington made a motion to find that ordinance O-2025-20-A is consistent with the 2010 Comprehensive Master Plan. The motion was seconded by Roberta Mastrogiovanni and passed by unanimous vote of the Planning Board.

Councilor Williams made a motion to request that the Mayor set a public hearing for ordinance O-2020-A, which was seconded by Councilor Ed Haas. The motion passed by unanimous vote of the PLD Committee.

Attachments:

1. O-2025-20-A_Clean Copy
2. O-2025-20-A_Redline
3. Staff Report O-2025-20
4. O-2025-20-A LDC Mock Up

Background:

The Joint Committee of the Planning Board and the Planning, Licenses and Development Committee held a public workshop to discuss ordinance O-2025-20 at their meetings on June 9 and July 14. At the conclusion of the workshop, the Committee voted to amend the ordinance to create an A version. The redline and clean copies of the A version are included as attachments to this memo, along with the staff report for the original ordinance, and the LDC mock-up pages. The draft minutes of the June 9, 2025 workshop, and the actions out of the July 14, 2025, meeting where this item was discussed are included below. The full set of minutes of the July 14, 2025 meeting will be available on July 21, and the recording of the meeting is available online at <https://keenenh.gov/my-city-government/meeting-videos/>.

Excerpt - July 14, 2025 public workshop:

Mayor Jay Kahn made a motion to amend ordinance O-2025-20 to add the word "principal" before the word "structures" in items C and E under Section I and incorporate all suggested staff changes

shown in the redline copy of the ordinance to create an A version. The motion was seconded by Councilor Remy and passed by unanimous vote.

Planning Board Chair Harold Farrington made a motion to find that ordinance O-2025-20-A is consistent with the 2010 Comprehensive Master Plan. The motion was seconded by Roberta Mastrogiovanni and passed by unanimous vote of the Planning Board.

Councilor Williams made a motion to request that the Mayor set a public hearing for ordinance O-2020-A, which was seconded by Councilor Ed Haas. The motion passed by unanimous vote of the PLD Committee.

Excerpt - June 9, 2025 public workshop:

a. Ordinance O-2025-20 Relating to Setbacks and Build-to Dimensions. Petitioner, City of Keene Community Development Department, proposes to amend Sec. 1.3.3 of the LDC to clarify that the Front, Side, and Rear setbacks apply to any building or structure on a lot. Further, this ordinance proposes to amend the definitions for “Build-To Line” (BTL) and “Build-To Zone” (BTZ) to state that they apply to any principal structure with some exceptions. Lastly, this ordinance proposes to amend Sec. 8.4.1.C to state that accessory structures shall not be located in the BTZ.

Mari Brunner, Senior Planner, addressed the Committee. Ms. Brunner began with providing definitions of words that would be discussed related to the ordinance. Ms. Brunner stated building setbacks, according to the City of Keene Land Development Code, refer to the required minimum or maximum distance a building or structure must be located from a lot line, which is unoccupied and unobstructed by any portion of a building or structure, unless expressly permitted by this LDC. Ms. Brunner noted there are some exceptions for side setbacks and rear setbacks as outlined in Article 1, Section 1.3 of the LDC. Otherwise, every structure in the City has to comply with the setbacks in the LDC.

Ms. Brunner continued by stating that another term that will be discussed is Build-To Dimensions. In the Land Development Code, there are three types of Build-To Dimensions. Two are as follows:

The Build-To Line (BTL) – Line where the building façade must be located.

Build-To Zone (BTZ) – Zone or area where the building façade must be located.

Ms. Brunner indicated Build-To Dimensions are new for Keene, whereas the City has had setbacks in the zoning code for many years. Build-To Dimensions were established when the Downtown Zoning Districts were created as part of the Land Development Code adoption in 2021.

Build-To Dimensions are used to regulate the placement of buildings and structures on a lot. Setbacks are designed to ensure spacing between buildings and between buildings in the street. Build-To Dimensions are used to encourage building placement closer to the street, to try to activate the streetscape, and to create a building wall along the street to support a pedestrian atmosphere often seen in downtown areas. Build-To Dimensions are usually more appropriate for urbanized areas, and where you have existing utilities and roads that are permanently established. The road would not be expected to be widened in the future, for example.

Areas where form-based code and Build-To Dimensions are utilized are typically where you are going to see more infill development and redevelopment occur.

Ms. Brunner continued by stating the definition for the third kind of Build-To Dimension in the code, which is Build-To Percentage.

Build-To Percentage – The percentage of the building façade that must be located within the Build-To Zone or at the Build-To Line.

Ms. Brunner noted façade articulation, such as window and wall recesses and projections, do not count against the required Build-To Percentage. During the form-based code process, the community expressed a desire for an expansion of public-like space. Plazas, outdoor dining, patios, or other public open space features bounded by a building façade that is parallel to the frontage area are counted as meeting the Build-To Percentage. For example, if a cut-out of a building façade incorporates a seating area, that seating area does not count against the Build-To Percentage. This is meant to encourage interaction between the building and street, which would be appropriate for a downtown context.

Ms. Brunner continued by stating the definition of building activation, which is as follows:

Building Activation – The articulation of a façade to contribute to a pedestrian friendly public realm; for example, delineating the minimum ground floor height, maximum blank wall area, maximum height of the building entry above the sidewalk, or minimum ground floor and upper floor transparency. Building activation is used to create visual interest and definition in a building façade by breaking up large, flat surfaces with windows, doors, changes in material or architectural details.

Ms. Brunner presented the definitions of additional concepts, which are as follows:

Principal Use – The main or primary use conducted on a lot or located within a building or structure, as distinguished from an accessory use.

Principal Building or Principal Structure – A structure that is central to the fundamental uses of the property and is not accessory to the use of another structure on the same premises.

Ms. Brunner noted all principal uses are listed in the Land Development Code in Article 8 and all districts, except for Residential Districts, allow mixed-use. If a parcel is not located in a Residential Zoning District, more than one principal use is allowed on the same property.

Ms. Brunner continued by stating there is another use in addition to a principal use, which is accessory use.

Accessory Use – Any use that is subordinate in both purpose and size to and is incidental to and customarily associated with any principal use located on the same lot.

Ms. Brunner referred to images for a residential use and mixed-use development.

Ms. Brunner next addressed the proposed ordinance. This ordinance is being brought before the Committee by Staff as a response to a recent ZBA interpretation that the use of the phrase “a building” in the setbacks and the Build-To Dimensional definitions means the first building on a lot. Ms. Brunner stated this is a big departure from how Keene has approached setbacks for about 100 years. While the intent was for setbacks to apply to all buildings, the ZBA has interpreted that using

the phrase “a building” in the definition muddies the waters. The ZBA has asked Staff to clarify that language. As a result, Staff is bringing the item before the PB-PLD Committee with the proposal to make it clear that the setbacks apply to all buildings on a lot. Unless the LDC expressly provides an exception, if there is a setback listed, all structures on the lot have to comply with it.

For the Build-To Dimensions, however, as discussed at the last meeting, there was some desire to have more flexibility with those dimensions. Ms. Brunner stated the Build-To Dimensions are new for Keene, but as Staff walk through inquiries with applicants, the Build-To Zone dimensional requirements do have the potential to limit development on a lot in certain circumstances. Staff would like to bring in more flexibility.

Ms. Brunner stated the ordinance O-2025-20 proposes that the Build-To Dimensional requirements would only apply to principal buildings or structures and would make it so that accessory structures do not have to be located in the Build-To Zone, which would provide a lot more flexibility for property owners in the Downtown Zoning Districts. For example, an applicant came to the Community Development Department with an inquiry to add a Conex box to their site, and the current regulations would require the box to be located right up against the street, which is actually something the City would rather not have. The City would rather have the box at the back of the lot, where it would not be easily visible from the sidewalk. This would also give more flexibility for principal buildings or structures to be located outside of the Build-To Zone when it is not feasible to place it inside the Build-To Zone.

Ms. Brunner referred to an example diagram that shows what the City does not want to see related to Build-To Zones.

Ms. Brunner explained that if only one building is required to be placed in a Build-To Zone, lots with wide frontage or corner lots could create gaps in the streetscape, which is what the Build-To Zone is trying to avoid. What the City would like to see are principal buildings or structures placed in the BTZ and then, if not possible, to place it behind.

Councilor Remy asked what happens in a situation where both parallel streets had Build-To Zones.

Councilor Bosley referred to the Downtown Zoning map where there are lots between West Street and Gilbo Avenue that front on both parallel streets. Ms. Brunner stated, in those situations, we would need to figure out which street is considered to be the frontage. In the regulations, it says what the setbacks are for the frontage, sides and rear. Staff take the shortest portion of the Right of Way to consider frontage. Councilor Remy stated, in a situation like this, he would be concerned about harming one street by favoring the other.

Councilor Remy referred to the ZBA interpretation and, based on that interpretation, questioned if a gazebo is constructed in the middle of a lot as the first building, could a moat of buildings constructed around it be acceptable. He asked if the ZBA interpretation appreciates setbacks once there is one building in the middle. He asked if the location of that one building would satisfy the violation of setbacks going forward on that lot. Ms. Brunner stated the ZBA was strictly looking at the actual language and what it says. They were talking about the definition of the word “a.” Their instructions were to look at the language of the code and what it actually says on its face, without trying to imagine what the intent was. Councilor Remy did not feel the language was ambiguous. Councilor Remy continued by stating that whether the language states “any building” or “a building,” it would not be a good use of the Committee’s adjustment.

Councilor Bosley stated that the Committee is being tasked with clarifying if once “a building” has met the setback requirement, does that then mean any other building does not need to meet the setback requirements. Councilor Bosley felt this is what is ambiguous and clearing it up would not harm. Looking at the Build-To Zone is another issue.

Councilor Remy restated that he does not feel “a” or “any” are as ambiguous as it is written here in relationship to setbacks.

Councilor Bosley stated that when she was discussing this with Staff, it got very confusing when the idea of the Build-To-Zone was also considered a setback in the City Code. If the Committee can give any clarity to this so that it doesn’t cause problems for other development, it would be better.

Chair Farrington stated in Ms. Brunner’s introduction, she had stated principal structures have to be in the Build-To Zone where feasible, but he felt the wording in the ordinance is that it is only not feasible if it is blocked by another principal structure. He asked for clarification. Ms. Brunner agreed and added Downtown Zoning Districts are trying to encourage parking and accessory buildings to be towards the rear of the lot and to have the principal buildings against the sidewalk.

Councilor Bosley stated that she would like to apply this language to a project the Committee heard a while ago, which is going to be located on Marlboro Street. There is already a structure considered a principal structure in the Build-To Zone. She asked if the building the applicant is going to construct on the lot behind this principal building is considerable in size to the principal building, how is that interpreted as far as principal structure. How would a building that is constructed subsequent to a principal building in the BTZ, if larger, be considered.

Ms. Brunner, in response, stated everything listed in Table 8 is considered to be a principal use. A single-family home, theoretically, could be in the Build-To Zone, and you could construct any principal use behind it, as long as those are both allowed in that district. The manner in which the regulation is written, you have to have a principal structure in the Build-To Zone, and if you want to put another principal structure on the lot, and there isn’t space in the Build-To Zone because of the presence of another principal structure, then you can locate that structure outside the Build-To Zone. The definition of Principal Building or Structure is listed in the Land Development Code under Article 29.

Councilor Jones asked how a structure that is not defined as a principal use is referred to. Ms. Brunner stated if it is not a principal structure, it would then be considered an accessory or a second principal structure. You can have more than one principal structure, or more than one principal use, in a non-residential district. It can only be an accessory use if it is accessory to something that is a principal use on that same lot.

Mr. Kost asked for the reason for the Build-To Line and the Build-To Zone. Ms. Brunner stated the Build-To Line comes in with the Downtown Core where all the buildings are right at the sidewalk. However, the Build-To Zone is used more frequently throughout the code, at times it gives only some flexibility, like a zero to five feet or zero to twenty feet. The flexibility varies by district or surrounding context. Mr. Kost referred to the language of the proposal, in which it says the Build-To Line is recommending any principal building or structure be located at the Build-To Line. However, the Build-To Zone says all principal structures and all principal buildings. Mr. Kost asked for clarification regarding the use of the words “any” and “all.” Ms. Brunner stated with the BTZ, Staff were trying to respond to the conversation from the Committee’s last meeting about adding in more flexibility for

development to occur outside the BTZ when other buildings have already been built in the BTZ. She added Staff understanding from this Committee was that the Committee felt they didn't want to prohibit or deter development from happening on the other part of the lot, but still wanted to make sure that the Build-To Zone was being built in to create that street façade. This language is to make sure that happens. Ms. Brunner stated she did not think using the word "any" compared to "all" was not intentional and means the same thing.

Councilor Haas referred to Section E where it states principal buildings or structures may locate outside the Build-To Zone only if they cannot be located within due to the presence of other principal buildings or structures. The Councilor asked what kind of structures might be sitting on a lot that would prevent the second principal building from coming out to the Build-To Zone or the Build-To Line. Ms. Brunner clarified that is why they want to use the phrase "principal structure." She continued by stating if it says just "structure," it could be an accessory structure like a sign or something like that. Staff wanted to clarify that it really needs to be a principal structure and also give property owners the flexibility to not have accessory structures in the BTZ because that was never the intent.

Councilor Remy stated if the phrase "a building" can be misinterpreted as not being located in the setback, then the phrase "any building" can also be misinterpreted. Councilor Remy offered the phrase "all buildings" as an alternative; however, he stated because setbacks and BTZ are being defined in the same section, they need to be broken apart and made completely separate. The phrase "all buildings" would not be intended to be applied to the section for the BTZ.

Ms. Brunner, in response, stated the way the code is written is that it has building setback defined as an umbrella definition and then the code more specifically defines what a front, side and rear setback is. Building setback talks about a minimum or maximum. This same section also defines Build-To Dimensions, but they are separate from building setbacks. She stated there is, however, opportunity to separately define setbacks and Build-To Dimensions.

Councilor Bosley referred to page 28 and 30 of the packet and agreed the various setbacks are clearly defined on page 28. However, the LDC version does not clearly define the Built-To Line and Build-To Zone. Ms. Brunner referred to page 32 letter C, in which this definition is outlined. Councilor Remy asked why we would define setback as a maximum. Councilor Bosley stated the way she understood it is that the term setback applied to Build-To Zones in general, even though they have their own distinct definition, which is very unclear to the layman. Councilor Bosley felt the word "maximum" should be deleted and Councilor Remy added the word "all" should be included: it's a minimum and all buildings must meet this minimum for setbacks.

Ms. Brunner stated where there is this confusion is in districts that have Build-To Dimensions. In the table that shows the dimensional requirements, it says front setback 0 to 20 BTZ, for example. She stated the change makes sense, but Staff would need to go through the code and clean it up to make them very separate from each other. Councilor Remy offered a suggestion for Staff to add a section that specifically states for an abundance of clarity, minimums apply to all buildings on a structure, for example. Councilor Bosley stated the setbacks and the BTZ are very separate. To people who are trying to use the code, and now with the ZBA interpreting that the language is ambiguous, the more clarity that can be given, the better. Councilor Bosley offered a suggestion to scrub the code and separate the two terms "setbacks" and "BTZ." She continued by stating she did not want someone to build something that meets "a" setback and then say that the principal structure meets the setback so any other setbacks on this lot does not have to be met. She continued and stated setbacks always

need to be honored, unless there is some sort of variance granted. However, Build-To Zones are different and should be treated separately and defined separately.

Mr. Kost stated he was unsure why setbacks were defined with a “maximum” setback in the code. Ms. Brunner stated her guess as to why there would have been a “maximum” included would be that it attempts to add the BTZ in that. She stated the consultant that helped Staff write the form-based code could have taken it from another community they had consulted with, and it could have seemed to be fine at the time. Ms. Brunner agreed that this section could use clarification and would agree the word “maximum” could be removed. Councilor Bosely also suggested that Staff find the places in the code in which a BTZ is referred to as a setback and clean that up so that there can be a separation between the two terms. Councilor Remy stated a BTZ is a maximum setback; however, all buildings must meet the minimum and only one principal building must meet the maximum. Ms. Brunner stated that Staff wrote the code to suggest that it can locate outside the BTZ, if another principal structure is blocking it. Ms. Brunner agreed that separating the setbacks and Build-To Dimensions will help with clarity.

Ms. Brunner continued by addressing how this ordinance relates to the 2010 Comprehensive Master Plan. The areas that would be impacted by this proposed ordinance, specifically for the Build-To Dimensional requirements, would include the Downtown Zoning Districts, which include Downtown Core, Downtown Growth, Downtown Limited and Downtown Edge, as well as the Commercial Zoning Districts along Marlborough Street, which include Business Growth and Reuse and Neighborhood Business. Each of these districts utilize at least one Build-To Dimensional requirement. The Downtown Districts, at least, are predominantly located in an area identified in the future land use section of the Master Plan as mixed-use/commercial, which the Master Plan states should have regulations that focus on design, mixed-use (more than one principal user structure per lot), street orientation, access management and mitigating traffic impacts.

This proposal changes the Build-To Dimensional requirements and would ensure that the streetscape and design elements envisioned in the Master Plan and the Land Development Code are preserved, allowing for more flexibility in developing the interior area of downtown lots. It also clarifies that accessory structures must be outside the Build-To Zone, which provides property owners with more flexibility to locate accessory structures on their lot without having to place them along the street frontage.

For the area along Marlboro Street that would be impacted, which is primarily identified as a traditional neighborhood/mixed-use area, 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. What staff is proposing would maintain the conventional setbacks in the adjacent neighborhoods, which allows for predictable growth and maintaining the status quo. For the mixed-use area, it would allow for greater flexibility, promote more dense pedestrian scale development, and allow for more development to occur essentially in the areas where the Master Plan states that more growth is desirable.

This concluded Staff comments.

The Chair asked for public comment next.

Mr. Jared Goodell of 160 Emerald Street, Keene addressed the Committee. Mr. Goodell stated he has a few concerns about the language, as it is written now, as it relates to the Build-To Line, Item C, where it says that any principal building or structure must be located. He stated the reason why this

has become an issue is that the LDC contemplates a single structure on a lot—one structure per lot. This is how development has happened for the last 100 years. However, now that smaller structures, or multiple structures, are being put on single lots, he felt it needs a more holistic look before language, such as any principal building or structure, is used or written. He felt there are much unintended consequences of using the language as written.

Mr. Goodell stated he would move on to Build-To Zone and stated that ambiguity is a problem in an ordinance. He noted to language at the end of the first sentence where it says whenever possible opens up a gray area. What does whenever possible mean? This could be different for different people. When a developer brings a plan to the 4th floor, they do a good job of trying not to design a person's project for them or developer's project for them. However, the term whenever possible makes it possible for Staff to explain "we think it's possible for you to do this project in a different way," and Mr. Goodell did not feel that is the intent of this language.

Mr. Goodell next referred to the following language principal buildings or structures may locate outside the Build-To Zone only if they cannot be located within the Build-To Zone due to the presence of other principal buildings or structures. He felt this could be an issue; for example, if there is a building on a lot today, which is demolished and a year later the owner wanted to construct three buildings. Someone could interpret this to mean that because there is not an existing structure on that lot today that is within the BTZ, you are not allowed to put a structure and then two structures behind it as a part of the same development. In other words, there is not a principal structure on the lot today; therefore, you are not subject to this exception that you are allowed to put buildings behind a principal use. Mr. Goodell stated that the language is not there yet and needs to be looked at holistically. For example, the LDC uses terms, like "BTZ" and "setbacks," sometimes interchangeably, and it uses the words "a" and "any" interchangeably.

Lastly, regarding Build-To Zones, Mr. Goodell referred to Emerald Street north to Central Square, there is a very tight BTZ. All the structures are located on a BTL. However, going south of Emerald Street, looking at properties like Athens Pizza, City Tire, Cumberland Farms or the Postal Service, properties are set back from the road and Mr. Goodell stated that this works well. He questioned whether the BTZ was actually necessary.

Mr. Goodell referred to the LDC under Principal Uses and Principal Structures and stated they are defined side by side. He referred to the following language: principal building or principal structure is a structure that is central to the fundamental uses of the property and is not accessory to the use of another structure on the same premises. Whereas a principal use is the main or primary use conducted on a lot located within a building or structure, as distinguished from an accessory use.

He noted one of the permitted uses in many of the downtown zoning districts is a community garden. A community garden could very easily have as a structure on it, such as a gazebo or perhaps a green house as a principal structure, and then have, behind it, other structures. Mr. Goodell stated he wanted to bring this up as an example and asked the Committee to look at this ordinance in a more holistic manner.

Councilor Remy felt in the BTZ section, if you collapse those two sentences into one and delete whenever possible so it reads as follows: A Build-To Zone is an area on a lot measured perpendicularly from the lot line within which all principal buildings or structures must locate, unless they cannot be located within the BTZ due to the presence or planned presence of other principal

buildings or structures.

Mr. Goodell felt this would work so long as the record would be clear that this is the intent of the Committee that someone could take a vacant lot and build multiple buildings at one time as part of one development.

Councilor Jones asked for Staff Comment on the language that was just proposed with the example Mr. Goodell had previously proposed regarding constructing three buildings on a vacant lot, which used to have one building. Ms. Brunner stated she would think that would be acceptable but 15 years from now, if someone else was looking at this and did not have the context and history, it could seem ambiguous. She stated she likes what Councilor Remy proposed, which makes it absolutely clear that you can have multiple buildings proposed at once and still have flexibility to build outside of the BTZ. Mr. Goodell suggested inserting the date in which a section or paragraph of the LDC was revised at the end of that section or paragraph, like they do with law, so that future Staff could use that date to review minutes if there were questions.

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

Chair Bosley stated she heard the concerns raised by Mr. Goodell regarding the ambiguity of the term whenever possible, and stated she sees how Staff is trying to make these principal structures take up the majority of the lot. She stated she wanted to make sure that the language stays consistent with that. She stated when she discussed this with Staff prior to this meeting, there was an explanation that there is a minimum building width and access and outside of that, the expectation would be that the property would be built in the BTZ. However, if you remove access and there is enough room to put another building, that would be the expectation. She asked for clarification.

Ms. Brunner responded by stating, for example, if the applicant is proposing a building that needs to be 50 feet wide and there isn't 50 feet in the BTZ, the way she would interpret that is that they can't put the building in the BTZ and it could be located outside the BTZ. Councilor Bosley asked whether the City has a minimum building width in our code. Ms. Brunner answered in the negative and stated if you can build a building to code it is allowed. It is what the use requires. The Councilor clarified you could have a 10-foot wide building that was 100 feet long. The Councilor noted this is now asking the zoning administrator to interpret if that proposed building is reasonable. She continued by asking if there is a way to describe or clarify in the language what the intent is, and felt more clarifying language should be included.

Councilor Ramey stated as Mr. Goodell pointed out our code is written for one building per lot and trying to include this change is making it more challenging.

Councilor Bosley stated, with reference to Councilor Remy's original point about how to create language that doesn't detract from the buildings, that she felt there was this huge potential in the Downtown Growth District for some great development to happen. These lots extend from one primary street to a second primary street, and the City needs to look at the highest and best use for those lots.

Councilor Williams noted something very similar to what is being discussed tonight was adopted by the City, and that was the Cottage Court development ordinance. He felt that instead of trying to "shoehorn" it into the existing regulations, perhaps have it as an overlay district or a separate set of regulations.

Councilor Jones noted the term “ambiguity” has been used a lot today and asked whether this item should be continued so that some of these unknown questions could be addressed, or would it be better to move the item to a public hearing and hope that some answers come out of that hearing. Ms. Brunner stated some really great points have been raised today, which she would like the opportunity to explore and come up with some solid answers. She stated she would like to recommend continuing this item for another month so Staff could come back with proposed language for an A version for the Committee to review.

Councilor Remy stated there is a concept of Build-To Percentages in the code and felt the Committee needs to look at how these can be used. Build-To Percentage is listed on page 32 of the packet or Section 1.3.3 D of the LDC.

He noted to where the Fireworks Restaurant and the 21 Restaurant are located, which are good examples of what the Committee is talking about, have multiple Build-To Lines, meeting multiple phases.

Councilor Bosley referred to a presentation from a consultant hired by the City during the Downtown process who talked about a walkable downtown. He had noted when people get to the Athens site, they stop and turn around, they are not walking past that area because you start to have parking lots on the streets, and you lose that protective layer of having a building up against you. She felt it was important to have these buildings get built to the sidewalk in certain areas. She noted the City does want to create residential areas, but it also needs to get people walking on those streets and encourage commercial growth.

Ms. Brunner noted if the committee was inclined to continue this public workshop, the next date on the Committee’s calendar is July 14th.

A motion was made by Councilor Bosley to continue the public workshop for O-2025-20 to the July 14 PB-PLD Committee meeting. The motion was seconded by Councilor Madison and carried on unanimous roll call vote.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Setbacks and Build-to Dimensions

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:

- I. That Section 1.3.3 “Setbacks & Build-To Dimensions” of Article 1 be amended to modify the definitions of Building Setback, Build-to Line, and Build-to Zone, as follows:
 - A. Building Setback. The required minimum distance all buildings or structures must be located from a lot line, which is unoccupied and unobstructed by any portion of a building or structure, unless expressly permitted by this LDC.
 1. Front Setback. The required minimum distance that all buildings or structures must be located from the front lot line, **unless expressly permitted by this LDC.**
 2. Rear Setback. The required minimum distance that all buildings or structures must be located from the rear lot line, **unless expressly permitted by this LDC.**
 3. Side Setback. The required minimum distance that all buildings or structures must be located from the side lot line, **unless expressly permitted by this LDC.** A side setback may be measured perpendicular to the interior side setback or to the corner side lot line.
 - C. Build-To Line (BTL). A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where **all principal buildings or principal structures** must be located. The building façade line of **all principal buildings or principal structures** must be located on the build-to line. Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall.
 - E. Build-To Zone (BTZ). A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which **all principal buildings or principal structures** must locate-, **unless they cannot be located within the BTZ due to the presence of existing or proposed principal buildings or principal structures.** A BTZ sets a minimum and maximum dimension within which the building façade line must be located (e.g. 0-5-ft). Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall.

II. That Section 8.4.1.C of Article 8 be amended as follows:

C. Accessory uses and structures shall comply with the dimensional requirements (e.g. setbacks, lot coverage, height) of the zoning district in which they are located, unless an exception is expressly granted below or elsewhere in this LDC.

1. No accessory use or structure may occupy any part of a front setback **or build-to zone** unless the front setback extends beyond the front of a legally nonconforming building; in such case, the portion beyond the front of the building may be used.

III. **That Section 4.2.1 of Article 4, “Dimensions and Siting” for the Downtown Core District be amended to change the label for the Type A and Type B Street Setbacks to “Type A Street Build-to Line” and “Type B Street Build-to Zone,” respectively.**

IV. **That Section 4.3.1 of Article 4, “Dimensions and Siting” for the Downtown Growth District be amended to change the label for the Type A and Type B Street Setbacks to “Type A Street Build-to Zone” and “Type B Street Build-to Zone,” respectively.**

V. **That Sections 4.4.1 and 4.5.1 of Article 4 and Sections 5.3.2 and 5.4.2 of Article 5, “Dimensions and Siting” for the Downtown Edge District, Downtown Limited District, Neighborhood Business District, and Business Growth & Reuse District be amended to change the label for the “Front Setback” and “Corner Side Setback” to “Front Build-to Zone” and “Corner Side Build-to Zone,” respectively.**

Jay V. Kahn, Mayor



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Setbacks and Build-to Dimensions

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:

- I. That Section 1.3.3 “Setbacks & Build-To Dimensions” of Article 1 be amended to modify the definitions of Building Setback, Build-to Line, and Build-to Zone, as follows:
 - A. Building Setback. The required minimum ~~or maximum~~ distance ~~all~~**any** buildings or structures must be located from a lot line, which is unoccupied and unobstructed by any portion of a building or structure, unless expressly permitted by this LDC.
 1. Front Setback. The required minimum ~~or maximum~~ distance that ~~all~~**any** buildings or structures must be located from the front lot line, **unless expressly permitted by this LDC.**
 2. Rear Setback. The required minimum ~~or maximum~~ distance that ~~all~~**any** buildings or structures must be located from the rear lot line, **unless expressly permitted by this LDC.**
 3. Side Setback. The required minimum ~~or maximum~~ distance that ~~all~~**any** buildings or structures must be located from the side lot line, **unless expressly permitted by this LDC.** A side setback may be measured perpendicular to the interior side setback or to the corner side lot line.
 - C. Build-To Line (BTL). A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where ~~all~~**any principal buildings or principal** structures must be located. The building façade line of ~~all~~**any principal buildings or principal** structures must be located on the build-to line. Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall.
 - E. Build-To Zone (BTZ). A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which ~~all~~**principal buildings or principal** structures must locate, ~~unless Principal buildings or structures may locate outside the BTZ only if they cannot be located within the BTZ due to the presence of existing or proposed other principal buildings or principal structures.~~ A BTZ sets a minimum and maximum dimension within which the building façade line must be located (e.g. 0-5-ft). Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall.

