



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
August 21, 2025
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- July 17, 2025 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Proclamation - Keene Swampbats - 2025 New England Collegiate Baseball League Champions
2. Public Hearing - Ordinance O-2025-20-A - Relating to Setbacks and Build-to Dimensions
3. Public Hearing - Ordinance O-2025-15-A - Relating to Amendments to the LDC to Encourage Housing Development

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations - Historic District Commission, Planning Board, Partner City Committee, Zoning Board of Adjustment
2. Confirmations - Airport Development and Marketing Committee, Heritage Commission

C. COMMUNICATIONS

1. Vicky Morton - In Opposition to Ordinance O-2025-15-A
2. Charles Redfern - In Opposition to Ordinance O-2025-15-A
3. Tom Duston and Laurie Jameson - In Opposition to Ordinance O-2025-15-A
4. Robert and Sandra Hamm - In Opposition to Ordinance O-2025-15-A

5. Councilor Haas on Behalf of East Keene Residents - Petition in Opposition to Ordinance O-2025-15-A
6. Councilor Haas - Request for Historical Marker - Keene Bottle Works
7. Councilor Filiault - Request to Discuss Route 9 Accidents and Possible Solutions
8. Councilor Williams - Request for Consideration of an Ordinance Amendment to Regulate the Muzzling of Dogs
9. Howard Mudge - Request to Remove a Tree on City Property - Westerly Edge of 9 Evergreen Avenue
10. Vicky Morton - Request for the City to Act upon the Walker Consultants' Recommendations Related to On-street Parking
11. Steve Hooper - Concerns with Restricted Public Access to the Airport Road
12. Katharina and Peter Rooney - Concerns with Restricted Public Access to the Airport Road
13. Susan Abert - Concerns with Restricted Public Access to the Airport Road

D. REPORTS - COUNCIL COMMITTEES

1. Sale of City Property - 100 Church Street
2. Execution of a Change Order with Insituform for Additional Scope of Construction Services as Part of the Sewer Main Lining Project
3. Execution of an Agreement for Engineering Services During Construction with Greenman-Pedersen Inc, (GPI) as part of the Transportation Heritage Trail Phase 1 Project, NHDOT#40653
4. Contract for 2026 City-Wide Property Revaluation
5. Amendment to FAA AIP Grant for Airport – Airport Taxiway A Reconstruction Project
6. Construction Agreement for Airport Taxiway A Reconstruction Project with Casella Construction Inc.
7. Airport Fuel Tank Replacement Project Close-out and Reallocation of Funds
8. Use of Unspent City Attorney's Office Personnel Funds

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donations - Finance Director

G. REPORTS - BOARDS AND COMMISSIONS

1. Statement of Inclusion - Human Rights Committee
2. Resignation - Kenneth Swymer Jr. - Energy & Climate Committee

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Land Development Code Fee Updates
Ordinance O-2025-25
2. Relating to Land Development Code Application Procedures
Ordinance O-2025-26
3. Relating to No Parking Zones
Ordinance O-2025-27
4. Relating to Amendments to the Zoning Map – Low Density to
Commerce – Intersection of Pearl Street and Winchester Street
Ordinance O-2025-28
5. Relating to Pavement Setbacks and Cross Site Access
Ordinance O-2025-29

J. ORDINANCES FOR SECOND READING

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

K. RESOLUTIONS

1. Relating to Proposed FY26 Budget Amendment
Resolution R-2025-25

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, July 17, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:02 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Michael J. Remy (arrived at 7:06 PM), Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison (arrived at 7:05 PM), Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Thomas F. Powers, and Mitchell H. Greenwald were present. Catherine I. Workman was absent. Councilor Williams led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to adopt the June 19, 2025 minutes as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Remy, Madison, and Workman were absent.

ANNOUNCEMENTS

First, Mayor Kahn reminded the Council that the Municipal Services, Facilities and Infrastructure (MSFI) Committee and Finance, Organization and Personnel (FOP) Committee meetings would be held on July 23, 2025 & July 24, 2025. Following that, the City Council would be on summer break, with the following meetings canceled: August 7, 2025, City Council, and August 13, 2025 and August 14, 2025 Planning, Licenses and Development (PLD) and FOP. Council would resume its regular schedule on August 21, 2025.

Next, the Mayor reported that the filing period for the upcoming Municipal Elections would begin on Wednesday, August 20, 2025 at 8:00 AM and would continue through Tuesday, September 9, 2025 at 4:00 PM. The City Clerk would be accepting Declarations of Candidacy for the offices of Mayor, Councilor-At-Large, and Ward Councilor to be included on the Municipal Primary ballot on October 7, 2025. Candidates for Mayor and City Council would receive a copy of the "Statement of Special Interests" when they file for office, notifying them of the pending obligation should they be elected. Filings for election officials would be accepted during the same timeframe, with those candidates' names added directly to the Municipal General Election ballot on November 4, 2025. A Charter Amendment was approved in 2023, limiting the Municipal Primary Election to Mayoral and Council candidates only. Mayor Kahn encouraged anyone wishing to serve their community to sign up. The City Clerk distributed a memo to the City Councilors listing the names of all offices that were up for re-election this year, and the names of incumbents. Over the coming few weeks, the City Clerk's Office would be informing the public as to which City wards had vacancies in election officials to serve and in what capacity. Questions regarding serving in elections roles should be directed to the City Clerk.

Mayor Kahn shared that this year's City of Keene Community Night would be held on August 19, 2025 from 4:00 PM to 7:00 PM at 400 Marlboro Street. He invited everyone to join this family friendly event, where City employees would talk about the services they provide; most City Departments would have a booth/table or equipment displayed, explaining what they do. There would be activities for children and a cookout (burgers and hotdogs) and ice cream. There would also be large equipment such as excavators, police cruisers, fire trucks, etc., on display and for kids to explore.

Given the emergency response that was necessary the previous week due to the water main break on Water Street, the Mayor personally—and on behalf of all Councilors—wanted to thank City staff and the Department of Public Works and Emergency Services Team for their quick response to the break and its repair. He said the staff were laudable. Mayor Kahn thought the whole Community's response was equally laudable, stating there was a lot of support for City staff being about to get on top of the problem as quickly as they did. The Mayor thanked the City Manager, Elizabeth Ferland, for all her leadership and Deputy City Manager, Rebecca Landry, for public communications and outreach during the emergency. Lastly, the Mayor thanked C&S Wholesale Grocers for very generously donating cases of water, which he called a wonderful act of community responsiveness/service. He also thanked the Keene Police Department for helping to distribute those cases of water to the community at the Public Works building.

Finally, the Mayor Kahn led the Council in wishing happy birthdays to Councilors Remy and Haas, both celebrating July birthdays.

PROCLAMATION - NATIONAL PARKS AND RECREATION MONTH

Mayor Kahn welcomed Director of Parks and Recreation Carrah Fisk-Hennessey to receive a Proclamation, declaring July 2025 as Park and Recreation Month in the City of Keene. The Mayor read the Proclamation into the record, recognizing the vital role that Parks and Recreation play in building vibrant, healthy, and connected communities. Park and Recreation Month 2025 was the *Build Together, Play Together* celebration—dedicated to the full-time, part-time, and seasonal Parks and Recreation professionals, as well as the many volunteers who help make Keene Parks and Programs possible.

Director Fisk-Hennessey noted that in addition to the City of Keene's Community Night on August 19, 2025, there were also two upcoming Parks and Recreation Community Nights. On July 24, 2025, Parks and Recreation Community Night at the Bike Park, with community organizations partaking in lots of fun giveaways and other great opportunities for people to use the BMX bikes that were donated and to ride the Park. On July 31, 2025, Community Night at the Skate Park would be another opportunity for the community to come together and realize the wonderful amenities within the City of Keene. Ms. Fisk-Hennessey said none of it would be possible without the Department's professional and seasonal staff, whom she wanted to publicly thank for working so hard to make the City's programs and spaces accessible and available to all of the community.

NOMINATIONS - AIRPORT DEVELOPMENT AND MARKETING COMMITTEE & HERITAGE COMMISSION

Mayor Kahn nominated Julie Schoelzel to serve as a Regular Member of the Airport Development and Marketing Committee, with a term to expire December 31, 2025. The Mayor also nominated Kathy Halverson and Jill Bouchillon to serve as Alternate Members of the Heritage Commission, both with terms to expire December 31, 2026. Mayor Kahn tabled the nominations until the next regular meeting.

CONFIRMATIONS - 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. A motion by Councilor Greenwald to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman was absent.

COMMUNICATION - PETITION - ANNE FARRINGTON - IN SUPPORT OF EQUAL RESPECT FOR ALL RESIDENTS

A communication was received from Anne Farrington, on behalf of the Keene City Republicans, submitting a 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. Mayor Kahn filed the communication and associated petition as informational. He noted that he spoke with Ms. Farrington, who also informally submitted this petition during the Planning, Licenses and Development (PLD) Committee meeting on July 9, 2025. The Mayor said this was the exact action she expected with this communication. The Mayor added that everything related to the July 9, 2025 PLD Committee meeting was being referred to the Human Rights Committee.

MSFI REPORTS - WITHDRAWAL: PROPOSAL TO ADD THE NECESSARY INFRASTRUCTURE TO ACCOMMODATE BANNERS ACROSS MAIN STREET; GOOSE POND SPILLWAY BRIDGE PROPOSAL; PRESENTATION: MARTELL COURT FORCE MAIN EVALUATION; & VERBAL UPDATE: DOWNTOWN INFRASTRUCTURE PROJECT

A Municipal Services, Facilities and Infrastructure Committee report was read, recommending the withdrawal [of the proposal to add the necessary infrastructure to accommodate banners across Main Street] be accepted as informational. A second Municipal Services, Facilities and Infrastructure Committee report was read, recommending the plans to fundraise and build a path bridge to cross Goose Pond spillway be accepted as informational. A third Municipal Services, Facilities and Infrastructure Committee report was read, recommending the presentation on the Martell Court Force Main Evaluation be accepted as informational. A fourth Municipal Services, Facilities and Infrastructure Committee report was read, recommending accepting the Verbal Update about the Downtown Infrastructure Project as informational. Mayor Kahn filed the four reports as informational.

PLD REPORT - DIRECT REFERRAL TO COMMITTEE: BUBA STREET NOODLE & BAR - REQUEST FOR PERMISSION TO SERVE ALCOHOL - SIDEWALK CAFÉ

A Planning, Licenses and Development Committee report was read, unanimously recommending 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. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

Mayor Kahn invited City Councilors to Buba Street Noodle & Bar's official Ribbon Cutting on July 18, 2025, at 11:00 AM and the Grand Opening at 11:30 AM.

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

Councilor Remy announced his standing Conflict of Interest due to being a member of the Let It Shine Board of Directors. Mayor Kahn recognized Councilor Remy's request to recuse himself and hearing no objections from the Council, granted the request.

A Planning, Licenses and Development Committee report was read, unanimously recommending 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.

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

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

A Planning, Licenses and Development Committee report was read, unanimously recommending accepting Keene Pride's Request to Designate Keene a Sanctuary City for the LGBTQIA+ Community as informational. The report further recommended 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.

A motion by Councilor Bosley to carry out the intent of both recommendations of the Committee report was duly seconded by Councilor Jones.

Councilor Bosley noted there was a lot of community testimony on this topic and she hoped her fellow Councilors took the opportunity to watch the meeting video if they could not attend.

Councilor Filiault attended the PLD meeting but did not speak for quorum concerns. He listened and took notes during and after. First, Councilor Filiault wanted to give kudos to Councilor Bosley for doing a phenomenal job chairing the PLD meeting, which Councilor Filiault said could have gone sideways quickly. He thought Mayor Kahn's comments at the beginning of the meeting were well-received and powerful, for which Councilor Filiault applauded the Mayor. Councilor Filiault was glad this was going to the Human Rights Committee (HRC), stating he hoped the Council could have done something at this meeting, but one reason it was going to the HRC was because of the "sanctuary city" issue. He said he found it disappointing that the word "sanctuary" had been weaponized by the federal and state governments, so that any community in NH using the word "sanctuary" on anything would be a target. He thought it was disappointing because he said the definition of sanctuary is, "a place of refuge and safety," and it is also called by the Bible, "a holy place where God is present." So, Councilor Filiault found it disgusting that the federal and state governments made the word "sanctuary" evil; he called it today's politics. He recalled a few weeks prior when many of the Council attended Fire Department Lt. Cooper's funeral at the United Church of Christ in Keene. Councilor Filiault noticed that the room in the Church was called the "Sanctuary," and said it was an emotional service—not political. He called that *sanctuary*. He said Keene Pride removed the word "sanctuary" from its letter because it was a weaponized word, which Councilor Filiault called disappointing. In the finalized letter, the word was removed, and he said Keene Pride was not asking for any special treatment at all; they were not asking for any laws to be changed or asking the City Council to ignore any laws. Councilor Filiault said they were simply asking the City

Council to acknowledge that the LGBT community is safe and welcome in Keene. Councilor Filiault called it quite honestly laughable and ridiculous to suggest the City would somehow be unfair to other groups by doing so. He reported that crimes against the LGBT community were up 23% nationally, prompting Keene Pride's letter. He said many reported at the PLD meeting that they did not feel safe. Many with opposing views questioned why they did not feel safe. Councilor Filiault's reply was, "If you're not a part of that community, then you don't know." He said the City Council represents everyone and has to listen to those who are marginalized, disenfranchised, and unfairly targeted simply because of their sexual orientation; they were being threatened. Councilor Filiault stated that from here on out, silence would not be an option. He said that disappointingly, the Keene City Republicans submitted a counter-petition against Keene Pride's letter. Councilor Filiault said Keene Pride was basically asking to be safe, recognized, and not threatened—he reiterated that Keene Pride was not asking for any law to be changed. He said this was not a Republican, Democrat, or independent issue; Councilor Filiault stated that political party is irrelevant to someone being harassed for being LGBTQ. He called it a human rights issue about the unfair targeting of human beings—including in Keene—that Councilor Filiault said the City Council should not tolerate. He added that when a statement comes back from the HRC, he would be the first Councilor to sign it.

Mayor Kahn agreed with Councilor Filiault about Councilor Bosley's excellent job Chairing a long and respectful PLD meeting, which could have otherwise been contentious. With Chair Bosley and the Committee's leadership, the Mayor said the community maintained decorum. Mayor Kahn thought the HRC was in an interesting and potentially awkward position to come back with a statement that 24,000 people in the City of Keene would agree with. He noted that the Council did not often ask committees to do work like this, but this was what the City Council's 20 Boards and Commissions were appointed for—to help the City deal with matters that take some expertise. He hoped the HRC would execute the job successfully.

The motion to carry out the intent of both Committee recommendations carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

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

A Finance, Organization and Personnel Committee report was read, unanimously recommending 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.A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

FOP REPORT - ACCEPTANCE OF YOUTHWELL NEW HAMPSHIRE SPRING GRANT FOR YOUTH SERVICES

A Finance, Organization and Personnel Committee report was read, unanimously recommending 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. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

FOP REPORT - ACCEPTANCE OF DONATION - AED DEVICE

A Finance, Organization and Personnel Committee report was read, unanimously recommending 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. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

Mayor Kahn thanked Fire Chief Jason Martin for bringing this item forward. He also acknowledged Chief Martin for the drill the Fire Department went through in response to the water outage, thanking the Chief for his response during the emergency.

FOP REPORT - SKATEPARK FENCE - TRANSFER OF FUNDS

A Finance, Organization and Personnel Committee report was read, unanimously recommending accepting the withdrawal of this item [Skatepark Fence - Transfer of Funds]. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

CITY MANAGER COMMENTS

The City Manager reported that in late June 2025, the City of Keene and Towns of Swanzey and Marlborough jointly went out to bid and completed a successful procurement for the Community Power Program. Direct Energy Services—the current supplier—was again the low bidder and was awarded a new 24-month contract, beginning December 2025. This contract would provide stable pricing and greater cost certainty for residents. Keene's default product would increase its renewable energy content from 35% to 50%, moving the City closer to its goal of 100% renewable energy by 2030. Three product options would continue to be offered, ranging from the State of NH minimum up to 100% renewable; residents can change or opt out at any time. The City Manager said the City planned to announce new the pricing more publicly in fall 2025 to avoid confusion with the current rates, which would remain in effect through November. The rate secured was close to the Eversource rate that would be going into effect in August. The City's rate was also considerably lower than Community Power Coalition's (CPC) NH rate

announced recently for August 2025 through January 2026. In summary, the City Manager reported the following (prices for the Basic rate, which only include state-required renewables):

- Eversource: 11.196, August 1, 2025–January 31, 2026
- Keene, Swanzey, & Marlborough: 11.100, until December 2025
 - 11.220, December 2025–December 2027
- CPCNH: 13.419, August 1, 2025 - January 31, 2026

The City Manager concluded on this topic that the energy market was not stable at this time, and the City saw a lot of changes, so she felt good about locking in this rate for two years. The City would share more with the public at the time of implementation and begin the outreach process before the change.

Next, the City Manager shared that as part of this year's adopted Budget, funds were allocated for the Keene Fire Department to engage in a formal strategic planning process. This initiative would result in a 3–5-year Strategic Plan to guide the Department's future direction, priorities, and resource allocation. The City Manager recalled that she had been talking a lot about staff and the future of Ambulance Services. So, she highlighted this because it was the perfect time for Fire Chief Jason Martin to take on this initiative. Chief Martin retained Emergency Services Consulting International (ESCI) to lead this effort. The planning process would include meaningful stakeholder engagement—both internal and external—to ensure a broad range of perspectives would be considered. The Department would share additional information as the project gets underway, including opportunities for community input.

The City Manager concluded by updating the Council and community on the recent water main break on Water Street. On Friday afternoon, July 11, 2025, the City received the first of two required bacteria test results from the laboratory. A second round of samples were promptly collected and analyzed. By approximately 4:30 PM on Saturday, July 12, 2025, the lab confirmed that the second set of results was also clean. At that time, the NH Department of Environmental Services (DES) authorized lifting the Precautionary Boil Water Order. Although the water was deemed safe to drink as of Saturday afternoon, NH DES regulations require municipalities to notify all customers via a formal public notice published in a local newspaper for three consecutive issues. As a result, some residents may have seen the notice beginning Monday, July 14, 2025, after the order had already been lifted, which understandably caused confusion. The City Manager asked the public to rest assured that the water is safe and stated that the newspaper notice was simply a compliance measure required by the state regulation.

The City Manager shared some statistics about the emergency. During the event, the City's water system lost approximately 1,028,000 gallons of water. The immediate response cost the City \$22,600 in labor, material, equipment, and repair parts. Altogether, a total of 162 staff hours were expended responding to the break (not counting Keene Fire Department response). Final restoration of the roadway, sidewalk, and greenbelt will require contractor support; the City is not equipped for a repair this large. The restoration was estimated to cost approximately \$12,000 to \$15,000. Longer term, the City Manager said the City would evaluate options to rehabilitate or replace the cross-town water main, which she expects would come forward in the FY27–FY33

Capital Improvement Program (CIP); staff were currently preparing that full CIP update of all projects (review of that CIP with the Council would be in January 2026).

The City Manager expressed the City's sincere gratitude to C&S Wholesale Grocers for their generous donation of bottled water to the public during the emergency. Thanks to their support, City staff from Public Works and the Keene Police Departments worked overtime to distribute approximately 1,260 cases of bottled water to affected customers on Friday, July 11, 2025. The City Manager described the effective drive-up system of water distribution staff set up for the public, moving a lot of water in a short time.

City Manager Ferland also recognized the Public Works Director, Don Lussier, and the whole Public Works Department, including Administration and the Water and Sewer teams. They all responded quickly and efficiently to restore water service, address the flooded roadway, and make the necessary repairs under challenging conditions; their professionalism and dedication were instrumental in minimizing impacts on the community. In addition, the City Manager thanked the Emergency Management Team, who assisted with a wide range of critical response tasks. Among them, Deputy City Manager Rebecca Landry played a vital role in leading communications efforts, working throughout the weekend sending out timely and accurate information to the public across all platforms. The morning after the water main break, the City heard from concerned residents because they had missed earlier notifications as they were not active on social media. The City had issued alerts via email, social media, radio, and WMUR. However, the City Manager said the organization understands the importance of reaching residents through more direct means. The City had been working toward full implementation of the State's Emergency Alert System, which enables municipalities to send critical alerts directly to residents' phones. While the City already had an agreement in place and identified key City staff for access, the process requires a combination of online and in-person training that was not yet completed. Therefore, the Emergency Management Director for this incident, Kürt Blomquist, worked directly with the State of NH to issue a Boil Order alert on the City's behalf.