II. That Section 8.4.1.C of Article 8 be amended as follows:

- C. Accessory uses and structures shall comply with the dimensional requirements (e.g. setbacks, lot coverage, height) of the zoning district in which they are located, unless an exception is expressly granted below or elsewhere in this LDC.
1. No accessory use or structure may occupy any part of a front setback **or build-to zone** unless the front setback extends beyond the front of a legally nonconforming building; in such case, the portion beyond the front of the building may be used.

III. That Section 4.2.1 of Article 4, “Dimensions and Siting” for the Downtown Core District be amended to change the label for the Type A and Type B Street Setbacks to “Type A Street Build-to Line” and “Type B Street Build-to Zone,” respectively.

IV. That Section 4.3.1 of Article 4, “Dimensions and Siting” for the Downtown Growth District be amended to change the label for the Type A and Type B Street Setbacks to “Type A Street Build-to Zone” and “Type B Street Build-to Zone,” respectively.

V. That Sections 4.4.1 and 4.5.1 of Article 4 and Sections 5.3.2 and 5.4.2 of Article 5, “Dimensions and Siting” for the Downtown Edge District, Downtown Limited District, Neighborhood Business District, and Business Growth & Reuse District be amended to change the label for the “Front Setback” and “Corner Side Setback” to “Front Build-to Zone” and “Corner Side Build-to Zone,” respectively.

Jay V. Kahn, Mayor

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee

From: Evan Clements, AICP Planner

Date: June 2, 2025

Subject: O-2025-020 Relating to Setbacks and Build-to Dimensions

Overview

This Ordinance proposes to amend Section 1.3.3 “Setbacks & Build-To Dimensions” of Article 1 of the Land Development Code (LDC) to clarify that building setbacks apply to any building or structure to be located on a lot, unless a specific exemption exists in the LDC. The proposal also clarifies that the Build-To Line (BTL) and Build-To Zone (BTZ) apply to any principal building or structure and provides allowances for buildings or structures to be located outside the BTZ when the proposed building or structure is blocked by another principal building or structure. Lastly, this Ordinance proposes to amend Section 8.4.1.C of Article 8 to clarify that accessory uses and structures are not allowed in the BTZ.

Background

The building setback is a set of dimensional requirements that have been in effect since the adoption of the City’s first zoning ordinance in the mid 1920’s. Originally utilized as a way to promote sanitation, fire safety, and buffer between conflicting land uses; modern day building setbacks are more about community design and character, safety, and infrastructure planning. The American Planning Association Zoning Practice Issue 6. describes front setbacks generally:

“In today’s world, front setbacks are given priority because of their interaction with the public realm and their role in safety and quality of life. The presence of space and how that space is utilized shapes the experiences of those engaging with the right-of-way (ROW), including travelers on any mode, people occupying the public space for work or play, and even those looking out their window onto the street.”

Building setbacks provide space on lots for accessory activities such as trash and tool storage, gardening and green space, outdoor gathering, and trees. The space created by the required setback sets the tone for how land is utilized and how a neighborhood feels when living in and traveling through. The size and functionality of setbacks plays an important role in infrastructure planning and management. In many cases, the built environment grows faster than its supporting infrastructure. Space between, in front of, or behind buildings is needed to provide access to underground water mains and other utilities. In the long term, front setbacks allow for widening of public rights-of-ways without the expensive cost of taking buildings.

In Keene, there are three types of building setbacks:

The **Front Setback** establishes the minimum distance between the front property line and any buildings or structures on the lot. It helps create consistent street frontages, ensure adequate space for site features such as utilities and landscaping, and provides some separation between the building and street.

The **Side Setback** is the minimum distance between the side property line and any buildings or structures on the lot. In residential districts in Keene, the corner side setback is 10-ft larger than the minimum side setback required in the zoning district. Side setbacks create spacing between buildings and impact privacy between neighbors, access for maintenance / emergency vehicles, and adequate fire separation. In addition, side setbacks can help promote natural ventilation between buildings and ensure access to daylight in more densely developed areas with taller buildings.

The **Rear Setback** is the minimum distance between the rear property line and any buildings or structures on the lot. Like side setbacks, rear setbacks help create spacing between properties to protect privacy and, in more densely developed areas, access to daylight.

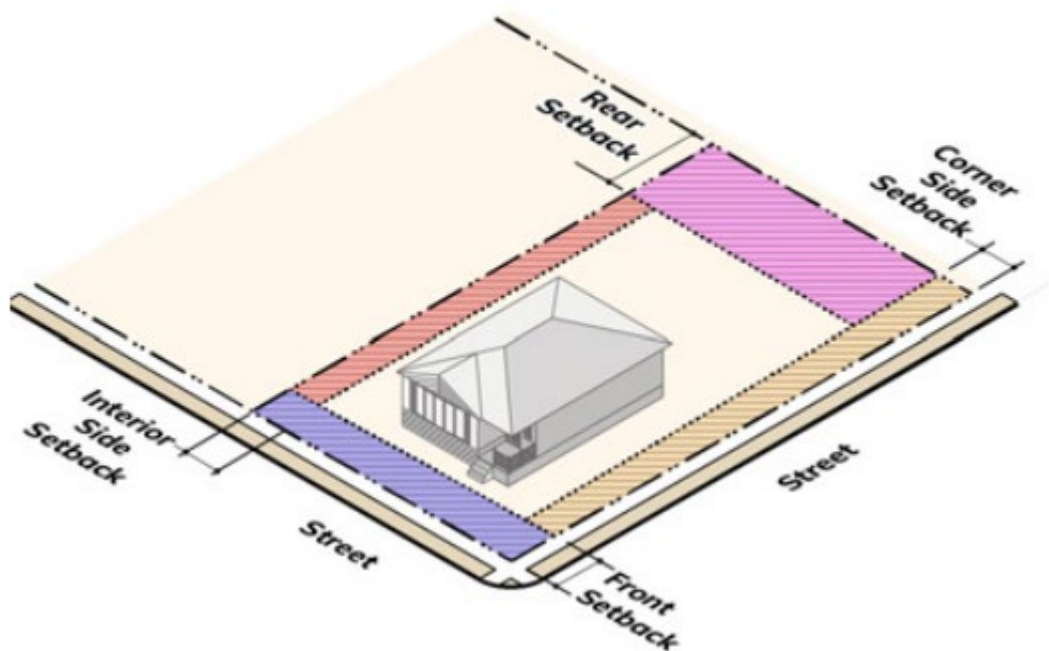


Figure 1. Illustration depicting the Front Setback, Interior Side Setback, Corner Side Setback, and Rear Setback on a lot.

The Build-To dimensions are dimensional requirements that were implemented as part of the Land Development Code adoption in 2021 with the decision to switch the downtown zoning districts to a Form-Based zoning code. Similar to setbacks, build-to dimensions are used to regulate the placement of buildings and structures on a lot; however, whereas setbacks are designed to ensure spacing between buildings and the street, build-to dimensions encourage building placement closer to the street. This helps to create a pedestrian-scale, walkable streetscape that fosters social interaction. Therefore, build-to dimensional requirements are typically used in downtown areas of the city. This building form is more appropriate for the urbanized downtown area where existing utilities and roads are permanently established. New development within this area of the community will likely be in the form of infill and redevelopment of existing buildings and lots.

There are three types of “Build-to” dimensions in Keene:

A **build-to line (BTL)** is a set line on a lot, measured perpendicularly from the applicable lot line, where a structure must be located. The building façade line of a structure must be located on the build-to line.

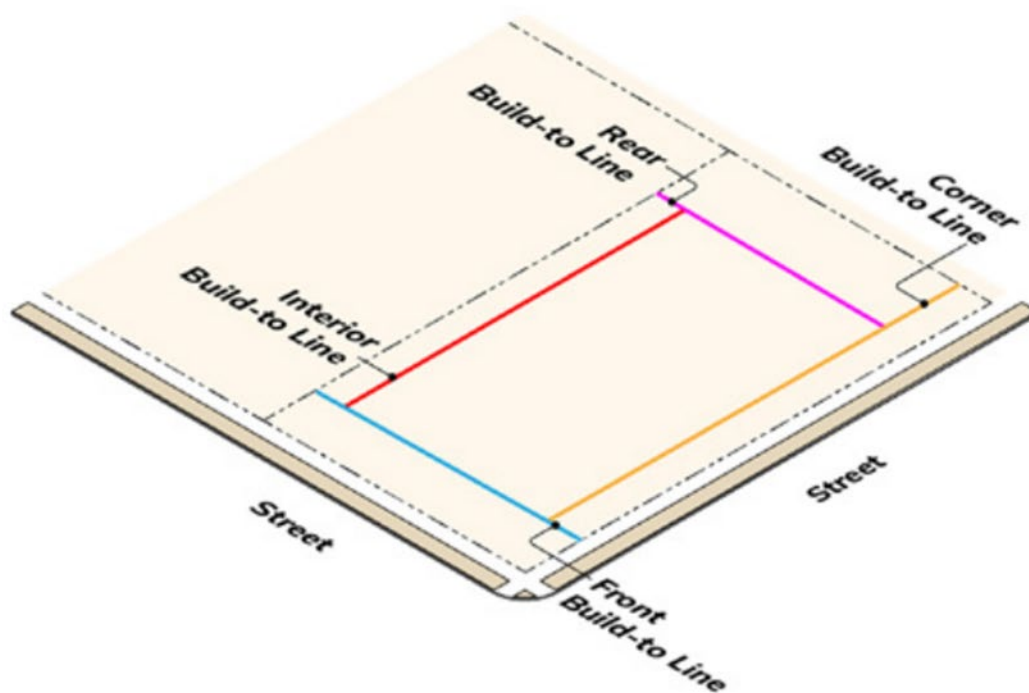


Figure 2. Illustration depicting the Front Build-To Line, Interior Build-To Line, Corner Side Build-To Line, and Build-To Line on a lot.

A **build-to percentage** specifies the percentage of the building façade that must be located within the build-to zone or at the build-to line.

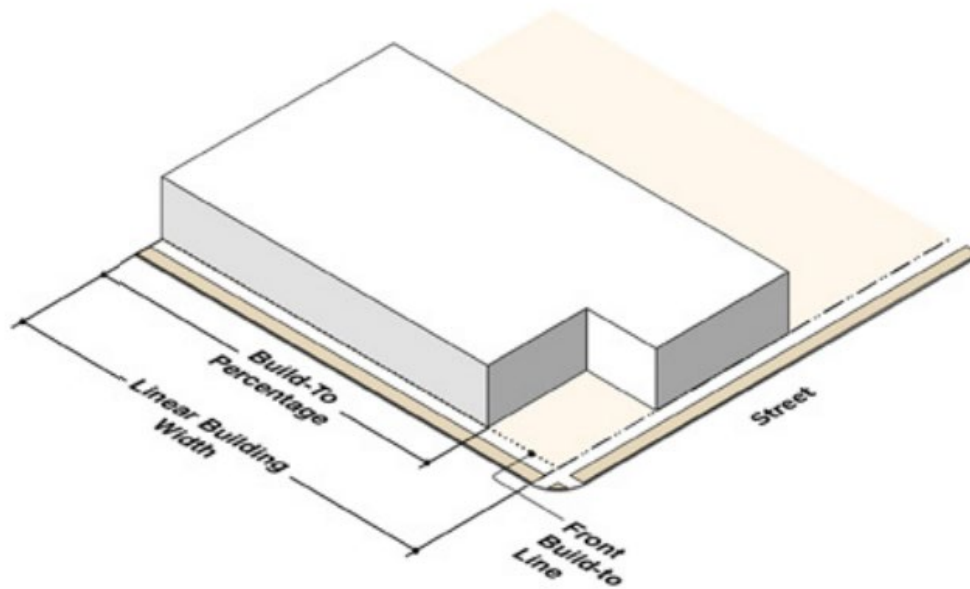


Figure 3. Illustration depicting the Build-To percentage and Front Build-To Line on a lot.

A **build-to zone (BTZ)** is the area on a lot, measured perpendicularly from the lot line, within which a structure must locate. A BTZ sets a minimum and maximum dimension within which the building façade line must be located (e.g. 0-5-ft).

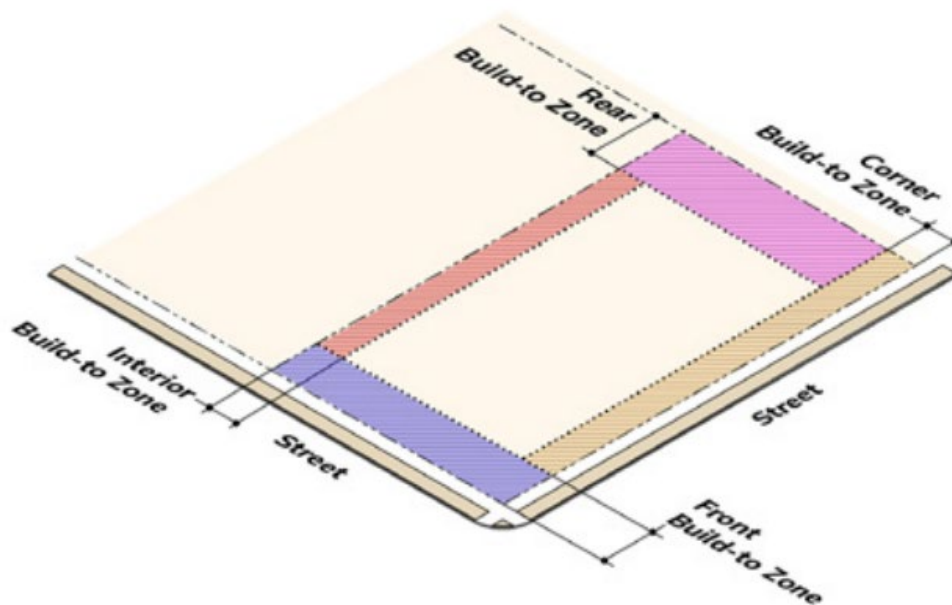


Figure 4. Illustration depicting the Front Build-To Zone, Interior Build-To Zone, Corner Side Build-To Zone, and Build-To Zone on a lot.

On May 5, 2025 the Zoning Board of Adjustment (ZBA) heard an appeal of an administrative decision that all buildings and structures to be located on a lot need to comply with the Build-to Zone requirement. The petitioner requesting the appeal argued that the existing language of the BTZ referred to “a building,” meaning only one building on a parcel and not all buildings. The ZBA sided with the petitioner and provided feedback to staff that the existing language regarding when setbacks and build-to dimensions applied to buildings and structures was ambiguous and confusing. This ordinance has been submitted to address the ZBA’s concerns while also opening up development potential by providing additional guidance with the Build-To dimensions.

Discussion

This ordinance proposes to clarify that any building or structure on a lot is prohibited from occupying the front setback, side setback, or rear setback unless there is a provision in the Land Development Code that expressly permits a specific building or structure to be located within the setback. This change will maintain the long-understood practice relating to building setbacks in the City and will not result in any change to existing neighborhood design and feel for zoning districts that utilize a traditional setback dimensional requirement.

The proposed changes to the Build-To dimensions acknowledge the desire to maximize flexibility for property owners while still achieving community goals related to neighborhood design and the relationship between private property and the public right-of-way. The goal of the Build-To dimensions, as discussed in the background section of this report, is to encourage development that abuts the public right-of-way and relegate the undeveloped space on a lot to the interior side and rear.

The proposed change allows additional principal uses and buildings to be located outside of the Build-To dimensions, if it is not possible to locate the proposed use or building in the Build-To dimension because it is blocked by another principal building or use. Figure 5 depicts a situation where additional principal buildings would be allowed outside of the Build-To Zone since the first principal building is located within the Build-To Zone and there is not enough room left on the lot to place additional buildings in the zone.

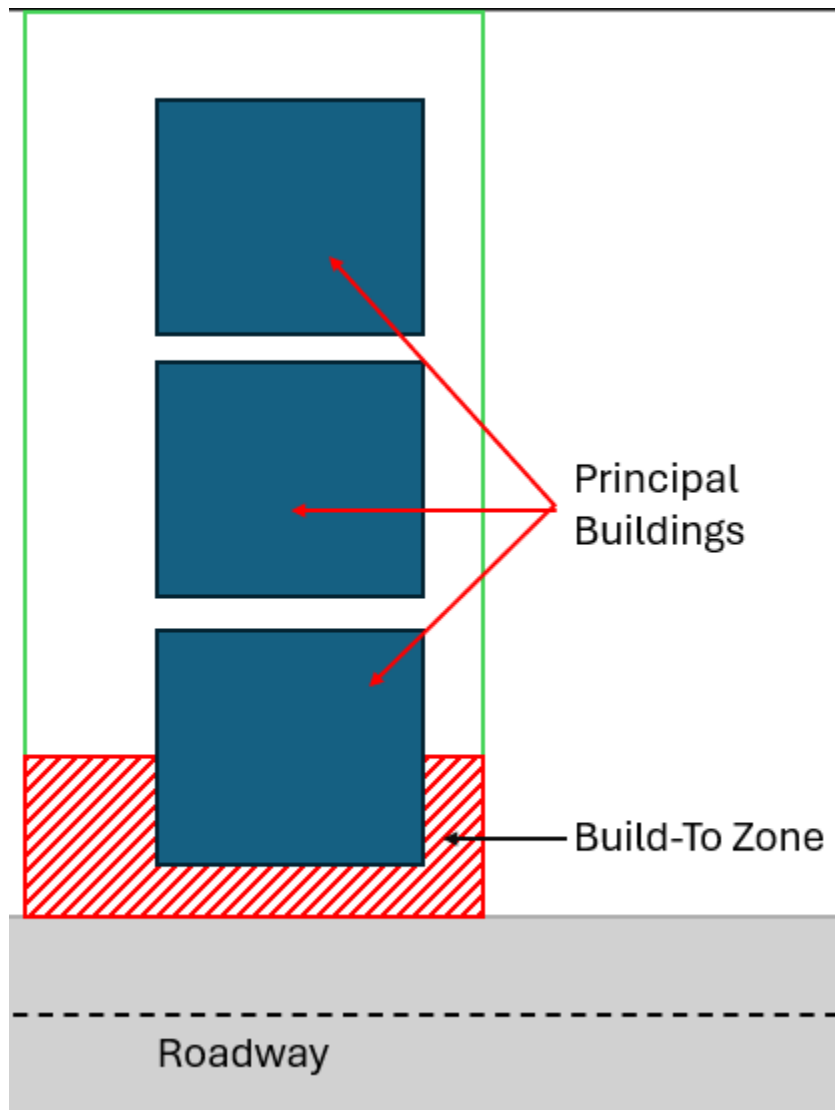


Figure 5. Illustration depicting additional buildings placed behind the first principal building in the Build-To Zone

The specificity of the language regarding when additional principal uses or buildings are allowed outside of the Build-To dimensions is for when a property is larger in area has longer frontage. Figure 6 depicts a layout that staff is trying avoid where the first principal building is located in the Build-To dimension but subsequent buildings can be placed outside the Build-To dimension without restriction.

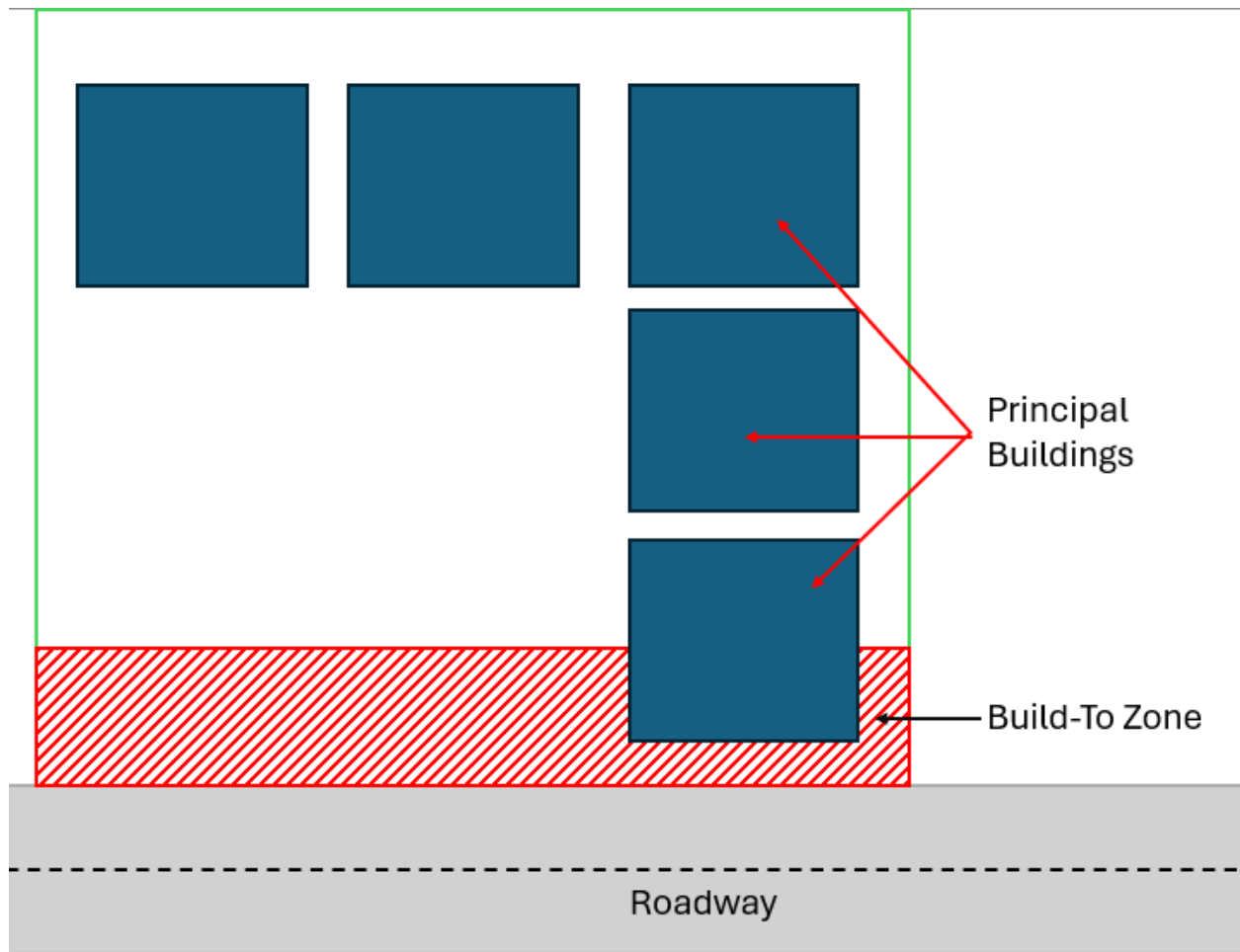


Figure 6. Illustration depicting an undesired result of additional buildings placed behind the first principal building in the Build-To Zone

The example in figure 6 shows the undesired result where the majority of the principal activity is taking place outside the Build-To dimension and is not enabling the pedestrian streetscape activation that is intended. By specifying that principal buildings must locate in the required Build-To dimension before additional buildings can be placed outside the required area, this situation is avoided. Figure 7 shows that the same number of buildings can be placed on the lot while achieving the desired streetscape activation.

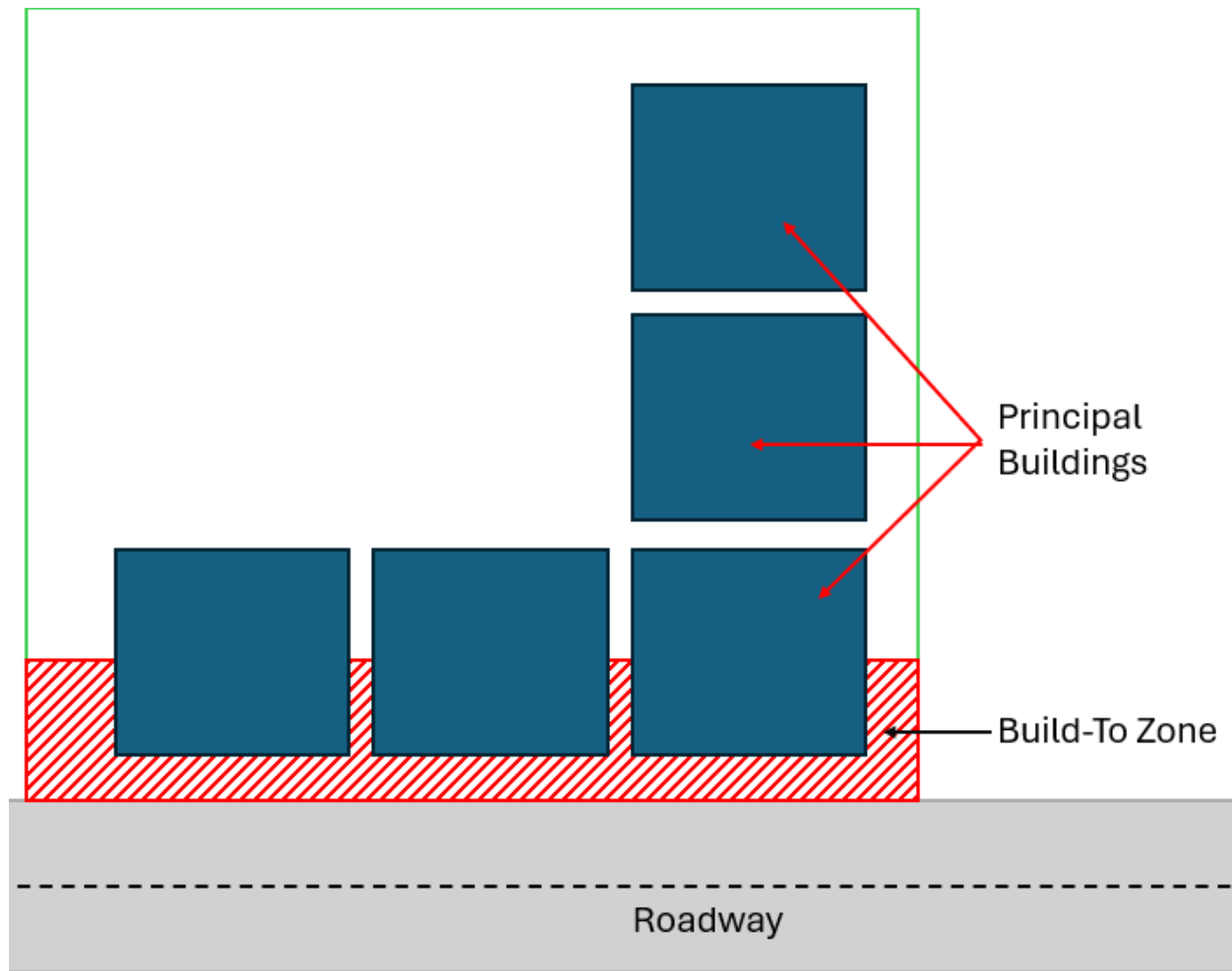


Figure 7. Illustration depicting the desired result of additional buildings placed behind the first principal building in the Build-To Zone

Lastly, the ordinance proposes to align the prohibition of accessory uses and buildings from being located in the front setback to include the front Build-To dimension. This change further clarifies the intent of figure 7 where the streetscape activation relies on principal uses and buildings being located along the public right-of-way and accessory activity should be relegated to the rear of the lot.