Looking ahead, the City Manager anticipated that by September 2025, the City would have fully implemented the State's Emergency Alert System and would be able to issue emergency alerts—such as Boil Water Notices or weather-related warnings—directly to the public. Once fully operational, the City would launch a public outreach campaign to encourage residents to register their phones to receive these important notifications. The City Manager and staff were very thankful to the community for their continued support and engagement. The City Manager said events like this remind everyone why sustained investments in the City's water and sewer infrastructure are essential—not only to respond to emergencies, but to prevent them and build a stronger, more resilient City. She said there were a lot of positive and supportive comments from the community. The City Manager expressed her deep appreciation to the City's residents and customers for their patience and understanding throughout the event, noting the difficulties not only for homeowners, but businesses. She noted that a water main break has a variety of impacts and is difficult for the City to get back on track because of the two required tests; in reality, Public Works had the water back on within a short time, but the Boil Order took the longest. The City Manager reiterated that everyone did a great job and said it was a great learning opportunity; she thought the City was moving forward in the right direction to be able to communicate more directly with the public in the future. The Mayor thanked the City Manager,

Deputy City Manager, and staff because of the community's positive response to the communication efforts.

Councilor Greenwald noted that no one had mentioned the City Manager's commendable efforts throughout the emergency.

Councilor Favolise noted that the City was in a period of ongoing Ward Optimization Weeks (WOW). One of the pieces of feedback that he received from constituents was that for the first time ever, they had started using the See-Click-Fix App to report different challenges with the water. Councilor Favolise wanted to share that as a kind of technology the City uses as a system that he thought would be important, moving forward, to have more people using. He said it was hard because in this case it was obvious to Public Works that there was a challenge with the water system, but in other cases it is hard for City staff to solve problems that they do not know exist. Councilor Favolise said See-Click-Fix is a way to get those issues on staff's radar. The City Manager noted that over 100 people reported the water issue, and the Public Works Director joked to her on site that he counted that as engagement for WOW. The City Manager confirmed that WOWs were underway.

REPORT - ACCEPTANCE OF DONATIONS

A memorandum was read from the Finance Director/Treasurer, Kari Chamberlain, recommending 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. A motion by Councilor Powers to accept donations in the amount of \$15,000, and the donation of water from C&S during the recent water main break, and that the City Manager be authorized to use each donation in the manner specified by the donors was duly seconded by Councilor Lake.

Councilor Remy said there were a lot of people involved in C&S' effort, stating the organization was glad to do it. For example, J.B. Hunt was a transportation provider who ensured everything went smoothly. Additionally, with only 10 minutes' notice, Choice Industrial Solutions hauled and offloaded the final cases of water from C&S. Councilor Remy thought the final total of water cases donated by C&S was a bit more than the 1,260 the City Manager quoted. Mayor Kahn thanked all community partners who stepped up during this time of need.

The motion to accept donations carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

REPORTS - RESIGNATIONS - AIRPORT DEVELOPMENT AND MARKETING COMMITTEE & HERITAGE COMMISSION

A memorandum was received from Airport Director David Hickling, recommending that the City Council accept Luca Paris' resignation from the Airport Development & Marketing Committee with gratitude for service. A second memorandum was received from Planner Megan Fortson, recommending that the City Council accept Marilyn Huston's resignation from the Heritage Commission with gratitude for service. A motion by Councilor Greenwald to accept the resignations with regret and appreciation for their service was duly seconded by Councilor

Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

REPORT - RELATIVE TO SETBACKS AND BUILD-TO DIMENSIONS - ORDINANCE O-2025-20-A - JOINT PLANNING BOARD/PLD COMMITTEE

A Joint Planning Board-Planning, Licenses and Development (PB-PLD) Committee report was read, with the Planning Board unanimously finding Ordinance O-2025-20-A was in compliance with the Comprehensive Master Plan, and the PLD Committee unanimously recommending the Mayor set a Public Hearing for Ordinance O-2025-20-A. Mayor Kahn scheduled a Public Hearing for Ordinance O-2025-20-A on Thursday, August 21, 2025 at 7:00 PM in the City Hall Council Chambers.

REPORT - RELATIVE TO AMENDMENTS TO THE LAND DEVELOPMENT CODE TO ENCOURAGE HOUSING DEVELOPMENT IN KEENE - ORDINANCE O-2025-15-A - JOINT PLANNING BOARD/PLD COMMITTEE

A Joint Planning Board-Planning, Licenses and Development (PB-PLD) Committee report was read, with the Planning Board unanimously finding Ordinance O-2025-15-A was in compliance with the Comprehensive Master Plan, and the PLD Committee unanimously recommending the Mayor set a Public Hearing for Ordinance O-2025-15-A. Mayor Kahn scheduled a Public Hearing for Ordinance O-2025-15-A on Thursday, August 21, 2025 at 7:05 PM in the City Hall Council Chambers.

MORE TIME - MSFI REPORT - JOE SCHAPIRO - SAFETY ISSUES ASSOCIATED WITH ON-STREET PARKING - CHURCH STREET; & FOP REPORT - COUNCILOR FAVOLISE - REQUEST TO PLACE KENO QUESTION ON 2025 MUNICIPAL GENERAL ELECTION BALLOT

A Municipal Services, Facilities and Infrastructure Committee report was read, recommending placing the item [Joe Schapiro - Safety Issues Associated with On-Street Parking - Church Street] on more time to allow for conversations with all parties to continue. A Finance, Organization and Personnel Committee report was read on a vote of 4–1, recommending the request to a Place Keno Question on 2025 Municipal General Election Ballot be placed on more time. Mayor Kahn granted more time for both items.

ORDINANCE FOR FIRST READING - RELATING TO CLASS ALLOCATION & PERFORMANCE BONUS - ORDINANCE O-2025-24

A memorandum was received from the HR Director/ACM, Beth Fox, accompanied by Ordinance O-2025-24 Relating to Class Allocation and Performance Bonus. Mayor Kahn referred Ordinance O-2025-24 to the Finance, Organization and Personnel Committee.

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

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending the adoption of Ordinance O-2025-22 Relating to Prohibited Parking Areas. A motion by Councilor Greenwald to adopt Ordinance O-2025-22 was duly seconded by Councilor Filiault. Councilor Filiault reported on behalf of the Committee. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman was absent.

**RESOLUTION - RELATING TO PROPOSED FY26 BUDGET AMENDMENT -
RESOLUTION R-2025-25**

A memorandum was received from Finance Director/Treasurer, Kari Chamberlain, accompanied by Resolution R-2025-25 Relating to Proposed FY26 Budget Amendment. Mayor Kahn referred Resolution R-2025-25 to the Finance, Organization and Personnel Committee.

**RESOLUTIONS - RELATING TO AN AMENDED RETURN OF LAYOUT FOR A PUBLIC
RIGHT-OF-WAY KNOWN AS GROVE STREET - RESOLUTION R-2025-26; RELATING
TO A DEED FOR LAND REMOVED FROM THE RIGHT-OF-WAY AND AN EASEMENT
FOR PUBLIC INFRASTRUCTURE - RESOLUTION R-2025-27; & PETITION - PUBLIC
WORKS DIRECTOR**

A memorandum was received from Public Works Director Don Lussier, recommending the Mayor set a date and time for a site visit and public hearing on a Petition to Amend the Layout of Grove Street; 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 and the Planning Board for their consideration and recommendations. Mayor Kahn referred Resolutions R-2025-26 and R-2025-27 to the Municipal Services, Facilities and Infrastructure Committee and the Planning Board. The Mayor scheduled a site visit for September 4, 2025 at 5:30 PM and a Public Hearing to be held September 4, 2025 at 7:00 PM.

The City Attorney, Amanda Palmeira, confirmed that if Councilors did not attend the site visit, they would not be able to vote on the matter. Councilor Greenwald encouraged his fellow Councilors to be at the site visit. Mayor Kahn said a quorum would be important.

NON PUBLIC SESSION

A motion by Councilor Greenwald to go into non-public session to discuss land matters pursuant to RSA 91-A:3, II(d), and for consideration of the release of non-public minutes pursuant to RSA 91-A:3, II(m) was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman was absent. The non-public session began at 8:03 PM. At 8:27 PM, the non-public session ended.

On advice from the City Attorney and the City Manager, no action was taken to seal the minutes of this evening's session.

**MOTION OUT OF NON-PUBLIC SESSION – REVIEW AND RELEASE OF NON-PUBLIC
MINUTES – LAND MATTERS**

A motion by Councilor Greenwald to unseal the non-public minutes of October 19, 2023, pursuant to RSA 91-A;3 IV (b) because the reason the minutes were originally sealed no longer applies was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman was absent.

**MOTION OUT OF NON-PUBLIC SESSION – PAYMENT IN LIEU OF TAXES
AGREEMENT – CHESHIRE MEDICAL CENTER AND PURCHASE OF REAL PROPERTY
FROM CHESHIRE MEDICAL CENTER**

A motion by Councilor Greenwald to authorize the City Manager to execute a ten-year PILOT agreement (payment in lieu of taxes agreement) with an additional 5-year option with Cheshire Medical Center was duly seconded by Councilor Bosley. On show of hands, 14 Councilors were present and voted in favor. Councilor Workman was absent.

A motion by Councilor Bosley to authorize the City Manager to execute all documents necessary to purchase approximately 1.25 acres of land off Maple Ave from Cheshire Medical Center was duly seconded by Councilor Greenwald. On show of hands, 14 Councilors were present and voted in favor. Councilor Workman was absent.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 8:35 PM.

A true record, attest:



City Clerk



PUBLIC HEARING
Amendment to Land Development Code
Setbacks and Build-to Dimensions

Notice is hereby given that a public hearing will be held before the Keene City Council relative to **Ordinance O-2025-20-A Relating to Setbacks and Build-to Dimensions**. Petitioner, City of Keene Community Development Department, proposes to amend Section 1.3.3 of the LDC to modify the definition of “Building Setback” and clarify that the Front, Side, and Rear setbacks generally apply to all buildings or structures on a lot, amend the definitions for “Build-To Line” and “Build-To Zone” to state that they apply to all principal structures with some exceptions, and amend Sec. 8.4.1.C to state that accessory structures shall not be located in the Build To Zone. Lastly, this ordinance proposes to update the “dimensions and siting” sections of the Downtown Core, Downtown Growth, Downtown Edge, Downtown Limited, Neighborhood Business, and Business Growth and Reuse zoning districts to update certain setback labels to refer to either a Build-to Line or Build-to Zone.

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

HEARING DATE: August 21, 2025

HEARING TIME: 7:00 pm

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and City Council this seventeenth day of July, two thousand and twenty-five.

Attest:

City Clerk



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

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.

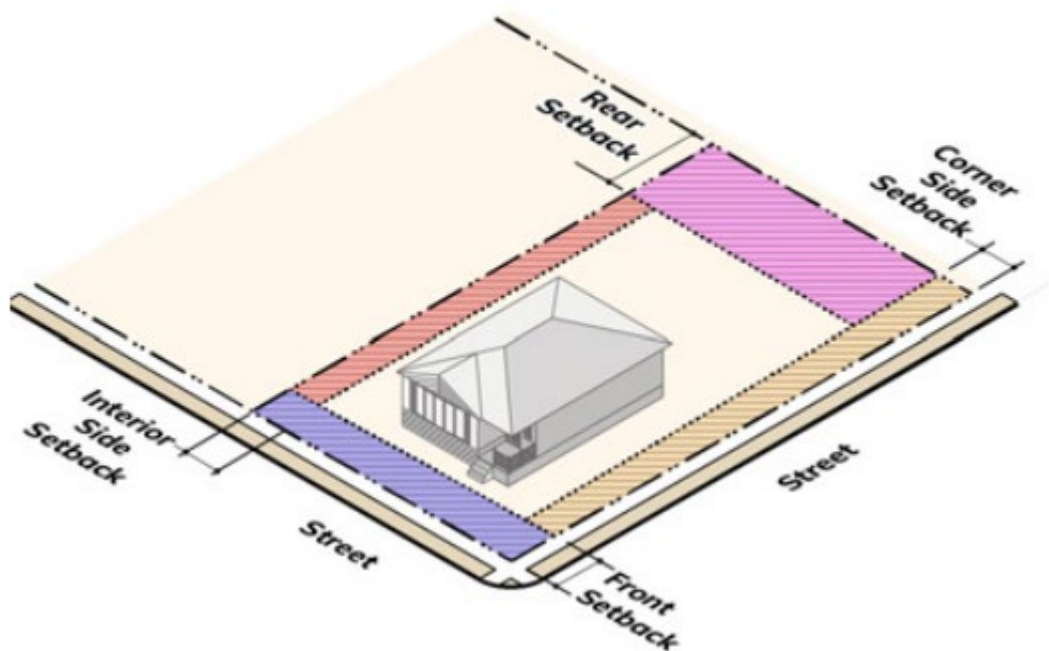


Figure 1. Illustration depicting the Front Setback, Interior Side Setback, Corner Side Setback, and Rear Setback on a lot.

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.

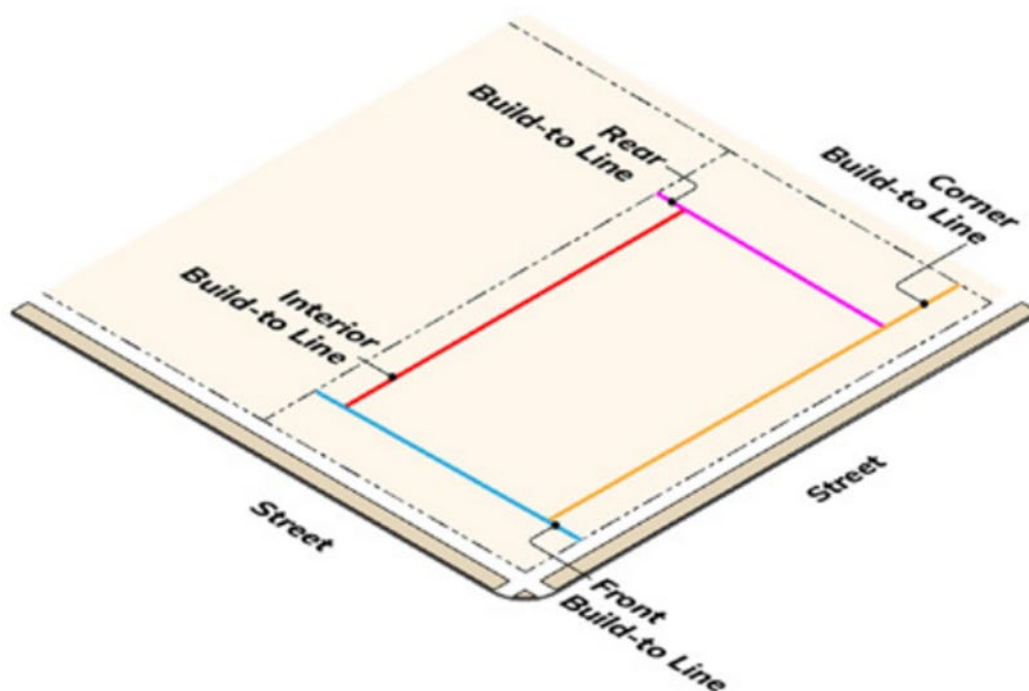


Figure 2. Illustration depicting the Front Build-To Line, Interior Build-To Line, Corner Side Build-To Line, and Build-To Line on a lot.

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.

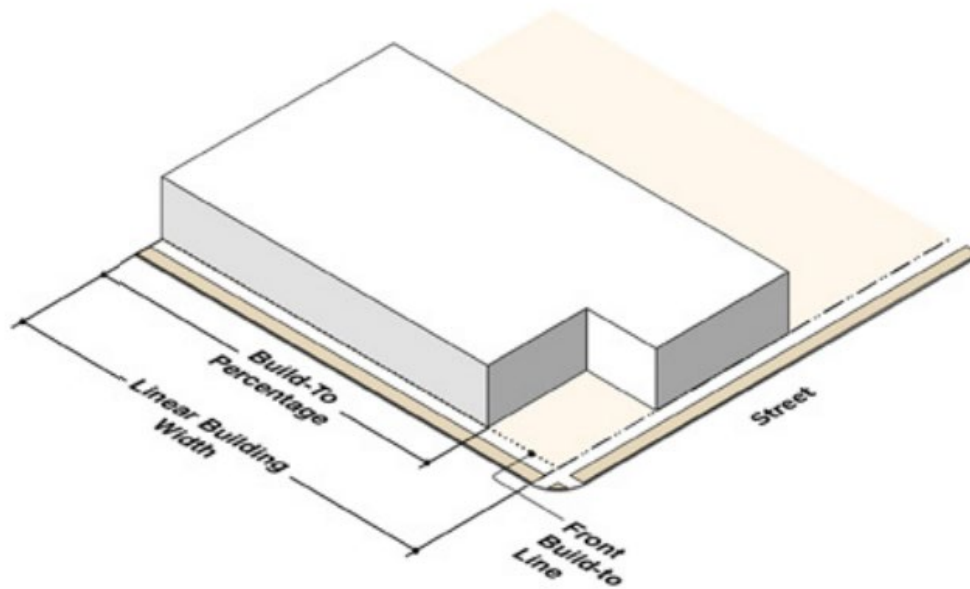


Figure 3. Illustration depicting the Build-To percentage and Front Build-To Line on a lot.

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).

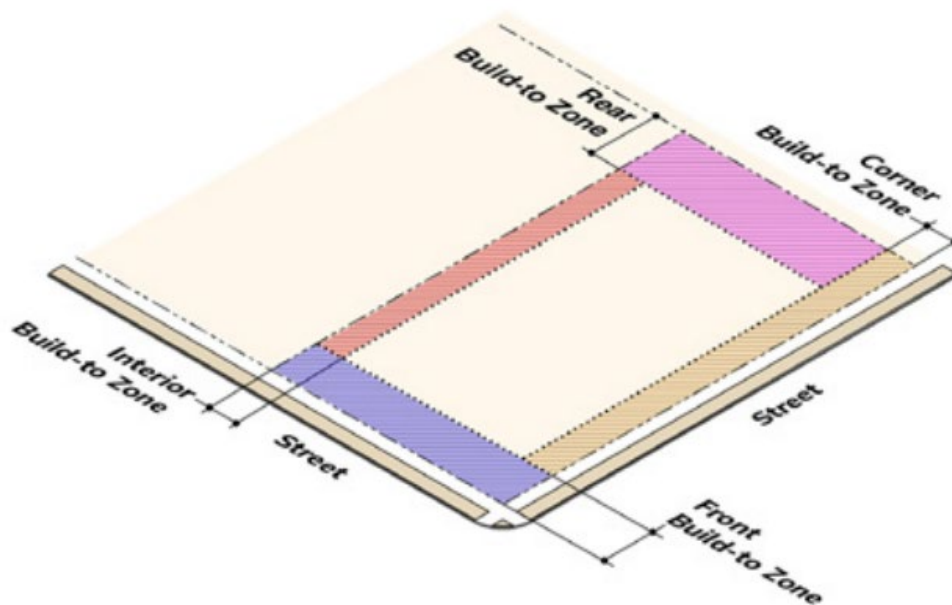


Figure 4. Illustration depicting the Front Build-To Zone, Interior Build-To Zone, Corner Side Build-To Zone, and Build-To Zone on a lot.

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.

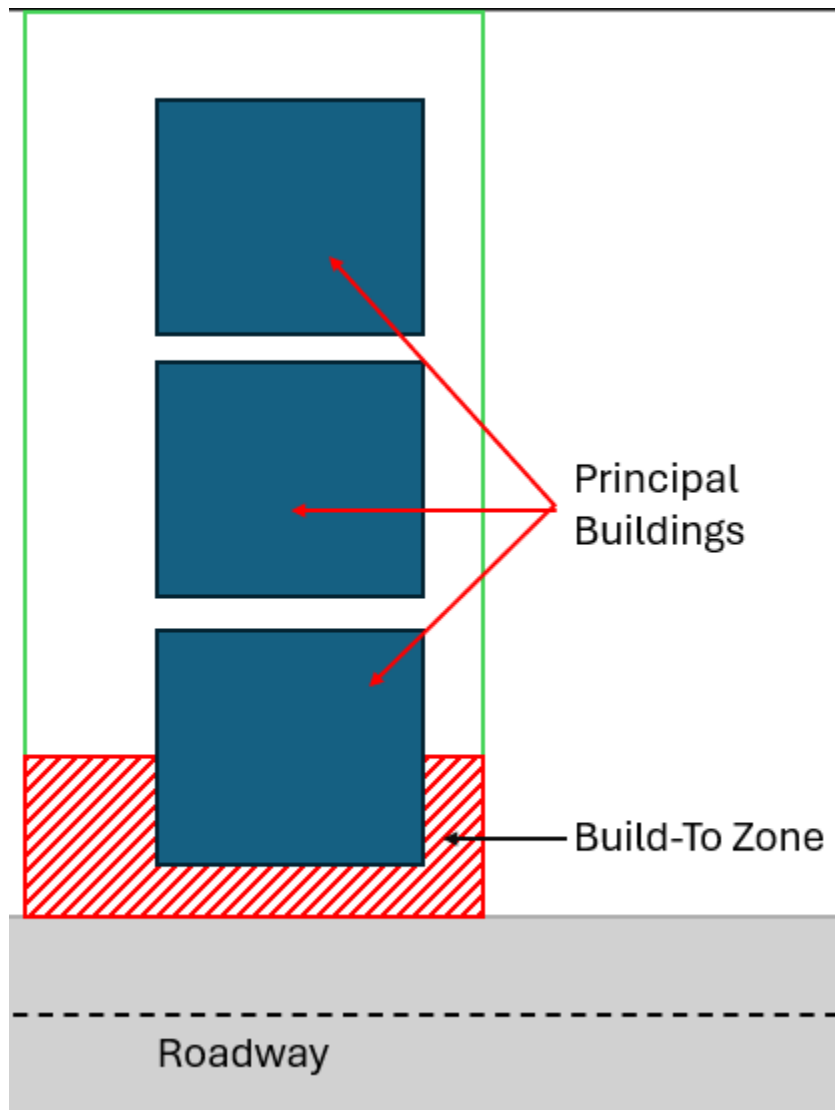


Figure 5. Illustration depicting additional buildings placed behind the first principal building in the Build-To Zone

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.

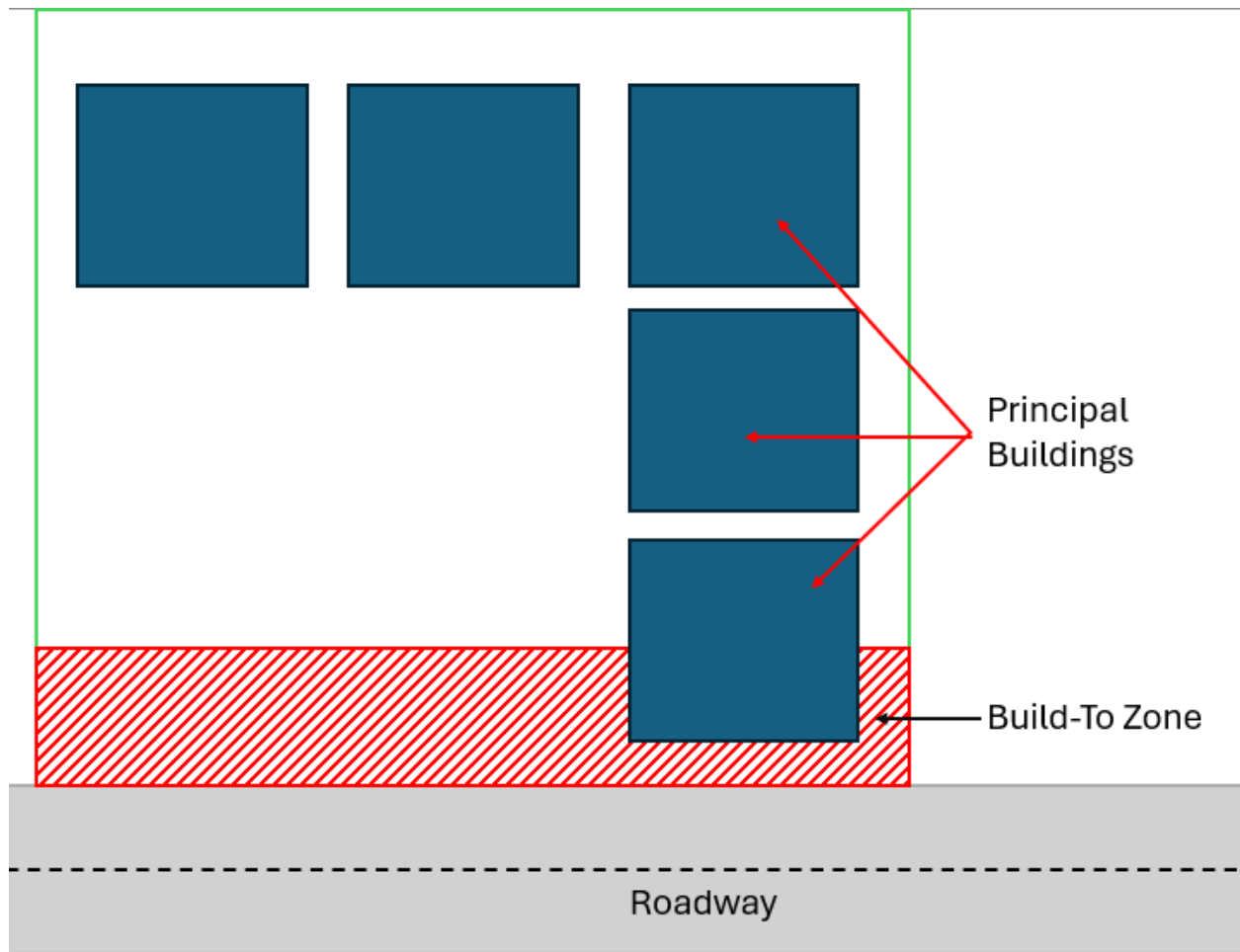


Figure 6. Illustration depicting an undesired result of additional buildings placed behind the first principal building in the Build-To Zone

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.

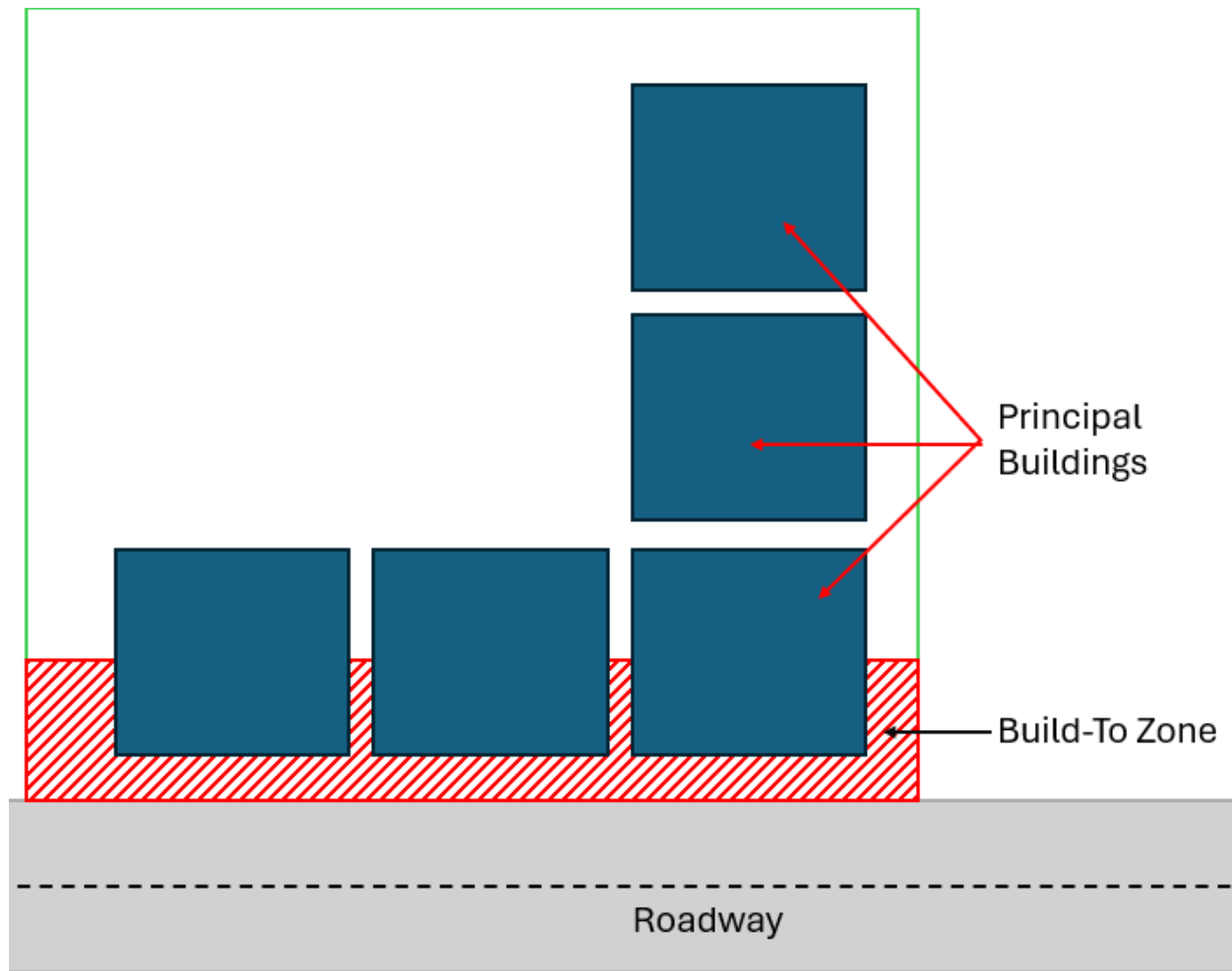


Figure 7. Illustration depicting the desired result of additional buildings placed behind the first principal building in the Build-To Zone

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.

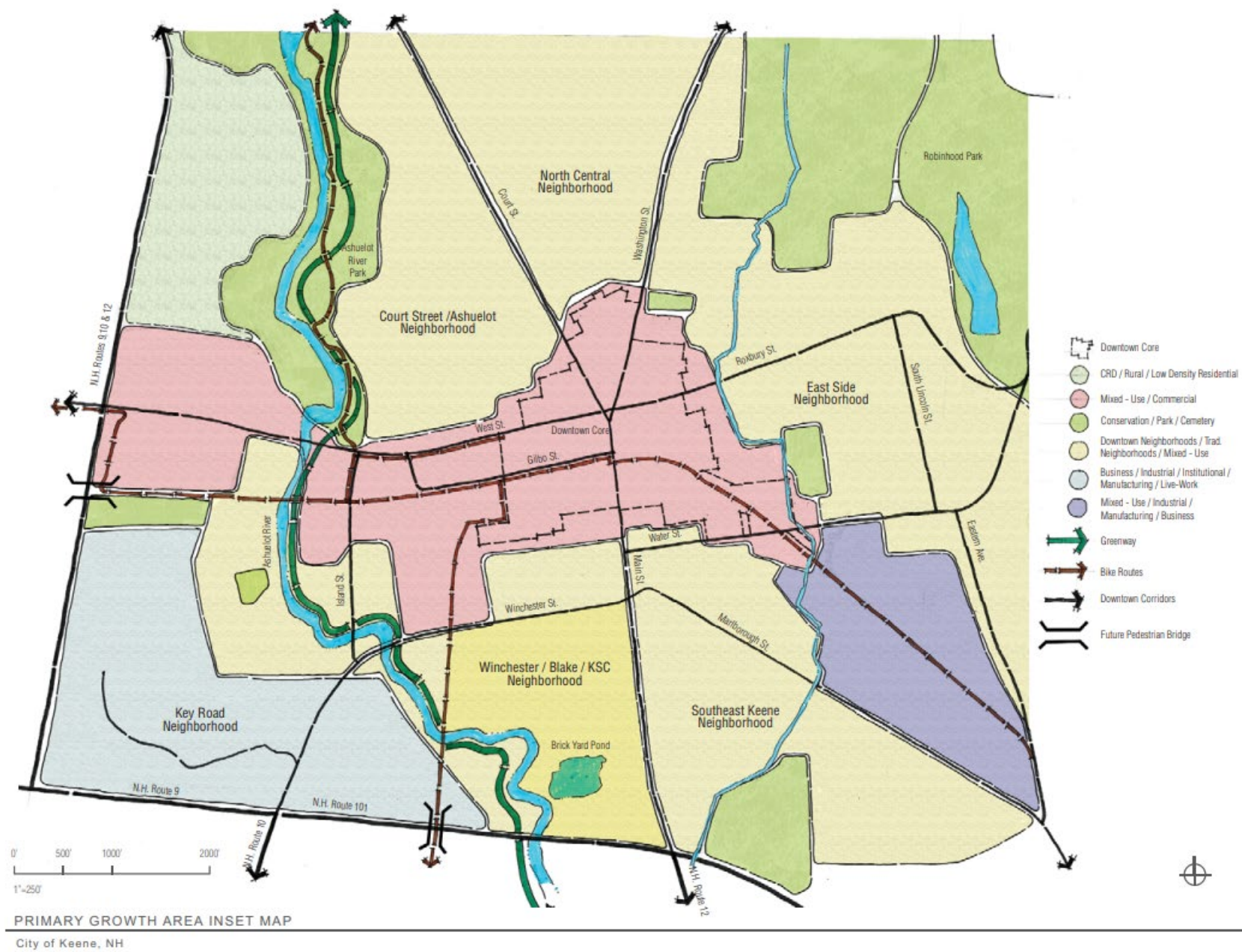


Figure 8. Primary Growth Area Inset Map for the City of Keene Future Land Use Map.



PUBLIC HEARING
Amendment to Land Development Code
Housing Development

Notice is hereby given that a public hearing will be held before the Keene City Council relative to **Ordinance O-2025-15-A 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 purpose of the Neighborhood Business District, Reduce the minimum lot size in the Neighborhood Business District to 5,000 square feet; 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 with limitations; and, Establish rules for applying zoning regulations to split-zoned parcels. The sections proposed to be modified include 1.3, 5.3.1, 5.3.2, and 8.3.1(C) of the LDC.

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

HEARING DATE: August 21, 2025

HEARING TIME: 7:05 pm

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and City Council this seventeenth day of July, two thousand and twenty-five.

Attest: 
City Clerk



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 0 -10 ft Build-to Zone
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 5 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

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.

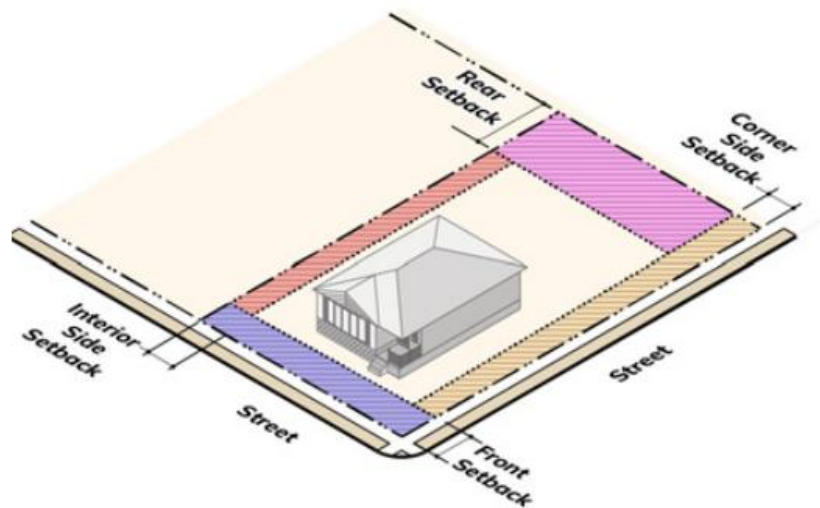


Figure 1. Illustration depicting the Front Setback, Interior Side Setback, Corner Side Setback, and Rear Setback on a lot.

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.

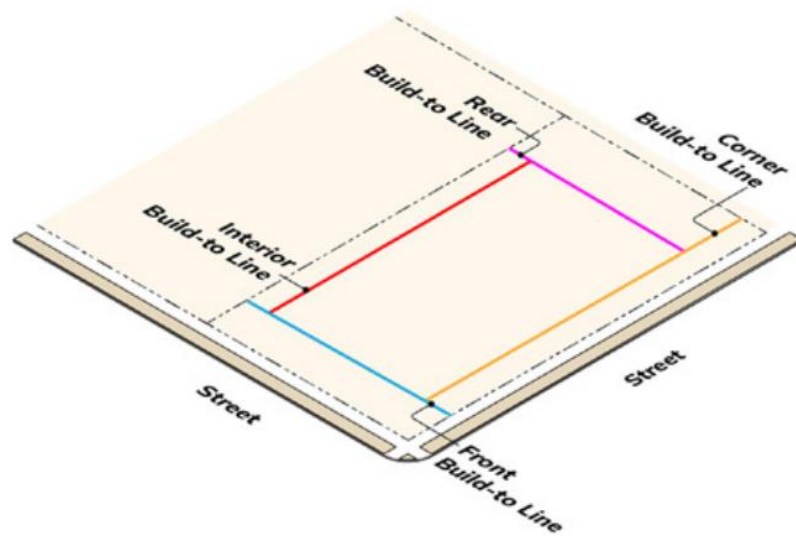


Figure 2. Graphic depicting the Front Build-To Line (BTL), Interior BTL, Corner Side BTL, and Rear Build-To Line on a lot.

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.

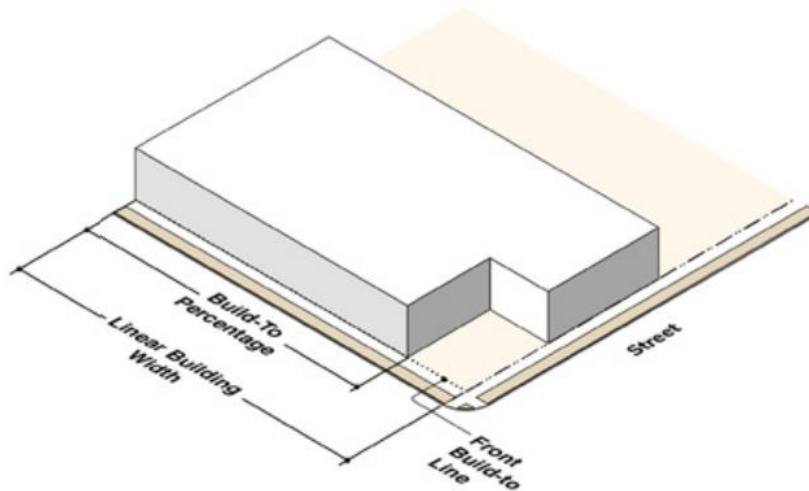


Figure 3. Illustration depicting the Build-To percentage and Front Build-To Line on a lot.

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).

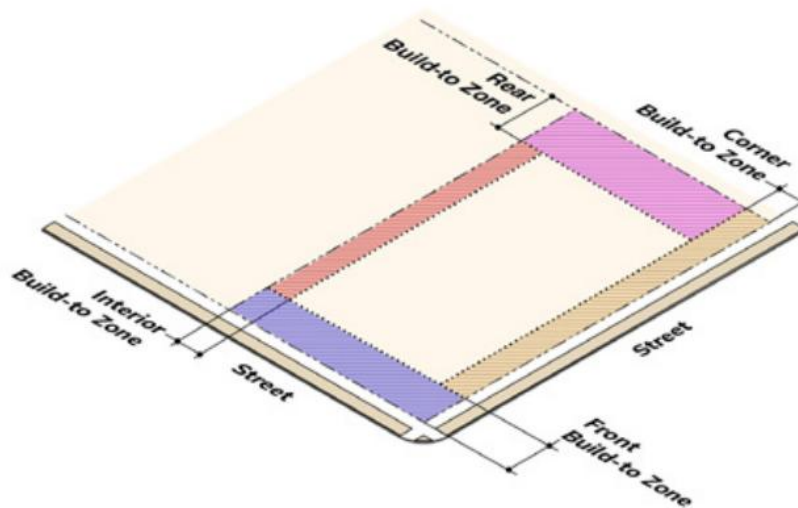


Figure 4. Graphic depicting the Front Build-To Zone (BTZ), Interior BTZ, Corner Side BTZ, and Rear BTZ on a lot.

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).

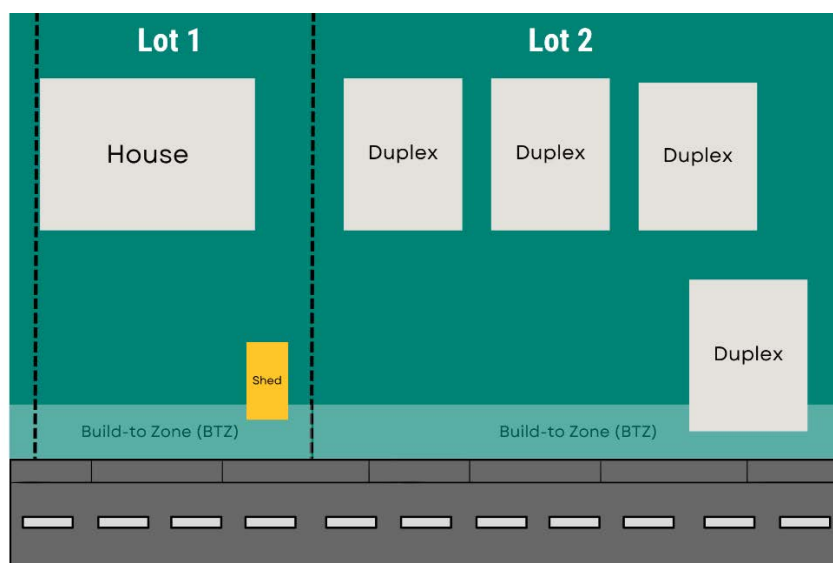


Figure 5. A Graphic depicting two lots with buildings placed both inside and outside the Build-to Zone (BTZ). Lot 1 shows a shed in the BTZ with a principal structure behind it, and Lot 2 shows a lot with four principal structures with one in the BTZ and three outside it.