Potential Impacts of the Proposed Change

The potential impact of this proposal is that the status quo in regards to building setbacks is maintained. The clarification allows neighborhoods to continue to grow and develop in an anticipated way that provides continuity of neighborhood character. The ordinance also provides flexibility for site design in the downtown area that increases development potential while also encouraging pedestrian scale development and greater interaction between private property and the streetscape.

Consistency with the Master Plan

The areas that would be impacted by this proposed ordinance include most of the downtown zoning districts (Downtown Core, Downtown Growth, Downtown Limited, and Downtown Edge), as well as the commercial zoning districts along Marlboro Street (Business Growth and Reuse, Neighborhood Business). Each of these districts utilize at least one build-to dimensional requirement.

The downtown districts are predominantly located in an area identified in the Future Land Use section of the 2010 Comprehensive Master Plan as “Mixed Use/Commercial” (Figure 8), which the Master Plan states should have regulations that focus on “...design, mixed use, street orientation, access management and mitigating traffic impacts.” The proposed changes to the build-to dimensional requirements would ensure that the streetscape and design elements envisioned in the Master Plan and the Land Development Code are preserved while allowing for more flexibility in developing the interior area of downtown lots. It also clarifies that accessory structures must be outside the build-to zone, which provides property owners with more flexibility to locate accessory structures on their lot without having to place them along the street frontage.

The 2010 Comprehensive Master Plan identifies much of the area along Marlboro Street that would be impacted by this request as a primary growth area, specifically a “Traditional Neighborhood / Mixed-Use” area (Figure 8). The description of this area 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. Maintaining conventional design decisions in traditional neighborhoods allows for predictable growth while maintaining City services and utilities. For mixed-use downtown areas, allowing greater flexibility will promote dense, pedestrian scale development that exhibits smart growth principals.

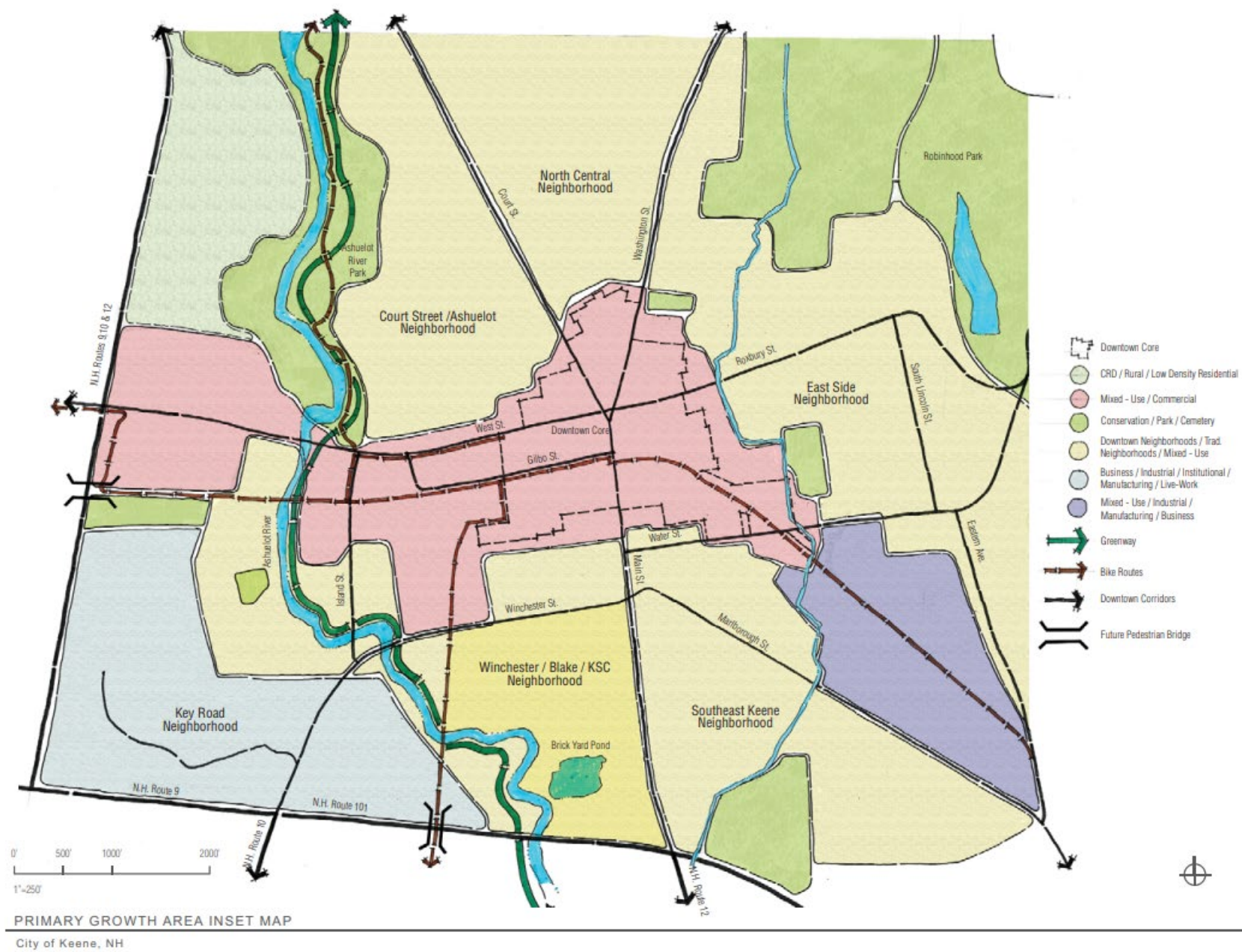


Figure 8. Primary Growth Area Inset Map for the City of Keene Future Land Use Map.

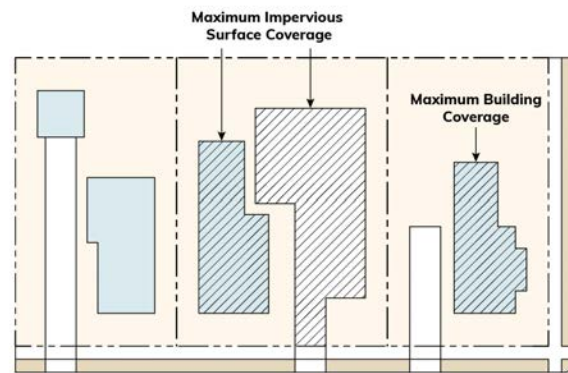
1.3 RULES OF MEASUREMENT & EXCEPTIONS

1.3.1 Lot Dimensions

- A. **Lot Area.** The total area within the boundary lines of a lot, excluding any public right-of-way open to public use.
- B. **Lot Line, Front.** The boundary line separating a lot from a street right-of-way or, for a corner lot, the line separating the narrower street frontage of the lot from the street right-of-way.
- C. **Lot Line, Rear.** The boundary line most distant and opposite from the front lot line or, where the lot is irregular, a line parallel to the front lot line and at least 10-ft long within the lot.
- D. **Lot Line, Side.** The boundary lines connecting the front and rear lot lines.
- E. **Lot Width at Building Line.** The horizontal distance between side lot lines measured at the building line.
- F. **Road Frontage.** The continuous portion of a lot fronting on a public right-of-way. The minimum frontage shall mean the smallest width, measured along the lot line that abuts a public right-of-way to which access may be permitted.

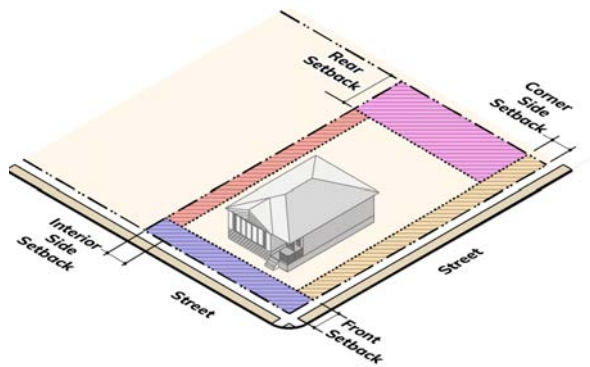
1.3.2 Lot Coverage

- A. **Impervious Coverage.** Maximum area of a lot that is permitted to be covered by surfaces that do not allow the absorption of water into the ground (e.g. roofed buildings or structures, pavement, etc.), which is measured by dividing the total impervious surface area of the lot by the total lot area.
- B. **Building Coverage.** Maximum area of a lot that is permitted to be covered by buildings or structures, which is measured by dividing the total area of building footprints (as measured from the outside ground wall and floor wall lines) of all principal and accessory structures by the total lot area.



1.3.3 Setbacks & Build-To Dimensions

- A. **Building Setback.** The required minimum or maximum distance **all** buildings or structures must be located from a lot line, which is unoccupied and unobstructed by any portion of a building or structure, unless expressly permitted by this LDC.
 - 1. **Front Setback.** The required minimum or maximum distance that **all** buildings or structures must be located from the front lot line, **unless expressly permitted by this LDC.**
 - 2. **Rear Setback.** The required minimum or maximum distance that **all** buildings or structures must be located from the rear lot line, **unless expressly permitted by this LDC.**
 - 3. **Side Setback.** The required minimum or maximum distance that **all** buildings or structures must be located from the side lot line, **unless expressly permitted by this LDC.** A side setback may be measured perpendicular to the interior side setback or to the corner side lot line.
 - a. In residential zoning districts, the corner side lot line shall be measured from the property line adjacent to the street, and shall be 10-ft greater than the minimum side setback required in the zoning district.



4. Structure Setback Exceptions.

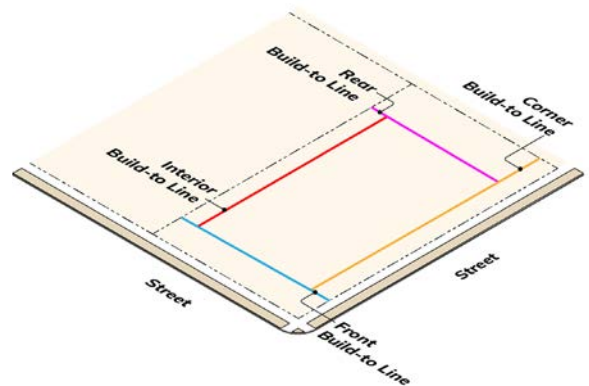
- a. The following may be excluded from required setbacks.
 - i. Steps and stairs necessary to provide access to a building or structure
 - ii. Access landings up to 25-sf
 - iii. Structures necessary to afford access for persons with physical disabilities
 - iv. Canopies and awnings
 - v. One detached utility accessory building of less than 125-sf (e.g. garden shed)
 - vi. Fences
 - vii. Signs as regulated by Article 10
- b. Paved and unpaved parking lots and associated travel surfaces associated with all uses other than single- and two-family dwellings shall comply with the setback requirements in Section 9.4 of this LDC.
- c. Driveways and parking spaces associated with single- and two-family dwellings shall comply with the setback requirements in Section 9.3 of this LDC.
- d. If a front building setback extends beyond the front of a legally nonconforming building, an accessory use or structure may occupy the portion

of the front setback beyond the front of the building.

- e. The following structures may encroach up to 10-ft from the rear lot line of lots in residential zoning districts.
 - i. Pools, either above- or in-ground
 - ii. Decks, either detached or attached
 - iii. Garages, either detached or attached
 - iv. Accessory Dwelling Units, either detached or attached

B. Building Façade Line. The vertical plane along a lot where the building's façade is located. Upper story building façade lines relate to that part of the façade that requires a setback.

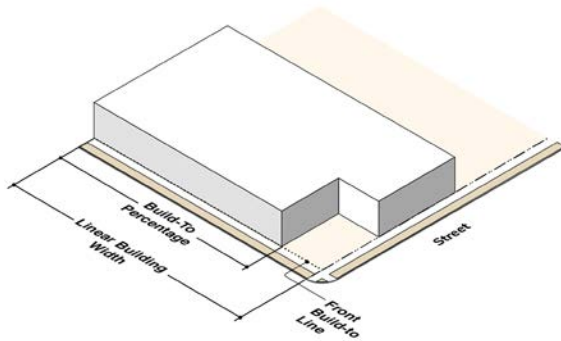
C. Build-To Line (BTL). A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where **all principal buildings or principal structures** must be located. The building façade line of **all principal buildings or principal structures** must be located on the build-to line. Façade articulation (e.g. window or wall recesses and projections) are not counted



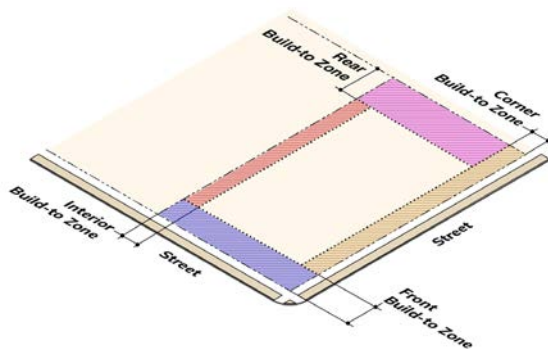
as the building façade line, which begins at the applicable façade wall.

D. Build-To Percentage. A build-to percentage specifies the percentage of the building façade that must be located within the build-to zone or at the build-to line. Façade articulation (e.g. window or wall recesses and projections) do not count against the required build-to percentage.

Plazas, outdoor dining, and other public open space features that are also bounded by a building façade parallel to the frontage are counted as meeting the build-to percentage. Build-to percentage is calculated by building façade, not lot width.



- E. Build-To Zone (BTZ).** A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which **all principal buildings or structures must locate, unless they cannot be located within the BTZ due to the presence of existing or proposed principal buildings or principal structures.** A BTZ sets a minimum and maximum dimension within which the building façade line must be located (e.g. 0-5-ft). Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall.

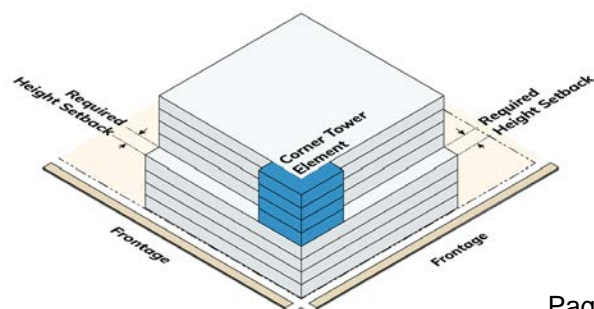


1.3.4 Building Height

- A. Building Height, Feet.** The vertical distance measured from the grade plane of the lot grade to the highest point of the roof or structure.
- B. Building Height, Stories.** The vertical distance measured from the finished ground floor level to

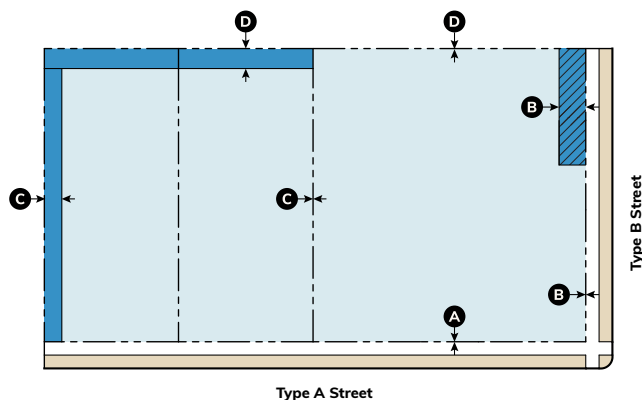
the surface of the second floor, or, in the case of a one-story building, from the finished ground floor level to the surface of the roof. Each upper story of a structure is measured from the surface of the floor to the surface of the floor above it, or, if there is no floor above, from the surface of the floor to the surface of the roof above it.

1. When building height allows for half-stories, the half-story is calculated as the space under a sloping roof where the line of intersection of roof decking and exterior wall face is no more than 5-ft above the top floor level.
 2. Attics, habitable attics, and basements are not counted as stories.
- C. Height, Ground Floor.** Ground floor height is the measurement of height for the first story of a structure, calculated as the height from the grade plane to the floor of the second story.
- D. Story, Above Grade.** Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:
1. More than 6-ft above grade plane;
 2. More than 6-ft above the finished ground level for more than 50% of the total building perimeter; or
 3. More than 12-ft above the finished ground level at any point.
- E. Optional Corner Tower Element.** A corner tower element is an accentuated vertical element located on a building corner at a street intersection that can be located within a required setback. In no case may the corner tower element exceed the building's overall height.



4.2 DOWNTOWN CORE (DT-C)

4.2.1 Dimensions and Siting

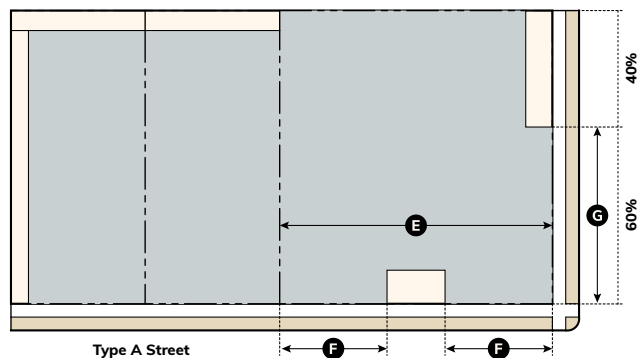


Dimensions and Siting

	Min Lot Area	None
	Min Lot Width	None
A	Type A Street Build-to Line ¹	0 ft Build-to Line
B	Type B Street Build-to Zone ¹	0-10 ft Build-to Zone unless located on a corner lot with Type A Street frontage, then 0 ft Build-to Line
C	Min Interior Side Setback	0 ft, unless abutting residential district or DT-T District, then 15 ft
D	Min Rear Setback	0 ft, unless abutting residential district or DT-T District, then 15 ft

¹ When the front lot line intersects or overlaps with the right-of way line, the required build-to line or 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.

4.2.2 Buildout



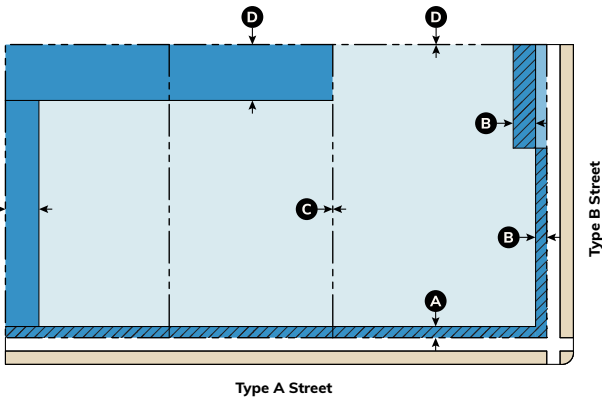
Buildout

E	Max Building Length	250 ft
F	Min Type A Street Build-to Percentage	80%
G	Min Type B Street Build-to Percentage ¹	60%

¹ When a corner lot also has frontage on a Type A Street, min build-to percentage is calculated as the first 60% of total building length measured from the corner.

4.3 DOWNTOWN GROWTH (DT-G)

4.3.1 Dimensions and Siting

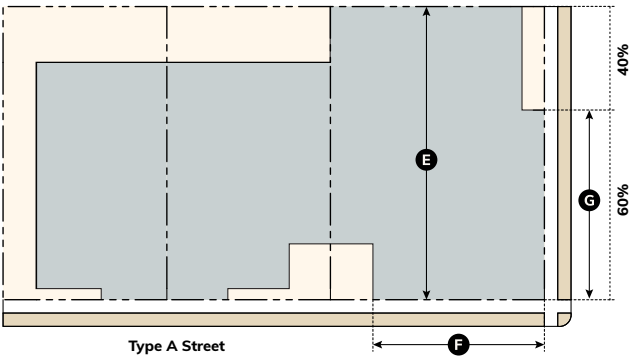


Dimensions and Siting

	Min Lot Area	None
	Min Lot Width	None
A	Type A Street Build-to Zone ¹	0-5 ft Build-to Zone
B	Type B Street Build-to Zone ¹	5-15 ft Build-to Zone unless located on a corner lot with Type A Street frontage, then 0-5 ft Build-to Zone
C	Min Interior Side Setback	0 ft, unless abutting residential district or DT-T District, then 15 ft
D	Min Rear Setback	0 ft, unless abutting residential district or DT-T District, then 25 ft

¹ When the front 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.

4.3.2 Buildout



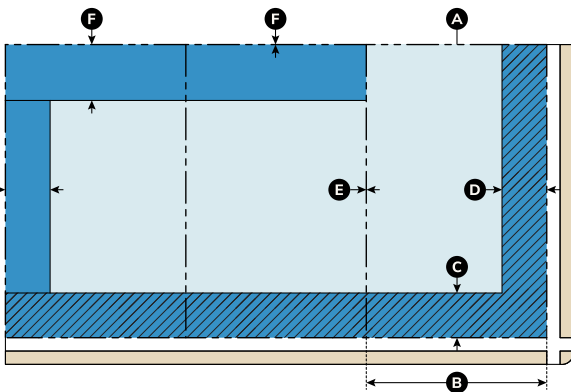
Buildout

E	Max Building Length	350 ft, Unless a pedestrian passage is provided, then 500 ft
F	Min Type A Street Build-to Percentage	80%
G	Min Type B Street Build-to Percentage ¹	60%

¹ When a corner lot also has frontage on a Type A Street, min build-to percentage is calculated as the first 60% of total building length measured from the corner.

4.4 DOWNTOWN EDGE (DT-E)

4.4.1 Dimensions and Siting

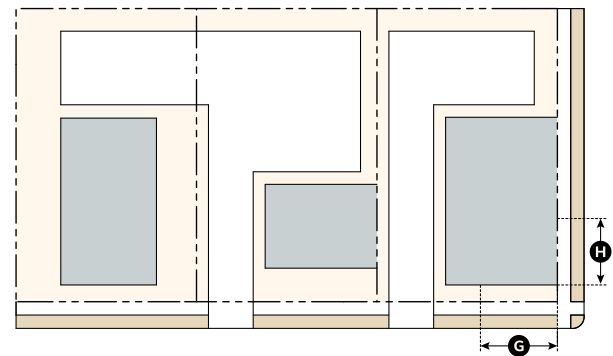


Dimensions and Siting

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

4.4.2 Buildout

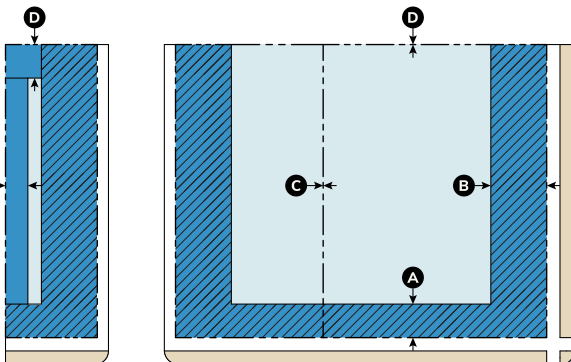


Buildout

G	Min Front Build-to Percentage	60%
H	Min Corner Side Build-to Percentage	40%

4.5 DOWNTOWN LIMITED (DT-L)

4.5.1 Dimensions and Siting

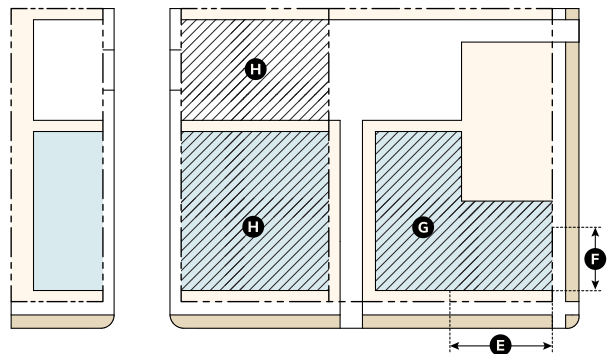


Dimensions and Siting

	Min Lot Area	None
	Min Lot Width	None
A	Front Build-to Zone ¹	0-15 ft Build-to Zone
B	Corner Side Build-to Zone ¹	0-25 ft Build-to Zone
C	Min Interior Side Setback	0 ft, unless abutting residential district or DT-T District, then 10 ft
D	Min Rear Setback	0 ft, unless abutting residential district or DT-T District, then 15 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.

4.5.2 Buildout



Buildout

E	Min Front Build-to Percentage	60%
F	Min Corner Side Build-to Percentage	40%
G	Max Building Coverage	65%
H	Max Impervious Surface Coverage	80%

5.3 NEIGHBORHOOD BUSINESS (NB)

5.3.1 Purpose

The Neighborhood Business (NB) District is intended to serve as an additional downtown zoning district that promotes smaller-sized business and professional uses, which support adjacent neighborhoods and workplaces, with an orientation toward pedestrian and bicycle access. Some uses are restricted in size to limit adverse impacts on nearby residences and to maintain a pedestrian scale of development. All uses in this district shall have city water and sewer service.

5.3.2 Dimensions & Siting

Min Lot Area	8,000 sf
Min Road Frontage	50 ft
Front Build-to Zone	5-10 ft Build-to Zone
Min Rear Setback	20 ft
Corner Side Build-to Zone	5-10 ft Build-to Zone
Min Interior Side Setback	10 ft

5.3.3 Buildout

Max Building Coverage	55%
Max Impervious Coverage	65%
Min Green / Open Space	35%

5.3.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

5.3.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Banking or Lending Institution	P	8.3.2.E
Bed and Breakfast	SE	8.3.2.G
Funeral Home	P	8.3.2.K
Neighborhood Grocery Store	P	8.3.2.U
Office	P ¹	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Restaurant	P ¹	8.3.2.AB
Retail Establishment, Light	P ¹	8.3.2.AD
Specialty Food Service	P	8.3.2.AH
INSTITUTIONAL USES		SECTION
Day Care Center	SE	8.3.3.C
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
Residential Care Facility	CUP	8.3.4.J
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE		SECTION
Telecommunications Facilities	P ¹	8.3.7.E

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

5.4 BUSINESS GROWTH & REUSE (BGR)

5.4.1 Purpose

The Business Growth & Reuse (BGR) District is intended to serve as an additional downtown zoning district that provides opportunity for redevelopment and revitalization of a former industrial area in an environmentally sensitive manner that is of a scale and type compatible with adjacent residential neighborhoods. The development in this District should be oriented towards pedestrian and bicyclist access. All uses in this district shall have city water and sewer service.

5.4.2 Dimensions & Siting

Min Lot Area	8,000 sf
Min Road Frontage	50 ft
Front Build-to Zone	5-10 ft Build-to Zone
Min Rear Setback	20 ft
Corner Side Build-to Zone	5-10 ft Build-to Zone
Min Interior Side Setback	10 ft

5.4.3 Buildout

Max Building Coverage	55%
Max Impervious Coverage	65%
Min Green / Open Space	35%

5.4.4 Height

Max Stories Above Grade	3
Max stories above grade with first floor parking	4

5.4.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
COMMERCIAL USES		SECTION
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Bed and Breakfast	P ¹	8.3.2.G
Greenhouse / Nursery	P	8.3.2.L
Health Center / Gym	P	8.3.2.M
Neighborhood Grocery Store	P	8.3.2.U
Office	P ¹	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Research and Development	P	8.3.2.AA
Restaurant	P ¹	8.3.2.AB
Specialty Food Service	P	8.3.2.AH
Recreation/Entertainment Facility - Indoor	P	8.3.2.Y
INSTITUTIONAL USES		SECTION
Community Center	SE	8.3.3.A
Cultural Facility	P ¹	8.3.3.B
Day Care Center	P	8.3.3.C
Private School	P ¹	8.3.3.F
Senior Center	SE	8.3.3.G
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Residential Care Facility	CUP	8.3.4.J
INDUSTRIAL USES		SECTION
Artisanal Production	P ¹	8.3.5.A
Data Center	P	8.3.5.C
Industrial, Light	P ¹	8.3.5
Warehouse & Distribution	P ¹	8.3.5
Wholesale	P ¹	8.3.5
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P ¹	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Solar Energy System (Large-Scale)	CUP	8.3.7.C
Telecommunications Facilities	P ¹	8.3.7.E

P = Permitted

P¹ = Permitted with limitations per Article 8.

SE = Permitted by Special Exception

CUP = Permitted by Conditional Use Permit

communications service (PCS), and common carrier wireless exchange access services or other similar services. It does not include any structure erected solely for a residential, noncommercial individual use (e.g. television antennas, satellite dishes, amateur radio antennas).

2. **Use Standard.** Telecommunication facilities are subject to the standards set forth in the Telecommunications Overlay District in Article 13, which includes limitations on where such facilities are allowed to be located in the City and whether a telecommunications conditional use permit is required from the Planning Board.

8.3.8 Transportation Uses

A. Parking Lot

1. **Defined.** The principal use of a lot, which excludes any public or private street, for the temporary parking or storage of operable motor vehicles, whether for compensation or at no charge.
2. **Use Standard.** All parking lots shall comply with the Parking Lot Design Standards in Section 9.4 of this LDC.

B. Parking - Structured Facility

1. **Defined.** The principal use of a lot for the temporary parking or storage of operable motor vehicles, whether for compensation or at no charge, in a multi-level parking structure.
2. **Use Standards.** All structured parking lot facilities shall comply with the Parking Structure Design Standards in Section 9.5 of this LDC.

8.4 ACCESSORY USES & STRUCTURES

8.4.1 General

- A. All accessory uses shall comply with the standards in Section 8.4.1.
- B. Accessory uses and structures may be permitted in conjunction with permitted principal uses. Permitted accessory uses and structures include those listed in Section 8.4.2 and additional accessory uses and structures that, as interpreted by the Zoning Administrator, meet the following criteria.
 1. Are clearly incidental and customarily found in connection with an allowed principal building or use.
 2. Are subordinate in area, extent, and purpose to the principal building or use served.
 3. Are located on the same site as the principal building or use served.
 4. Were not established on a lot prior to the establishment of a permitted principal use.
 5. Do not create a public or private nuisance.
- C. Accessory uses and structures shall comply with the dimensional requirements (e.g. setbacks, lot coverage, height) of the zoning district in which they are located, unless an exception is expressly granted below or elsewhere in this LDC.
 1. No accessory use or structure may occupy any part of a front setback **or build-to-zone** unless the front setback extends beyond the front of a legally nonconforming building; in such case, the portion beyond the front of the building may be used.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.2.

Meeting Date: July 17, 2025

To: Mayor and Keene City Council

From: Mari Brunner, Senior Planner

Through: Paul Andrus, Community Development Director

Subject: **Relative to Amendments to the Land Development Code to Encourage Housing Development in Keene - Ordinance O-2025-15-A - Joint Planning Board/PLD Committee**

Recommendation:

Planning Board Chair Harold Farrington made a motion to find that ordinance O-2025-15-A conforms with the Master Plan. Councilor Remy seconded the motion, which passed by unanimous vote of the Planning Board.

Councilor Williams made a motion to request that the Mayor set a public hearing for ordinance O-2025-15-A. The motion was seconded by Councilor Haas and passed on unanimous vote of the PLD Committee.

Attachments:

1. O-2025-15-A_Clean-Copy
2. O-2025-15-A_redline
3. Staff Report
4. A Version Mock Up

Background:

The Joint Committee of the Planning Board and PLD Committee discussed ordinance O-2025-15 at their meetings on June 9, 2025 and July 14, 2025. At the conclusion of the public workshop, the Committee voted to amend the ordinance to create an A version; The Planning Board voted to find that the ordinance as amended is consistent with the Master Plan; and the PLD Committee voted to request that the Mayor set a public hearing on the ordinance. The redline and clean copies of the A version are included as attachments to this memo, along with the staff report for the original ordinance, and the LDC mock-up pages. The draft minutes of the June 9, 2025 workshop, and the actions out of the July 14, 2025, meeting where this item was discussed are included below. The full set of minutes of the July 14, 2025 meeting will be available on July 21, and the recording of the meeting is available online at <https://keenenh.gov/my-city-government/meeting-videos/>.

Excerpt - July 14, 2025 public workshop:

2025-305

Councilor Remy made a motion to amend ordinance O-2025-15 to align with all recommended staff changes, including adjusting the minimum interior side setback to five feet. The motion passed on a vote of 8-2.

Councilor Williams made a motion to further amend ordinance O-2025-15 to modify the proposed use standard 2.c to add "or behind the Build-to Zone" at the end of the sentence. The motion was seconded by Councilor Remy. Councilor Haas asked for the motion to be restated. Councilor Bosley read the motion: "Amend Section 3.2.c to state In the Downtown Growth District, dwelling units may be permitted on the ground floor if located behind tenantable commercial space or behind the Build-to Zone.

Kenneth Nost asked for clarification, and whether this change would mean that residences could be built behind the Build-to Zone without something in front of it. Councilor Williams responded in the negative, saying that there is still the Build-to Percentage, which requires a certain percentage of the building be commercial. Councilor Bosely asked for the staff's response to Mr. Kost's question. Senior Planner Mari Brunner said that a portion of the building could have residential uses without any other use in front of it, if that portion of the building is set back outside the Build-to Zone. The Build-to Percentage dictates the percentage of the building facade that must be within the Build-to Zone, e.g., 80% on a Type A street. With no further discussion, the committee voted, and the motion passed by unanimous vote.

Councilor Haas made a motion to amend ordinance O-2025-15 to change item 3.2.a to three dwelling units instead of six. The Chair asked for a second and there was none, so the motion failed.

Councilor Bosely made a motion to create an A version of Ordinance O-2025-15 to include the changes made this evening, which includes all staff changes shown in the redline and the change to item 3.2.c. Mayor Kahn seconded the motion, which passed on a vote of 9-1.

Planning Board Chair Harold Farrington made a motion to find that ordinance O-2025-15-A conforms with the Master Plan. Councilor Remy seconded the motion, which passed by unanimous vote of the Planning Board.

Councilor Williams made a motion to request that the Mayor set a public hearing for ordinance O-2025-15-A. The motion was seconded by Councilor Haas and passed on unanimous vote of the PLD Committee.

Excerpt - June 9, 2025 public workshop:

Ordinance O-2025-15 Relating to Amendments to the Land Development Code to Encourage Housing Development. Petitioner Jared Goodell proposes to amend various sections of the LDC to modify the definitions of the Front, Side, and Rear Setbacks and the Build-To Zone; Reduce the minimum lot size in the Neighborhood Business District to 5,000 sf; Increase the density allowed in the Medium Density District to 6 units per lot; Allow dwelling units on the ground floor in the Downtown Growth District for lots with frontage on "Type B" streets; and, Establish rules for applying zoning regulations to split-zoned parcels. The sections proposed to be modified include 1.3.3, 5.3.1, 5.3.2, 8.3.1(C), and 19.2 of the LDC.

Mr. Jared Goodell addressed the Committee and referred to the proposed ordinance, as it pertains to the purpose of the Neighborhood Business District, which is a unique zoning district along Marlboro Street, and referred to the Neighborhood Business District areas on the map of Keene. He referred to

the northern side of the Neighborhood Business District, which are all residential parcels, as well as on the south side and the southeasterly portion.

Mr. Goodell stated the current purpose of the Neighborhood Business District has no mention of residential uses, which would make it very difficult for a developer who wanted to develop in the Neighborhood Business District to, perhaps, ask for a variance. However, Mr. Goodell pointed out that residential uses are allowed in that Zoning District. Mr. Goodell stated he was seeking to amend the purpose of the Neighborhood Business District to include residential uses.

Mr. Goodell next referred to minimum lot sizes. Most of the parcels in the Neighborhood Business District, at the present time, do not conform to the minimum lot size requirement. If someone wanted to develop their lot and did not meet the minimum lot size, they would need to get a variance to develop the lot. Out of the 47 lots in Neighborhood Business District, only 23 are conforming lots. If the minimum lot size is reduced to 5,000 square feet, 42 lots will be conforming. He felt that reducing the minimum lot size will help with development in this area. Mr. Goodell felt this Zoning District was created to revitalize Marlboro Street.

The next proposal of O-2025-15 is allowing up to six dwelling units in the Medium-Density District, in which the current use standards don't allow more than three dwelling units on a lot. Mr. Goodell noted this district has some very large houses, 3,000 to 5,000 square feet in size. He felt the community can get more units of housing if we take these large houses and put multiple smaller units in them.

Mr. Goodell stated what he is proposing is if the units are 600 square foot gross floor area or less, that the code would allow up to six units of housing in that particular structure. The intent is not that you could build a 6,600 square foot new structure on a lot. It is more about the intent of repurposing already existing large buildings in that zoning district. He noted there is already State Law that does define "on existing buildings" and felt it is well within this Committee and the Council's purview to have language that says that this applies to existing buildings if you so choose.

Councilor Remy asked what the downside of not including the language that says if every dwelling unit is not more than 600 square feet; for example, why not just allow to six and not add the square footage requirement in there at all. Mr. Goodell stated he did not have good answer as to why we wouldn't make that number higher if the Committee so chose.

Mr. Goodell referred to the next proposed change. He noted to a use standard that pertains to the Downtown Growth district. He noted to a couples of parcels on a map, including St. Bernard's Church, the school behind the church, Wyman Tavern, Horatio House, Gilbo Avenue down Emerald Street on both sides, and east side of Main Street behind Community Way. He stated that right now, in Downtown Growth, you cannot have housing units on the first floor. He felt that that should be changed.

Mr. Goodell added there are Type A and Type B streets within the Downtown Growth Zoning District. He referred to the Type A streets, shown in hash blue lines, including Central Square down Main Street and down Gilbo Avenue. All the other streets located in Downtown Growth are Type B streets, highlighted in yellow on the map. He indicated that locating dwelling units on parcels on Main Street probably won't make sense. However, within other streets, such as Emerald Street and Dunbar Street, these are substantially filled with first floor dwelling units. He also referred to properties on Emerald Street, which have first floor dwelling units. He referred to the Arcadia Building, which has

first floor dwelling units but under the current zoning, that would not be allowed.

He noted to Davis Street, a Type B Street, which currently has residential on the 1st floor. The same is true with Spring Street. Mr. Goodell stated what he is proposing is dwelling units to be allowed above the ground floor on lots with frontage on Type B streets but prohibit first floor dwelling units on Type A streets.

Mr. Goodell stated if this change was to pass, he would be able to repurpose a 1st floor building he owns to residential in the next couple of years. He added there are other buildings on the east side of Main Street that could do the same.

Councilor Williams asked whether having dwelling units on the 1st floor is beneficial for disability access. Mr. Goodell agreed it would be and felt we need more of that, especially in the downtown area. He noted many of Keene's older buildings don't currently have elevators, they have just stairwells. Hence, allowing first floor dwelling units within buildings that are not necessarily on Main Street but close to Main Street and the bike path with good sidewalks would actually be a good thing for handicapped individuals.

Mr. Goodell then talked about his final proposed change to amend Section 19.2, non-conforming uses, to add language concerning lots split by zoning district boundaries. Mr. Goodell stated when a single lot falls into multiple zoning districts, there is a question as to whether you are allowed to do what you want to do on the lot. He referred to a lot on Wetmore and Winchester Streets, the Mint Car Wash lot. This lot is located in three different zoning districts. He referred to a single-family home also on Wetmore Street; the home is located in the Medium Density District, and the backyard is in the Industrial Zone. He referred to other lots in a similar situation.

He next referred to Washington Street, the old Fran's Garage site, which is located in two zoning districts. Mr. Goodell noted the building is in two different zoning districts (Commerce and Low Density), which he stated could be a problem if the building sells and they want to locate a new business.

Mr. Goodell stated what he is proposing is when there are lots that are large enough to be subdivided, the provisions of each Zoning District shall be separately applied to the portions of the lot. In other words, if you have a giant lot that could be subdivided, you have each subdivided portion of the lot in its distinct zoning district, then the zoning parameters of that piece of the land have to stay. However, if the lot can't be subdivided because of dimensional requirements, lack of frontage, lack of acreage, etc., then the portion of land in the lot that cannot be subdivided should adopt the usable portion of the land's zoning designation.

Mr. Goodell pointed out that City Staff noted in their Staff report, there are several communities that handle this issue differently. Mr. Goodell referred to how another community handles this issue. It would be an option of the landowner; specifically, the landowner wouldn't be required to have the non-subdividable portion of the lot assume the Zoning of the parent portion of the lot. However, if they wanted to have the lot adopted for whatever project they want to put in place, they could do that. Mr. Goodell stated City Staff have indicated this issue has come up in the past on several occasions. He stated this issue does come up and cause problems for developers or people who want to do something with their land. This concluded Mr. Goodell's presentation.

The Chair asked for Staff comments next.

Ms. Brunner addressed the Committee and stated for the setback and Build-To Dimensions, the proposed changes are to have front setbacks only apply to the first building on a lot, the rear set back would apply to any building on a lot unless otherwise permitted, side setback would apply to a building unless otherwise permitted, and BTZ would apply to the first building on a lot. Ms. Brunner stated that when Staff reviewed this item to see what the potential impacts could be if this ordinance were adopted as presented, it would be a change to how we currently treat setbacks. It could potentially, over time, change the look and feel of residential neighborhoods with established building frontages, because once one building meets the front set back any other buildings would not need to meet the front side back. She noted the main impact is just that it would kind of be out of character with the other buildings along the street. For corner lots, it could be an issue with the site triangle for turning, which is why in residential districts today you have an increased set back on a corner lot to make sure there is clear space for those sight lines.

On the flip side, it would also give people more flexibility about where to put buildings on their lot.

As far as consistency with the Master Plan, Ms. Brunner stated she didn't find anything in the Master Plan that would support changing setbacks in areas outside of the downtown. However, within the Downtown Districts, having more flexibility to build outside of the Build-To Zone may be appropriate, if the City is protecting that street facade and the pedestrian realm, as was discussed during the earlier workshop this evening.

With respect to the Neighborhood Business District, this is a zoning district that has 48 parcels along Marlboro Street. They all pretty much front on Marlboro Street. This district was formed at the same time the Business Growth and Reuse and the Residential Preservation Districts were formed along Marlboro Street, which is part of the rezoning project in 2017. Ms. Brunner referred to the intent statement, as the petitioner noted doesn't mention residential uses. However, residential uses are allowed in this district and felt it makes a lot of sense to include residential in the intent statement. Ms. Brunner stated when reviewing this issue, Staff found why it was adopted the way it was adopted; City Council, at that time, felt it was important that the area along Marlboro Street be considered Downtown Districts for the purposes of the 79-E incentive zoning. In order to be eligible to be part of a 79-E district, which is for downtown revitalization, it has to be a Downtown District. Ms. Brunner stated one suggestion Staff would have would be to keep the reference to this district as being an additional downtown district and then just add in the residential uses.

With respect to the uses allowed in this district, almost all of the residential uses are allowed here, so that includes dwelling above ground floor, multifamily dwelling, single family and duplexes. There are also commercial uses. Many of these uses have size limitations and are meant to be smaller-scale neighborhood serving businesses. The dimensions in siting and the buildout is about the same size as a residential lot and these were mostly because these were residential lots. Ms. Brunner stated the vision City Council had, upon reviewing minutes, was for this area to become more commercial, but they wanted it to be smaller scale and compatible with the neighborhoods that they immediately abut.

In looking at the lot sizes, 24 out of 48 lots are less than 8,000 square feet today. This is a very high percentage that does not conform to the minimum lot size. Ms. Brunner stated, as the petitioner noted, reducing the minimum lot size would make many of the lots in this district conforming, with respect to lot size. However, this is also a district that is highly built out. Lots that are less than 8,000 square feet today that have a use on them are allowed to continue and are

considered to be legally non-conforming.

Ms. Brunner referred to the intent statement and indicated what Staff might recommend the language to say neighborhood business district is intended to serve as an additional Downtown Zoning District that provides for a heterogeneous mix of smaller size businesses, professional uses and residential uses.

Ms. Brunner went on to say one thing this Committee may want to consider is the impacts of going down to a smaller lot size. It really does decrease the buildable area on a lot if you don't look at the setbacks. Ms. Brunner referred to a table and images on the presentation and explained the number of lots that are non-conforming due to lot size would go down from 24 to 13. The maximum building coverage for the minimum lot size and the maximum lot coverage is 55% and 65% respectively. For a lot that is 8,000 square feet, depending on what the dimensions are, the buildable area comes out to about 4,200 square feet. When you go down to 5,000 square feet, if you keep the setbacks the same, the buildable area goes down further.

For a district with a lot size that is small, it would make sense to reduce the setbacks.

Ms. Brunner reviewed the current setbacks for the Neighborhood Business District. The Build-To Zone is 5 to 10 feet for the front, 10-foot side setbacks, which gets doubled if it's a corner lot, and 20-foot rear setbacks. There are a number of accessory structures that can go up to 10 feet of the rear lot line, including accessory dwelling units. Staff have the opinion that reducing the rear setbacks to 10 feet won't have a huge impact, but it will increase the buildable area significantly.

In terms of consistency with the Master Plan, this is a traditional neighborhood mixed-use area. It is an area that is identified as being appropriate for more growth. It specifically says that it is well suited for increased growth and density if attention is given to compatibility with existing neighborhoods. A smaller minimum lot size would encourage a more granular development pattern, which is more typical of an urban area. It could also promote more pedestrian activity along the streetscape, if the areas are developed with appropriate building placement and activation. It would, however, be a Commercial Zoning District, and would have a smaller lot size than the adjacent residential districts. Currently, the adjacent residential districts, which are Low-Density and Residential Preservation, have a 10,000 square-foot minimum and an 8,000 square-foot minimum lot size, respectively.

Councilor Remy referred to the lot sizes Ms. Brunner referred to and felt you might be able to get a little bigger than 1,950 buildable area if you change the lot dimensions. Ms. Brunner stated the effect setbacks tend to have is that they tend to promote a less granular development pattern because you get more buildable area with a larger lot. It encourages people to combine small lots together and build one building instead of building multiple small buildings along the street.

Councilor Haas asked how many of these non-conforming lots also have non-conforming setbacks. Ms. Brunner stated she did not have an exact number but there are quite a few and added there is one that goes right up to the lot line.

Mr. Kost stated what he envisions are smaller scale lots closer together and felt this would change the visual approach, which would be a big change. Ms. Brunner felt some areas would match what is being proposed; 50% of the parcels today are less than 8,000 square feet. The smallest parcel is just over 1,000 square feet in size.

Ms. Brunner next referred to the Medium Density District. This is a residential district that is intended to provide for medium intensity residential development and associated uses. All uses in this district are required to have City water and sewer. Most of the Medium Density parcels are located pretty close to downtown.

However, there are pockets of Medium Density parcels that are located further out. This includes the area along Park Avenue, which has larger undeveloped parcels that are zoned Medium Density. Along Maple Avenue, there are a few parcels of Medium Density. There are some parcels on Washington Street and few parcels on Route 101, close to the town line with Marlborough.

This district is mostly for residential uses. Ms. Brunner referred to a list and noted that every use on this list with a CUP next to it is only allowed as part of a Cottage Court development, with the exception of a small group home that is allowed as part of a Congregate Living and Social Services Conditional Use Permit. Multifamily currently is only allowed if you have three units or less. More than three units would require a Cottage Court Conditional Use Permit.

Ms. Brunner went on to say that the proposed ordinance is proposing to allow up to six units with each unit being no more than 600 square feet in gross floor area. This type of development would already be allowed today, with the Cottage Court Overlay Development. The main effect that this change would have is that it would allow that to happen by right instead of going through the CUP process. Ms. Brunner went on to say that this could have an increase in impact on the surrounding neighborhood. There might be a higher demand for on street parking, increased traffic issues, screening, and trash areas, etc. However, because this is a residential zoning district, unless it goes through the Cottage Court process, all of those units have to be in the same building. Therefore, some sort of planning review would be required, depending on what level of review. If it meets the threshold for site plan review, there would be a public hearing and a public process. If it doesn't meet the threshold, it could be done as an Administrative Planning Review, which would address some of the impacts. The flip side to that is that there wouldn't really be an opportunity for neighbors to learn about the development ahead of time or participate in the process and be able to voice their concerns.

It would make it easier for more development and add more density in units by right and possibly without going through a public process for the neighbors to find out about it.

Ms. Brunner stated she wasn't entirely sure if these neighborhood areas have heard about this proposed change yet, or how much time they have had to learn about this change to share their thoughts and concerns. Ms. Brunner stated, for this portion, she would recommend continuing the public hearing to give the neighborhoods more time to learn about this, so that they could share what concerns they might have.

Councilor Remy suggested that to ease into the process, for every one of these that comes forward, add a requirement that they have to come before the Planning Board for review. However, five years from now, when this become a routine, the threshold can be changed for lower-level review.

Mr. Kost stated that in theory, to take a 6,000 square foot house and make it into more apartments is a great thing. However, this could increase vehicular traffic and an increase to paved areas around some of these Victorian homes. It would also increase impervious surfaces, runoff, etc. Mr. Kost added it could solve the housing problems but could add other issues to neighborhoods and felt this is something to keep in mind.

Councilor Bosley noted that when you read through the Land Development Code, the different districts have buildable percentage, green space percentage, impervious surface percentage, and every unit is required to have one on-site parking space. Hence, you would be limited by the number of units that you could install in a building based on those parameters. She added in the Medium Density District, 30% of the lot has to remain as open space, 45% maximum building coverage, and 60% maximum impervious coverage. If your building took up 45%, you would be allowed 15% for parking. For a three-unit building, you might be able to get two more spots and limited to the number of units based on the extenuating circumstances.

Councilor Haas stated he is in favor of densification, particularly in the downtown areas. He felt residents of these Medium Density districts already might feel densified and felt the City needs to be careful about pushing more residences and more apartments into these spaces.

Councilor Madison stated he agrees with Councilor Haas to a certain extent, but living in the Medium Density district on Elm Street, they have many lots that are less than half of the minimum lot size. His lot is only 6,500 square feet and it has two apartments. He did not feel densification was going to be too much of an issue.

Councilor Williams stated one reason he likes densification is that it provides more demand for better City services.

Ms. Brunner went on with her presentation and noted that when it comes to consistency with the Master Plan, it can be tricky. The Medium Density District is located in various sections of the Future Land Use maps. Some of those areas the Future Land Use map calls out as being appropriate for increased density, and some of them it calls out as not being appropriate for increased density. She noted the majority of them are in the more downtown areas, where increased density is called as being desirable and felt engaging with the neighborhoods more proactively is recommended.

With reference to the Downtown Growth District, Ms. Brunner noted to a map and indicated the parcels in dark grey as being Downtown Growth and parcels in blue are Downtown Core. The intent statement for the Downtown Growth district states as follows: The downtown growth district accommodates the reuse of existing structures within downtown Keene, as well as new construction of significant size. It is intended to provide the flexibility needed to create a mixed-use environment suitable for commercial, residential, civic, cultural, and open space uses in areas of downtown where growth is desired. The standards for new construction and infill that complement the walkable urban form of Keene's downtown.

This district is located along the old railroad lands and allows for pretty high intensity uses and with higher massing in scale compared to any other district in the City, except for maybe Downtown Core. For example, the maximum height is seven stories, or 85 feet. Allowed commercial uses include bars, event venues, funeral homes, restaurants, indoor recreation, entertainment facilities and light retail. The zoning requirements for this district vary slightly based on the adjacent street type, which can be either Type A or Type B.

Type A streets are defined as those streets and or pedestrian rights of way that are designated as areas of greater focus for the design and placement of structures to ensure consistent, walkable pedestrian orientation.

Type B streets are all streets and or pedestrian rights of way within the downtown core and

downtown growth districts that are not classified as type A streets. They allow for a little bit more flexibility in design and the placement of structures. As well as consideration of both walkability and the interface between building design and automobile.

Ms. Brunner referred to Type A streets, which include a short section of Washington Street, a short section of Court Street, all of Central Square, Main Street down to the Winchester Street Marlborough Street intersection and then Gilbo Street to where it makes that turn to get to West Street.

Type B streets are West Street, Emerald Street, Roxbury Street, and Railroad.

This ordinance is proposing to allow multifamily dwellings on the ground floor for properties that have a frontage on a Type B street.

Ms. Brunner stated that these are areas where the community has voiced a desire to see the downtown development pattern extend. However, allowing residential uses on the ground floor in some of these areas may be undesirable for a few reasons.

One of the issues could be privacy concerns for residents. Our downtown district does require high transparency on the ground floor (a lot of windows). Along a type A Street, it's a 50% transparency and along a Type B street, it is a 40% transparency.

For residential uses on the ground floor, having that many windows could cause privacy concerns if the units are right up against the street. There can also be noise issues associated with having a lot of foot traffic going past a unit and it creates dead zones along the street where there is a lack of interaction between the street and the building. Going back to the concept of having building activation, residential uses are generally not recommended in areas where you want that active street façade.

However, Ms. Brunner stated she felt it was appropriate for residential uses to be located on the ground floor on the interior of the lot, set back from the street.

She reminded the Committee that in the Commerce Districts, the solution for allowing residential uses on the ground floor was to have some tenantable commercial space along the primary street frontage, which could do well in this area.

Ms. Brunner next discussed consistency with the Master Plan. The Master Plan actually is pretty specific about residential uses on the ground floor. The downtown chapter of the Master Plan states that infill development in the Downtown Growth areas is desired, stating that community members recognized opportunity to foster new downtown development, specifically redevelopment and expansion of the existing downtown building pattern for the Gilbert Avenue area between Main Street and School Street. Many community members are concerned that potential development in this area might not reflect the downtown's existing built pattern. Other areas identified that could accommodate infill development include Emerald Street, Railroad Street, Railroad Square area, and areas around Winchester, Marlborough and West Streets. In addition, this chapter states that new buildings in the downtown should be positioned to support a human scale.

Moving building frontages up to the sidewalk and redevelopment areas of the downtown creates a

street wall that encloses and focuses street and sidewalk activity. Under the Downtown Vibrancy section, the Master Plan states retail and service businesses should continue to be placed on the 1st floor, with office and residential on the upper floors in order to maintain walkability and support downtown as a destination. However, the Master Plan is also very clear that residential development in the downtown is highly desirable.

It states that it will provide Keene with a more consistent street life and sustainable economy and will help attract new talent to the area by allowing for a diversity of housing types that appeals to different demographics.

Based on this, Ms. Brunner stated it would be appropriate to encourage more residential development in the downtown. However, the Master Plan is pretty clear about having residential uses above the ground floor, specifically to create that street activity component.

Ms. Brunner further stated when a zoning district is created, it generally follows the lot lines. However, over time, property owners may choose to merge lots or do Boundary Line Adjustments that can result in parcels that are located in more than one zoning district and referred to an image as an example. She noted that this lot has just under 10,000 square feet in commerce and the rest is in low density. This does create a hardship for the owner. In this case, they have a legally nonconforming use, but if they try to accomplish this today, it wouldn't be allowed. This is because their use is only allowed in commerce, but not necessarily in the low-density portion of the lot. The other example included in the Staff report is the Mint Car Wash site on Winchester Street and Wetmore Street. This is another lot that used to be separate lots that got merged. Now they are partially in High Density, Commerce and Industrial. Specifically, just under 10,000 square feet in Commerce, 10,000 in High Density and the rest is in Industrial.

What this ordinance is proposing to do is to create rules written in the Land Development Code as to how to treat these split zone parcels today. Staff treats these lots as sub-parcels. The portion that is in High Density on a lot would have to comply with the rules for High Density, the portion that is in Commerce has to comply with the rules for Commerce and the portion that is in Industrial has to comply with the rules for Industrial. A property owner's recourse is to go through the map amendment process and place the entire lot into one zone. If not, they have to live with those rules.

Ms. Brunner stated, many communities have chosen to give property owners more flexibility than that. Ms. Brunner stated Keene City Staff don't have anything to rely on to do that because Keene's zoning code is silent on how to treat split zoned parcels. This proposal would be, again, for lots that are larger enough to be subdivided. The provisions of each district would be applied separately to each portion of the lot. Ms. Brunner stated in this example on the screen for the Mint Car Wash site, the High Density parcels are big enough that they could be subdivided off and still meet the standards for high density. The rules of High Density would apply to that portion, but then if the lots are not large enough to be subdivided, which is the case for the Commerce portion, they could be treated the same as the largest share of the lot. This is just under 10,000 square feet. The minimum lot size is 15,000 square feet for Commerce in this instance. The property owner could choose to have this portion of the lot that's in Commerce be treated as if it were in industrial.