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.

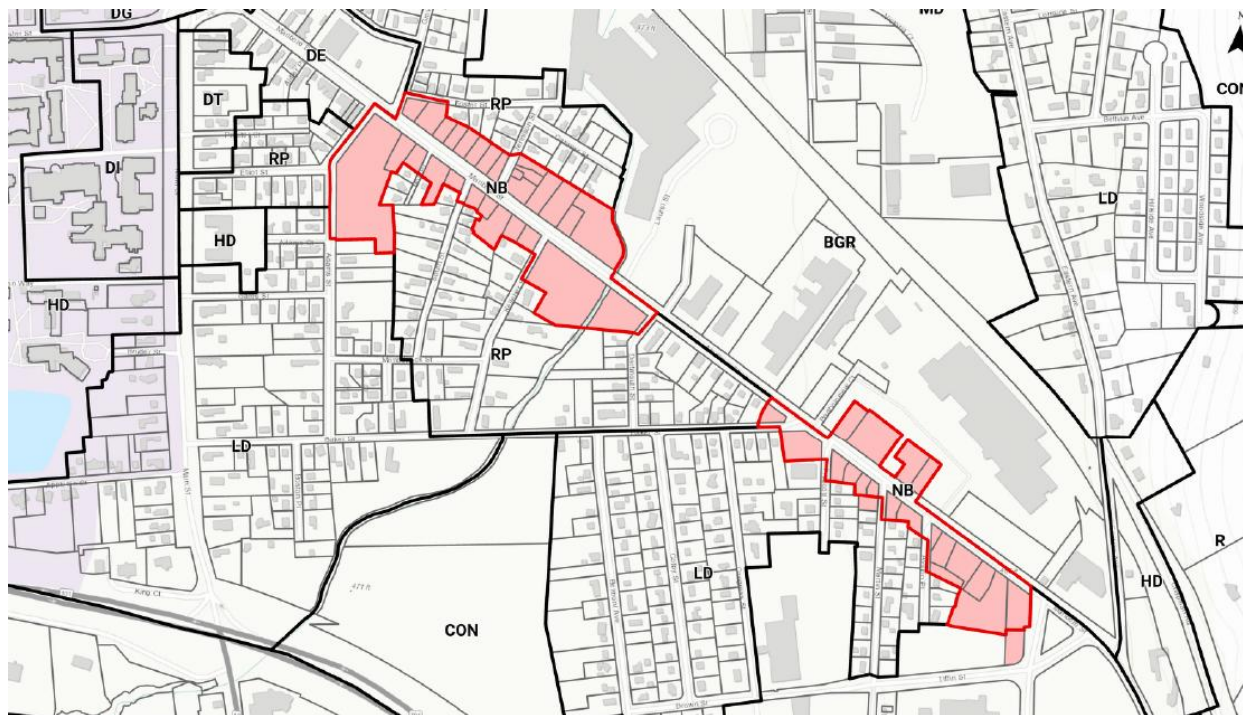


Figure 7. Map that shows the Neighborhood Business District (NB), highlighted in red.

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.

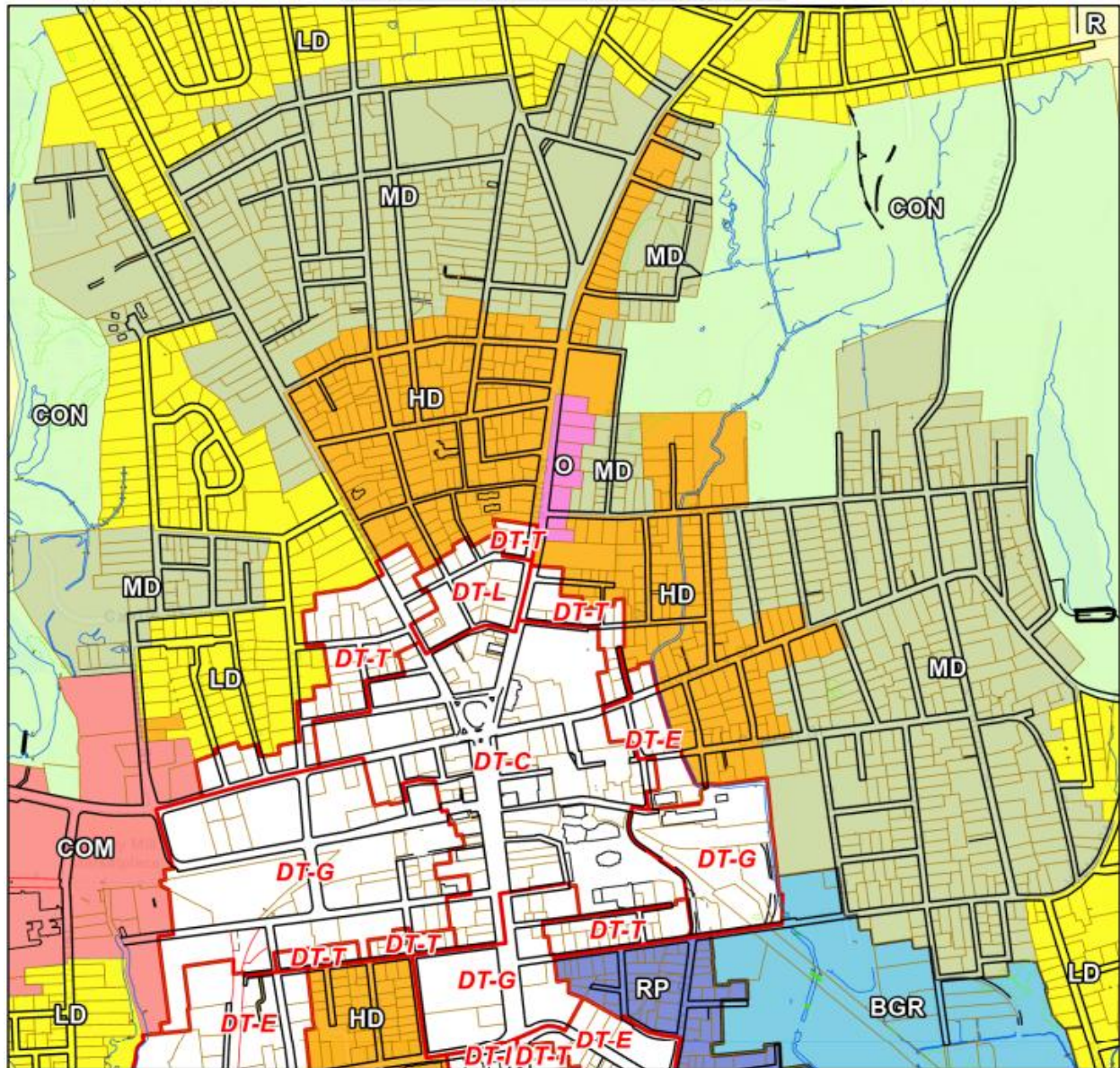


Figure 9. Map showing zoning districts in and adjacent to Downtown Keene. Medium Density (MD) parcels are shown in darker green.

3.5.2 Dimensions & Siting

Min Lot Area	8,000 sf
Min Lot Width at Building Line	60 ft
Min Road Frontage	50 ft
Min Front Setback	15 ft
Min Rear Setback	15 ft
Min Side Setback	10 ft

3.5.3 Buildout

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

3.5.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

Figure 10. Zoning dimensional requirements 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.

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.

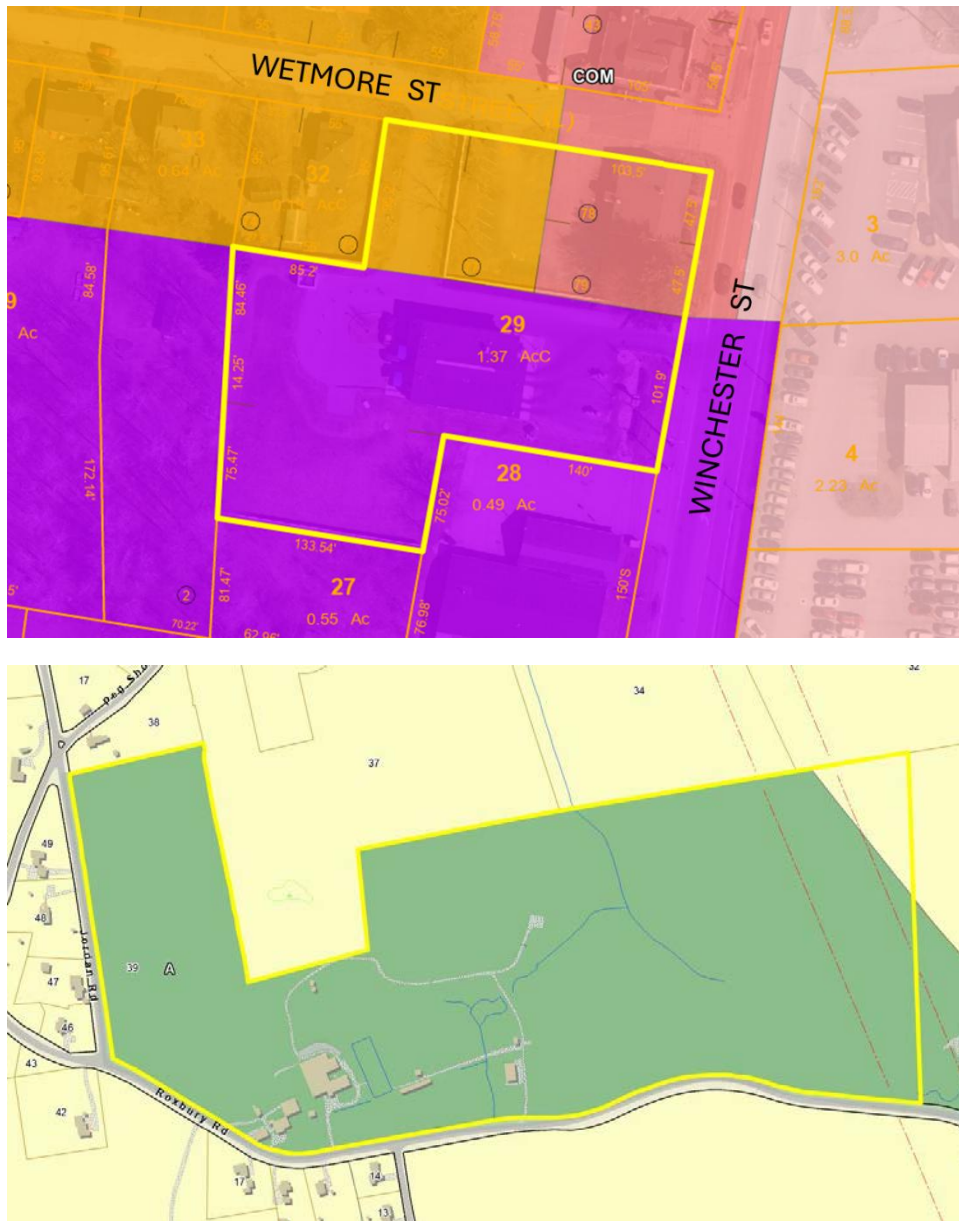


Figure 14. Image of the Mint Carwash property (top) and the 782 Roxbury Road property (bottom). The purple areas are zoned Industrial, Orange areas are High Density, Pink are Commerce, Green are Agriculture, and Yellow are Rural.

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.



**CITY OF KEENE
NEW HAMPSHIRE**

ITEM #B.1.

Meeting Date: August 21, 2025

To: Mayor and Keene City Council

From: Mayor Jay V. Kahn

Through: Terri Hood, City Clerk

Subject: **Nominations - Historic District Commission, Planning Board, Partner City Committee, Zoning Board of Adjustment**

Council Action:
In City Council August 21, 2025.
Nominations tabled until the next regular meeting.

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

Historic District Commission

Russell Fleming	Term Exp: December 31, 2027
reappointment	
Slot 10 - Alternate	

Partner City Committee

Derek Blunt	Term Exp: December 31, 2027
Moving from Alternate to Regular Membership	
Slot 8	

Planning Board

Joseph Cocivera	Term Exp: December 31, 2027
11 Baldwin Street	
Slot 14 - Alternate	

Zoning Board of Adjustment

Zach LeRoy	Term Exp: December 31, 2027
Moving from Alternate to Regular Membership	
Slot 1	

Kathleen Malloy	Term Exp: December 31, 2027
240 Court Street	
2025-332	

Slot 8 - Alternate

Attachments:

1. Cocivera, Joseph_Redacted
2. Malloy, Kathleen_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: Monday, August 4, 2025 3:26:55 PM

Submitted on 08/04/2025

Submitted fields are:

Name
Joseph Cocivera
Email
[REDACTED]
Phone
[REDACTED]
Address
11 baldwin st keene, New Hampshire 03431 United States Map It
How long have you resided in Keene?
13 years
Employer
Electronic Imaging Materials
Occupation
Systems Administrator
Retired?
No
Please list any organizations, groups, or other committees you are involved in
N/A
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">Planning Board
Please let us know the Board or Commission that you are most interested in serving on.
Planning Board
Please share what your interests are and your background or any skill sets that may apply.
Always been interested in local politics and would love to make Keene a better place for people to live in.

i.e. bike lanes, walkability, housing, and anything else the planning board may be working on.

Suggest other public bodies of interest

N/A

Please provide two personal references:

Name

Jay Kahn

Email

jkahn@keenenh.gov

Phone

[REDACTED]

Name

Alex Henkel

Email

[REDACTED]

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: Wednesday, August 6, 2025 10:22:47 AM

Submitted on 08/06/2025

Submitted fields are:

Name
KATHLEEN MALLOY
Email
[REDACTED]
Phone
[REDACTED]
Address
240 Court Street Keene, New Hampshire 03431 United States Map It
How long have you resided in Keene?
38 years
Employer
CMG Home Loans
Occupation
Branch Sales Manager
Retired?
No
Please list any organizations, groups, or other committees you are involved in
Monadnock Region Board of Realtors committee member: Communications & Public Relations committee Realtor of the Year committee In the past I was on the board of directors for Rise for Baby & Family.
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">• Zoning Board Adjustment
Please let us know the Board or Commission that you are most interested in serving on.

Zoning.
Optional - Please select your second choice of which Board or Commission you would like to serve on.
Where Major Jay Kahn feels I may be most needed.
Optional - Please select your third choice of which Board or Commission you would like to serve on.
Historic District
Please share what your interests are and your background or any skill sets that may apply.
I have been a mortgage lender in Keene since 1991, from my days at Granite Bank (7 years) thru the Countrywide days (6 years) to my current employer CMG Home Loans. I have an extensive knowledge in mortgage lending and property appraisal requirements.
Suggest other public bodies of interest
The availability of affordable housing in Keene.
Please provide two personal references:
Name
Josh Greenwald
Email
jg@greenwaldrealty.com
Phone
[REDACTED]
Name
Christopher Coates
Email
ccoates@co.cheshire.nh.us
Phone
[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Terri Hood, City Clerk
Subject: **Confirmations - Airport Development and Marketing Committee, Heritage Commission**

Council Action:

In City Council August 21, 2025.

Voted unanimously to confirm the nominations.

In City Council July 17, 2025.

Nominations tabled until the next regular meeting.

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:

None

Background:



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Vicky Morton
Through: Terri Hood, City Clerk
Subject: Vicky Morton - In Opposition to Ordinance O-2025-15-A

Council Action:

In City Council August 21, 2025.

Filed the communication into the record as informational.

Recommendation:

Attachments:

1. Morton_Communication

Background:

Vicky Morton is in opposition to Ordinance O-2025-15-A to amend Section 8.3.1(C) of the Land Development Code to Encourage Housing Development in Keene. Her primary concerns are the potential for overcrowding, creating issues like noise pollution, lack of privacy, and strain on communal resources, which could negatively impact mental health and reduce the overall quality of life for residents. She also states another drawback is the potential for urban heat islands.

August 12, 2025

Mayor Jay Kahn
Keene Council Members
3 Washington Street
Keene, New Hampshire 03431

Vicky Morton
275 Water Street
Keene, New Hampshire 03431

Honorable Mayor and City Council Members,

I write in response to the proposed changed by Jarrod Goodell to Ordinance 2025-15-A to amend Section 8.3.1(C).

While there are pockets of medium density areas in Keene, the largest is located in the east side. I trust that whatever the Council decides, the eastside neighborhood will not resemble inner-city living. From homesight.org, I offer:

One of the primary concerns is the **potential for overcrowding**. When too many people live in a confined area, it can lead to issues like **noise pollution, lack of privacy, and strain on communal resources**. Overcrowded conditions might **negatively impact mental health and reduce the overall quality of life for residents**.

Another significant drawback is the **potential for urban heat islands**. High-density areas with extensive concrete, asphalt, and other heat-absorbing materials can experience higher temperatures than their low-density counterparts, exacerbating the effects of climate change. This can lead to discomfort, higher energy consumption for cooling purposes, and adverse health effects, particularly for vulnerable populations like the elderly and children.

The City is currently confronted with the issue of eliminating the Red Pine trees before the fungus kills them and while the trees still have some value. Deforestation of the Red Pine and the removal of trees and shrubs for the downtown renovations will impact the City's ability to reduce the outcomes of increasing seasonal heat. It may take decades to replace the climate value of the soon-to-be-gone trees in regards to cleaning the air and mitigating the heat. The only streets in the eastside medium density that will allow enough street

space for shade trees are South Lincoln and Roxbury Streets, therefore maintaining setbacks on private lots that are sufficient for planting, even large bushes, will help create privacy, greenspace and cleaner air quality. The same argument can be made about not utilizing every square foot on a plot to build a building. Vehicle emissions and building air conditioners also contribute to UHIs (urban heat islands). Hotter conditions pose serious health risks, including heatstroke, dehydration, and can exacerbate respiratory issues, particularly for vulnerable populations.

In 2024, Walker Consultants submitted their final report on the Neighborhood Traffic Project. The Walker Consultants' recommendations, page 7 of their final report, urged the City to Replace Parking Ban with Emergency Weather Parking Plan, which the City did, Update Residential Parking Permit (RPP) Program that some deemed unnecessary with the decline in the number of Keene State College students, and finally, Adopt a Guide for Creating Formal On-Street Parking, which the City has not. Or rather, there are no visible signs in the Eastside that this has occurred. With the new residential parking requirements amended by New Hampshire legislature, landlords must provide only one parking space per residence, no longer 2. Many believe the streets will be utilized for additional vehicle overflow. Increasing the number of housing units from 3 to 6 may significantly impact a safety concern already raised by the residents in Eastside Keene: **on-street parking**. Without a formal on-street parking plan, we have streets that are 20-23 feet wide with parking on both sides and the expectation that two-way traffic can occur. A travel pathway is defined to be 10-12 feet wide, and another 8 feet are required for parking, according to Walker Consultant's report. There are few 38-40 foot wide streets in medium density areas. At July's MSFI meeting residents shared their concerns for safety when parking impacts the flow of traffic and when parked cars interfere with the entry and exit from driveways. Residents are already troubled that first responders will have difficulty navigating the streets. The current situation will only be exacerbated by snow piles that will decrease the roadways by 4-6 feet depending on snow accumulation. Adding more vehicles to these streets without a formal parking plan is both foolish and dangerous.

If this were truly about increasing housing to meet the perceived need, then I believe the City would be looking for better outcomes than crowding existing medium density neighborhoods and would consider implementing changes to building codes in lower density areas where green space, larger lots and parking are more amenable.

Respectfully,



Vicky L. Morton



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Charles Redfern
Through: Terri Hood, City Clerk
Subject: Charles Redfern - In Opposition to Ordinance O-2025-15-A

Council Action:

In City Council August 21, 2025.

Filed the communication into the record as informational.

Recommendation:

Attachments:

1. Redfern_Communication_Redacted

Background:

Charles Redfern is in opposition to Ordinance O-2025-15-A to amend Section 8.3.1(C) of the Land Development Code to Encourage Housing Development in Keene. His primary concerns are the negative impacts such as "densification and ghettoization" of the East Side of Keene.