Ms. Brunner went on to say it would make sense to have flexibility written into the code for split zone parcels. She stated that in the Staff report, there are a few examples of how other communities have handled this issue. Some will give the property owner the ability to extend one district into another district by a certain amount (100 feet is most commonly used). Dense urban communities tend to

choose a smaller number like 40 feet or 50 feet.

Councilor Remy referred to language that says for lots not large enough to be subdivided....the largest share of the lot, or the district that comprise the largest share of the lot shall apply to the entire lot. He stated that according to this language, the property owner would have to use the Commerce section as Commerce, they would have to use it as Industrial because it is not large enough to be subdivided and the majority of the lot is Industrial. Therefore, Commercial has to be treated as Industrial. Councilor Remy continued to suggest the term "should" and change the language to read at the property owner's discretion.

In terms of consistency with the Master Plan, Ms. Brunner stated this item is very consistent because the top priority of the 2010 Master Plan was to make Keene's regulations more clear, consistent and easy to understand. Right now, a property owner would have no idea, looking at the code, how their property should be handled if it is in more than one zoning district.

Councilor Jones asked if there was another way to accomplish what is before the Committee. There are five amendments, and they are all meant to encourage housing. There are setbacks being built that are not related to 1st floor residential or to split parcels. He stated he did not have an issue with the amendments, but the public might find it to be difficult to understand. He suggested that the ordinance be split up instead of having it all in one document.

Councilor Bosley stated that type of a change would require this ordinance to be re-written and sent back for first reading to be changed to individual ordinances. She felt it would be too much of a change to split them and the Committee would have to make a decision if that was something that the Committee was interested in asking Staff to do. This would require Staff bring back five individual ordinances or the Committee can follow the path of keeping these together and letting it go to a public hearing and see what we get for public comment.

Councilor Bosley continued and stated she had modifications that she would like to see and felt the item should be continued. The Councilor stated she would like to see Section 1 removed, because this section is included in Staff's original ordinance. In Section 2, a reference to the Downtown Zoning District be continued in order to protect the 79 E availability. In Section 3, see setbacks halved to accompany that. For Section 4, re-densify Medium Density, but take out the 600 square foot minimum. The Councilor stated she is only comfortable having residential in the Downtown Growth district where it mirrors the Committee's decision about the Commerce district. The Councilor also suggested to change "shall" to "may" for owner's discretion. She is satisfied with Mr. Goodell's addition of the split zoning definition.

Councilor Remy stated he mostly agrees with Councilor Bosley's suggested amendments. He stated he would like to reduce the interior side setbacks down to five feet but leave the rear and front setbacks at ten feet.

He stated, with reference to units, three to six units for Medium Density needs to go to Planning Board for review or indicate that they are allowed by special exception.

Councilor Haas stated for split zone parcels, make sure that it's the owner's choice. As far as the residential dwellings on the ground floor, it is being defined out of the street type. He felt the Committee should reconsider what streets should be Type A streets, especially in light of the new Master Plan and the potential development the City wants to see on the west side of Main Street and

Emerald Street.

Councilor Bosley indicated if this item is continued and it is brought back with changes, to bring all of the things that are affected by the street typing.

Mr. Kost referred to Downtown Growth and noted for first floor residential, the first floor could be the entry and then you go upstairs to the living area. Trying to balance how a first floor can be absorbed so we don't end up with a lot of empty glass fronts in the long run.

The Chair asked for public comment next.

Mr. Toby Tousley of 500 Washington Street addressed the committee. Mr. Tousley stated this will make it easier to put a commercial property in that zone. For Medium Density, he asked the Committee to give more consideration to the 600 square feet proposal. Primarily, the difference between 600 square feet and 1000 square feet is another bedroom. In addition, 1000 square feet would be a two-bedroom apartment. If they are smaller, you won't add all those extra vehicles. He stated there is a need for smaller apartments, especially for parking reasons.

With reference to Downtown Growth and 1st floor apartments, Mr. Tousley stated some of the issues with many of the buildings in Downtown Growth is that they are too deep, which makes locating a business in such a space not very sustainable. He felt locating a residential area at the rear of one of these buildings makes sense, regardless of the street type. As far as split zones, he felt it should be at the discretion of the landlord.

Mr. Goodell addressed the Committee again and referred to Medium Density. He felt the Committee could again say existing buildings is what this applies to on the additional units. He stated the purpose of all these proposals is to cut the red tape process and hence hope the Committee would not go in the route of Conditional Use Permits or special exceptions.

With reference to public notification, Mr. Goodell stated he spent to have this application noticed by certified mail and in the newspaper, and only one person showed up.

With reference to large windows and transparency, Mr. Goodell referred to the Colony Mill site, which has first floor units, and those windows are big and that site has a waiting list, which indicates that people are OK with this type of dwelling units.

With reference to Councilor Jones's point about why these items were submitted under one ordinance, Mr. Goodell stated because it costs money. He stated it costs almost \$300.00, and submitting the ordinance five times would be very costly.

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

A motion was made by Councilor Bosley to continue the public workshop for O-2025-15 to the July 14 PB-PLD Committee meeting. The motion was seconded by Councilor Madison.

Ms. Brunner addressed Councilor Remy's point about wanting there to be a public process.

She stated someone can construct six units today with Planning Board review. Hence, allowing up to six units by right, but then requiring Planning Board review doesn't really do anything because this already exists today. The Councilor stated he wanted to make sure it did not go before a lower Board. Ms. Brunner added that all Conditional Use Permits have to go to the Planning Board and all

abutters within 200 feet get noticed.
The motion carried on a roll call vote.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Amendments to the Land Development Code to Encourage Housing Development in Keene

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. Amend Section 5.3.1, titled Purpose, as follows:

The Neighborhood Business (NB) District is intended to serve as an additional downtown zoning district that promotes smaller sized business, ~~and professional uses,~~ **and residential uses** which support adjacent neighborhoods and workplaces, with an orientation toward pedestrian and bicycle access. Some uses are restricted in size to limit adverse impacts on nearby residences and to maintain a pedestrian scale of development. All uses in this district shall have city water and sewer service.

2. Amend Section 5.3.2, titled Dimensions & Siting, as follows:

Min Lot Area	8,000 sf <u>5,000 sf</u>
Min Road Frontage	50 ft
Front Setback <u>Build-to Zone</u>	5 <u>0-10 ft Build-to Zone</u>
Min Rear Setback	20 <u>10</u> ft
Corner Side Setback <u>Build-to Zone</u>	5-10 ft Build-to Zone
Min Interior Side Setback	40 <u>5</u> ft

3. Amend Section 8.3.1(C), titled Dwelling, Multi-family, as follows:

1. Defined. A structure containing 3 or more dwelling units located on a single lot, with dwelling units either stacked or attached horizontally, which is designed, occupied, or intended for occupancy by 3 or more separate families.

2. Use Standards.

- a. In the Medium Density District, no more than ~~3~~ **6** dwelling units are allowed per lot.

b. In the Downtown Core District, ~~Downtown Growth District~~, and Commerce District, dwelling units shall be located above the ground floor.

c. In the Downtown Growth District, dwelling units may be permitted on the ground floor if located behind tenantable commercial space or behind the Build-to Zone.

4. Add a new section to the end of Article 1, Section 1.3 “Rules of Measurement & Exceptions,” as follows:

1.3.9 Lots Split by Zoning District Boundaries (Split-zoned lots).

Where an existing lot of record falls into more than one zoning district, the provisions of each district shall be applied separately to each portion of the lot, with the following exception:

a. For lots or portions thereof which are not large enough to be subdivided, the property owner may choose to apply the provisions of the district which comprises the largest share of the lot to the portion(s) of the lot that cannot be subdivided.

For the purposes of this subsection only, when determining if a lot or portion thereof is large enough to be subdivided, the following shall be considered:

i. Each portion of the lot in each distinct zoning district shall be evaluated separately to determine whether new legal lots could be created that are not split-zoned.

ii. Any portion of a lot that could be subdivided legally based on the underlying zoning district shall comply with the requirements of the underlying zoning district.

Jay V. Kahn, Mayor



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Amendments to the Land Development Code to Encourage Housing Development in Keene

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. Amend Section 1.3.3, titled *Setbacks & Build-To Dimensions*, as follows:

~~A. Building Setback.~~ The required minimum or maximum distance a building or structure must be located from a lot line, which is unoccupied and unobstructed by any portion of a building or structure, unless expressly permitted by this LDC.

~~1. Front Setback.~~ The required minimum or maximum distance that a building or structure must be located from the front lot line. Only the first building or structure on a lot shall be required to comply with the Front Setback requirement, unless otherwise prohibited by this LDC.

~~2. Rear Setback.~~ The required minimum or maximum distance that a ~~any~~ structure building or structure must be located from the rear lot line, unless otherwise permitted by this LDC.

~~3. Side Setback.~~ The required minimum or maximum distance that a building or structure must be located from the side lot line, unless otherwise permitted by this LDC. A side setback may be measured perpendicular to the interior side setback or to the corner side lot line.

~~a. In residential zoning districts, the corner side lot line shall be measured from the property line adjacent to the street and shall be 10 ft greater than the minimum side setback required in the zoning district.~~

4. Structure Setback Exceptions.

~~a. The following may be excluded from required setbacks.~~

- ~~i. Steps and stairs necessary to provide access to a building or structure~~
- ~~ii. Access landings up to 25-sf~~
- ~~iii. Structures necessary to afford access for persons with physical disabilities~~
- ~~iv. Canopies and awnings~~
- ~~v. One detached utility accessory building of less than 125-sf (e.g. garden shed)~~
- ~~vi. Fences~~
- ~~vii. Signs as regulated by Article 10~~

~~b. Paved and unpaved parking lots and associated travel surfaces associated with all uses other than single and two family dwellings shall comply with the setback requirements in Section 9.4 of this LDC.~~

~~c. Driveways and parking spaces associated with single and two family dwellings shall comply with the setback requirements in Section 9.3 of this LDC.~~

~~d. If a front building setback extends beyond the front of a legally nonconforming building, an accessory use or structure may occupy the portion of the front setback beyond the front of the building.~~

~~e. The following structures may encroach up to 10-ft from the rear lot line of lots in residential zoning districts:~~

- ~~i. Pools, either above or in ground~~
- ~~ii. Decks, either detached or attached~~
- ~~iii. Garages, either detached or attached~~
- ~~iv. Accessory Dwelling Units, either detached or attached~~

~~**B. Building Façade Line.** The vertical plane along a lot where the building's façade is located. Upper story building facade lines relate to that part of the façade that requires a setback.~~

~~**C. Build-To Line (BTL).** A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where a structure must be located. The building façade line of a structure must be located on the build-to line. Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall.~~

~~**D. Build-To Percentage.** A build-to percentage specifies the percentage of the building façade that must be located within the build-to zone or at the build-to line. Façade articulation (e.g. window or wall recesses and projections) do not count against the required build-to percentage. Plazas, outdoor dining, and other public open space features that are also bounded by a building façade parallel to the frontage are counted as meeting the build-to percentage. Build-to percentage is calculated by building façade, not lot width.~~

~~E. Build-To Zone (BTZ). A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which a structure must locate. A BTZ sets a minimum and maximum dimension within which the building façade line must be located (e.g. 0-5 ft). Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall. Additional buildings or structures shall be permitted to be located outside the required build-to zone if at least one structure on the lot is located within the build-to zone.~~

~~2.~~ **1.** Amend Section 5.3.1, titled Purpose, as follows:

The Neighborhood Business (NB) District is intended ~~to provide for a heterogenous mix of smaller sized businesses, professional uses, and residential uses comprising of varied development forms,~~ to serve as an additional downtown zoning district that promotes smaller sized business, ~~and~~ professional uses, ~~and residential uses~~ which support adjacent neighborhoods and workplaces, with an orientation toward pedestrian and bicycle access. Some uses are restricted in size to limit adverse impacts on nearby residences and to maintain a pedestrian scale of development. All uses in this district shall have city water and sewer service.

~~3.~~ **2.** Amend Section 5.3.2, titled Dimensions & Siting, as follows:

Min Lot Area	8,000 sf 5,000 sf
Min Road Frontage	50 ft
Front Setback Build-to Zone	5 0-10 ft Build-to Zone
Min Rear Setback	20 10 ft
Corner Side Setback Build-to Zone	5-10 ft Build-to Zone
Min Interior Side Setback	40 5 ft

~~4.~~ **3.** Amend Section 8.3.1(C), titled Dwelling, Multi-family, as follows:

1. Defined. A structure containing 3 or more dwelling units located on a single lot, with dwelling units either stacked or attached horizontally, which is designed, occupied, or intended for occupancy by 3 or more separate families.

2. Use Standards.

- a. In the Medium Density District, no more than ~~3~~ **6** dwelling units are allowed per lot. ~~Notwithstanding the foregoing, if every dwelling unit is not more than 600 sf gfa, then 6 dwelling unit are allowed per lot.~~
- b. In the Downtown Core District, ~~Downtown Growth District,~~ and Commerce District, dwelling units shall be located above the ground floor.
- c. In the Downtown Growth District, dwelling units may be permitted on the ground floor if located behind tenantable commercial space or behind the Build-to Zone. shall be located above the ground floor on lots with frontage on a Type A street.**

~~5.~~ **4.** Amend Add a new section to the end of Article 1, Section 1.3 “Rules of Measurement &

Exceptions,” ~~19.2, titled Non-Conforming Uses, to add the following sub-section~~ as follows:

19.2.8 1.3.9 Lots Split by Zoning District Boundaries (Split-zoned lots).

Where an existing lot of record falls into more than one zoning district, the requirements of each district shall be applied separately to each portion of the lot, with the following exception: the following shall apply:

- a. For lots which are large enough to be subdivided, the provisions of each district shall be applied separately to each portion of the lot.**
- a. For lots or portions thereof which are not large enough to be subdivided, or otherwise fail to meet any dimensional standards required, the property owner may choose to apply the provisions of the district which comprises the largest share of the lot shall apply to the entire lot portion(s) of the lot that cannot be subdivided.**

For the purposes of this subsection 19.2.8 only, when determining if a lot or portion thereof meets dimensional standards is large enough to be subdivided, the following shall be considered:

- i. Each portion of the lot(s) in each distinct zoning district shall be evaluated considered separately to determine whether new legal lots could be created that are not split-zoned.**
- ii. Any portion of a lot that could be subdivided legally based on the underlying zoning district shall comply with the requirements of the underlying zoning district.**

Jay V. Kahn, Mayor

STAFF REPORT – ORDINANCE O-2025-15

Ordinance Overview

This Ordinance proposes several amendments to Chapter 100 of City Code, the Keene Land Development Code (LDC). The petitioner, Jared Goodell, notes that these proposed changes are intended to promote housing development. The proposed amendments include the following:

1. **Setback and Build-to Dimension Definitions:** Amend several definitions within Section 1.3.3 of Article 1 of the LDC to state that the “Front Setback” only applies to the first building on a lot, the Rear Setback applies to any building on a lot unless otherwise permitted, the Side Setback applies to a building unless otherwise permitted, and the Build-to Zone only applies to the first building on a lot.
2. **Neighborhood Business District – Intent & Lot Size:** Reduce the minimum lot size from 8,000 square feet (sf) to 5,000 sf and amend the intent statement to reference residential uses.
3. **Medium Density District - Density:** Double the number of dwelling units allowed per lot from 3 to 6 if the dwelling units are 600 sf gross floor area (gfa) or less.
4. **Downtown Growth District – Residential Dwellings on Ground Floor:** Allow residential uses on the ground floor within the Downtown Growth District for lots that do not have frontage on a “Type A” street.
5. **Split-Zoned Parcels:** Establish rules for applying zoning requirements to lots that are in more than one zoning district. In instances where the lot is large enough to be subdivided, each portion of the lot would be treated separately, and if the lot is not large enough to be subdivided, the rules of the zoning district that comprises the larger portion of the lot would apply.

This staff report provides a separate analysis for each of these proposed amendments. The analysis for each proposed amendment includes background information, a discussion of potential impacts, and an overview of whether and how the proposed amendment(s) is consistent with the 2010 Comprehensive Master Plan.

1. SETBACK AND BUILD-TO DIMENSION DEFINITIONS

Background

Setbacks and Build-to Dimensions, which are defined in Section 1.3 of the LDC, “Rules of Measurement & Exceptions,” are dimensional requirements that regulate the placement of buildings and structures on a lot.

In Keene, there are three types of building setbacks:

The **Front Setback** establishes the minimum distance between the front property line and any buildings or structures on the lot. It helps create consistent street frontages, ensure adequate space for site features such as utilities and landscaping, and provides some separation between the building and street.

The **Side Setback** is the minimum distance between the side property line and any buildings or structures on the lot. In residential districts in Keene, the corner side setback is 10-ft larger than the minimum side setback required in the zoning district. Side setbacks create spacing between buildings and impact privacy between neighbors, access for maintenance / emergency vehicles, and adequate fire separation. In addition, side setbacks can help promote natural ventilation between buildings and ensure access to daylight in more densely developed areas.

The **Rear Setback** is the minimum distance between the rear property line and any buildings or structures on the lot. Like side setbacks, rear setbacks help create spacing between properties to protect privacy and, in more densely developed areas, access to daylight.

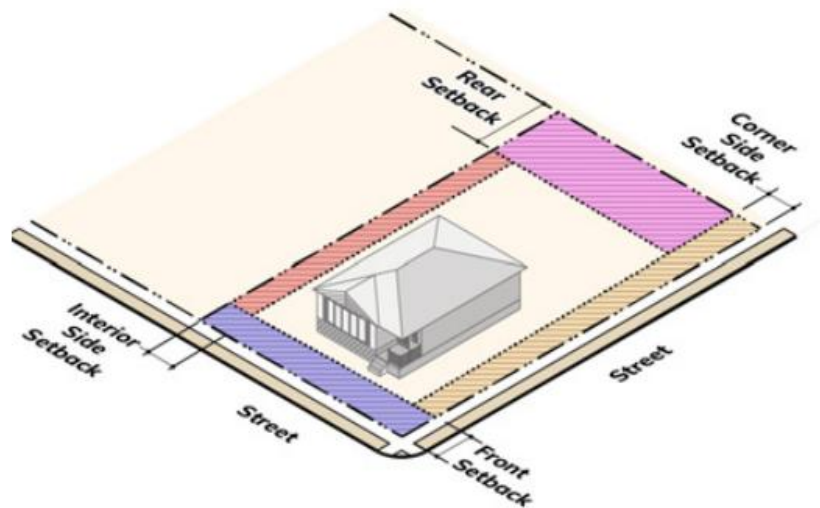


Figure 1. Illustration depicting the Front Setback, Interior Side Setback, Corner Side Setback, and Rear Setback on a lot.

Build-to dimensions are also used to regulate the placement of buildings and structures a lot; however, whereas setbacks are designed to ensure spacing between buildings and the street, build-to dimensions encourage building placement closer to the street. This helps to create a pedestrian-scale, walkable streetscape that fosters social interaction. These dimensional requirements are typically used in downtown areas of the city. There are three types of “Build-to” dimensions in Keene:

A **build-to line (BTL)** is a set line on a lot, measured perpendicularly from the applicable lot line, where a structure must be located. The building façade line of a structure must be located on the build-to line.

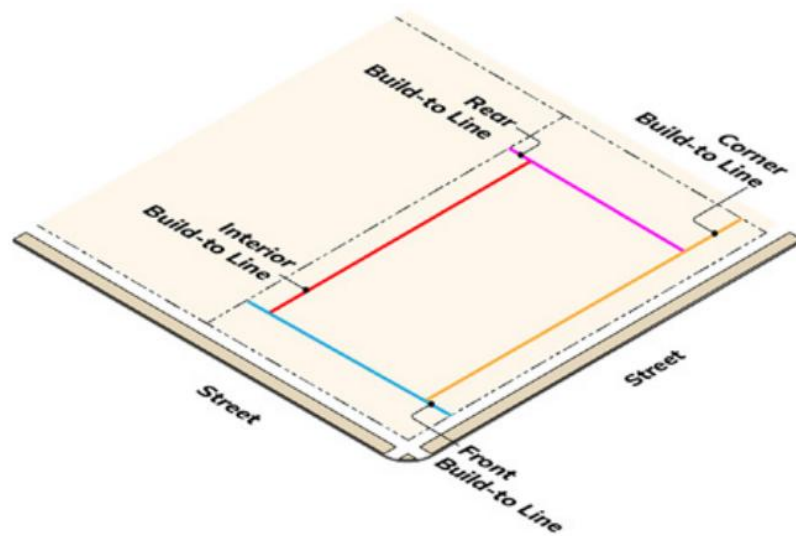


Figure 2. Graphic depicting the Front Build-To Line (BTL), Interior BTL, Corner Side BTL, and Rear Build-To Line on a lot.

A **build-to percentage** specifies the percentage of the building façade that must be located within the build-to zone or at the build-to line.

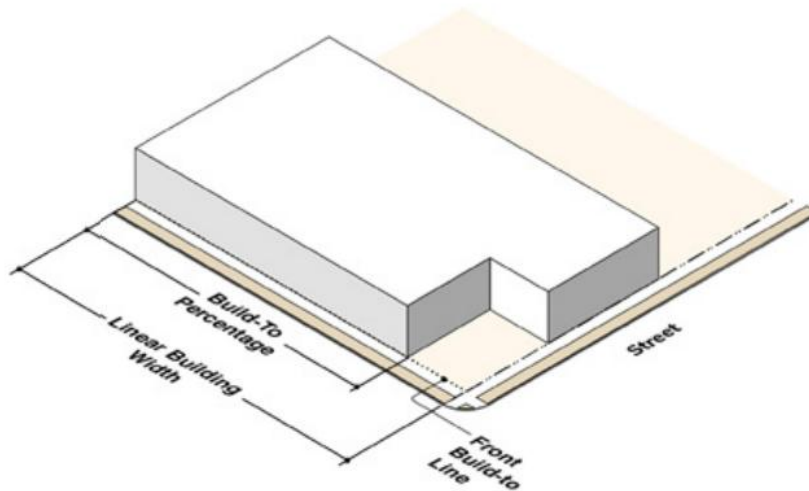


Figure 3. Illustration depicting the Build-To percentage and Front Build-To Line on a lot.

A **build-to zone (BTZ)** is the area on a lot, measured perpendicularly from the lot line, within which a structure must locate. A BTZ sets a minimum and maximum dimension within which the building façade line must be located (e.g. 0-5-ft).

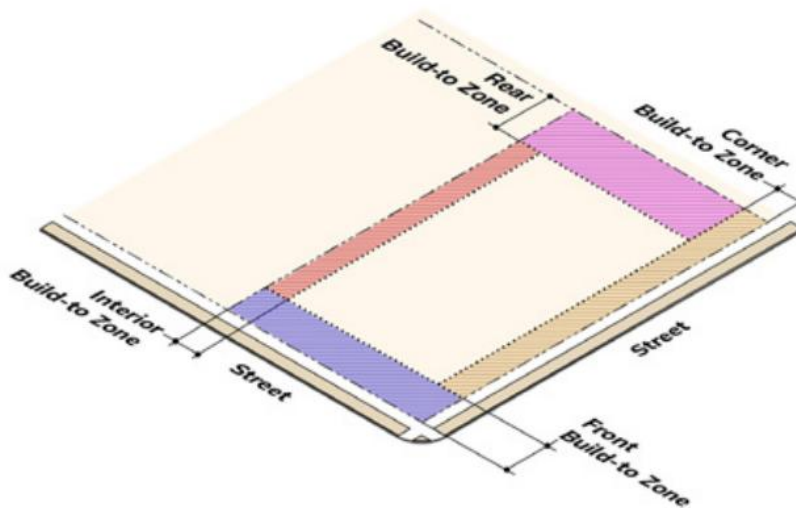


Figure 4. Graphic depicting the Front Build-To Zone (BTZ), Interior BTZ, Corner Side BTZ, and Rear BTZ on a lot.

Discussion of Potential Impacts

This ordinance proposes to amend the definition of “Front Setback” to state that it only applies to the first building on a lot, the definition of “Rear Setback” to state that it applies to any building on a lot unless otherwise permitted, the definition of “Side Setback” to state that it applies to a building unless otherwise permitted, and the definition of “Build-to Zone” to state that it only applies to the first building on a lot.

The effect of the proposed change to the definition of Front Setback would be to effectively eliminate all front setbacks citywide. In residential districts, where only one principal structure is allowed per lot, an accessory structure could be placed to comply with the front setback, then the principal structure (e.g., single family home, multifamily apartment building, duplex, etc.) could be placed on the front property line (or vice versa). Outside of the residential districts, where multiple principal structures are allowed per lot, multiple principal structures could be placed right up against the street. While this development pattern is desired in the historic downtown areas of the city, it could result in a large change to the look and feel of established neighborhood and commercial areas where front setbacks have been in place for decades. In addition, there could be long-term implications for future road improvements. For example, the recent Winchester Street projects (upper and lower) both required taking private land to accommodate road widening, bridge construction, and utilities. Because buildings along the street were set back from the existing road, this was accomplished without major disruption to private property owners because no buildings had to be torn down. However, this proposed change would open more land area for development and could make it possible for more density in some areas of the City. In addition, in new neighborhood areas or over a long period of time in established neighborhood areas, it could result in a more urban development pattern with a building line along the street.

The proposed change to the definition of Rear Setback would maintain the status quo by requiring that every building or structure on a lot would need to comply with the setback unless there is a specific exemption listed in the LDC; however, it is unclear whether the proposed change to the definition of Side Setback would maintain the status quo or whether it would mean that only one building on a lot would need to comply with the side setback. Based on a recent interpretation from the ZBA, staff would interpret this to mean that only one building on a lot would need to

comply with the side setback, which would have the effect of eliminating the side setback as well. The biggest impact of that change would most likely be impacts to abutting properties. For example, principal structures, which tend to be taller in height and have windows on exterior walls, could shade out the yards of neighbors and impact their sense of privacy. On corner lots, the side setback is also important for ensuring adequate sight lines at intersections, especially if the right-of-way is narrow. In those situations, a principal structure built right on the right of way line could impact the visibility and safety of intersections. This proposed change would also open up more land for development and could increase density in some areas of the City.

The proposed change to the Build-to Zone (BTZ) definition would result in only one building per lot being required to be placed in the build-to zone. This would provide property owners with more flexibility and choice in placing buildings on their lot; however, it could create gaps or “dead zones” (areas with inactive facades, blank walls) in the streetscape and impact the walkability of an area over time. This could occur if an accessory building, such as a shed or Conex box, is located in the Build-to Zone with the principal structure located behind (Figure 5, Lot 1). Another example could be a lot with wider frontage, where one building is placed in the BTZ and the rest are set back (Figure 5, Lot 2).

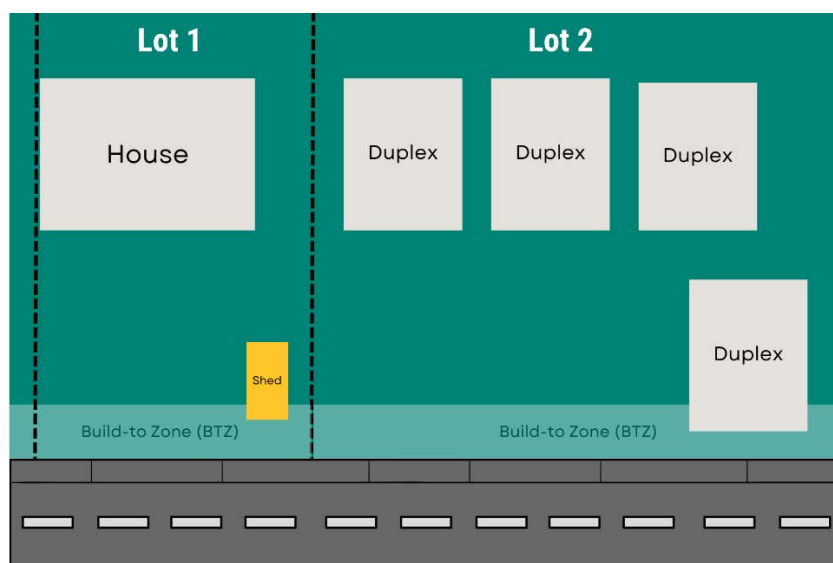


Figure 5. A Graphic depicting two lots with buildings placed both inside and outside the Build-to Zone (BTZ). Lot 1 shows a shed in the BTZ with a principal structure behind it, and Lot 2 shows a lot with four principal structures with one in the BTZ and three outside it.