August 15, 2025

Mayor Jay Kahn & City of Keene Council

3 Washington Street

Keene, NH 03431

Charles Redfern, former Ward 1 Councilor

9 Colby Street

Keene, NH 03431

Ordinance 2025-15-A to amend Section 8.3.1 ©

Densification & Ghettoization of the East Side of Keene

Dear Honorable Mayor & Councilors

Since 1985, my wife and I have lived in the above noted home in Ward 1. We raised our family here and we have enjoyed every minute of it. However, it has come to my attention that this way of living is being threatened by those who want to profit from significant densification of the Eastside medium density neighborhoods.

I cannot describe the negative impacts likely to be realized if such changes were to occur. It is my hope that all parties involved in deciding the fate of most of East Keene read the letter submitted to the Mayor and Keene Council by Vicky Morton. It delineates many of the negative factors to occur should this land use change were to occur.

It is my strong opinion that a city-wide problem deserves a city-wide solution. Rather than singling out one area to shoulder the burden of increased density, I urge the Council to consider policies that distribute this responsibility equitably across all neighborhoods. The very fabric of our community is woven from the distinct character and history of each part of Keene. Altering the East Side disproportionately would not only disrupt the lives of long-standing residents but also erode the trust and unity that bind our city together.

Let us approach this challenge with thoughtful planning, seeking input from all corners of Keene, and crafting a solution that reflects our shared values and aspirations. By doing so, we can preserve the qualities that make our neighborhoods desirable while still meeting the needs of a growing city.

Thank you for your service to Keene!

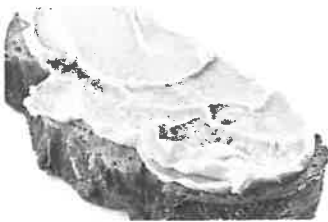

Charles Redfern



Overcrowding

Deutsch: Überfüllung / Español: Superpoblación / Português: Superlotação / Français: Surpeuplement / Italian: Sovraffollamento

Overcrowding in the psychology context refers to a situation where too many people occupy a given space, leading to a perception of discomfort, stress, and reduced quality of life. It is associated with feelings of being overwhelmed, loss of privacy, and a lack of control over one's environment. Overcrowding can have significant psychological effects, influencing behavior, mental health, and social interactions.



**Dementia Has Been
Linked To a
Common Food - D...**
Health Researchers

Description

Overcrowding is more than just a physical Condition of too many people in a space; it is also a subjective experience that varies depending on individual tolerance, cultural norms, and the specific environment. The psychological impact of overcrowding is linked to how people perceive their space and the degree of control they feel they have over it.

- **Perception of Space:** The psychological experience of overcrowding is closely tied to how individuals perceive the adequacy of their personal space. When personal space is perceived to be violated or insufficient, it can lead to discomfort and stress.
- **Stress and Anxiety:** Overcrowding often leads to increased stress and anxiety. The inability to escape from others, constant noise, and lack of privacy can contribute to a heightened state of arousal and stress. This stress can be chronic in situations where overcrowding is persistent, such as in densely populated urban areas or overcrowded housing.
- **Aggression and Frustration:** Research has shown that overcrowding can lead to increased levels of aggression and frustration. When people feel that their space is being invaded, they may react defensively or aggressively, particularly

in high-stress situations.

- **Reduced Quality of Life:** Overcrowding can negatively impact the quality of life by reducing access to resources, limiting opportunities for relaxation and solitude, and increasing the likelihood of social conflicts. In living spaces, overcrowding can make it difficult to maintain a healthy lifestyle, leading to poor mental and physical health outcomes.
- **Social Interaction:** While some level of social interaction is beneficial, overcrowding can lead to social withdrawal or avoidance behaviors as individuals seek to protect their personal space. Conversely, in some situations, overcrowding might force more social interaction than individuals are comfortable with, leading to tension and conflict.
- **Environmental Psychology:** The study of overcrowding falls within the domain of environmental psychology, which examines how physical environments influence behavior and well-being. Overcrowding is a key factor in understanding how space and environment impact human psychology.
- **Cultural Differences:** The perception and tolerance of overcrowding can vary across cultures. Some cultures are more accustomed to high-density living and may have developed social norms and behaviors that mitigate the psychological impacts of overcrowding. Others, particularly those where personal space is highly valued, may experience more significant negative effects.

Application Areas

Overcrowding is a significant factor in several psychological and social areas:

- **Urban Psychology:** In urban environments, overcrowding is a common issue, with implications for mental health, social behavior, and overall well-being. Urban psychologists study how overcrowding affects city dwellers and explore strategies to improve urban living conditions.
- **Housing and Environmental Design:** Psychologists working in housing and environmental design study how to create living spaces that minimize the negative effects of overcrowding. This includes designing spaces that enhance privacy, reduce noise, and promote a sense of control over the environment.

- **Educational Settings:** In schools, overcrowded classrooms can impact both learning and behavior. Students may become more distracted, and teachers may find it harder to manage the classroom effectively, leading to increased stress and reduced educational outcomes.
- **Correctional Facilities:** Overcrowding in prisons is a significant issue, leading to increased violence, stress, and mental health problems among inmates. Understanding the psychological effects of overcrowding can inform policies and practices aimed at improving conditions in these facilities.
- **Disaster Relief and Refugee Camps:** In situations involving mass displacement, such as natural disasters or conflict, overcrowding in refugee camps can lead to severe psychological distress. Humanitarian efforts often include strategies to alleviate the effects of overcrowding on vulnerable populations.



**Dementia Has Been
Linked To a
Common Food - D...**
Health Researchers

Well-Known Examples

- **Urban Overcrowding:** In many large cities, overcrowding is a persistent issue, leading to problems such as increased crime rates, stress-related health issues, and social isolation despite the high population density.
- **Classroom Overcrowding:** Overcrowded classrooms can lead to decreased attention, higher stress levels for both students and teachers, and lower academic performance, highlighting the need for adequate educational resources and space.
- **Refugee Camps:** In refugee camps, overcrowding can exacerbate trauma and stress, leading to mental health issues like depression, anxiety, and PTSD. The lack of privacy and constant proximity to others can intensify these effects.

Similar Terms

- **Population Density:** A measure of the number of people living in a given area,

often used in discussions of overcrowding but not synonymous with the psychological experience of overcrowding.

- **Environmental Stress:** The stress that arises from one's physical environment, of which overcrowding is a significant contributor.
- **Personal Space:** The physical space individuals maintain around themselves as a buffer against overcrowding and to preserve comfort and privacy.



**Dementia Has Been
Linked To a
Common Food - D...**
Health Researchers...

Weblinks

- umweltdatenbank.de: '[Überfüllung](#)' im Lexikon der umweltdatenbank.de (German)
- maritime-glossary.com: '[Overcrowding](#)' in the maritime-glossary.com

Summary

Overcrowding in the psychology context refers to the subjective experience of too many people occupying a given space, leading to discomfort, stress, and reduced quality of life. It impacts mental health, behavior, and social interactions, contributing to increased aggression, anxiety, and social withdrawal. Overcrowding is a significant concern in urban areas, educational settings, correctional facilities, and refugee camps, where it can exacerbate existing stressors and lead to negative psychological outcomes. Understanding and mitigating the effects of overcrowding is crucial in environmental psychology, urban planning, and public policy.

--

Related Articles to the term 'Overcrowding'

'Annoyance'



Annoyance in the psychology context refers to a feeling of mild irritation or discomfort that arises . . . [Read More](#)

'Classroom'



Noun

ghettoization (*countable and uncountable, plural ghettoizations*)

1. The process of becoming a ghetto, an isolated and underprivileged urban area.

[quotations ▼]

2. The process of ghettoizing (a group): the segregation/isolation of a group and placement of that group into a figurative or literal position of little power.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Tom Dustin and Laurie Jameson
Through: Terri Hood, City Clerk
Subject: Tom Duston and Laurie Jameson - In Opposition to Ordinance O-2025-15-A

Council Action:

In City Council August 21, 2025.

Filed the communication into the record as informational.

Recommendation:

Attachments:

1. Duston_Communication

Background:

Tom Duston and Laurie Jameson have submitted a letter in opposition to Ordinance O-2025-15-A to amend Section 8.3.1(C) of the Land Development Code to Encourage Housing Development in Keene. Their primary concerns are related to population density and parking on narrow streets. They further suggest a public transportation system is needed to allow residents in surrounding communities a means to travel to and from Keene for work rather than increasing population density within the City.

August 18, 2025

Mayor Jay Kahn

Keene City Council Members

3 Washington St.

Keene, NH 03431

Tom Duston and Laurie Jameson

197 Washington St.

Keene, NH 03431

As residents of Water Street and frequent walkers in that neighborhood of East Keene, we are opposed to the proposed Amendment to Section 8.3.1(C) of Ordinance 2025-15-A for the following reasons ...

- It is counterintuitive to add more housing units to an area that is already “medium density”. Why not add them to areas that are “low density”?
- Parking is already a major problem in this part of town due to the narrowness of the streets and the density of population. We see this problem all the time in our strolls of the Valley/Roxbury/Lincoln/Water Streets sections. This will only add to the danger of walking
- We are assuming the “problem” is a lack of affordable housing. There is plenty of affordable housing in Swanzey, Troy, Winchester and Hinsdale, so what we need is a bus system to pick up folks who can afford to live there but can’t afford a car! Perhaps cooperation with the Brattleboro bus line, or even early morning use of our school buses. Perhaps a consultation with the UMass free bus line would be helpful.
- A bus system would also help those who are homeless in Keene but are holding down jobs or looking for employment.

Laurie Jameson

Tom Dunstan



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Robert and Sandra Hamm
Through: Terri Hood, City Clerk
Subject: Robert and Sandra Hamm - In Opposition to Ordinance O-2025-15-A

Council Action:

In City Council August 21, 2025.

Filed the communication into the record as informational.

Recommendation:

Attachments:

1. Hamm_Communication

Background:

Robert and Sandra Hamm have submitted a letter in opposition to Ordinance O-2025-15-A to amend Section 8.3.1(C) of the Land Development Code to Encourage Housing Development in Keene. Their primary concerns are related to the impact this would have on the east side of Keene, the parking issues this could create, and the need for a balanced and equitable approach to foster sustainable growth throughout the City.

**Formal Statement of Concern Regarding
Proposed Amendments to Ordinance 2025-15-A**

Keene City Council
Mayor Jay Kahn
Terri Hood, City Clerk

Purpose of Communication

We write to express our serious concern regarding Jarrod Goodell's proposed amendment to Ordinance 2025-15-A, focusing on Section 8.3.1(C).

Assessment of Workforce Housing Needs

While the need to expand workforce housing in Cheshire County is clear, the proposed ordinance is unduly limited to the east side of Keene, an area already challenged by narrow streets, parking safety issues, and restricted emergency vehicle access. An effective approach should address housing needs citywide, including other residential zones.

Current Zoning Processes and Oversight

Keene's existing procedures—such as the Cottage Court mechanism and property-specific exemption requests—allow single-family lots to be converted to multi-unit dwellings following thorough review. The proposed ordinance would introduce a blanket exception, bypassing these critical evaluative processes and diminishing oversight.

Parking and Urban Infrastructure Implications

Parking issues remain a significant concern. Although certain developments may appear to accommodate six units and six parking spaces under current standards, the reality is that households frequently possess multiple vehicles. This leads to cars being parked on lawns—causing drainage problems—or cluttering the streets, thereby increasing traffic congestion. Comprehensive evaluation is necessary to anticipate these consequences, and implementing a universal “by right” provision would prevent the city from adequately managing parking and infrastructure demands.

We recognize that many neighborhood homes were originally designed for larger families, but those households did not typically own as many vehicles as would be associated with increased housing density. The expected rise in vehicle numbers resulting from additional housing units will inevitably heighten parking challenges and further burden local infrastructure, especially along the east side's narrow streets. Some of our larger fire apparatus require a minimum roadway of 18 feet clearance in order to set up for incidents such as house fires, hampering a critical safety response in a time of

emergency. Given the limited width of many streets in the proposed area, it is critical to thoroughly assess the impact of any changes. Moving forward without addressing the implications for parking and emergency access is both premature and potentially hazardous.

Summary

Fostering sustainable growth in Keene necessitates a balanced and equitable approach, one that recognizes the city's unique neighborhoods and their capacity to accommodate change without compromising public safety or urban livability. Working openly with local residents and conducting impact assessments helps prevent issues and ensure workforce housing benefits the whole community. Only through careful planning and continued scrutiny can Keene support responsible development that enhances quality of life for all its citizens.

We oppose Jarrod Goodell's proposed amendment to Ordinance 2025-15-A, asserting that limiting workforce housing expansion to Keene's east side is problematic due to narrow streets, parking shortages, and emergency access challenges. We emphasize that current zoning processes already allow for thoughtful housing conversions, and warn that the proposed blanket exception would undermine necessary oversight and exacerbate infrastructure issues. For all these reasons, we respectfully urge the City Council to fully consider the ramifications and long-term consequences of the proposed amendments and ultimately vote to reject the petition.

Sincerely,

Robert C. Hamm
89 Valley Street
Keene, NH

A handwritten signature in black ink, appearing to read "Robert C. Hamm", written over a horizontal line.

Sandra L. S. Hamm
89 Valley Street
Keene, NH 03431

A handwritten signature in black ink, appearing to read "Sandra L. S. Hamm", written over a horizontal line.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.5.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Councilor Ed Haas
Through: Terri Hood, City Clerk
Subject: Councilor Haas on Behalf of East Keene Residents - Petition in Opposition to Ordinance O-2025-15-A

Council Action:

In City Council August 21, 2025.

Filed the communication into the record as informational.

Recommendation:

Attachments:

1. East Keene Petition 14Aug2025

Background:

Councilor Haas has submitted the attached petition containing 36 signatures from residents of East Keene, signing in opposition to increasing the number of dwelling units permitted by right from three to six in the Medium Density District, as proposed by Ordinance O-2025-15-A.

19-August 2025

ATTN: Honorable Mayor Kahn
Keene City Council

Re: Public Hearing
Proposed Ordinance 2025-15-A item 3.2.a increased dwelling units by right in
Medium Density District

See attached petition from East Keene residents in opposition to increasing the number of dwelling units permitted by right from three to six.

We have serious concerns over this arbitrary increase, without regard to adverse consequences, intended and unintended.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read "Edward J. Haas". The signature is fluid and cursive, with the first name "Edward" and last name "Haas" being clearly legible.

Edward J Haas
Councilor-at-Large

Honorable Mayor and City Council:**RE: proposed Ordinance O-2025-15-A Item #3:
PLEASE AMEND to REMOVE Item 3.2.a**

We the undersigned, request removal of this item from the proposed Ordinance. Unless other means are included to control impact on the neighborhoods, the increased density in the medium density zone will adversely affect quality of life.

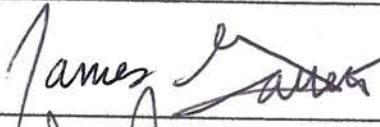
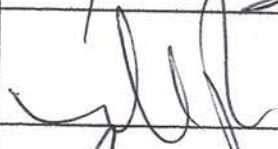
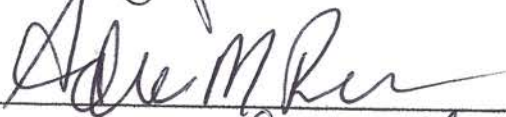
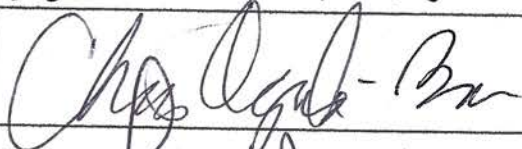
Thank you for your attention.

SIGNATURE	ADDRESS
Chuck Redfern	9 Valley Road
Barbara Richter	22 Valley St.
John Riley	41 Probate St.
Mohammed King	30 Kingsbury St.
Joe Kelley	30 Kingsbury St.
Mariah Palmer	141 Church Street Apt 1
Isaiah Lapierre	141 church St. Apt 1
Yvonne DeMay	269 Church St.
Bruce DeMay	269 Church St.
Shirley W. Dunn	20 Terrace St.
Bruce MacNeil	21 Brown St.
Betsy J. MacNeil	21 Brown St.

Honorable Mayor and City Council:**RE: proposed Ordinance O-2025-15-A Item #3:****PLEASE AMEND to REMOVE Item 3.2.a**

We the undersigned, request removal of this item from the proposed Ordinance. Unless other means are included to control impact on the neighborhoods, the increased density in the medium density zone will adversely affect quality of life.

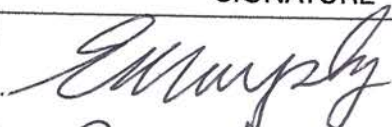
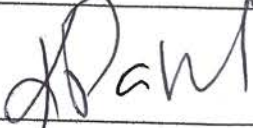
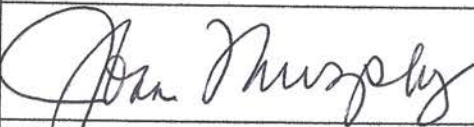
Thank you for your attention.

SIGNATURE	ADDRESS
	43 Hardy Ct. Keene, NH 03431
	17 Valley St. Keene NH 03431
	17 Valley St. Keene NH 03431
C. L. Hannah	51 S. Lincoln St 03431
Anna S. Robbins	11 Hancock St. Keene 03431
Chris [unclear] - [unclear]	23 N. Lincoln St. 03431
Jon Dutton	197 Water St. Apt. 03431
Chris [unclear] [unclear]	103 Beaver St. Apt. #1
Sharon [unclear]	192 Chapman Rd. Keene
	173 George St. Keene
Ed Paul	84 Valley St Keene
Ann Paul	84 Valley St

Honorable Mayor and City Council:**RE: proposed Ordinance O-2025-15-A Item #3:****PLEASE AMEND to REMOVE Item 3.2.a**

We the undersigned, request removal of this item from the proposed Ordinance. Unless other means are included to control impact on the neighborhoods, the increased density in the medium density zone will adversely affect quality of life.

Thank you for your attention.

SIGNATURE	ADDRESS
	ERIK MURRAY 287 Roxbury St
	Krishni Pahl 84 Valley St
Frank Kulas	22 Valley St.
	Joan Murphy 287 Roxbury St.
Connie Joyce	81 Grant St.
Dennis Richmond	81 Grant St
Med & Dawn Kopczynski	10 Willow St Keene NH 03431
Lillian Weaver	31 Hillside Ave
Hilary Senter	20 Beech St Keene

Honorable Mayor and City Council:

**RE: proposed Ordinance O-2025-15-A Item #3:
PLEASE AMEND to REMOVE Item 3.2.a**

We the undersigned, request removal of this item from the proposed Ordinance. Unless other means are included to control impact on the neighborhoods, the increased density in the medium density zone will adversely affect quality of life.

Thank you for your attention.

SIGNATURE	ADDRESS
<i>Debbie Parnell</i>	30, 32, 34 Edwards St
<i>[Signature]</i>	43 Hardy Court



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.6.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Councilor Ed Haas
Through: Terri Hood, City Clerk
Subject: **Councilor Haas - Request for Historical Marker - Keene Bottle Works**

Council Action:

In City Council August 21, 2025.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

Attachments:

1. Haas_Communication_Redacted

Background:

Councilor Haas on behalf of the Yankee Bottle Club, has submitted the attached request to place a historical marker on the rail trail to identify the original site of the Keene Bottle Works.

05-August 2025

Honorable Mayor Jay Kahn and Keene City Council:

On behalf of the Yankee Bottle Club, we request the City add a historical marker to identify the original site of the Keene Bottle Works. There currently is a marker near the Rec Center, indicating that some miles south of that spot was the factory. We ask that a marker be placed on the Rail Trail at the original site. Such a marker would not only enhance the experience of the Rail Trail but recognize Keene's place as early industry in the young nation.

Text for such a marker has been suggested by Alan Rumrill for the Club as follows:

KEENE GLASS

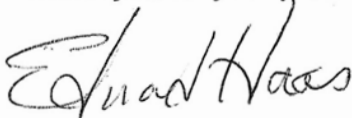
One of Keene's first large scale industries was glass manufacturing. A window glass factory opened on Washington Street in 1814. It was followed a year later by a flint glass factory located near here, where Marlboro Street crosses Beaver Brook. This factory produced tumblers, decanters, and similar types of tableware.

The Marlboro Street factory converted to the manufacture of bottles in 1817. Over the next 25 years the firm made millions of bottles that were sold throughout the Northeast. These bottles were all made by hand by expert glassblowers. The Keene factory was known for its production of inkwells, medicine bottles, decanters, and a wide variety of whiskey flasks. The bottle factory closed in 1842, and the window glass factory closed in the early 1850s.

The bottles made in Keene are collected across the country today because of their artistic craftsmanship, history, and rarity.

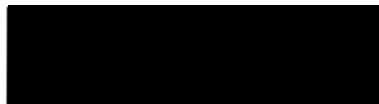
This proposal has been presented to the Heritage Commission and the Bicycle Pedestrian Trail Advisory Committee, both of whom expressed resounding support. Given the optics industry in Keene, such acknowledgement on the spot of the original factory will promote the fact that Keene has been and continues to be a leader in glass technology.