Overall, the proposed changes would impact every parcel / area of the City and could open up a significant amount of land area for development by loosening restrictions on where buildings can be built. In the near term, this could create some undesired or unintended consequences, especially in well-established neighborhoods and commercial districts where new development could potentially disrupt the established development pattern. However, over time, these changes could make it easier to develop smaller lots and encourage a more granular development pattern that has a more urban look and feel.

Consistency with the 2010 Comprehensive Master Plan

The 2010 Comprehensive Master Plan envisions different development patterns and land use characteristics for different areas in Keene. For example, the Future Land Use Map shows a

primary growth area with mixed-use districts and opportunities for thoughtful infill development and redevelopment, walkable areas with accommodations for multiple travel modes, and increased density of development. Secondary growth areas are identified as ideal locations for measured, incremental residential growth, balanced with infrastructure capacity and expansion. Other areas identified include areas for commercial and industrial economic development, and areas where preservation of natural landscapes, agricultural lands and rural-residential uses are prioritized.

The proposed changes in this ordinance are most suited to the primary growth areas; however, staff recommend proactively engaging with the residents and businesses in these areas to identify their desired development pattern before making these changes to the zoning code. It may be appropriate to re-evaluate setbacks on a zone-by-zone basis and even explore performance-based zoning (form-based codes) for some of the areas outside the immediate downtown that have historic development patterns and architectural styles.

2. NEIGHBORHOOD BUSINESS DISTRICT – INTENT AND LOT SIZE

Background

The Neighborhood Business District is a relatively new commercial zoning district established in 2017 by Ordinance O-2016-01C, along with the Business Growth and Reuse District and the Residential Preservation District (Figure 7). This ordinance states *“The intent of this district is to create an additional downtown district that allows mixed-use development of small businesses to support the adjacent neighborhoods and workplaces. The district is intended to enhance the visual character of the existing commercial corridors as well as to encourage site designs that promote pedestrian circulation, small urban parks and transportation alternatives along Marlboro Street. Some uses which are not retail or service in nature are also allowed so that a variety of uses may locate in existing buildings.”*

Uses allowed in the district are shown in Figure 6, and include four residential uses, 11 commercial uses, one institutional use, two congregate living and social service uses, two open space uses, and an infrastructure use. Several of the uses, such as Office, Restaurant, and Light Retail Establishment, have use standards restricting the size of these business types. For example, offices are limited to 5,000 sf of gross floor area and restaurants are limited to 3,500 sf of gross floor area.

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Banking or Lending Institution	P	8.3.2.E
Bed and Breakfast	SE	8.3.2.G
Funeral Home	P	8.3.2.L
Neighborhood Grocery Store	P	8.3.2.V
Office	P1	8.3.2.W
Personal Service Establishment	P	8.3.2.X
Restaurant	P1	8.3.2.AC
Retail Establishment, Light	P1	8.3.2.AE
Specialty Food Service	P	8.3.2.AI
INSTITUTIONAL USES		SECTION
Day Care Center	SE	8.3.3.C
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
Residential Care Facility	CUP	8.3.4.J
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE		SECTION
Telecommunications Facilities	P1	8.3.7.E

Figure 6. The Permitted Use table for the Neighborhood Business District.

The dimensions and siting requirements for this district are shown in Figure 8 and generally encourage small-scale development that promotes interest and activity along the streetscape.

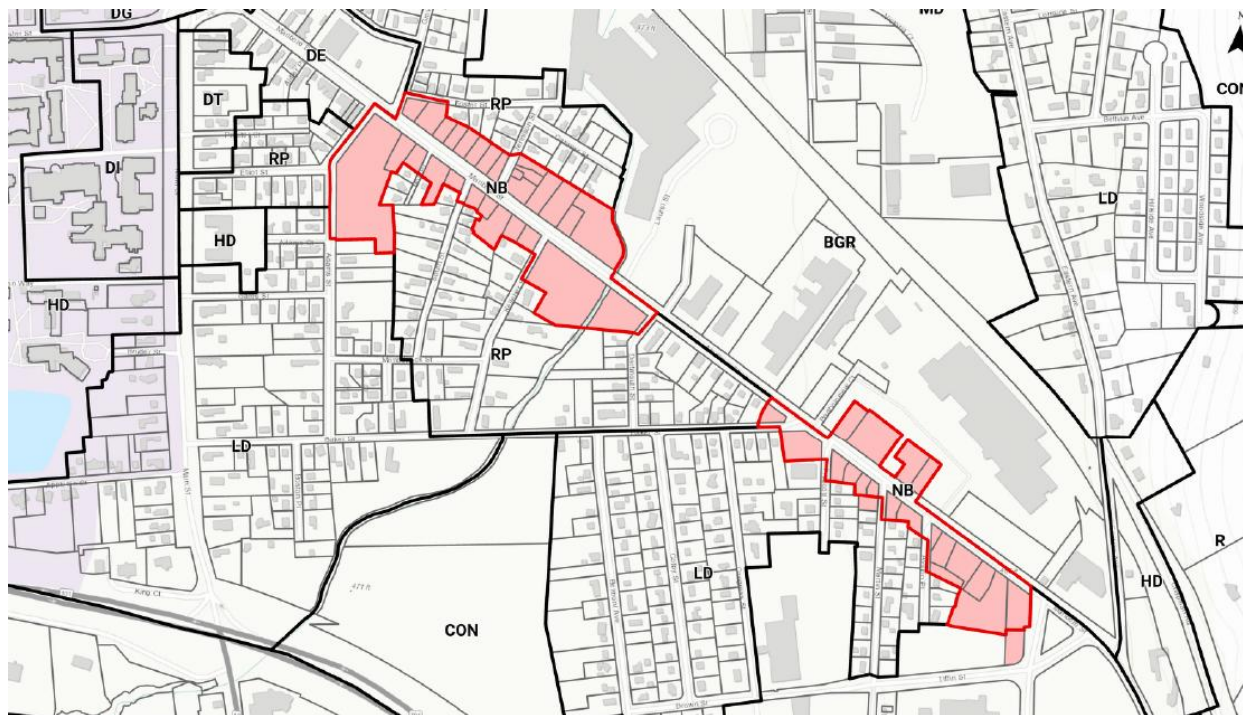


Figure 7. Map that shows the Neighborhood Business District (NB), highlighted in red.

5.3.2 Dimensions & Siting

Min Lot Area	8,000 sf
Min Road Frontage	50 ft
Front Setback	5-10 ft Build-to Zone
Min Rear Setback	20 ft
Corner Side Setback	5-10 ft Build-to Zone
Min Interior Side Setback	10 ft

5.3.3 Buildout

Max Building Coverage	55%
Max Impervious Coverage	65%
Min Green / Open Space	35%

5.3.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

Figure 8. Zoning dimensional requirements for the Neighborhood Business District.

There are a total of 48 properties in this district, with an average lot size of approximately 14,725 sf (0.338 acres), a median lot size of approximately 7,921 sf (0.182 acres), a minimum lot size of approximately 1,742 sf (0.04 acres), and a maximum lot size of approximately 108,900 sf (2.5 acres). The largest parcels in the district are the Wheelock Elementary School parcel (2.5 acres) and the U-Haul parcel (1.7 acres). The smallest parcel is a single family home on Jennison St. There are only two parcels in the district that do not have buildings on them.

Discussion of Potential Impacts

The petitioner proposes to amend the intent statement for this district to include a reference to residential uses, as follows:

The Neighborhood Business (NB) District is intended **to provide for a heterogeneous mix of smaller sized businesses, professional uses, and residential uses comprising of varied development forms,** ~~to serve as an additional downtown zoning district that promotes smaller sized business and professional uses which support adjacent neighborhoods and workplaces,~~ with an orientation toward pedestrian and bicycle access. Some uses are restricted in size to limit adverse impacts on nearby residences and to maintain a pedestrian scale of development. All uses in this district shall have city water and sewer service.

This proposed change would add a reference to residential uses in the intent statement, remove reference to this district as an additional downtown district, and remove the statement about uses supporting adjacent neighborhoods and workplaces. Given the fact that four residential uses are allowed in this district, including a reference to residential uses within the intent statement would not have a major impact. However, removing reference to this district being a downtown district may have implications for its suitability for the 79-E downtown revitalization tax incentive program, which is only for downtown areas or village centers. In addition, by removing the language about uses supporting adjacent neighborhoods and workplaces, the intent statement loses some of the original intent of the district when it was formed to complement the surrounding BGR and residential districts.

The second proposed change is to reduce the minimum lot size from 8,000 sf to 5,000 sf. A 5,000 sf lot would have a maximum building coverage of 2,750 sf (55%) and a maximum impervious coverage of 3,250 sf (65%), which would allow for small commercial or retail uses, small office buildings, and various residential uses. Currently, 50% of parcels in this district (24) are less than 8,000 sf in size. If the lot size is changed to 5,000 sf, 11 of these parcels will become conforming with respect to lot size, and 13 (27%) will remain as non-conforming (less than 5,000 sf in size). This would open up more opportunity in this district for redevelopment of these parcels, most of which are already developed

Consistency with the 2010 Comprehensive Master Plan

The 2010 Comprehensive Master Plan identifies much of the area along Marlboro Street that would be impacted by this request as a primary growth area, specifically a "Traditional Neighborhood / Mixed-Use" area.

The Future Land Use section of the Master Plan indicates that this area is well-suited for increased growth and density if attention is given to compatibility with existing neighborhoods. A smaller minimum lot size would encourage more granular development patterns that are typical of more urban areas and could also promote more pedestrian activity along the streetscape, if the area is developed with appropriate building placement and activation. However, in terms of compatibility with adjacent districts, this change would result in the NB District having a smaller lot size than the adjacent residential districts (Residential Preservation – 8,000 sf and Low Density – 10,000 sf minimum lot size).

3. MEDIUM DENSITY DISTRICT – DENSITY

Background

The Medium Density District is a residential zoning district that is intended to “provide for medium intensity residential development and associated uses.” All uses in this district are required to have city water and sewer service. Most of the Medium Density parcels are in areas relatively close to downtown Keene (Figure 9); however, there are also small pockets of Medium Density parcels in areas further away from downtown, including along Park Ave (undeveloped), Maple Ave, Washington St, and Route 101/Marlborough St near the boundary with the Town of Marlborough.

Uses allowed by right in this district include single family homes, duplexes, and triplexes (multifamily with a limit of 3 dwelling units per building), dwellings above ground floor, domestic violence shelter (with limitations) community garden, conservation area, and telecommunications facilities (with limitations). All other uses allowed in this district require a conditional use permit and, apart from small group homes, are only allowed in conjunction with a Cottage Court Development. Under the Cottage Court Overlay (CCO) District, up to six residential units are allowed per building if they are developed as horizontally attached townhomes. The commercial uses allowed under the CCO are only permitted on a corner lot, are restricted in size to 1,000 sf, and must have residential uses above them.

Because this is a residential zoning district, only one principal use is allowed per lot (unless the CCO option is utilized). A **principal use** is the main or primary use conducted on a lot or located within a building or structure, and is differentiated from an accessory use, which is any use subordinate in both purpose and size to, and is incidental to and customarily associated with, any principal use located on the same lot. Therefore, only one of the uses listed in the use table in Figure 8 are allowed on an individual lot in this district.

The dimensional requirements for this district, shown in Figure 10, encourage a development pattern that is moderate to low intensity with only 45% maximum building coverage and 60% maximum impervious coverage, a maximum height of 2 stories or 35 feet, and setbacks of 15 feet (front, rear) and 10 feet (side). For a lot that is 8,000 sf in size, this would result in a buildable area that is 3,600 sf and a maximum impervious coverage of 4,800 sf.

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

Figure 8. Permitted use table for the Medium Density District.

Discussion of Potential Impacts

This ordinance proposes to increase the density allowed per lot in this district from three units to six units if each unit is no more than 600 sf gross floor area in size. This type of development would already be allowed under current regulations with a Cottage Court conditional use permit, so the main effect that this change would have would be to allow for this use to occur by right rather than through a public CUP process before the Planning Board. This could result in an increase in impacts on the surrounding neighborhood area such as increased demand for on-street parking, increased traffic, and issues with screening parking and trash areas. However, because all the units would need to be in one building, planning review of some level (administrative, Minor Site Plan, or Major Site Plan), would be required for anything greater than a duplex and could help mitigate these impacts. In situations where only Administrative Planning Review would be required, there would not be an opportunity for public input on the site design; however, that could incentivize more housing development by removing uncertainty and an extra step in the process for developers.

It may make sense to proactively reach out to residents and property owners in the Medium Density District to better understand what concerns, if any, neighbors may have regarding this increase in allowed density so that those concerns can be addressed through the planning review or zoning process (if necessary).

Consistency with the 2010 Comprehensive Master Plan

The Medium Density District is in several different areas of the City and within several different areas of the Future Land Use Map, including within Downtown / Traditional Neighborhoods in the primary growth area, Low-Medium Density Residential / Secondary Growth area (Park Ave and Maple Ave pockets), and Rural / Low Density / Conservation areas (Washington St. and Route 101 pockets). The Future Land Use Plan states that the Traditional Neighborhood, Mixed-Use Areas and TDR Receiving Zone “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.” This proposal would allow for increased density to occur without having to go through the CUP process, which could make it easier to develop housing in these areas of the City.

The Low-Medium Residential / Secondary Growth areas and the Rural / Low-Density / Conservation areas of the Future Land Use Map are less appropriate for this level of density without more consideration given to site design details and potential impacts on surrounding Low-Density and Rural neighborhoods; however, the Medium Density parcels in these areas are either undeveloped or already developed with commercial, duplex, or multifamily uses. They are typically close to areas zoned for High Density residential or commercial uses. Because these pockets are not located in established neighborhoods, they are less likely to have adverse impacts on surrounding areas.

4. DOWNTOWN GROWTH DISTRICT – RESIDENTIAL UNITS ON THE GROUND FLOOR

Background

The intent statement for the Downtown Growth (DT-G) states “The DT-G District accommodates the reuse of existing structures within downtown Keene as well as new construction of significant size. It is intended to provide the flexibility needed to create a mixed use environment suitable for commercial, residential, civic, cultural, and open space uses in areas of downtown where growth is desired, with standards for new construction and infill that complement the walkable, urban form of Keene’s downtown.” A map of the downtown districts is shown in Figure 12.

The Downtown Growth District includes the areas of the downtown that have the most available land for new development and redevelopment to occur. This district is located along the old railroad land and allows for high intensity uses and lots with higher massing and scale than any other district in the city except the Downtown Core. For example, the maximum height is 7 stories/85 feet, and allowed commercial uses include (but are not limited to) bars, event venues, funeral homes, restaurants, Recreation / Entertainment Facilities – Indoor and Outdoor, and light retail establishments. While this district generally does not require on-site parking, many of the properties in this district are larger in size and have sufficient room to accommodate on-site parking if needed. However, public parking (on street and surface lots) is available throughout most of this district, and the intent is for this district, as it develops, to continue the pedestrian-oriented look and feel of the Downtown Core with buildings lining the street and parking located behind buildings.

The zoning requirements for this district vary slightly based on the adjacent street type, which can be either “Type A” or “Type B” (Figure 13). **Type A Streets** are defined as those streets and/or pedestrian rights-of-way designated as areas of greater focus on the design and placement of structures to ensure a consistent, walkable pedestrian orientation. **Type B Streets** are all streets and/or pedestrian rights-of-way within the DT-C and DT-G Districts that are not classified as Type A Streets. Type B Streets allow for more flexibility in design and the placement of structures, as well as consideration of both walkability and the interface between building design and automobile transportation.

Residential uses allowed in this district include “Dwelling, Above Ground Floor” and “Dwelling, Multifamily” with a use standard which states that all units must be located above the ground floor. Parking at a ratio of 1 space per unit is required for these uses. Dimensional standards require building facades to be located close to the street with significant ground floor activation (Figure 11). Of particular note is the requirement for a minimum ground floor transparency of between 40-50%, depending on the adjacent street type, and a minimum ground floor height of 14 feet. These dimensional standards are appropriate for commercial uses but would be challenging for residential dwellings to meet.

Building Activation	
L Min Ground Floor Height	14 ft
M Max Blank Wall Area	30 ft
N Max Building Entry Spacing	Type A Street: 75 ft Type B Street: None
O Max Height of Building Entry Threshold Above Sidewalk	3 ft
Min Ground Floor Transparency	Type A Street: 50% Type B Street: 40%
Min Upper Floor Transparency	15%

Figure 11. Building Activation requirements for the DT-G District.



Downtown Keene Zoning Map

(updated 4/29/22)

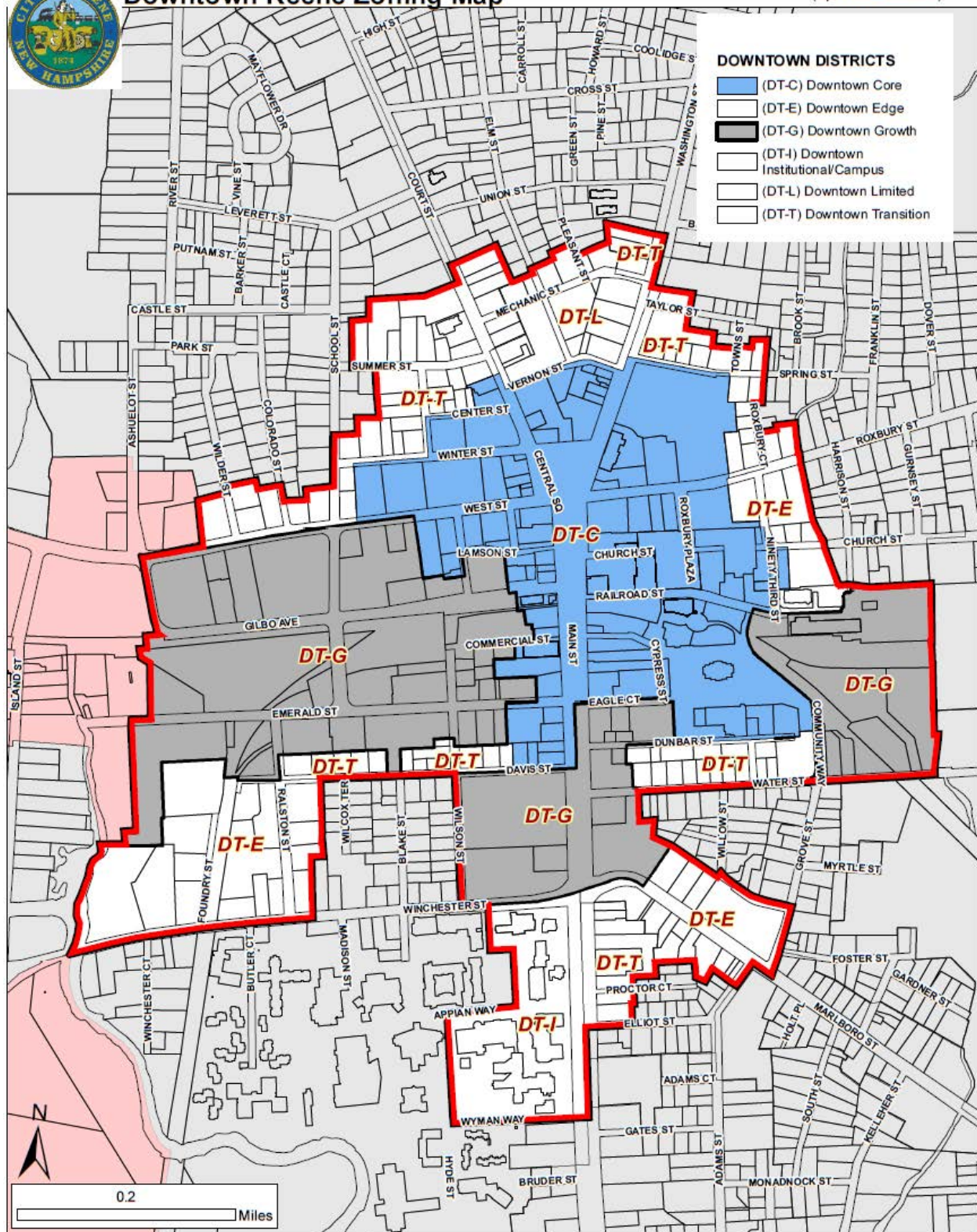


Figure 12. Map of the downtown zoning districts outlined in red, with Downtown Growth parcels shown in gray and Downtown Core parcels shown in blue.

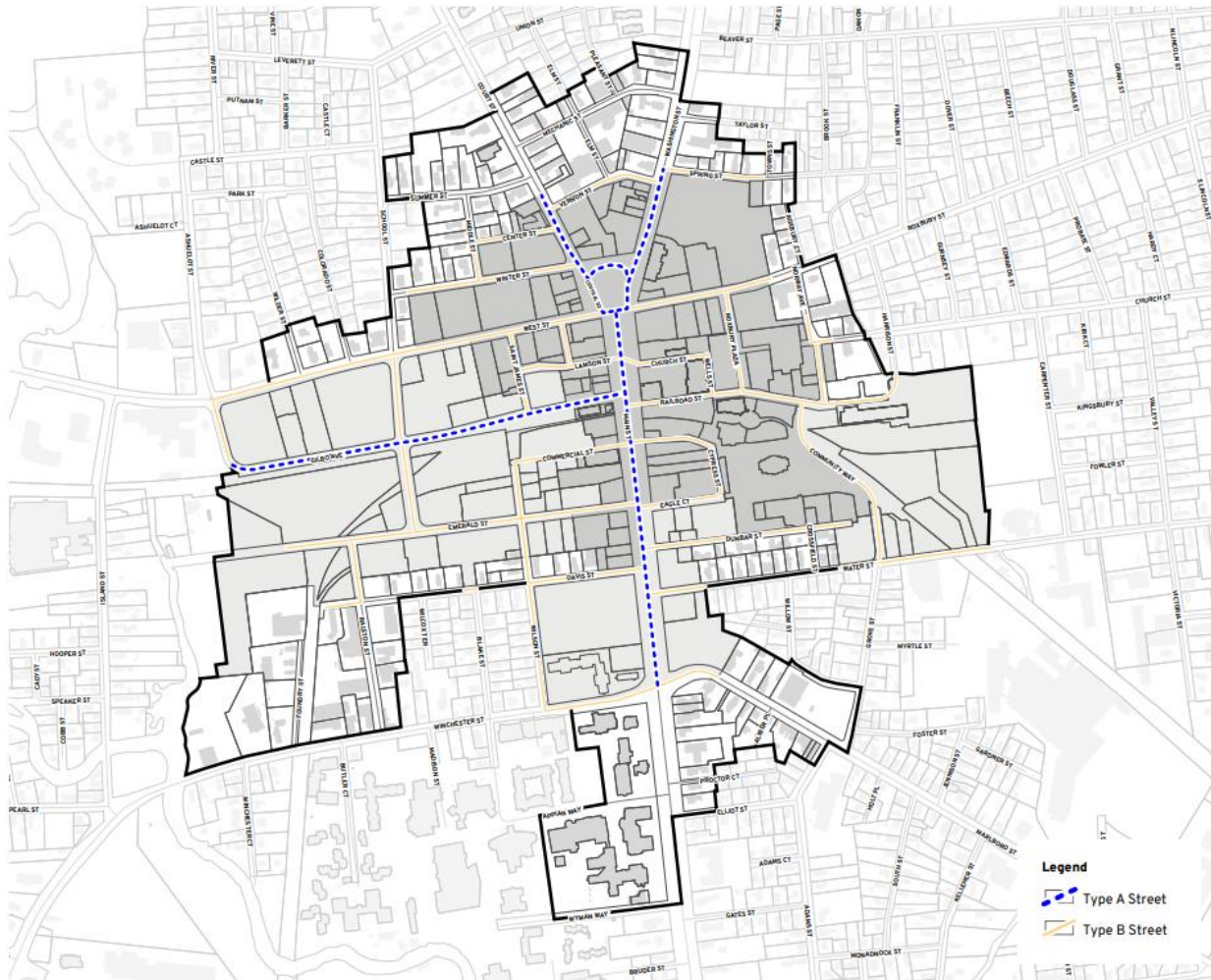


Figure 13. Downtown Street Types Map.

Discussion of Potential Impacts

This ordinance proposes to allow multifamily dwellings on the ground floor for properties in the DT-G District with frontage on a Type B Street. Specifically, this proposal would impact properties in DT-G on West St, Water St, Marlboro St., Winchester St, Emerald St, School St, Ralston St, and some of the smaller side streets in the downtown. Because these are areas where the community has voiced a desire to see a downtown development pattern with an active streetscape, residential uses on the ground floor along the street may be undesirable due to privacy concerns for the residents, noise issues associated with pedestrian traffic, and lack of interaction with the public realm. However, it could be appropriate for residential uses to be located on the ground floor on the interior of the lot or building as long as more active uses such as retail, restaurants, and other commercial uses are located along the street frontage.

Consistency with the 2010 Comprehensive Master Plan

The Downtown Chapter of the Master Plan notes that infill development in the DT-G areas is desired, stating “Community members recognized opportunity to foster new downtown development – specifically, redevelopment and expansion of the existing downtown building pattern for the Gilbo Avenue area between Main Street and School Street. Many community

members are concerned that potential development in this area might not reflect the downtown's existing built pattern." Other areas identified that could accommodate infill development include Emerald St, Railroad Square area, and areas around Winchester, Marlboro, and West streets. In addition, this chapter states that new buildings in the downtown should be positioned to support a human scale and notes that "Moving building frontage up to the sidewalk in redevelopment areas of the downtown creates a "street wall" that encloses and focuses street and sidewalk activity."

Under "Downtown Vibrancy," the Master Plan states, "Retail and services businesses should continue to be placed on the first floor, **with office and residential on the upper floors**, in order to maintain walkability and support downtown as a destination." (emphasis added) However, the Master Plan is very clear that residential development downtown is highly desirable because it will provide Keene with a "more consistent street life and sustainable economy" and will help attract new talent to the area by allowing for a diversity of housing types that appeals to different demographics. Therefore, while residential uses immediately adjacent to the streetscape are not supported by the Master Plan, residential uses in general are supported and encouraged in the downtown. As long as the residential uses are not along the street frontage, it is the opinion of staff that the intent of the Master Plan for this area of the city will be met.

5. SPLIT-ZONED PARCELS

Background

In general, when zoning district boundaries are created, they follow existing parcel boundaries wherever possible to avoid creating a parcel of land that is in more than one zoning district. Over time, however, voluntary mergers and lot line adjustments can result in parcels where a lot is "split zoned." When this occurs, the City treats each portion of the lot separately based on the zoning requirements of the district in which that portion of the lot is located. Some examples of split zoned parcels in Keene include the Mint Carwash site on Winchester Street (Industrial, Commerce, and High Density) and the property located at 782 Roxbury Road (Agriculture and Rural). Images of these properties are shown in Figure 14.

Other NH communities treat split zoned parcels in a variety of ways. Some communities use the same approach as Keene; however, others offer more flexibility for property owners. For example, in Rochester, property owners have the option to "extend" the uses and other standards of a district up to 100 feet into a different zoning district on the same lot (Concord allows for an extension of 40 feet). In Nashua, the property owner may choose to apply the regulations of the larger part of the lot to the entirety of the smaller part. In Milton, properties that are large enough to be subdivided are treated separately based on the underlying zoning district; however, for lots that are too small to be subdivided, the provisions of the district which comprises the largest share of the lot applies to the entire lot.

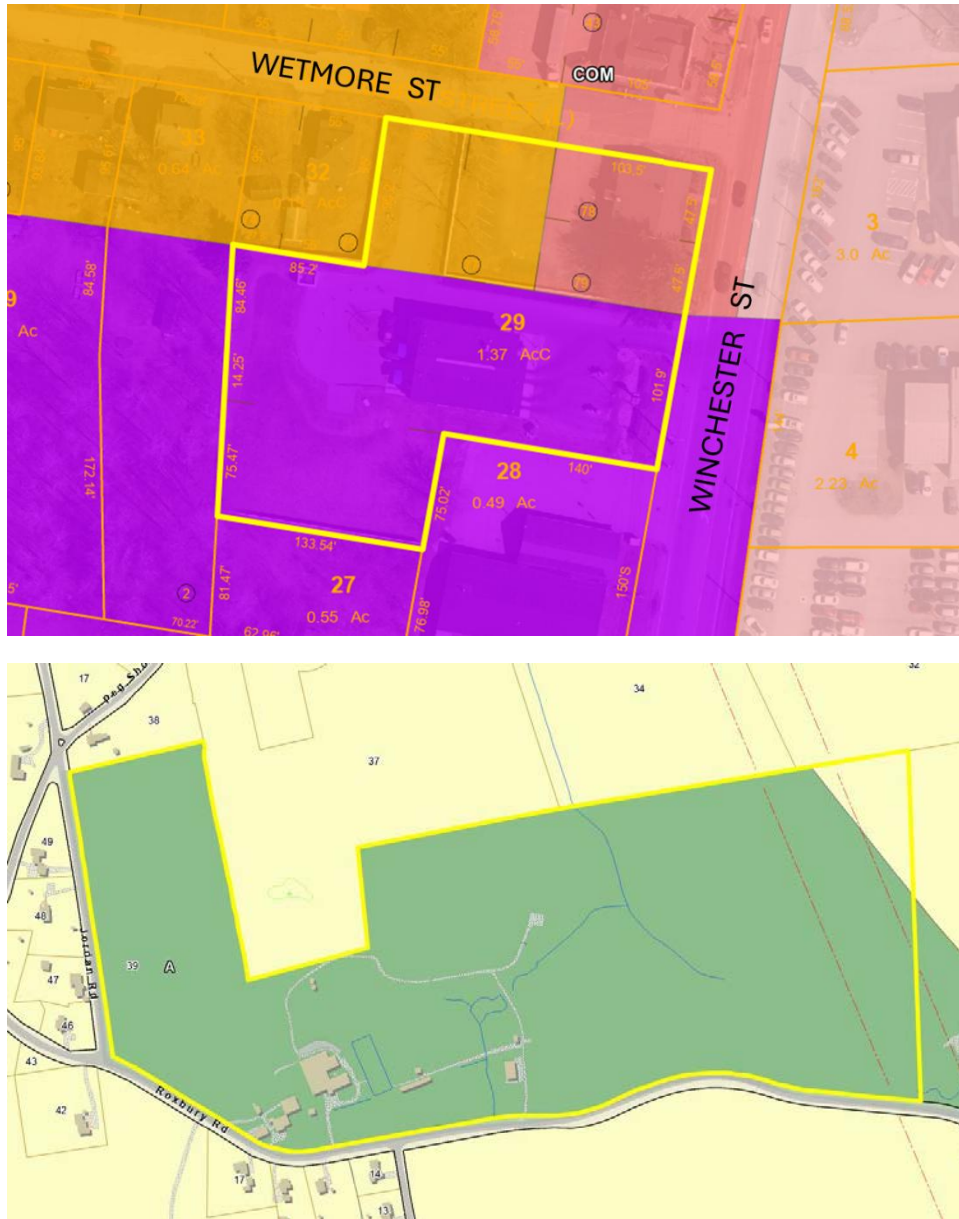


Figure 14. Image of the Mint Carwash property (top) and the 782 Roxbury Road property (bottom). The purple areas are zoned Industrial, Orange areas are High Density, Pink are Commerce, Green are Agriculture, and Yellow are Rural.

Discussion of Potential Impacts

This ordinance proposes the following rules for split zoned parcels:

- Lots large enough to be subdivided: the provisions of each district shall be applied separately to each portion of the lot;
- Lots not large enough to be subdivided, or which fail to meet any dimensional standards required: the provisions of the district which comprises the largest share of the lot shall apply to the entire lot.

This proposed change could make it easier for some property owners to develop or redevelop their split-zoned parcel without having to seek zoning relief or a zoning map amendment. For

example, the portion of the Mint Carwash site that is in the Commerce District is just under 10,000 sf in size and is too small to be subdivided because the minimum lot size in the Commerce District is 15,000 sf. Therefore, with this proposed ordinance, the owner could apply the rules of the Industrial District to the portion of the lot that is zoned Commerce. However, the portion of the lot that is located in the High Density District is just over 10,000 sf in size and is large enough to be subdivided because the minimum lot size of the High Density District is 6,000 sf. Therefore, the portion of the lot located in High Density would need to comply with the uses and standards of that district.

Consistency with the 2010 Comprehensive Master Plan

The top strategy for implementation under the 2010 Comprehensive Master Plan is “Rewrite the City’s Land Use and Zoning Regulations to Proactively Achieve the Community’s Vision for the Future.” Under this goal, it states “A rewrite should ensure that they are written as simply and plainly as possible, providing clear processes and expectations” (emphasis added).

While this goal has largely been accomplished with the adoption of the Land Development Code, any change to the regulations that improves clarity within the process and consistency for property owners, developers, staff, and board members will help to clarify expectations and is in line with this goal. Currently, the LDC is silent with respect to how split zoned parcels are treated, so while staff have an internal written policy that we follow, this information is not readily available to the public and should be included in the regulations to promote predictability and clarity. In addition, City Council should weigh in on how they would like split zoned parcels to be treated so that staff’s process is in line with the Council’s expectations.

1.3.9 Lots Split by Zoning District Boundaries (Split-zoned lots)

Where an existing lot of record falls into more than one zoning district, the provisions of each district shall be applied separately to each portion of the lot, with the following exception:

- A.** For lots or portions thereof which are not large enough to be subdivided, the property owner may choose to apply the provisions of the district which comprises the largest share of the lot to the portion(s) of the lot that cannot be subdivided.
- B.** For the purposes of this subsection only, when determining if a lot or portion thereof is large enough to be subdivided, the following shall be considered:
 - 1.** Each portion of the lot in each distinct zoning district shall be evaluated separately to determine whether new legal lots could be created that are not split-zoned.
 - 2.** Any portion of a lot that could be subdivided legally based on the underlying zoning district shall comply with the requirements of the underlying zoning district.

5.3 NEIGHBORHOOD BUSINESS (NB)

5.3.1 Purpose

The Neighborhood Business (NB) District is intended to serve as an additional downtown zoning district that promotes smaller-sized business, ~~and~~ professional uses, ~~and residential uses~~ which support adjacent neighborhoods and workplaces, with an orientation toward pedestrian and bicycle access. Some uses are restricted in size to limit adverse impacts on nearby residences and to maintain a pedestrian scale of development. All uses in this district shall have city water and sewer service.

5.3.2 Dimensions & Siting

Min Lot Area	8,000 5,000 sf
Min Road Frontage	50 ft
Front Build-to Zone	5 0 -10 ft Build-to Zone
Min Rear Setback	20 10 ft
Corner Side Build-to Zone	5-10 ft Build-to Zone
Min Interior Side Setback	10 5 ft

5.3.3 Buildout

Max Building Coverage	55%
Max Impervious Coverage	65%
Min Green / Open Space	35%

5.3.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

5.3.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Banking or Lending Institution	P	8.3.2.E
Bed and Breakfast	SE	8.3.2.G
Funeral Home	P	8.3.2.K
Neighborhood Grocery Store	P	8.3.2.U
Office	P ¹	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Restaurant	P ¹	8.3.2.AB
Retail Establishment, Light	P ¹	8.3.2.AD
Specialty Food Service	P	8.3.2.AH
INSTITUTIONAL USES		SECTION
Day Care Center	SE	8.3.3.C
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
Residential Care Facility	CUP	8.3.4.J
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE		SECTION
Telecommunications Facilities	P ¹	8.3.7.E

P = Permitted

P¹ = Permitted with limitations per Article 8.

SE = Permitted by Special Exception

CUP = Permitted by Conditional Use Permit

8.3 PRINCIPAL USES

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

8.3.1 Residential Uses

A. Dwelling, Above Ground Floor

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

B. Dwelling, Manufactured Housing

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

C. Dwelling, Multi-family

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

D. Dwelling, Single-Family

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

E. Dwelling, Two-Family / Duplex



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

Meeting Date: July 17, 2025

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Joe Schapiro - Safety Issues Associated with On-Street Parking - Church Street**

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee placed the item on more time to allow for conversations with all parties to continue.

Attachments:

None

Background:

Councilor Filiault asked to hear from Joe Schapiro.

Joe Schapiro of 288 Church St. stated that he and his wife live kitty-corner to the Gathering Waters Charter School. He continued that for the 25 years they have lived there, it has been a place where most staff park and most parents park when they are picking up or dropping off their children. For the longest time, starting in 2001 when the then-private Monadnock Waldorf School built an addition, there were meetings about the anticipated traffic problems. There was an informal understanding that people from the school, parents, faculty, and staff would only park on the south side of the street. For the most part, for the next 20 years, that agreement was mostly honored. It was not perfect; sometimes people would park on the other side of the street and sometimes there would be conversations about it. In 2021, the Monadnock Waldorf School was losing students, and he was concerned that if the school closed, there would be a very large empty building in the neighborhood. He and his wife were glad when it became the Gathering Waters Charter School and was renewed. The issue is that enrollment skyrocketed. Now it was a free school, and students could come from almost anywhere in New Hampshire, and it was not a neighborhood school. Almost everyone drives to the school. With as much as three times enrollment, traffic and parking became a real concern. People park on both sides of the school, even though the school discourages it and has a written policy requesting parents to only park on the south side of the street. People park on both sides, park going in the wrong direction, idle for long periods of time, park close to driveways, and park across from driveways. People do not respect the "no parking here to corner" signs. Two times a day, it feels "like being in the middle of a Walmart parking lot."

Mr. Schapiro continued that right away, he and his wife noticed that it was a concern and arranged a meeting with the person who was then the chair of the board and one or two of the administrators. That was almost four years ago. The administrators and board were sympathetic and said they understood the concerns and said they would try to make a plan to improve things. That has not really happened. He does not know what the situation would have been if they had had the time or wherewithal to send an administrator once a week or a couple times a month to be there during those periods of time to remind people not to park, but that never happened. The problem has persisted. He and his wife think it is a dangerous situation, should emergency vehicles need to turn from South Lincoln St. or Valley St. onto Church St. They think it is an incredible inconvenience, and dangerous when people have to back out of their driveways and there are cars parked across the street. Of course, everything is exacerbated when snow narrows the street.

Mr. Schapiro continued that the school officials first suggested they (Mr. Schapiro and his wife) ask the City to put up "no parking" signs. They did not do that, because it was an inconvenience for him and his wife, and because not all of their neighbors agreed that they wanted that. Over time, the problem has persisted, and now the neighbors are in agreement. They have talked with neighbors affected by this from South Lincoln St. all the way down to Probate St. on Church St., and many have signed this letter.

Mr. Schapiro continued that they request, as a solution, that there be no parking 8:00 AM to 4:00 PM on school days on the north side of the street, the same as it is across the street from Wheelock School. Secondly, to deal with the problems of people parking right next to driveways, (they request) clearly delineated parking spaces that are removed from the driveways. He saw that the City maybe has a new Ordinance about the distance that parking from driveways is prohibited. He does not know how that applies here, but those are their requests. He does not know that the MSFI Committee has any control over it. It would also go a long way if the Police drove by occasionally, at that period of time, to enforce whatever rules there are that are not being followed. They (he and his wife and neighbors) are not interested in harassing the people from the school. If a couple of (people were issued) tickets, people would talk to each other, and they would follow the rules.

Mr. Schapiro stated that he invited people from the area who have concerns about traffic and parking related to the school. He continued that some of their concerns might be different, but he thought that since the Committee was taking this up, this would be a good time and place for people to come and talk. Many of his neighbors are here and might want to talk about concerns other than this one on this street and Church St.

Councilor Filiault thanked Mr. Schapiro and stated that how the process works is, whatever motion the MSFI Committee makes goes to the full City Council. He continued that then, at the next City Council meeting, the 15 Councilors will vote yes or no on whatever recommendation the MSFI Committee makes tonight.

Councilor Filiault continued that next they will hear from City staff. Regarding Mr. Schapiro's question about the parking distance from driveways, he (Councilor Filiault) met with the City Attorney the other day to discuss this, because he figured it was going to come up. He asked if the parking from driveways on this street is included in the Ordinance that they just passed. He thinks not, because this is not in the same type of district that the Ordinance they just passed was. He asked if that is correct.

City Manager Elizabeth Ferland replied that the Ordinance coming forward will apply to Washington

St. and Court St. She continued that it does not apply to residential neighborhood areas. Councilor Filiault replied that that is what he thought.

Councilor Tobin stated that Mr. Schapiro mentioned the idling. She continued that she wonders if that is parents picking up and dropping off children. She asked if the “twice a day” Mr. Schapiro referred to is school starting and school getting out. Mr. Schapiro replied yes. He continued that he cannot speak for everyone, and if he and his wife were younger and working, they probably would not even notice this, because they would be at work. However, they are not working anymore and thus are sometimes at home, and (seeing this). Regarding the idling, he does not know, but maybe people get there early and are idling while they talk on the phone or do something else. He does not know why, but especially in the cold weather, sometimes people are sitting out there idling. There have been times when he or his wife have suggested to people they not sit in their car with it running, or move a little bit away from the driveway. He assumes there is an Ordinance about idling. Sometimes people are polite and cooperative, but a fair amount of the time, people are not, which is disturbing.

Councilor Favolise stated that he has a follow-up to Councilor Tobin’s question, wanting to get a clearer picture of what the issue actually is, knowing that the Committee has a couple different options for how to move forward. He asked if the issue is that there is a challenge in the morning and then in the late afternoon/early evening, or if the challenge is that faculty and staff members are parking there during the day as overflow from the parking lot, and the street is taken up with that parking.

Mr. Schapiro replied that they are talking about the two sides of the street. He continued that the agreement for a long time has been that it is okay for people to park on the south side of the street. Generally speaking, people are parked all day on the south side, because that is (where) the faculty (park). He thinks there is very little or no parking at the school, and South Lincoln St. does not lend itself to parking. Sometimes when people are not honoring the agreement, people park on the north side of (Church) Street as well, but the big problem happens during drop-off and pick-up.

Councilor Workman stated that her question is for staff, probably the City Manager. She continued that she might have missed it, but she wants to know if the City has been involved in conversations between the neighbors and the school. The City Manager replied not that she is aware of. Councilor Workman asked if it would be appropriate, as a starting point, to involve the City in that discussion. The City Manager replied that they did have another charter school that was creating some issues with the drop-off and pick-up times, and the City worked with that school, and they changed their flow and did make accommodations. She continued that that was because the individual reached out to the City directly, whereas this came in as a letter to City Council.

Councilor Filiault stated that he is familiar with the area, and he (Mr. Schapiro) is correct that it is quite the bottleneck, especially in the mornings with heavy traffic and traffic trying to go down the middle. He asked if the Public Works Director or other staff wanted to add anything before he takes comment from the audience. Hearing none, he continued that the Committee is interested to hear what others in the neighborhood have to say.

Craig Stockwell of 53 Wilber St. stated that his family have been here 37 years, and they were very involved with the (Waldorf) school. He continued that he was on the board of the Waldorf school, and he was chair of the building campaign when they put the addition on. When they were working on the addition in 2001, in order to get the Zoning acceptance to move forward with construction, and given how little parking there is in the school lot, they had to reach out to the neighbors. The school sent a

letter to the neighbors, saying the school would do its best to arrange, organize, and monitor the parking and the flow of traffic, if given their agreement to put on that addition. That was a long time ago and he realizes there is a different circumstance, because it is now a public school, not a private school.

Mr. Stockwell continued that with the morning and evening flow, the (traffic) goes up and around Wilber St. Wilber St. is a narrow, two-lane road. Many people park on the uphill curve, and children come in and out of the cars, and it is a very dangerous situation. He would like to add to the Church St. concern (a request) that the City also look at that hill. There are some “no parking” signs at the worst of the curve, but perhaps they could extend that all the way down to the school so people are not parking there.

Councilor Filiault stated that a while back, before school let out, he walked on Wilber St. and saw that the school had put up their own homemade “no parking” signs, which is in violation of City Ordinance. He continued that you cannot make your own “no parking” zones. However, he was going to bring up tonight that Wilber St. all the way up and around adds to what they are talking about tonight, and that this is a neighborhood issue that goes beyond one street.

Vicky Morton of 75 Water St. stated that she is here tonight to support Mr. Schapiro’s letter, and while he and the other authors are speaking directly to the eastern end of Church St., she would like to broaden the topic and express concerns about on-street parking that includes most of eastside Keene. A while ago, the neighborhood parking project was created, and it had several intentions to facilitate housing growth, where allowed, to explore additional on-street parking, to add parking supply, and update ordinances where applicable. All of this was to be outside of downtown. As shown on the map on the website related to this project, it is primarily on the east side of town. There are some other spots in north central, but primarily this happens on the east side of town.

Ms. Morton stated that possible solutions include potential one-way streets to accommodate on-street parking, as well as proposing ordinances or solutions to the issues that have been raised around on-street parking and the neighborhood concerns. In her opinion, there is little to no opportunity for additional housing on the east side, from Main St. out to North and South Lincoln streets. She thinks they do not have the same need to have on-street parking. With the allowance of on-street parking, they now have residents parking against the flow of traffic, and parking directly opposite parked vehicles. These situations sometimes make it difficult to travel the streets and she is concerned that emergency service vehicles might not pass through a street that has parking on both sides. Her concern is primarily the streets in between Beaver St. and Roxbury St., Roxbury St. and Church St., and Church St. and Water St. Many of those streets are narrow, and with parking on both sides, it is difficult for one car to get through, never mind a massive fire truck.

Ms. Morton continued that the line-of-sight issue Mr. Schapiro raises is not limited to the area at the end of Church St. Currently, cars are parked too close to the ends of streets and intersections throughout the east side, and at one intersection, new fencing has been installed, impairing the line of sight. Some residents have placed objects in front of their homes to prevent on-site or on-street parking. She attended five listening sessions hosted by Fire Marshall Wood to hear about the issues of other neighborhoods. Four out of five neighborhoods identified line-of-sight as a concern. Regarding the school on South Lincoln St., she thinks the issues of parking impedes traffic and creates dangerous situations when parents are waiting to pick up children and someone attempts to drive around them headed north on South Lincoln St. when the oncoming traffic is headed south, and sometimes they block you and sometimes they let you go. She has been in line to go past that school

when there have been 14 cars parked on the east side of South Lincoln St., waiting to pick up students, right in front of the school.

Ms. Morton continued that she thinks there are a couple of options. She would have said three, but Craig (Stockwell) just dissuaded her not to include Wilber St. One could be enforcing the “no parking” signs that are clearly there, right in front of the school where people park. Or they could remove the signs and remove the turf and grass between the street and the sidewalk, to allow the cars to get off the street and not impede traffic. She would appreciate an update on what is happening with the neighborhood parking project in regard to creating appropriate ordinances and guidance for on-street parking as well as addressing the line-of-sight issue which was identified in four of the five listening sessions. She understands the Committee has recommendations from staff about what to forward to City Council, and she wants to hear what those are. If those can be shared, it would be nice to hear.

Councilor Filiault stated that everything is always on the table. He continued that there are a couple of recommendations to consider. One is an Ordinance on the north side of Church St. between South Lincoln St. and Probate St. Another is the same thing but limited between 8:00 AM and 4:00 PM on school days. The Committee is not obligated to accept either of those, but they are on the table. Wilber St. has kind of been tossed in. Ms. Morton is correct that the entire east side has an issue with parking, but he wants to try to compartmentalize the school part of it and deal with that part first. He has been here long enough to know that if they take on too big a project, it will not get completed quickly. He would like to see something done fairly rapidly with the school situation, and then address the larger problem as a whole for the east side. Wilber St. was brought up, and he did see that. He saw the “no parking” signs that were not supposed to be there, which would get moved at the end of the day. Those were not City “no parking” signs. That is another enforcement issue for the City.

Councilor Favolise stated that he agrees with the comments about Wilber St. He continued that when he goes there for the holiday craft fair, it is “a nightmare” to try to creep up around that corner to find parking, especially since it is not a one-way street. He is seeking clarification on the existing conditions. He heard there are “no parking here to corner” signs, and it sounds like Ms. Morton was saying there are signs saying “no parking” altogether. Mr. Schapiro’s letter does not indicate there is a parking ban.

Ms. Morton replied that, headed north on South Lincoln St., in front of the school, there are two “no parking” signs right there. Councilor Filiault stated that to clarify, that is for South Lincoln St. He continued that he would have to go look at that. Ms. Morton replied that the signs are there, and the question has always been why an officer driving through when there are up to 14 cars sitting there does not move them along.

John Thornton of 287 Church St. stated that he is right across from Joe (Schapiro) and supports what he is saying. He continued that he is a signatory on the letter. He has lived there for quite a while, and his wife has been there since the 1990s when she purchased the house. She remembers giving approval for the old private school, to the agreement that they would only park on the south side of Church St. Unfortunately, they never found actual documentation of that agreement. Parking there is a problem. It is not just during the drop-off and pick-up times, as the school is very active and has many events happening. Even when the school is not in session, many people are parked on the street. Frequently, cars are parked very close to the end of his and his wife’s driveway. In one case, someone accidentally parked right in front of it, without noticing. Fortunately, he did not have to go to work that day, so he left it alone. Backing out when there are also cars parked directly across the street and you have a very narrow window is difficult, even in the summer. In the winter, the road

narrows by 3 to 5 feet and it is almost impossible. If he and his wife did not back into their driveway to begin with, they probably would not be able to back out and could not see.

Mr. Thornton continued that he is in favor of an offset from the end of the driveway. He does not know how the City could do that, but maybe it could be a simple line. There is another problem. It is not just on upper Church St. The parking extends around to Valley St., too. The traffic is much heavier now with the charter school than it was with the old private school, so they frequently see people parked on Valley St. and further down Church St. People want to pull as much off the road as they can, so they pull a little bit onto the grass, which kills the grass, and that space becomes dirt, and then people pull a little bit further onto the grass, and this continues. The area between the edge of the road and the sidewalk has narrowed by about 50%, by people continuing to just push over. He realizes this is beyond the scope of what they are talking about here but given the high traffic and the fact that this is a charter school, curbs are probably warranted in these areas, to prevent that type of damage to people's property or the (right-of-way).

Mr. Thornton continued that in addition, the sidewalk from Valley St. up to South Lincoln St. on the south side is a bit of a mess. It is a blacktop sidewalk with a lot of dips and cracks. They recently patched a couple of the deeper dips, but many students are going back and forth, and that is a liability, especially in the winter. Near South Lincoln St., the sidewalk slopes quite a bit. It is dangerous when icy. Again, he knows that is beyond the scope of the discussion tonight about fixing the parking, but that is a safety issue and liability the City should look at.

Councilor Filiault stated that like many things, this becomes more complicated when you think you have a simple (issue) and then hear from other neighbors that it expands out. It does tend to expand farther and farther as the school's population increases. He asked the City Manager if it is correct that the MSFI Committee has a meeting in July. (Yes). He asked if the City Council meets the first week of August. If not, whatever the MSFI Committee decides in July will not be voted on by the City Council until late August. School comes back right around that same time. He is trying to figure out the timeline. As much as he hates (placing an issue on more time), he thinks they now have more questions than answers, and he wants to try to encompass the other streets that neighbors brought up tonight. He thinks this will require conversation between the neighbors and City staff. He does not see an answer coming from the Committee tonight, because they are getting questions they have not had a chance to research. The two (recommended) motions do not take care of the Wilber St. or Valley St. problems. He wants to try for one motion.

Councilor Favolise stated that before the Committee makes any motion, he wants to hear from the representatives of the school. He continued that those are voices he has not yet heard. Councilor Filiault agreed and asked if anyone from the school wished to speak.

Fiona Lourie, Business Manager of Gathering Waters Charter School, stated that she lives at 74 South Lincoln St. She continued that she is a graduate of the private Waldorf school, so she has known about this issue and the history of the issue for a long time. She was not aware of the agreement that Mr. Stockwell was talking about, related to the building of the addition, the auditorium. However, she was a child at that time. When the charter school took over, enrollment did increase a lot. There are 125 students in grades K to 5. They (the school administrators) have done their best to explain, in newsletters and in communications with parents, about the suggestion of parking on the one side of Church St. She believes staff (park on the south side of Church St.), because they are all very aware of that. It has been very difficult to monitor all the different family members dropping students off, the different parents, grandparents, (and so on and so forth). Unless the school had a

full-time staff member standing out there every day, it is a challenge to maintain the no parking on the one side every single day.

Ms. Lourie continued that regarding what is happening with the “no parking” signs on South Lincoln St., that has to do mainly with afternoon pick-up. Parents form a pick-up line that often backs up onto South Lincoln St. right at the beginning of pick-up when the children have just come out to the parking lot and are lining up. They can only get them into cars so fast, because they are ages 7 to 12. Once that starts happening, the flow moves quickly. The school has tried hard to tell parents they cannot line up earlier, because that was an issue. Parents would try to be first in line, sitting and idling for 15 minutes before students were even lining up to get in cars. Thus, it appears that parents park on South Lincoln St., but they are in the pick-up line waiting to pull around.

Ms. Lourie continued that the school has had City officials, including people from the Police Department, come look at the flow with school staff and try to see how they could change anything. It is a very tricky conversation, to figure out what they could do differently. When it was the private school, they had the pick-up line go into the parking lot and circle around, and then go back out onto South Lincoln St. That does not work well with the number of students the charter school has. They need the parking lot in order for the students to line up and be able to be put in cars as quickly as possible. The pick-up process in the afternoon lasts about 12 minutes on a good day, and 15-20 minutes on a rough day. She has timed it. In 11 or 12 minutes, everyone is out and the (traffic) disappears. However, that brief window is definitely a traffic jam, and it is exacerbated a lot by people who use South Lincoln St. to cut through and people who get very upset about cars in their way.

Ms. Lourie continued that she was going to ask the City to consider two things. One was having a lighted sign on both sides of South Lincoln St. that comes on just for those periods of time at pick-up and drop-off and reminds people it is happening and that they could use a different cut-through street. Many (drivers) speed through South Lincoln St., and they are not residents who live there. Her other recommendation was a speedbump right where the crosswalk crosses South Lincoln St. and where the children walk across the street. A raised crosswalk like the one by Keene State College would slow people down and make it much more obvious that there is a lot of foot traffic.

Ms. Lourie continued that she is happy to answer any questions, and happy to work with the City. The school wants to have happy neighbors, because they have had good relations in the past, and they really like being a neighborhood school, even though they have a lot more students coming now.

Councilor Tobin stated that her question is probably for staff, regarding the Roadway Safety Plan that they put together. She continued that she thinks they addressed areas around schools and specifically drop-off times. She thinks lighting came up around schools.

Mr. Lussier stated that he does not recall if there is a specific recommendation in the Roadway Safety Action Plan for this location. He continued that the City is planning to replace all of the school zone speed limit signs. This location does not have one. That is something the City could do. He does not see speeding as the concern here; he thinks it is more the fact that the roadway is so narrow and that the vehicles lining up for pick-up do not allow a second car to pass in the northbound direction. He had had a conversation with the school's prior administrator. There are options to look at, like the lighted signs Ms. Lourie mentioned. They could even make that section of the roadway a one-way only during those pick-up and drop-off times. There are many options. That conversation never came to any conclusion.

Councilor Tobin stated that she noticed Church St. and South Lincoln St. came up quite a few times as she was looking through the ideas and suggested projects. In addition, lighting around school zones (came up), which might be something they could look at.