Thank you for your prompt attention, please contact any below for more information.



Edward Haas
Councilor-at-Large

cc: Stephen Seraichick
Alan Rumrill





CITY OF KEENE NEW HAMPSHIRE

ITEM #C.7.

Meeting Date: August 21, 2025

To: Mayor and Keene City Council

From: Councilor Randy Filiault

Through: Terri Hood, City Clerk

Subject: **Councilor Filiault - Request to Discuss Route 9 Accidents and Possible Solutions**

Council Action:

In City Council August 21, 2025.
Referred to City Manager for follow-up.

Recommendation:

Attachments:

1. Filiault_Communication

Background:

Councilor Filiault would like to bring stakeholders together, including the state and surrounding towns, to discuss the volume of accidents on Route 9 between Keene and Brattleboro, Vermont and look for potential solutions to mitigate the issue.

August 18,2025

TO: Mayor Kahn and Keene City Council
FROM: Councilor Randy Filiault

Subject: Route 9 accidents

Over the last couple of years automobile accidents on route 9 between Keene and Brattleboro Vermont seem to have increased in volume and severity, including an extremely serious accident on August 17th that resulted in a mass casualty incident being declared as our first responders available were overwhelmed and both fire stations were completely emptied of personnel. Therefore I respectfully request the City of Keene invite representatives from the New Hampshire Department of Transportation, New Hampshire Department of Safety, personnel from our police and fire departments, as well as personnel from affected towns, to discuss possible changes, recommendations and/or solutions to this increasingly serious situation. This serious situation needs to addressed immediately if not sooner.

Respectfully Submitted,

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

Keene City Councilor Randy Filiault



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.8.

Meeting Date: August 21, 2025

To: Mayor and Keene City Council

From: Councilor Robert Williams

Through: Terri Hood, City Clerk

Subject: **Councilor Williams - Request for Consideration of an Ordinance
Amendment to Regulate the Muzzling of Dogs**

Council Action:

In City Council August 21, 2025.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Councilor Williams_Communication

Background:

Councilor Williams is requesting the City consider adoption of an ordinance that would regulate the muzzling of dogs with a record of vicious behavior. HB 250, recently signed into law by the Governor, enables local governing bodies to adopt such an ordinance related to vicious dogs, as defined in NHRSA 466:31, ii(g).

August 19, 2025

City of Keene Clerk's Office
3 Washington Street
Keene, New Hampshire 03431

To the Honorable Mayor and City Council,

By now you know the story of Suzette, a cute little dog who was mauled by another dog while walking in Keene. Suzette's owner brought the issue to the City Council, but at the time we were unable to act on her request to pass an ordinance to require that dogs with a record of attacking other dogs be muzzled while out in public.

Rather, we were advised of a quirk in the New Hampshire legal code that prevented municipalities from considering muzzle requirements for vicious dogs. This is because muzzles were regulated elsewhere in the code, but only in the context of managing rabies outbreaks.

However, all that changed earlier this month, when HB 250 was signed into law by the Governor. Entitled *AN ACT enabling local governing bodies to regulate the muzzling of dogs and increasing the fee to license certain dogs*, this change to RSA:466:39 now enables local governing bodies, such as ours, to make "bylaws and regulations concerning the... muzzling of vicious dogs as defined in RSA 466:31, II(g)."

My thanks to State Representative Jodi Newell for sponsoring HB 250, and also to its co-sponsors, Representatives Phil Jones, Nicholas Germana, Samantha Jacobs, and Terri O'Rorke. My thanks also to the Council, the Mayor, and our City Attorney for advocating its passage.

Now that New Hampshire law has been changed to allow for Suzette's owner's original request, I ask that we bring the issue back before the Council. Drawing on the advice of experts from our community and beyond, let us consider whether and how a muzzle requirement should be used to protect the public from the danger posed by vicious dogs.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bobby Williams", with a stylized flourish at the end.

Bobby Williams

City Councilor, Ward 2



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.9.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Howard Mudge
Through: Terri Hood, City Clerk
Subject: **Howard Mudge - Request to Remove a Tree on City Property - Westerly Edge of 9 Evergreen Avenue**

Council Action:

In City Council August 21, 2025.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

Attachments:

1. Mudge_Communication_Redacted

Background:

Howard Mudge is requesting to have a tree removed from City Property located on the western edge of his property due to the tree's age, size, and condition. Mr. Mudge is concerned about preventing damage to the street's utility lines and/or surrounding homes.

Howard Mudge
9 Evergreen Ave
Keene, NH #03431

August 10, 2025

City Clerk
Attn. Mayor and City Councilors
3 Washington St
Keene, NH #03431

Dear Mayor and City Councilors,

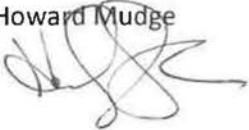
In accordance with City Code Chapter 82; Article VII; Section 82-187; Subsection 2906.2, I respectfully request for your permission to remove a large pine tree at the western edge of my lot which Mitchell Smith has determined to be on city property.

My reasons for removal include the tree's age, size, multiple structural bifurcations and with the recent weather severity may help prevent damage to the street's utility lines and/or surrounding homes.

Please don't hesitate to contact me at [REDACTED] with any questions or concerns.

Thank you for your time and attention to this matter.

Sincerely,
Howard Mudge

A handwritten signature in black ink, appearing to be 'H. Mudge', written over the printed name 'Howard Mudge'.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.10.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Vicky Morton
Through: Terri Hood, City Clerk
Subject: **Vicky Morton - Request for the City to Act upon the Walker Consultants' Recommendations Related to On-street Parking**

Council Action:

In City Council August 21, 2025.

Referred to City Manager to bring back to a Council committee recommendations related to items in the Walker Consultants' report.

Recommendation:

Attachments:

1. Morton_Communication_#2

Background:

Vicky Morton is requesting that the City of Keene act on the recommendations of Walker Consultants and create formal on-street parking guidelines.

August 13, 2025

Mayor Jay Kahn
City of Keene Council Members
3 Washington Street
Keene, New Hampshire 03431

Vicky Morton
275 Water Street
Keene, New Hampshire 03431

Honorable Mayor and City Council Members,

I am writing to ask that the City act on the consultation of Walker Consultants and create formal on-street parking guidelines.

In 2024, Walker Consultants submitted their final report on the Neighborhood Traffic Project, where they assessed the then current on-street parking, made assertions about on-street capacity and offered some recommendations to accommodate on-street parking that would hopefully facilitate the creation of additional housing. Following the report, the City of Keene lifted the on-street parking ban, allowing for willy-nilly on-street parking that has caused issues for traffic flow and safety of neighborhood residents. On-street parking now includes parking so close to intersections as to hinder line-of-sight, parking too close to driveways that interfere with residents coming and going from their homes and parking on both sides of narrow streets forcing cars to stop for oncoming traffic. During the July 2025 MSFI meeting, residents shared they feared first responders would not be able to access their properties due to on-street parking.

The Walker Consultants' recommendations, page 7 of their final report, urged the City to Replace Parking Ban with Emergency Weather Parking Plan, which the City did, Update Residential Parking Permit (RPP) Program that some deemed unnecessary with the decline in the number of Keene State College students, and finally, Adopt a Guide for Creating Formal On-Street Parking, which the City has not. Or rather, there are no visible signs in the Eastside that this has occurred. Thus, this request.

Also included in the consultant's report, starting on page 18:

“Street Widths and Direction of Travel

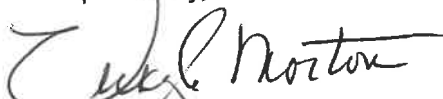
In addition to noting where on-street parking exists, Walker also reviewed the road widths and direction of traffic flow in the study area. Streets within the study area were grouped into five categories based on their width, as shown in the figure (Figure 5), page 20 of the

report. The categories were based on minimum road widths needed to support on-street parking with either one- or two-way traffic. For example, a typical traffic lane is between 10 and 12 feet, on-street parking requires a minimum of 8 feet. Thus, to accommodate two-way traffic with parking on both sides of the street, the minimum width of the road is between 36 and 40 feet. Streets highlighted in yellow and blue are capable of two-way traffic flow with parking on both sides. Conversely, a minimum of 20 Feet (12 feet of travel lane and an eight-foot parking space) is needed to support one-way travel with parking on one side of the street. These streets are highlighted in red. Grey streets are under 20 feet and should not be used for parking". The color-coded map is included in page 18 of their report.

Page 19 of the same report states "Many of the residential streets within the study area, while not prohibiting on-street parking, are not wide enough to accommodate two-way traffic and on-street parking simultaneously." This is a critical statement as there are no streets in Eastside Keene highlighted on the map in Figure 5 that are 36-48 feet wide, capable of two-way travel AND on-street parking and yet, here we are.....

I ask that the City of Keene to follow the third recommendation of the Walker consultation and create a formal guide for on-street parking possibly including one-way streets with parking only one side and designated parking with a set distances from driveways and intersections.

Respectfully,



Vicky L. Morton



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.11.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Steve Hooper
Through: Terri Hood, City Clerk
Subject: **Steve Hooper - Concerns with Restricted Public Access to the Airport Road**

Council Action:

In City Council August 21, 2025.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

Attachments:

1. Hooper_Communication_Redacted

Background:

Steve Hooper has concerns about recently instituted restrictions on public access to the Airport Road and would like to discuss a few possible revisions. He would like to see a permitting opportunity for wildlife photographers and align restricted hours with the operationing hours of the Wastewater Treatment Plant.

Honorable Mayor Jay Kahn
City of Keene
3 Washington St.
Keene, NH

Dear Mayor,

Hope all is well. I appreciate your continued leadership and service to the City of Keene.

I am writing to respectfully ask for an item to be added to the City Council agenda with the intention of it being referred to the MSFI Committee for public discussion and consideration.

A new policy, as I am sure you know, is in effect restricting public vehicles and pedestrians from entering Airport Rd. (beyond the Terminal) from 6am-4pm Mon.-Fri. during business hours.

When I was a City Councilor the number one priority for me was the safety of all citizens. I agree with the septic truck drivers who were very concerned about hitting pedestrians. The road had become too popular for walkers. Kids on bikes, babies being pushed in a carriage, large groups of folks walking and chatting, runners and even cross country skiers on roller-skis.

However, many of those who frequent the area are respected photographers who always obey the rules. Shutting down access without transparency or public engagement not only disregards a long-standing tradition of shared use but sends the wrong message about how decisions are made.

Possible revisions to be discussed.

1. Allow limited vehicle access for permitted wildlife photographers. The wetlands at the airport are one of the best wildlife viewing areas in southwest New Hampshire. There are bird and animal enthusiasts that drive on Airport Road, including me, who use our vehicles as stationary observation points remaining inside the vehicle while photographing through open windows with telephoto lenses. A car acts as "camouflage" so as not to disturb the birds and animals.

A permit system could be established to allow for this specific use, ensuring accountability while preserving access. A limited number of permits (e.g. 15-20) could be issued to individuals registered with the City or Public Works.

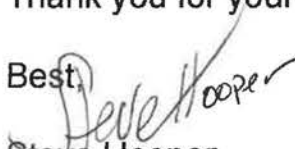

2. Align restricted hours with actual operational times. I would respectfully ask that the hours of restriction be changed from 6am-4pm to 7am-3pm. Mon.-Fri. According to the signage at the Wastewater Treatment Plant the hours of operation are from 7am-3pm and then the "gates are closed". Might this revision better coincide with the septic truck traffic using the road? Why 6am-4pm? These extra 2 hours would be extremely valuable in the shorter light of winter months for wildlife observation.

In summary, the major problem seems to be pedestrian traffic on Airport Rd. and not vehicle traffic. Why cut off responsible use by those who visit one of the top spots in NH to see wildlife?

Please consider that these two requests have a chance to be discussed publicly. I would like to "start a public conversation" at the MSFI Committee. Public conversation was not, unfortunately, part of this new policy.

Thank you for your consideration.

Best,


Steve Hooper
5 Colby St.
Keene, NH. 03431




CITY OF KEENE NEW HAMPSHIRE

ITEM #C.12.

Meeting Date: August 21, 2025

To: Mayor and Keene City Council

From: Katharina and Peter Rooney

Through: Terri Hood, City Clerk

Subject: **Katharina and Peter Rooney - Concerns with Restricted Public Access to the Airport Road**

Council Action:

In City Council August 21, 2025.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

Attachments:

1. Rooney_Communication_Redacted

Background:

Katharina and Peter Rooney have concerns about restricted public access during weekdays to the Airport Road and would like to discuss alternatives.

August 9, 2025

Dear Mayor Kahn, City Councilors and City of Keene Staff,

We are writing in advance of the next Municipal Services, Facilities and Infrastructure Committee meeting on Aug. 27 to urge the city to consider alternatives to closing off public access from 6am to 4 pm on weekdays to the section of Airport Road that leads to the water treatment plant. We hope this letter can be entered into official comments about the topic.

As Keene residents who have used this road for recreation since moving to the area in 1997, we are very appreciative of the access the city has provided to us and others. We have observed over the years that this stretch of road has become an increasingly valuable recreational asset to the city and its residents, increasing quality of life in the area and promoting health and fitness among seniors, families, and others.

I (Peter) have limited mobility and appreciate the flat surface the road provides for walking with hiking poles and riding my bike on the side of the road. Given the road's location on a natural wetland, wildlife sightings over the years (bobcats, otters, beavers, bears, deer, birds such as owls, herons and scarlet tanagers) have been highlights of time spent there.

We acknowledge and appreciate the critical function the wastewater treatment plant provides to Keene residents. We and others we've observed over the years always move to the side shoulder of the road when a car or truck approaches. We also appreciate all the drivers with business at the plant for following safe driving practices that have hopefully avoided major accidents over the years.

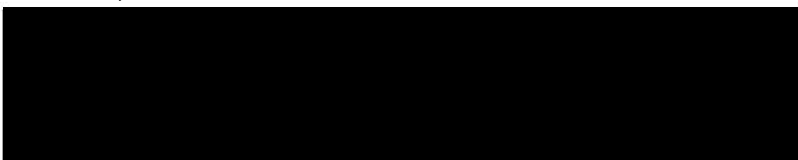
While allowing access after 4:00 PM and on weekends is appreciated, the fact is that during an era of remote work and early sunsets in the winter, maintaining access during regular daytime hours is important for area residents as well, especially seniors looking for healthy activities during the day.

We and other residents of the nearby Edgewood neighborhood urge the council and city staff to consider other options that would allow the road to remain open to recreational uses while ensuring treatment-related traffic is able flow freely and safely.

Sincerely,

Handwritten signatures of Katharina and Peter Rooney in black ink. The signatures are fluid and cursive, with the first name 'Katharina' clearly legible on the left and 'Peter Rooney' on the right.

Katharina and Peter Rooney
642 Main Street
Keene, NH 03431





CITY OF KEENE NEW HAMPSHIRE

ITEM #C.13.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Susan Abert
Through: Terri Hood, City Clerk
Subject: **Susan Abert - Concerns with Restricted Public Access to the Airport Road**

Council Action:

In City Council August 21, 2025.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

Attachments:

1. Abert_Communication

Background:

Attorney Abert has concerns regarding restricted access to the Airport Road and requests a compromise relative to the hours the restriction is in place.

NORTON, ABERT & JORDAN, P.C.

SUSAN R. ABERT
(ALSO ADMITTED IN NY AND IL)

MICHAEL T. JORDAN
(ALSO ADMITTED IN CA AND MD)

JOHN C. NORTON
(RETIRED)

ATTORNEYS AT LAW

127 WASHINGTON STREET
P.O. Box F
KEENE, NEW HAMPSHIRE 03431

TELEPHONE: (603) 355-8858
FAX: (603) 352-5930
WWW.NORTONABERTLAW.COM



August 18, 2025

The Honorable Mayor and City Council
City of Keene
3 Washington Street
Keene, NH 03431

By email only

Re: Pedestrian Use of Airport Road

Dear Mayor Kahn and City Council:

I am writing in regard to the restriction of pedestrian access to Airport Road in Swanzey, New Hampshire. Airport Road, although apparently a public road in that it is owned by the City of Keene, is now closed to pedestrian access between the hours of 6:00 am to 4:00 pm on Monday through Friday, out of safety concerns.

I am a stakeholder as owner of a small business in Keene, the law firm of Norton, Abert & Jordan, P.C., and am licensed to practice law in New Hampshire. Having said that, all opinions expressed herein are my own. My residential mailing address for the record is P.O. Box 220, Sullivan, NH 03445.

I am a member of a Keene running club which met at Airport Road on Wednesday mornings at 6:00 a.m. for a few months this past winter, to do endurance training during winter months when most of the roads and sidewalks in Keene are too slick with ice and snow to run safely. The Airport Road is consistently cleared during the early morning hours, and has considerably less traffic than local sidewalks and roads. The rail trails are not an option this time of year, because they are not cleared in the winter.

Early morning runners tend to be respectful, keep to our side of the road facing traffic, and wear illuminated vests and reflective clothing in the wee hours. I am unaware of any safety incidents involving runners on Airport Road. In fact, when I was running on Airport Road this past winter, there was hardly any traffic to or from the sewage treatment plant. At 6:00 a.m. in the winter, Airport Road is a much safer route for pedestrian runners than the roads and sidewalks of Keene.

I am thereby requesting a compromise permitting pedestrian access until at least 8:00 a.m. on weekdays, which would permit early morning run training during a time of morning when there is little sewage treatment plant traffic anyway. Please consider this a request for a hearing.

Thank you for your kind consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Susan R. Abert', with a long horizontal flourish extending to the right.

Susan R. Abert

SRA/nn



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Sale of City Property - 100 Church Street

Council Action:

In City Council August 21, 2025.

Voted unanimously to refer to Municipal Services, Facilities and Infrastructure Committee for further discussion.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute the sale of 100 Church Street (parcel ID# #574-015-000-000-000) to an abutting property owner.

Attachments:

None

Background:

Public Works Director Don Lussier addressed the committee first and stated the item before the committee is regarding sale of a City-owned property to an adjacent property owner. Mr. Lussier explained in 1977, the City acquired a total of five individual parcels surrounding the intersection of Church Street, 93rd Street and Norway Avenue. At the time, Church Street continued through to Main Street and the Cleveland Building had not been constructed yet. As part of the redevelopment of that area is when the City acquired the five parcels on all four corners of that intersection. Three of those parcels on the south side have been sold to adjacent property owners. However, the City still owns the parcel on the northeast corner – closest to the Elks Club across 93rd Street.

Mr. Lussier stated this started with a request from the adjacent property owners, bringing to the City's attention some behavior that was happening on that City-owned parcel. He noted this area has been cleaned up and a pocket park has been created, which looks very attractive. However, there have been issues with people congregating on that property and participating in activities that the City would rather not see happening on City-owned property.

City staff met with the adjacent property owners and during the meeting the property owners asked if the City would be interested in selling that property to the adjacent property owners. Staff is in

agreement of this proposal. Mr. Lussier noted there is no need for another pocket park as there is Russell Park as well as a pocket park on Church Street.

The property in question is undevelopable in its current configuration. It is .12 acres/5,000 square feet. Per the current zoning, 10,000 square feet would be required to develop the property. He noted there is the possibility they could do a lot line adjustment with one of the adjacent properties or merge it with one of their properties and locate a building on it. In its current configuration, it would either need a variance from the Zoning Board of Appeals, or Planning Board action to develop this property. The City does not see a lot of value in continuing it as a park and recommend selling it to the adjacent property owner.

Councilor Chadbourne asked which property owner was interested in this property. Mr. Lussier referred to page five and noted the original complaint letter was signed and sent to the City from both property owners that abutted on the north and east sides. The letter of intent to purchase the property came from Jiffy Real Estate LLC which abuts the property to the north. Councilor Chadbourne stated she has had complaints from residents about homeless people sleeping in hallways and at times sleeping right in front of their doors, and she suggested they go to their landlord. She felt having that owner own this property would be a great improvement. She added there were complaints about a lot of drug activity in that park as well.

City Manager Elizabeth Ferland felt this was a reasonable solution and does support the request but added her only question is whether or not the council wanted to open this up to other abutters. She stated Council has the ability to directly authorize the Manager to negotiate with the abutter because there is a justification for that. The council could also direct the Manager to send a letter to all the abutters so they have equal opportunity to make an offer. Councilor Remy asked whether the motion could be changed to say "to an abutting property owner" which would give staff the flexibility to work with other abutters. The Manager agreed this would work. Councilor Remy asked if MGJ was aware of this. The Manager stated this entity also attended the meeting but decided not to submit a letter of intent to purchase.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute the sale of 100 Church Street (parcel ID# #574-015-000-000-000) to an abutting property owner.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: August 21, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: Execution of a Change Order with Insituform for Additional Scope of Construction Services as Part of the Sewer Main Lining Project

Council Action:

In City Council August 21, 2025.