Councilor Workman stated that she does not have any suggestions, but clearly there is still a lot of discussion that can be had before an Ordinance comes about. She wants to thank the Petitioner and the representative from the school, because those suggestions add to the discussion and make it a more fruitful conversation. She is interested in where that goes. As she mentioned in a previous MSFI Committee meeting, the City Council is receiving a lot of communications about speeding. She recently typed up but did not post a long Facebook rant about speeding, because it is a problem in the City. She understands why it is a problem, but they need to address it. She prefers a "one and done" approach, and thinks they really have to look at the recommendations from the listening sessions and the data they already have, and start to implement some major changes throughout the City so they are not doing this through piecemeal.

Mr. Lussier stated that he would love to address that, and it might be a little off topic for tonight's agenda, but as part of the recent budget, the Council approved a supplemental request for an East Keene speed study. As of July 1st, the City will contract with one of those service providers, and it will give staff the ability to do nearly instantaneous speed studies. (For example), if someone calls him and reports a complaint about speed on South Lincoln St., he can immediately access the data that already exists in the cloud. It is not as specific and detailed as going out, putting a measuring device on the road, and measuring it for two weeks. It is based on a statistical analysis of people's cell phones, Tesla's data collection, and (so on and so forth). He thinks it is a very good data set that will be able to give answers to those questions much faster and with much less staff time and resources.

The City Manager stated that Mr. Lussier is preparing a grant application to bring forward, recommendations that came out of the road safety study. Mr. Lussier replied yes, that will be submitted tomorrow. He continued that it is the implementation step for the grant they received to do the action plan. It will include many safety recommendations all throughout the City.

Matthew Burritt of 369 Roxbury St. stated that he is the Assistant Principal at Gathering Waters. He continued that the school very much wants to have a harmonious relationship with their neighbors. It is in the handbook for faculty and staff to not park on the north side of Church St. The literature defines the agreement that has been in place for many years. Second, they have two campuses. Their upper school is on Washington St., and there was also quite a challenge with drop-off and pick-up there. They (the school) did all they could and even changed their parking flow to make that work so that parents moved around the building in a different way, and he thinks that resolved the problem. He wants to make the point that the school wants to be good neighbors, and they are actively looking for solutions to this. It is not as if the school is trying to avoid this. However, there are narrow streets. Some students cross Lincoln St. on the designated paths and this also blocks traffic, and the law is that pedestrians have the right of way, and for Wilber St., Church St., and Lincoln St., there is a problem for that quarter hour or half hour of time. The school is open to coming up with solutions.

Nicole Demarest of 288 Church St. stated that she lives with her husband, Joe Schapiro. She continued that she wanted to return to the original issue, because the parking for the school has many facets, including Wilber St. and the pick-up on South Lincoln St., but the letter that came to the Committee was particularly about Church St. It is a different issue. It is not as complicated as all of the Wilber St. and South Lincoln St. issues. She hears from Ms. Lourie and Mr. Burritt that they

would most likely be in favor of “no parking” signs between, say, 7:30 AM and 3:45 PM, or whatever the time would be. She asked if Councilor Filiault could ask those folks that question.

Councilor Filiault replied that as he said, the Committee had a couple recommendations here, and those can be tweaked, also.

Councilor Favolise stated that he appreciates that this came in as a specific focus on Church St. and that is the agenda item. He continued that his concern with taking a specific step right now is that it might cause the parking challenge to migrate to a different street, and then they could be having a specific item for Wilber St. come in next month, and a different street in East Keene the next month. Thus, he is inclined at this point to place this item on more time, even though they do not like to do that, with some direction around conversations that staff would be having with both sides, ideally together. There are other places in Keene that might not have quite these street dimension challenges and traffic patterns challenges, but Adam St. and Wheelock St. are mentioned, and there have been ways to make those work. St. Joe's (School) is in his ward, in a student housing residential neighborhood, and there are ways that has been made to work. When they (the Committee) are talking about parking or traffic, he hesitates to do something that solves a problem in one location and creates a problem in another location, and thus another problem for the Council to deal with later. He is inclined to place this on more time but is open to others' opinions.

Councilor Filiault replied that to add to what Councilor Favolise said, if they eliminate the parking on the north side, he wonders if they would be pushing it to Valley St., Probate St., or Wilber St. He continued that he wants to be sure that they do not fix one problem just to create other problems on the other side streets. That could cause the neighbors from all these other streets to come back to the Committee in a month, because of what the Committee did to their neighborhood, so he agrees with what Councilor Favolise is saying. It happens a lot. A seemingly simple request turns out to be more complicated, like this one is. It is because of the school's success, getting more students and staff. Success sometimes creates problems, but they can get through this. He would be more inclined to place this item on more time to allow Mr. Schapiro's neighborhood to work with the City Manager/staff on this. This will probably take a little more than an Ordinance tonight.

Ms. Demarest asked if he is saying that the people who live where there are difficulties with school parking would be involved with City staff and perhaps staff members from the school, and that there would be some kind of meetings with possible solutions coming from those. Councilor Filiault replied absolutely. He continued that in tonight's conversation, the Committee heard things that they did not think they were going to hear, which obviously they cannot address tonight, so yes, it would be setting up time with the City Manager and staff and then getting back to Mr. Schapiro, as the author of the letter/the Petitioner. Mr. Schapiro could direct it to those who are interested, and it would go through the City Manager. The City Manager would get staff involved, and then it would come back to the MSFI Committee at their next meeting. By then, they would hopefully have some kind of resolution that works fairly for everyone, and the MSFI Committee would once again make a recommendation to the full City Council.

Ed Haas of 114 Jordan Rd. stated that there are some good-hearted people in the neighborhood. He continued that a solution is for a small group of people in the neighborhood and the school to get together within the confines of a group they already have – the East Keene Neighborhood Group. They can create a subcommittee to come up with specific solutions that will address the (neighborhood's) concerns, and it is up to the MSFI Committee to address the corresponding concerns that go beyond that neighborhood. He thinks they can work together to put together a small

group to develop specific recommendations that they are all comfortable with.

Councilor Filiault thanked Councilor Haas for his recommendation. He continued that he does not think he will recommend that route. He will recommend the Committee place this on more time and have the neighbors, through Mr. Schapiro, get together with the City Manager and come up with a solution in the next 30 days.

Nancy Glasheen stated that she has lived at 287 Church St. for almost 30 years and was there when the (Waldorf) school built the auditorium in 2000 and for approving the parking on the south side of the street. She continued that the school's population has grown four or five times. Their concerns are erosion of the curb and street, and emergency vehicles access to their homes, given the congestion in the area. Many neighbors have been there longer than she has, and they are all aging. They want to make sure proper resources can get to their homes if need be. Lastly, the relationship they (she and Mr. Schapiro) had with the Waldorf school was great. They (the Waldorf administrators) were very forthcoming, invited her and Mr. Schapiro to gatherings, and gave them free admission to the craft fair. It was a more harmonious relationship. The parents at the Gathering Waters School are, she thinks, much more privileged, to park on people's lawns and in people's driveways, and to obstruct where they need to get to in the mornings. The parents are down Hardy Ct. and Valley St., and they litter. She was not aware there was contact, so she appreciates Ms. Lourie and Mr. Burritt being here tonight. She wants there to be a school in the neighborhood; that is not the question. The (issue) is that they need to communicate more with the parents who feel it is a privilege to drop trash on people's lawns, park in people's driveways, and erode the grass people are trying to grow. She wants the school, which very much resembles her school.

Mr. Schapiro stated that he is fully in favor of the process that was suggested, with a get-together of interested parties, people from the school, Church St., and Wilber St. He continued that he would like to know if the school is in favor of putting up the signs on Church St. It is just one piece of data. It does not solve the whole problem, and will not eliminate that process, but he wonders if they think that would be a favorable solution.

Ms. Lourie stated that she thinks it is not as simple as her saying "yes." She continued that they (the school administrators) would very much like to be in favor of that, but part of the issue, as Councilor Favolise was saying, is not knowing (what the ramifications would be). Faculty and staff would be fine with there being no parking on the one side. The issue it would cause would be (not knowing) where parents would park for pick-up and drop-off instead. Mainly, people who park there in the mornings and afternoons are dropping off and picking up Kindergarten and First Grade students, which the school asked families to do, since many of those students are still in car seats. Having them go through the car line is much more difficult, getting a child in and out of the car with a car seat involved. Many times, there are also smaller siblings in the car. If they could figure out a solution that helps both of those situations, they (the school) are totally in favor. They do not need the one side of the street parking for most of the day, but during pick-up and drop-off, if parents cannot park on that other side, they will end up in the car line and it will probably wrap all the way over to Water St., and then the Committee would be hearing from Water St. residents. That is why her answer to the question is, "Yes, and..."

Mr. Bohannon stated that it was not long ago that the City received grants for Safe Routes to School, and addressed many of the elementary schools through that. He continued that they created walking buses, which was part of the Vision 2020 initiative. They focused on all the public elementary schools, but he does not know that they have focused on all the charter schools the City now has,

which is different from how it was 15 years ago. He might suggest they revisit that, because there is opportunity (for having) a different drop-off location and teachers or parents would walk the students to the school. It also promotes exercise. There are opportunities out there.

Councilor Filiault stated that they could go on all night about this, but he thinks the Committee is clear about placing this on more time. He continued that Mr. Schapiro, his neighbors, and the City Manager can get together over the next 30 days before it comes back to the Committee, hopefully with some solid recommendations.

The City Manager stated that to clarify, her direct point of contact will be with Mr. Schapiro and someone from the school, and it will be up to them to invite the others. Councilor Filiault agreed.

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 placed the item on more time to allow for conversations with all parties to continue.



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.2.

Meeting Date: July 17, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Councilor Favolise - Request to Place Keno Question on 2025 Municipal General Election Ballot**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommend the request to Place Keno Question on 2025 Municipal General Election Ballot be placed on more time.

Attachments:

None

Background:

Councilor Favolise addressed the committee and stated his request is stemming from a recent State legislative change that the Governor has not yet signed into law. He explained that HB 737 is a bill in this session of the legislature. The bill concerns charitable gaming. One of the provisions is changing the Keno model in New Hampshire from opt-in, which is currently where communities can vote to allow Keno. If a community has not voted to allow Keno, then Keno is prohibited from being operated in that town to an opt-out model. Beginning June 1, 2027, any town or city, including a town or city that has previously voted against opting in, that has not again voted to opt out, will have to allow Keno to operate.

Councilor Favolise stated that the reason he is bringing this letter to the Council is that Keene does not have a town meeting every year in the way other municipalities do. The 2025 election is the only general election between now and the effective date that that particular section of this legislation would take effect. Keene has voted on the opt-in variety in 2017, where it voted no. It voted again in 2019, where it voted no again. Hence, Keno is currently not operating in the City of Keene.

The Councilor stated his request to this committee and ultimately to the City Council is to place the opt-out language on the ballot for voters at this upcoming municipal election. He felt the people of Keene should get to decide, even if the result ends up being the same.

Councilor Lake asked whether the committee should take any action tonight on this issue, if this legislation is still unsigned. Attorney Palmeira stated that if the bill is not signed, the Council will not have anything to act on, and hence, the Council might have to put it on more time at that point.

Attorney Palmeira stated this is a conversation she would like to have with the Clerk's office in order to determine how this would unfold operationally; part of the bill includes a hearing that would need to happen at City Council before it can be put on the warrant. The Attorney recommended that this item go on more time.

Councilor Remy asked whether a motion could be made which states as follows: move to recommend the request to place the Keno question on the 2025 municipal general election ballot be approved pending the signature of the Governor. He felt that this would trigger the item to be moved forward once it is approved by the Governor. The Attorney was in agreement to this suggestion. Councilor Lake stated he was more in favor of placing the item on more time – he felt the City should wait until it is signed.

Councilor Roberts noted there are three days in August when the Governor reviews and signs about 60 bills which would clash with the Council's upcoming vacation schedule.

Councilor Favolise stated that he is expecting the committee to put this item on more time. He said there is a tight time frame for when the public hearing can be scheduled. It needs to be between 15 and 30 days before the question would be voted on - October is when the City could be looking for the public hearing to be scheduled.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommend the request to Place Keno Question on 2025 Municipal General Election Ballot be placed on more time.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Ferland, City Manager
Subject: **Relating to Class Allocation & Performance Bonus
Ordinance O-2025-24**

Recommendation:

That the City Council refer Ordinance O-2025-24 to the Finance, Organization, and Personnel Committee.

Attachments:

1. Ordinance O-2025-24

Background:

The ordinance relating to class allocation and performance bonus recommends elimination of the lump sum performance bonus established for non-union police and fire command staff positions, Chief, Police Captain and Deputy Fire Chief, providing a grade adjustment incorporating the compensation to be part of base salary effective the pay period following adoption.



CITY OF KEENE

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

AN ORDINANCE Relating to Class Allocation & Performance Bonus

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

That the ordinances of the City of Keene as amended, are hereby further amended by deleting the stricken text and inserting the bold text in Section 62-166, Section 62-194, “Administrative, Office, Technical and Management Personnel and Section 62-195, “Performance Bonuses” of Chapter 62 entitled Personnel effective August 24, 2025, as follows:

Section 62-194. Administrative, office, technical and management personnel

- S 4 Library Aide
- S 5 Minute Taker
- S 6 Administrative Assistant; Records Clerk
- S 7 Administrative Assistant I
- S 8 NO POSITIONS ASSIGNED
- S 9 NO POSITIONS ASSIGNED
- S 10 Audio Video Production Specialist; Recreation Specialist
- S 11 Office Manager; Parking Services Technician
- S 12 Librarian I; Planning Technician; Executive Secretary; Staff Accountant; Purchasing Specialist; Human Resource Specialist
- S 13 NO POSITIONS ASSIGNED
- S 14 NO POSITIONS ASSIGNED
- S 15 Executive Assistant; Librarian II; Payroll Administrator; Human Resources Assistant; Youth Services Manager; Engineering Technician; Assistant City Clerk; Senior Paralegal; Police Dispatch Supervisor; Social Worker; Fire Department Administrator; Deputy Revenue Collector
- S 16 Planner; Laboratory Supervisor; GIS Coordinator
- S 17 Property Appraiser; Recreation Programmer; Librarian III; Airport Maintenance & Operations Manager; IT Systems Specialist; Parking Operations Manager; Recreation Facilities Manager

- S 18 Purchasing Agent; Civil Engineer; Solid Waste Manager; Maintenance Manager; Revenue Collector; Records Manager/Deputy City Clerk; Laboratory Manager; Human Services Manager; Treatment Plant Manager; Deputy City Clerk; Infrastructure Project Manager
- S 19 Senior Planner, Recreation Manager; Fleet Services Manager; Accounting & Fund Manager; Highway Operations Manager
- S 20 Systems Administrator; Purchasing & Contract Services Manager; Assistant City Attorney; Water/Sewer Operations Manager
- S 21 NO POSITIONS ASSIGNED
- S 22 NO POSITIONS ASSIGNED
- S 23 NO POSITIONS ASSIGNED
- S 24 City Engineer; Database Administrator; Building/Health Official
- S 25 Assistant Finance Director/Assistant Treasurer; Assistant Public Works Director/Division Head; Airport Director
- S 26 City Assessor; ~~Police Captain~~; Human Resources Director; Library Director; ~~Deputy Fire Chief~~; Parks & Recreation Director
- S 27 IT Director; Community Development Director; **Police Captain, Deputy Fire Chief**
- S 28 Finance Director/Treasurer
- S 29 ~~Police Chief, Fire Chief~~, Public Works Director
- S 30 **Police Chief; Fire Chief**
- S 31 Deputy City Manager
- S 32 NO POSITIONS ASSIGNED

~~Sec. 62-195. Performance bonus.~~

~~Employees holding the following positions with the City of Keene and who receive a satisfactory performance evaluation in the positions listed below shall be entitled to an annual performance bonus in the amounts specified. Such payment shall be made within the month of the anniversary date of hire, or at any other time as authorized by the city manager.~~

~~(1) Fire chief and deputy fire chief: annually \$4,000.00~~

~~(2) Police chief and police captain: annually \$4,000.00~~

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: July 17, 2025

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: Relating to Prohibited Parking in Proximity to Driveways
Ordinance O-2025-22

Recommendation:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2025-22.

Attachments:

1. O-2025-22_Relating to Prohibited Parking Areas_referral

Background:

Mr. Lussier stated that this is the follow-up to the many discussions about parking on Court St. and Washington St. He continued that when they last met, they talked about drafting an Ordinance that would restrict parking within 10 feet of a driveway in non-residential zones. His suggestion is to clarify the current Ordinance, which just says "close to" a driveway. He would like to have a definition of "close to" nailed down. The Ordinance in tonight's agenda packet would define "close to" as "five feet" for any residential zone and "within 10 feet" of a driveway for all other zones. He has a graphic he quickly created to show the non-residential zones that this would apply to. The City Manager mentioned earlier that this is looking at Court St. and Washington St. first and foremost. Once Marlboro St. is finally reconstructed, he thinks it would apply to that area as well. It looks like a lot of the City is in that non-residential zone, but most of that is rural zones or conservation zones. Most of the areas they are looking at being applicable really do not have or use on-street parking to any real extent. He thinks it is fair to say that this is primarily focused on Court St., Washington St., and Marlboro St. The Ordinance defines "five feet" for residential zones, which are the areas shown in yellow. Earlier tonight, they talked about Church St. The area of Church St. they are talking about is one of those residential zones, so that would be a five-foot setback for that area.

Councilor Workman stated that they always talk about enforcement, and whether Ordinances can be enforced. She asked Mr. Lussier to explain, for the public, how he envisions this being enforceable. Mr. Lussier replied that the authority to enforce parking restrictions is with the Police Department. He continued that it is certainly not the case that they cannot enforce any parking prohibitions that the City has, it is more a matter of priority and staffing, he would assume, although he does not speak for

the Police Chief. He does not know that this will be the Police Department's highest priority or the best use of their time always. The City can certainly put up signs, and they are enforceable, and he thinks that in most cases, people will follow the rules if they know them.

Councilor Workman asked if it is correct that if there were a place of concern, a bystander would notify the Police, and they could take it up that way. Mr. Lussier replied yes, he thinks they would probably say that they enforce parking restrictions the same way Public Works enforces things like roadway or sidewalk obstructions. They do not have staff to patrol the streets and look for people who are blocking the roadway, but if someone calls them and reports, say, a construction vehicle parked on the roadway, the Department sends someone out and tells the vehicle to move along.

Councilor Favolise stated that if he recalls correctly from previous meetings, the five feet (from driveways in a residential zone) is just codifying the current practice. He asked if that is correct. Mr. Lussier replied yes, they have informally used that as a rule of thumb; it just had not been defined properly. Councilor Favolise stated that parking tends to generate a lot of interest in the community. He asked, for the sake of the public, if it is correct that they will not be losing parking in residential zones because of this (Ordinance change). Mr. Lussier replied no, this would not change anything in residential zones beyond what they are doing today. He continued that it would change the setback in the non-residential zones, and really where it applies are the Court St. and Washington St. areas.

Councilor Tobin asked if the "no parking" zones would have different markings on the street. Mr. Lussier replied that where they delineate individual parking stalls, like Court St. and Washington St. up to a certain point, those markings will have to be revised. He continued that the Public Works Department had staff refrain from marking them this spring with the rest of the pavement markings, knowing this Ordinance was on its way. When they re-mark them, they will have to black out some markings and readjust. There might be a section of curb line that used to accommodate three vehicles, but because now two of them need to be a little closer, it will only accommodate two vehicles. Not everywhere in the City has marked parking stalls. On most residential streets, the City does not mark those individual parking stalls.

Councilor Tobin asked, for clarification, if a "no parking" zone would have diagonal lines. Mr. Lussier replied where it is marked, yes.

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 adoption of Ordinance O-2025-22.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Prohibited Parking Areas

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 and deleting the stricken text from the provisions of Section 94-67, "Prohibited Areas" in Division 1, "Generally", in Article IV of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows:

Sec. 94-67. - Prohibited areas.

It shall be unlawful for any person to stop, stand or park a motor vehicle at any time contrary to any of the following unless otherwise directed by a police officer:

- (4) In ~~front of or close~~ **proximity** to a public or private driveway, ~~as follows: whether on the same side of the street as the driveway entrance or on the opposite side, if it inhibits use of the driveway.~~
- a. **Within 5 feet of a driveway in any residential zone, including low density, low density 1, medium density, high density and high density 1.**
 - b. **Within 10 feet of a driveway in all other zones.**
 - c. **Directly across the street from a driveway if it obstructs the normal use of the driveway.**

Jay V. Kahn, Mayor

In City Council June 19, 2025.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: July 17, 2025
To: Mayor and Keene City Council
From: Kari Chamberlain, Finance Director/Treasurer
Through: Elizabeth Ferland, City Manager
Subject: **Relating to Proposed FY26 Budget Amendment
Resolution R-2025-25**

Recommendation:

That Resolution R-2025-25 be referred to Finance, Organization & Personnel Committee.

Attachments:

1. R-2025-25 amendment to 2025-2026 fiscal year budget2

Background:

While re-calculating the proposed budget to account for FY26 staff recommended revisions (as outlined in the May 5, 2025, FOP memo), the (2) additional revenue items were netted against operating expenses, as opposed to being recognized as additional revenue to offset total operating expense appropriations for the police department. These items are as follows:

- KSC agreement additional revenue \$7,676 (increase in KSC contract for college liaison officer – offsets increased personnel expenses)
- Special Revenue Fund (Opioid) – funding for social worker personnel expenses \$97,764 (offsets police social worker personnel expenses)

This amendment does not impact the estimated-municipal tax rate calculation provided during the budget review process as it updates both authorized appropriations and anticipated revenues.



CITY OF KEENE

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

A RESOLUTION Relating to the 2025/2026 fiscal year budget

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

That the FY2025/2026 fiscal year budget be amended to appropriate the amount of \$105,440 for police department personnel costs. This amendment further reflects additional revenue in the amount of \$105,440 related to an increase in the college liaison contract and a transfer of funding from the Opioid Special Revenue Fund. This amendment does not result in a tax rate impact.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: July 17, 2025

To: Mayor and Keene City Council

From: Donald Lussier, Public Works Director

Through: Elizabeth Ferland, City Manager

Subject: Relating to an Amended Return of Layout for a Public Right-of-Way known as Grove Street *and* Relating to a Deed for land removed from the Right-of-Way and an Easement for Public Infrastructure
Petition - Public Works Director
Resolution R-2025-26
Resolution R-2025-27

Recommendation:

That the Mayor set a date and time for a site visit and public hearing on a Petition to Amend the Layout of Grove Street; and further that the attached petition be referred along with Resolutions R-2025-26 and R-2025-27 to the Municipal Services, Facilities and Infrastructure Committee as well as the Planning Board for their consideration and recommendations.

Attachments:

1. 2025 0715 Petition to amend the Layout of Grove Street
2. R-2025-26 Relating to an Amended Return of Layout for a Public Right-of-Way known as Grove Street
3. R-2025-27 Relating to a Deed for land removed from the Right-of-Way and an Easement for Public Infrastructure

Background:

On December 18, 2014, the Keene City Council authorized the acceptance of a deed and the modification of the Grove Street layout. These actions were taken in order to widen the roadway at its intersection with Water Street. The anticipated development project that required the addition of a dedicated left turn lane never came to fruition. In recent years, Public Works has received requests from the public to reconfigure the Grove Street / Water Street intersection to better align with Community Way and to eliminate the left turn lane. A recently completed traffic study suggests that this request can be safely accommodated.

In addition, Habitat for Humanity has requested that the City return a strip of land acquired from parcel No. 585-057 in 2015. This narrow strip of land along the eastern parcel boundary will allow the non-profit organization to pursue development of a duplex on the property instead of a single-family

home.

The attached petition would remove a strip of land, ranging in width from less than three feet to approximately 5 feet, from the public right-of-way. A portion of the original 2015 property acquisition will be retained, as it is needed to accommodate existing public infrastructure. Although Public Works believes the land is not needed for existing public infrastructure or orderly traffic operation, removal of the strip from the right-of-way will likely preclude any future construction of a sidewalk along the west side of Grove Street.

If the City Council agrees to amend the layout of the roadway, Resolution R-2025-27 will authorize the City Manager to execute a deed conveying the land removed from the public right-of-way to the adjacent property owner. In exchange, the City will receive an easement from the property owner to retain the current public infrastructure (i.e., a fire hydrant), in its current location.

CITY OF KEENE

Petition for an Amended Layout of Grove Street

TO: Mayor and Keene City Council

The undersigned represents that for the accommodation of the Public there is occasion to amend the layout of Grove Street by completely discontinuing and removing from the Public ROW the following tract of land:

Beginning at an iron pin set in the Western line of Grove Street, said pin being the southeast corner of a Parcel No. 585-057; Thence,

North 5° 44' 54" East along the westerly line of said Grove Street a distance of 59.81 feet to a metal spike set in the pavement; Thence,

Following a curve to the left with a Delta angle of 66° 54' 51", a radius of 16.00 feet, and an arc length of 18.69 feet to a metal spike set in pavement; Thence,

Following a curve to the right with a point of curvature bearing of South 30° 38' 45" East, a Delta angle of 74° 7' 46", a radius of 21.00 feet, and an arc length of 27.17 feet to a drill hole in granite curbing; Thence,

South 7° 49' 28" West a distance of 60.18 feet to a point in the Westerly line of Grove Street, said point also being the northeasterly corner of parcel No. 585-056; Thence,

North 89° 31' 8" West along the northerly line of said Parcel No 585-056 a distance of 2.73 feet to the place of beginning..

Containing 257 Square Feet, More or Less.

All being as shown on a plan titled "Right of Way Amendment Plan, Prepared for the City of Keene," Dated 6-25-2025; by David A. Main Survey, on file at the Office of the City Engineer for the City of Keene.

The costs of construction and all other necessary improvements for the amended layout shall be paid by the Petitioner and shall conform to the Public Infrastructure Standards of the City of Keene.

The undersigned therefore, requests you amend the layout of Grove Street as described above.

By: _____

Donald B. Lussier, P.E.
Public Works Director

Date: _____

7/15/25



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to an Amended Return of Layout for a Public Right-of-Way known as Grove Street

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

WHEREAS the Keene City Council has received a “Petition for an Amended Layout of Grove Street”; and,

WHEREAS at a regularly scheduled City Council meeting on July 17, 2025, the Mayor scheduled a site visit and public hearing to occur on August 21, 2025, and directed the City Clerk to make appropriate notifications to the petitioner and affected property owners; and,

WHEREAS the Petition was referred to the Planning Board in accordance with RSA 670:40; and,

WHEREAS the City Council made a personal examination of the requested amendments at a properly noticed site visit conducted on August 21, 2025, and heard testimony from concerned parties at a property noticed public hearing held that same day; and,

NOW THEREFORE, BE IT RESOLVED THAT:

The Keene City Council is of the opinion that for the accommodation of the public there is occasion to amend the layout of Grove Street for the purposes of altering the highway, utilities and other public improvements as described in a “Petition for an Amended Layout of Grove Street” dated July 15, 2025, subject to the following conditions:

1. Approval of the final plans and construction by the City Engineer.
2. All expenses associated and in connection with the Petition shall be borne by the petitioner.
3. All affected property owners shall provide a written Waiver of Damages in a form satisfactory to the City Attorney.
4. All documentation is in a content and form acceptable to the City Attorney, City Engineer, and Planning Director.

Jay V. Kahn, Mayor



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to a Deed for land removed from the Right-of-Way and an Easement for
Public Infrastructure

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

The City Manager be and hereby is authorized to:

1. Execute a deed conveying land removed from the public Right-of-Way as described in Resolution R-2025-26 back to the owner of the adjacent parcel; and,
2. To accept an easement to operate, maintain, repair, and replace an existing fire hydrant installed within the land to be conveyed; and,
3. To apply to the Keene Planning Board for a Boundary Line Adjustment, or other such land use applications as the Community Development Director may deem necessary; and,
4. To do all things necessary to carry out the Resolution R-2025-26.

Jay V. Kahn, Mayor