Report tabled until the September 18, 2025 City Council meeting.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a project change order with Insituform Technologies as part of the Sewer Main Lining Project (32MI0425), in the amount of \$155,200.

Attachments:

None

Background:

City Engineer Brian Ruoff was the next address the committee. Mr. Ruoff stated this request is to execute a change order with Insituform for necessary additional scope of work for construction services as part of the sewer main lining project. He explained when the City attempted the pre clean and TV study, the sewer main scheduled to be rehabilitated as part of the project, found some pipes that had deteriorated further that needed point repair prior to work being completed. The City was able to obtain competitive pricing that is acceptable to DES who have signed off on it. Staff is looking to execute a change order with Insituform to perform these point repairs prior to lining these sewer mains.

Mr. Ruoff noted because pricing is slightly greater than 20%, which is what the City Manager is authorized to sign, staff is coming before the finance committee for approval. He stated they could potentially use the contingency in the project to get under that number. However, since federal funds are involved, in the interest of full disclosure, staff is before the committee to ask for approval. He added this is part of a NHDS Clean Water SRF loan for which the City would receive 10% loan forgiveness.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute a project change order with Insituform Technologies as part of the Sewer Main Lining Project (32MI0425), in the amount of \$155,200.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: August 21, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: Execution of an Agreement for Engineering Services During Construction with Greenman-Pedersen Inc, (GPI) as part of the Transportation Heritage Trail Phase 1 Project, NHDOT#40653

Council Action:

In City Council August 21, 2025.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute an agreement with Greenman-Pedersen Inc (GPI) for engineering services during construction as part of the Transportation Heritage Trail Phase 1 Project (NHDOT#40653) for an amount not to exceed \$300,000.

Attachments:

None

Background:

Mr. Ruoff stated this item is an execution of agreement for engineering services with Greenman-Pedersen for construction as part of the Transportation Heritage Trail phase one project and NHDOT project number 40653. In conformance with the federal funding that the City is receiving for the project, the City sent the scope of work for engineering services for Qualifications. The City only received one response from Greenman-Pedersen Inc. The cost outlined is a not to exceed cost, but it is likely their cost will be closer to \$100,000 less than what staff is requesting. This project is federally funded and administered through DOT - 80% paid by the federal government with a 20% City match.

Mr. Ruoff noted the project goes from the Public Works facility to Route 101 where it connects to the Crouse Bridge.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City

Manager be authorized to do all things necessary to negotiate and execute an agreement with Greenman-Pedersen Inc (GPI) for engineering services during construction as part of the Transportation Heritage Trail Phase 1 Project (NHDOT#40653) for an amount not to exceed \$300,000.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Contract for 2026 City-Wide Property Revaluation**

Council Action:

In City Council August 21, 2025.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a contract with Vision Government Solutions for the 2026 City-wide property revaluation.

Attachments:

None

Background:

City Assessor Dan Langille was the next speaker. Mr. Langille stated this item is regarding the 2026 City-wide property revaluation. He noted this is a CIP approved project that has been in the CIP for a number of years. Staff followed the City's process of going through a request for proposals and received two qualified bids. One came in at \$180,000 and the other one came in at \$134,500. Staff is recommending the lower bid with Vision Government Solutions who has experience with New Hampshire communities.

Mr. Langille went on to say that this company also did the City's revaluation in 2021 and the City also uses their software which is an added advantage. Their staff is certified and the New Hampshire Office of Professional License does certify to make sure they are eligible to do the work. There is also oversight by the New Hampshire Department of Revenue.

The City is looking to begin this work in the fall, around October and the work will continue through September 2026. Mr. Langille noted there is a lot of work that goes into this project and there is also the opportunity for the public to come in and ask questions about the revaluation process and their own property values. The final values will be used in the December tax bill of 2026. The company will be sending out notices to every member of the public so they will be notified ahead of time what their preliminary value is and can come in and ask questions and learn about the process before it

becomes finalized.

Mr. Langille noted the proposal comes just under the budget estimate of 135,000 and there are funds available in the revaluation capital reserve fund to cover this cost.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a contract with Vision Government Solutions for the 2026 City-wide property revaluation._



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Amendment to FAA AIP Grant for Airport – Airport Taxiway A Reconstruction Project

Council Action:

In City Council August 21, 2025.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute, and expend grant funding for up to the amount of \$3,601,668.27 from the Federal Aviation Administration Airport Improvement Program for the Taxiway A Reconstruction Project.

Attachments:

None

Background:

Airport Director David Hickling stated last month he was before the committee to request approval for the airport taxiway reconstruction project. He stated the bids that came in are much higher than was anticipated. He indicated however, the good news is that DOT and the FAA are going to fund this project as bid. The Director noted usually the City gets funding up to 95%. However, the City has more funding for this project and hence the City is only paying 2.5% of this project. The City needs approval for \$3,761,805.43.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept, execute, and expend grant funding for up to the amount of \$3,601,668.27 from the Federal Aviation Administration Airport Improvement Program for the Taxiway A Reconstruction Project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Construction Agreement for Airport Taxiway A Reconstruction Project with Casella Construction Inc.

Council Action:

In City Council August 21, 2025.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to enter into a construction agreement with Casella Construction Inc. for the Airport Taxiway A Reconstruction Project.

Attachments:

None

Background:

Mr. Hickling stated this item is for the same project but it is for the purpose of awarding the contract to the lowest bidder who is Casella Construction. He indicated the contract has been reviewed by the airport engineer of record who approves the contract.

Chair Powers asked whether this contractor has done work for the City in the past. Mr. Hickling stated McFarland Johnson has looked over their work and approved the bid.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to enter into a construction agreement with Casella Construction Inc. for the Airport Taxiway A Reconstruction Project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Airport Fuel Tank Replacement Project Close-out and Reallocation of Funds**

Council Action:

In City Council August 21, 2025.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to close the Fuel Tank Replacement Project (05J0006A) and reallocate remaining funds of \$37,480.24 to the Airport Taxiway A Reconstruction Project (05J0004B).

Attachments:

None

Background:

Mr. Hickling stated the last item he has for the committee is a project to replace the fuel tanks at the airport. This project has been completed but there fund balance in that project which staff is looking to reallocate to the Taxiway A reconstruction.

Councilor Chadbourne stated she is glad to see this item come forward as the City has been talking about replacing that fuel tank for years.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to close the Fuel Tank Replacement Project (05J0006A) and reallocate remaining funds of \$37,480.24 to the Airport Taxiway A Reconstruction Project (05J0004B).



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Use of Unspent City Attorney's Office Personnel Funds

Council Action:

In City Council August 21, 2025.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Attorney be authorized to carryover and use \$60,000 of unspent monies from the Fiscal Year 2025 City Attorney Personnel budget for Legal Services.

Attachments:

None

Background:

City Attorney Amanda Palmeira addressed the committee next and stated her request is to carry over personnel funds from last year's fiscal budget. The Attorney noted to a correction to the motion language to add the words "carryover and use" and to also add the amount of \$60,000.

The Attorney noted there is \$88,000 in unspent personnel funds. She explained the remaining funds in that budget is because the City has not had an Assistant City Attorney, which was funded since March. Also, the previous City Attorney's line was funded for a full-time City Attorney who did not work full time that year and was a higher step than the new City Attorney who has been brought on.

Attorney Palmeira stated she is asking specifically for these funds to go to legal services so that the department could hire a contract attorney without having the need for second attorney's assistance. She stated the department has a number of projects and some things that are certainly not pressing time wise and there are things that come up every day that are more pressing. This is for an attorney to get some specific tasks completed.

She stated the \$60,000 is based probably on two days a week with a contract attorney who works at a reasonable rate for about four months.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Attorney be authorized to carryover and use \$60,000 of unspent monies from the Fiscal Year 2025 City Attorney Personnel budget for Legal Services.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Kari Chamberlain, Finance Director/Treasurer
Through: Elizabeth Ferland, City Manager
Subject: **Acceptance of Donations - Finance Director**

Council Action:

In City Council August 21, 2025.

Voted unanimously to accept the donations identified in the amount of \$20,000 in the memorandum from the Finance Director with gratitude, and that the City Manager be authorized to use these donations in the manner specified by the donor.

Recommendation:

Move that the City Council accept the donations as noted below with gratitude, and the City Manager be authorized to use these donations in the manner specified by the donor.

Attachments:

None

Background:

- C&S Wholesale Grocers donated \$500 in response to a grant request submitted by Public Works to support the City's Community Night on August 19, 2025.
- C&S Wholesale Grocers donated \$1,000 for the 2025 International Festival.
- An anonymous legacy gift of \$10,000 was made to support the Keene International Festival.
- Revision Energy donated \$5,000 as a willing partner in sharing some of the financial burden related to the relocation of the Monadnock View Gardens.
- NH Community Development Finance Authority donated \$500 for the Human Rights Committee's International Festival.
- Papa Family bench donation overlooking Robin Hood Pond in honor of Joseph A. Massaro, Jr. as part of the Adopt-A-Bench program.
- Hamblet Electric Charitable Foundation has generously donated \$750 through a DAFgiving360 to be used for the Keene International Festival.
- UNH Extension donation of \$250 for Youth Mental Health First Aid.
- Savings Bank of Walpole donated \$1,000 for the Human Rights Committee's International Festival.
- Monadnock Chapter 66 of the North American Family Campers Association donated \$1,000 for the purpose of purchasing and installing a bench at the former Wheelock Park Campground site.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: August 21, 2025

To: Mayor and Keene City Council

From: Alyssa Bender, Youth Services Manager/JCC Coordinator
Staff Liaison to the Human Rights Committee

Through:

Subject: Statement of Inclusion - Human Rights Committee

Council Action:

In City Council August 21, 2025.

Voted unanimously to amend the motion on the floor to accept the Human Rights Committee report as informational, by adding the following language *“and direct the Mayor to draft a Proclamation to be read during the Keene Pride Festival.”*

The motion to accept the Human Rights Committee report as information, and direct the Mayor to draft a Proclamation to be read during the Keene Pride Festival carried with 14 in favor and one opposed.

Recommendation:

Attachments:

1. Statement workshop Draft

Background:

At their meeting of August 4, 2025, the Human Rights Committee voted unanimously to approve a draft statement of inclusion to go forward to the City Council. The draft statement is attached to this memorandum. Below is an excerpt from the August 4, 2025 Human Rights Committee minutes of the discussion related to this item.

MINUTES EXCERPT:

Chair Cunha-Vasconcelos stated that as the group should be aware, a petition was made to the City Council (requesting that) a statement be made by the City. As a consequence of those discussions, the City Council has asked the HRC to come up with some proposed language. A couple of HRC members got together as a starting point, because having 9 to 12 people come up with a written statement can be quite challenging. Thus, there is a 6-paragraph statement with “draft” at the top. She asked everyone to take a moment to read it.

The draft statement [read aloud later in the meeting, per Dr. Saleh’s request] is as follows:

“WHEREAS, the City of Keene, New Hampshire, is committed to fostering a safe, inclusive, and equitable community for all residents, regardless of socio-economic status, age, sex, gender identity, sexual orientation, race, color, marital status, familiar status, mental or physical ability, religion, ethnicity, or national origin, immigration, or other marginalized characteristics; and

WHEREAS, federal policies or external actions may, at times, threaten the rights, safety, and well-being of Keene’s residents, particularly marginalized groups such as LGBTQ+ individuals, immigrants, and those seeking gender-affirming or reproductive care; and

WHEREAS, cities across the United States, including Worcester, Massachusetts and Kansas City, Missouri, have declared or implemented policies supporting those in marginalized communities, demonstrating that local governments, even in small communities, can create lasting protections for vulnerable population;; and

WHEREAS, Keene, as a proud and progressive city with the heart of a town, has a moral and legal obligation to uphold the rights of all residents and ensure access to essential services, including healthcare, education, and public safety, free from discrimination or external interference; and

WHEREAS, making this statement will affirm the city’s enduring commitment to inclusivity, strengthen community trust, and protect residents for generations co come;

NOW, THEREFORE, the City of Keene commits to maintaining a safe space for all establishing comprehensive and sustainable protections for all residents by not using funds, personnel, collected data or other resources to cooperate with or enforce policies or laws targeting or restricting the rights and freedoms of marginalized communities.”

Chair Cunha-Vasconcelos asked for the committee’s thoughts, and discussion ensued. HRC members noted a typo/misspelling to correct, and a place to add a comma.

Dr. Saleh proposed changing “free from discrimination” to “freedom from discrimination.” Discussion ensued about the grammar.

Rabbi Aronson proposed that instead of adding the missing word “to” in “and protect residents for generations to come,” they could say “and protecting residents for generations to come.”

Dr. Saleh asked for an explanation of the phrase “proud and progressive city with the heart of a town.” Ms. Bender-Jesse and Chair Cunha-Vasconcelos replied that the wording was taken directly from the Welcoming Declaration from 2021, and the intent is to describe Keene as a closer-knit community.

Councilor Workman stated that regarding paragraph [4], which says “...access to essential services” and then lists the qualifiers, she thinks it is important to add the language “including, but not limited to.” She continued that that leaves extra room for additions. Language changes, depending on the culture and times. The minute they write these qualifiers, they are already outdated. Even within certain marginalized groups, there can be debate on the language. Saying “including, but not limited to” gives them a buffer, so they would not need to update the list of qualifiers every year or six months. She also thinks the “regardless of” language in the first paragraph, followed by the list of qualifiers, should be “including, but not limited to” instead, or something like that.

Discussion ensued about how to phrase it, and the correct grammar. Councilor Workman stated that the 2021 statement says “We as a city truly welcome people of all colors, creeds, beliefs, lifestyles, nationalities, physical abilities, and mental abilities to live, work, play....” Maybe the first paragraph (of the new statement) could read like that sentence of the 2021 statement. Discussion continued. Ms. Odatto asked if the sentence ending “or other marginalized characteristics” sufficiently allows the statement to expand, with the understanding that language shifts over time. Chair Cunha-Vasconcelos asked if that was okay with Councilor Workman. Councilor Workman replied that she does not love the language but is okay to move on.

Per Dr. Saleh’s request, Chair Cunha-Vasconcelos read the statement aloud for the sake of the record.

Councilor Workman asked if the City Attorney has seen the statement. Ms. Bender-Jesse replied no, not yet. She continued that before it goes to City Council, that will be a step.

Councilor Workman stated that she asks because she had a couple questions regarding the authority of the Keene Police Department (KPD) for some other issues, and she is a little concerned that they might not be able to enforce “that,” based off her understandings of the conversation. Chair Cunha-Vasconcelos asked for specifics. Councilor Workman replied that the Chief of Police would have the final say about, for example, whether to “use other resources to cooperate with or enforce policies or laws restricting the rights and freedoms of marginalized communities.” Her question was who has the authority for the KPD signing on to the ICE trainings and assisting with ICE initiatives, and she was told that the RSA protects that authority made just by the Chief of Police. The RSA, the way it was explained to her, (means) that the Chief of Police does not have to ask permission from the City Council or the City Manager.

Chair Cunha-Vasconcelos stated that the City came to the HRC and asked the HRC to recommend language. She continued that it will go through legal review. It will go through the Planning, Licenses, and Development (PLD) Committee and the City Council. The HRC is not obligated to make it conform to the expectations of the City. The City asked for the HRC’s take on the language, without any limitations. Thus, if the statement goes from here to the City Attorney’s Office, the PLD Committee, and the City Council and gets edited, that is beyond the HRC’s control and beyond the HRC’s remit. She thinks the question before the HRC is what language the HRC would like to see, in the interest of protecting the human rights of the members of the community, in the interest of supporting the City’s request and the spirit of what Keene Pride requested. If anyone disagrees with that or has any counter to that, she is open to hearing it.

Rabbi Aronson replied that he wants to affirm what Chair Cunha-Vasconcelos just said, with the understanding that this is the beginning of the process. He continued that nothing would be served by submitting a minimalist statement as this time. He thinks (they should) come with as much as they can, even if it is pressing up against the boundaries. People with other expertise can further hone the language.

Councilor Workman replied that she is just letting the HRC know that that might be problematic.

Dr. Saleh stated that to go back to the grammar of “...and protect residents for generations to come” in the second to last paragraph, upon reflection, he thinks it should remain as is instead of being changed to “to protect” or “protecting.” It was correct the first time. Others agreed.

Ms. Budakoti stated that her suggestion is for the HRC to make it known what final draft they are proposing, so that when it comes out in whatever iterations it has, it will be very clear what was submitted (by the HRC). She continued that then, community members can see in full transparency what changes have been made at what level. Thus, they are still, in principle, doing their work as the Human Rights Committee and people can see what the HRC did, not just what the outcome is.

Ms. Odatto stated that she is thankful that they took this on as a subcommittee and looked at it, because they have tossed these ideas around, from Councilor Jones's welcoming city statement, for several months as a larger group, and it was hard to come to consensus. This is very well done. It is broadly inclusive, well worded, and captures a lot of the conversation they have had around the table for several months. She thanks the people who took the time to do it. Ms. Bowie stated that she, too, offers her thanks. She continued that she had many questions, which were answered in conversation.

Chair Cunha-Vasconcelos stated that she gives credit to Ms. Bender-Jesse and Mr. Morrill, who were the power behind this effort. Ms. Bender-Jesse replied that Chair Cunha-Vasconcelos was part of it, too. Other HRC members expressed appreciation and support of the statement, which "really grows the 2021 declaration."

Chair Cunha-Vasconcelos asked if the group is comfortable with this language. Ms. Budakoti spoke in favor of it.

Discussion ensued about the minor edits. Chair Cunha-Vasconcelos stated that to summarize, the edits are as follows:

Paragraph 1 – remove the "or" after "ethnicity" and before "national origin."

Paragraph 4 – add "but not limited to" between "including" and "healthcare."

Paragraph 5 – correct the second-to-last word from "co" to "to."

Paragraph 6 – add two commas, one after "safe space for all," and one after "collected data."

Chair Cunha-Vasconcelos asked for a motion.

Rabbi Aronson made a motion to approve the language to go forward with the mentioned edits. Dr. Saleh seconded the motion, which passed by unanimous vote.

Chair Cunha-Vasconcelos opened the meeting to public comment.

Anne Farrington stated that at the PLD Committee and City Council meetings, (Councilors) said it (the statement) was referred to this committee, which would "work with all concerned parties" to come up with language. She continued that it sounds like the HRC's interpretation is that the HRC will come up with their ideal proposal and send it back to the PLD Committee. She asked what the process is, then, for public commentary, and whether people should give their comments here to the HRC, or to the PLD Committee.

Tom Savastano stated that the exact language from the PLD Committee and City Council was, "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, ensuring dignity and respect for all persons and all communities in the City of Keene." He continued that he recognizes that the HRC is trying to thread a difficult needle. But it is

a matter of whether the HRC is following this. He asked how the HRC proposes to work with the concerned parties to draft (the statement).

Chair Cunha-Vasconcelos replied that the HRC has received feedback, from Keene Pride. She asked if Mr. Savastano and Ms. Farrington are from the Keene Republicans. Ms. Farrington replied that they are part of the “concerned parties.” Mr. Savastano replied that 500 people signed a petition, and they are not all Keene Republicans, but concerned parties.

Chair Cunha-Vasconcelos stated that anyone who has comments about the statement’s language is welcome to share them tonight. She continued that the language will go through iterations, through public hearings, and her understanding is that there will be opportunities for modifications at that point.

Rebecca Montrone of Keene stated that the document is clearly “trying to set apart Keene as going against everything that many of [them] voted for, Donald J. Trump.” She continued that they agree with Trump’s policies about illegal immigration and DEI. Keene is clearly trying to say it will not be a conservative, NH community. New Hampshire will do what it wants, Kelly Ayotte will do what she wants, but Keene will do what it wants. Her suggestion for a language change is to change “immigrants” to “illegal immigrants.” (The HRC should) recognize that human rights apply to everyone, not just “those who feel they deserve special treatment.” This is wrong. This is not about human rights, it is about Keene’s far left, progressive politics. It is etiology. This (statement) is inclusion for everyone on the left, and exclusion for everyone else. She is not behind (the HRC). She completely backs Trump’s policies about DEI and the government and “mutilating surgeries for children in this state.” The HRC does not speak for everyone and they are not the ones with virtue. They need to stop virtue-signaling, hear and pay attention to others, and “not make Keene this ridiculous spectacle when it comes to human rights.”

Mr. Savastano stated that he appreciates that the first paragraph says “religion.” He continued that the second paragraph includes “those seeking gender-affirming or reproductive care.” He does not know why reproductive care was made part of the statement. To him, that is a different matter, and involves state laws, whereas this (statement) is voted on by citizens. He does not know that the statement can override things. He does not see why those seeking reproductive care are included as a marginalized group. It seems like extra language that is not relevant. He has questions about how gender-affirming care relates to State law. That is very controversial. There are people on the other side of gender-affirming care for adolescents who believe that it is wrong to do gender-affirming care for adolescents before they reach the age of maturity. These are difficult issues, which he thinks are being generalized. He would appreciate the opportunity for a subcommittee to work with people from different groups, the “concerned parties,” as the PLD Committee and the City Council said to do. He thinks there is a way forward to come up with language that might work, but this feels like it is being pushed through inappropriately to the City Council vote.

Anthony Ferrantello of Keene stated that the first paragraph says “equitable community for all residents,” but the second paragraph, “particularly marginalized groups such as LGBTQ+,” favors the second group. He continued that the fifth paragraph says that they are strengthening community trust by doing this, but no, they are “making divisiveness” by “favoring one group at the expense of others.” That does not engender trust.

Anne Farrington stated that she has practical questions about what this means from an implementation perspective. She continued that the fourth paragraph says, “...free from

discrimination,” which is already law. She asked what “or external interference” means. She understands the point, but wonders who decides what that is. She stumbles on that. Similarly, she questions the last paragraph’s statement, “...by not using funds, personnel, collected data, or other resources to collaborate with or enforce policies or laws targeting or restricting...” What does that mean? Does it mean that if there is a law, it will not be implemented in Keene? That is an interpretation of those words. She would like to understand better what the HRC thinks that would look like, from an implementation, practical perspective. Those are her initial thoughts, but she likes to mull things over for a while before giving additional comments.

Tom Savastano stated that regarding the phrase “proud and progressive city with the heart of a town,” it would be “so much more unifying” if they could leave out the words “proud and progressive” so it reads “city with the heart of a town” and just welcome everyone to be part of it. The words “proud and progressive” have different connotations in today’s politically charged environment. He suggests they leave that out and have people come together as best they can.

Ms. Bender-Jesse replied that that is the wording from the City’s statement, which is on the wall (of this room). She continued that they copied and pasted the words from the City’s statement on that, instead of wordsmithing it. That is how those words were chosen.

Per Rabbi Aronson’s request, she read the statement out loud:

“Keene is a progressive city with the heart of a town, attracting people who seek to shape their community. We value and practice sustainability, innovative problem-solving, and highly collaborative engagement with our residents and businesses, creating a resilient and self-reliant community nestled in southern New Hampshire’s idyllic landscape. Keene features a strong, business-based, vibrant downtown and amazing parks and trails built to encourage active lifestyles and experiences, advancing our city as a cultural and economic hub for the Monadnock region.”

Rebecca Montrone stated that (she questions) words like “external interference.” She continued that cities all over the country are deciding to not cooperate with ICE, deciding to set themselves apart. That is the language Keene Pride first used – it was about a “sanctuary city.” She and others are very alarmed about Keene having the reputation of “being a hotspot, safe spot for left-wing, progressive ideology,” inviting more of those people and discouraging others, like families and businesses who want to locate here. She wants to point out that Adam Toepfer (of Keene Pride) has a conflict of interest. He owns a business here that will only be frequented by the Keene Pride community. She wants it clear that the HRC is not speaking for everyone. She and others will continue to make their voices known and expect to be represented.

Jennifer McCalley [?] stated that she agrees that this is a start. She continued that it is important for people to continue to be involved in the process, both at the subcommittee and public level, so she appreciates the dialogue. She thinks the statement acknowledges that there are many different people in this [city], and when all of us in the city are safe you know there is safety for everyone, which is important. It is like (what happened with) curb cuts. When the Americans with Disabilities Act (ADA) was passed, people were initially complaining that curb cuts were being put in sidewalks, but it turns out that curb cuts help everyone. Thus, if we know that (Keene) is safe for all sorts of people, then we know it is safe for anyone. That is important to her, as someone who is raising children here.

Ms. McCalley continued that there has been some implication that if you do not see something

happening, it is not happening, but that is not true. There are many things we do not see. We do not see fathers raping their children. Many families keep that private and secret, but we know it happens. Terrible things happen all the time, not in front of our eyes, but that does not mean it is not true when people tell their stories. The safer we can make everyone, the better.

Ms. McCalley continued that she has a grammatic change for the fifth paragraph: "Making this statement will affirm the city's enduring commitment to inclusivity, strengthening community trust and protecting residents for generations to come." If this is truly the start of something, she agrees that the HRC should start with the statement they want to make, so that other parties can come in with statements they want to make, and then that is the democratic process. A community that is safe and fair for the most vulnerable is safe for everybody.

DRAFT

Proposal

WHEREAS, the City of Keene, New Hampshire, is committed to fostering a safe, inclusive, and equitable community for all residents, regardless of socio-economic status, age, sex, gender identity, sexual orientation, race, color, marital status, familial status, mental or physical ability, religion, ethnicity, national origin, immigration status, or other marginalized characteristics; and

WHEREAS, federal policies or external actions may, at times, threaten the rights, safety, and well-being of Keene's residents, particularly marginalized groups such as LGBTQ+ individuals, immigrants, and those seeking gender-affirming or reproductive care; and

WHEREAS, cities across the United States, including Worcester, Massachusetts and Kansas City, Missouri, have declared or implemented policies supporting those in marginalized communities, demonstrating that local governments, even in small communities, can create lasting protections for vulnerable populations; and

WHEREAS, Keene, as a proud and progressive city with the heart of a town, has a moral and legal obligation to uphold the rights of all residents and ensure access to essential services, including but not limited to healthcare, education, and public safety, free from discrimination or external interference; and

WHEREAS, making this statement will affirm the city's enduring commitment to inclusivity, strengthen community trust, and protect residents for generations to come;

NOW, THEREFORE, the City of Keene commits to maintaining a safe space for all, establishing comprehensive and sustainable protections for all residents by not using funds, personnel, collected data, or other resources to cooperate with or enforce policies or laws targeting or restricting the rights and freedoms of marginalized communities.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.2.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Megan Fortson, Planner
Through: Paul Andrus, Community Development Director
Subject: **Resignation - Kenneth Swymer Jr. - Energy & Climate Committee**

Council Action:

In City Council August 21, 2025.

Voted unanimously to accept the resignation with gratitude for service.

Recommendation:

Accept the resignation of Kenneth Swymer Jr. from the Energy & Climate Committee with gratitude for his service.

Attachments:

1. Ken Swymer Jr. Resignation Letter

Background:

Kenneth Swymer Jr. is a regular member and the current Chair of the Energy & Climate Committee. He has served on the committee since 2022 and has submitted his resignation effective immediately due to his increasing work commitments.

From: [Ken Swymer](#)
To: [Megan Fortson](#)
Subject: Re: ECC Agenda Review Meeting
Date: Tuesday, August 19, 2025 1:36:39 PM

Hi Megan,

Due to increasing work commitments over the past couple of months, I've found that I need to step down from the Energy and Climate Committee.

Ken



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: August 21, 2025

To: Mayor and Keene City Council

From: Megan Fortson, Planner

Through: Paul Andrus, Community Development Director
Mari Brunner, Senior Planner
Elizabeth Ferland, City Manager

Subject: **Relating to Land Development Code Fee Updates
Ordinance O-2025-25**

Council Action:

In City Council August 21, 2025.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Refer Ordinance O-2025-25 to the Planning, Licenses and Development Committee for their review and recommendation.

Attachments:

1. O-2025-25_Narrative
2. O-2025-25_Relating to LDC Fee Updates_referral

Background:

This Ordinance proposes reorganizing and amending the fee schedule for Chapter 100, Land Development Code (LDC) in Appendix B of the City of Keene Code of Ordinances as follows:

- List all application types in a table organized by category (e.g., zoning, planning, HDC, etc.), with the application fee and the notice required for each application type. The intent of this proposed change is to make it easy and clear for applicants to find information regarding the fees required for each application type.
- Change the published public notice fee for zoning text amendment, zoning map amendment, and LDC amendments from \$90 to the current advertisement display rate in a paper of general circulation within the City of Keene.
- Increase the fees for zoning applications from \$100 to \$250 to better reflect the staff time and effort that goes into processing and reviewing these applications.
- Change the "Building/health official written interpretation" to a "Zoning Written Interpretation" to reflect the appropriate review authority.

- Change all Conditional Use Permit (CUP) applications to a flat fee of \$200 apart from Telecommunications CUPs, which will maintain their current application fee of \$300.
- Establish fees for applications and mailed notice fees not currently included in the fee schedule:
 1. Appeal of Zoning Written Interpretation - \$0 application fee, mailed and published notice required
 2. Earth Excavation Permit Application - \$250, mailed and published notice required
 3. Earth Excavation Permit Major Amendment - \$250, mailed and published notice required
 4. Earth Excavation Permit Minor Amendment - \$125, no notice required
 5. Earth Excavation Permit Renewal - \$250, mailed notice required, published notice required if reviewed by the Planning Board
 6. Street Access Exception Request - \$50, mailed notice required, published notice required if reviewed by the Planning Board
 7. Appeal of Decisions on Street Access Permits - \$50, mailed and published notice required
 8. Change of Governmental Land Use - \$0, mailed and published notice required
 9. Floodplain Variance - \$250, mailed and published notice required
 10. Postage for certificate of mailing – current USPS certificate of mailing rate

The intent of the proposed application fee increases is to help cover the costs associated with staff time spent processing and reviewing applications, which varies based on the application type and the complexity of the review required. The proposed change from certified mailing to certificate of mailing is intended to improve convenience and timeliness of notification to abutters by removing the need to sign for the notice. This proposed change will also reduce mailed notice costs for applicants.

The attached materials include the full text of Ordinance, O-2025-25, and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance, O-2025-25. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.

CITY OF KEENE
NEW HAMPSHIRE

O-2025-25 Relating to Appendix B Land Development Code Fee Updates

This Ordinance proposes reorganizing and amending the fee schedule for Chapter 100, Land Development Code (LDC) in Appendix B of the City of Keene Code of Ordinances as follows:

- List all application types in a table organized by category (e.g., zoning, planning, HDC, etc.), with the application fee and the notice required for each application type. The intent of this proposed change is to make it easy and clear for applicants to find information regarding the fees required for each application type.
- Change the published public notice fee for zoning text amendment, zoning map amendment, and LDC amendments from \$90 to the current advertisement display rate in a paper of general circulation within the City of Keene.
- Increase the fees for zoning applications from \$100 to \$250 to better reflect the staff time and effort that goes into processing and reviewing these applications.
- Change the “Building/health official written interpretation” to a “Zoning Written Interpretation” to reflect the appropriate review authority.
- Establish fees for applications and mailed notice fees not currently included in the fee schedule:
 - Appeal of Zoning Written Interpretation - \$0, mailed and published notice required
 - Earth Excavation Permit Application - \$250, mailed and published notice required
 - Earth Excavation Permit Major Amendment - \$250, mailed and published notice required
 - Earth Excavation Permit Minor Amendment - \$125, no notice required
 - Earth Excavation Permit Renewal - \$250, mailed notice required, published notice required if reviewed by the Planning Board
 - Street Access Exception Request - \$50, mailed notice required, published notice required if reviewed by the Planning Board
 - Appeal of Decisions on Street Access Permits - \$50, mailed and published notice required
 - Change of Governmental Land Use - \$0, mailed and published notice required
 - Floodplain Variance - \$250, mailed and published notice required
 - Postage for certificate of mailing – current USPS certificate of mailing rate
- Change all Conditional Use Permit (CUP) applications to a flat fee of \$200 apart from Telecommunications CUPs, which will maintain their current application fee of \$300.

The intent of the proposed application fee increases is to help cover the costs associated with staff time spent processing and reviewing applications, which varies based on the application type and the complexity of the review required. The proposed change from certified mailing to certificate of mailing is intended to

improve convenience and timeliness of notification to abutters by removing the need to sign for the notice. This proposed change will also reduce mailed notice costs for applicants.

The attached materials include the full text of Ordinance, O-2025-25, and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance, O-2025-25. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Land Development Code Fee Updates

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

That the Land Development Code fees in Appendix B of the City of Keene Code of Ordinances be removed in their entirety and replaced with the following:

Chapter 100. Land Development Code (LDC) Fee Schedule

Service Connection Permit Fees

Connection Type	Fee	Basis
Water, ≤ 2"	\$100	<ul style="list-style-type: none"> • 15 minutes of review/approval by the City Engineer • 2 one-hour visits by an Engineering Technician to inspect the tap and service line/curb stop prior to backfill
Water, > 2"	\$200	<ul style="list-style-type: none"> • 30 minutes of review/approval by the City Engineer • 2 one-hour visits by an Engineering Technician to inspect the tap and service line/curb stop or gate valve prior to backfill • 2 visits to observe disinfection testing procedure and review lab results
Sewer, design flow ≤ 5,000 GPD	\$100	<ul style="list-style-type: none"> • 15 minutes of review/approval by the City Engineer • 2 one-hour visits by an Engineering Technician to inspect the connection to the main and the service pipe prior to backfill
Sewer, design flow > 5,000 GPD	\$200	<ul style="list-style-type: none"> • 1 hour of review/approval by the City Engineer • 2 one-hour visits by an Engineering Technician to inspect the connection to the main and the service pipe prior to backfill
Storm drain, ≤ 6"	\$100	<ul style="list-style-type: none"> • 15 minutes of review/approval by the City Engineer • 2 one-hour visits by an Engineering Technician to inspect the tap and service

		line/curb stop prior to backfill
Storm drain, > 6"	As determined by the Public Works Director	<ul style="list-style-type: none"> Storm drain connections to the city's system over 6" in diameter will require hydraulic analysis and a review of the available system capacity. Fee for connection will be determined based on the specific circumstances.
Engineering inspection fees, per hour	\$55	

Application Fees

Application Type		Application Fee	Notice Required
Zoning	Amendments to Zoning Text (Articles 1-19)	\$250	Mailed & Published
	Amendments to Zoning Map	\$250	Mailed & Published
	Variance / Floodplain Variance	\$250	Mailed & Published
	Special Exception	\$250	Mailed & Published
	Equitable Waiver	\$250	Mailed & Published
	Enlarge or Expand Nonconforming Use	\$250	Mailed & Published
	Zoning Written Interpretation	\$125	None
	Appeal of Zoning Written Interpretation	None	Mailed & Published
Planning Board	Subdivision	Subdivision	\$200 + \$100 per lot Mailed & Published
		Conservation Residential Development Subdivision	\$200 + \$100 per lot Mailed & Published
		Boundary Line Adjustment	\$100 + \$20 per lot Mailed
		Voluntary Merger	\$100 + \$20 per lot None
	Site Plan	Administrative Planning Review	\$125 None
		Minor Project	\$250 + \$0.05 per sf gross floor area of new construction Mailed & Published
		Major Project	\$250 + \$0.05 per sf gross floor area of new construction Mailed & Published
	Conditional Use Permit (CUP)	Telecommunications	\$300 Mailed & Published
		All Other Conditional Use Permits	\$200 Mailed & Published
	Earth Excavation	Permit	\$50 None
		Application / Major Amendment	\$250 Mailed & Published
		Minor Amendment	\$125 None

		Permit Renewal	\$250	Mailed & Published*
	All Planning Board application types	Advice & Comment	\$25	None
		Request to extend expiration of conditionally approved application	\$25 for first request, \$50 for each request thereafter	None
Historic District Certificate of Appropriateness (COA)		Advice & Comment	None	None
		Minor Project	\$25	None
		Major Project	\$50	Mailed & Published
		Request to modify an approved Major Project	\$50	Mailed & Published
Sign		Applications with a total project cost of \$5,000+	\$100 + \$10 per \$1,000 of total project value	None
		Applications with a total project value less than \$5,000	\$100	None
Street Access		Street Access Permit Application	\$50	None
		Street Access Exception Request	\$50	Mailed & Published
		Appeal of Decisions on Street Access Permits	\$50	Mailed & Published
Other		Change of Governmental Land Use	\$0	Mailed & Published
		Sustainable Energy Efficient Development Overlay District Incentive (SEED)	\$100	None
		Floodplain Development Permit	\$50 + \$100 per acre (or portion thereof) of special flood hazard area proposed to be altered	None

*Published Notice is only required if Planning Board is the reviewing body.


Notice & Recording Fees

Type of Notice		Fee
Mailed	Postage for certified mail	Current USPS certified mail rate
	Postage for certificate of mailing	Current USPS certificate of mailing rate
	Postage for first class mail	Current USPS first class mail rate
Published	All applications, unless otherwise noted	\$62
	Amendments to zoning text / zoning map	Current advertisement display rate in a paper of general circulation within the City of Keene.

Recording Fees	Current Cheshire County Registry of Deeds fee, including LCHIP fee
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Jay V. Kahn, Mayor

In City Council August 21, 2025.
Referred to the Planning, Licenses and
Development Committee.



City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.2.

Meeting Date: August 21, 2025

To: Mayor and Keene City Council

From: Megan Fortson, Planner

Through: Mari Brunner, Senior Planner
Paul Andrus, Community Development Director
Elizabeth Ferland, City Manager

Subject: **Relating to Land Development Code Application Procedures
Ordinance O-2025-26**

Council Action:

In City Council August 21, 2025.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

To refer Ordinance O-2025-26 to the Planning, Licenses and Development Committee for review and recommendation.

Attachments:

1. Article 26 Updates_Narrative
2. O-2025-26_Relating to LDC Application Procedures_referral
3. Article 26_Application Procedures_combined

Background:

This Ordinance proposes to amend various sections of Article 26 of the Land Development Code (LDC) in Chapter 100 of the City of Keene Code of Ordinances as follows:

Update Tables 26-1 and 26-2 to include additional application types, including Appeals of Zoning Written Interpretations, Floodplain Variances, Earth Excavation & Street Access Permit application types, and Change of Governmental Land Use notifications, and consolidate the list of Conditional Use Permit (CUP) applications. The purpose of this proposed change is to provide clear information about the decision authority and notice requirements for these application types.

Amend Section 26.4.3.B to include the Earth Excavation Regulations and application procedures. This change is proposed to ensure that any proposed modifications to the Earth Excavation Regulations will go through a public hearing process with the Planning Board prior to being incorporated into City Code.

Amend Section 26.2.4.A.1 to change the certified mailing rate to a certificate of mailing rate and amend various sections of Article 26 to remove the language specifying that mailed notices must be sent via certified mail. This change is intended to improve the convenience and timeliness of notification to abutters by removing the need to sign for the notice. This proposed change will also reduce mailed notice costs for applicants.

Amend Section 26.19.4 to include application and notice fees in the list of submittal items for Earth Excavation applications. This change is proposed to ensure consistency with other sections of the LDC.

Add a new section detailing the procedure for Change of Governmental Land Use notifications. The intent of this proposed change is to provide clarity to potential applicants regarding the process for Planning Board review of Governmental Land Use notifications.

The attached materials include the full text of Ordinance O-2025-26 and excerpted sections of the Land Development Code that are proposed to be amended with Ordinance O-2025-26. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.

In accordance with Section 26.4.3 of the Land Development Code, the Planning Board held a public hearing and approved the changes to their application and mailing fees in March and April 2024, and the Historic District Commission held a public hearing and approved the changes to their mailing fees in August 2024. In addition, the Zoning Board of Adjustment discussed and approved the proposed changes to the ZBA application fees at their meetings in March and April 2024.

CITY OF KEENE
NEW HAMPSHIRE

O-2025-26 Relating Land Use Application Fees

This Ordinance proposes to amend various sections of Article 26 of the Land Development Code (LDC) in Chapter 100 of the City of Keene Code of Ordinances as follows:

- Update Tables 26-1 and 26-2 to include additional application types, including Appeals of Zoning Written Interpretations, Floodplain Variances, Earth Excavation & Street Access Permit application types, and Change of Governmental Land Use notifications, and consolidate the list of Conditional Use Permit (CUP) applications. The purpose of this proposed change is to provide clear information about the decision authority and notice requirements for these application types.
- Amend Section 26.4.3.B to include the Earth Excavation Regulations and application procedures. This change is proposed to ensure that any proposed modifications to the Earth Excavation Regulations will go through a public hearing process with the Planning Board prior to being incorporated into City Code.
- Amend Section 26.2.4.A.1 to change the certified mailing rate to a certificate of mailing rate and amend various sections of Article 26 to remove the language specifying that mailed notices must be sent via certified mail. This change is intended to improve convenience and timeliness of notification to abutters by removing the need to sign for the notice. This proposed change will also reduce mailed notice costs for applicants.
- Amend Section 26.19.4 to include application and notice fees in the list of submittal items for Earth Excavation applications. This change is proposed to ensure consistency with other sections of the LDC.
- Add a new section detailing the procedure for Change of Governmental Land Use notifications. The intent of this proposed change is to provide clarity to potential applicants regarding the process for Planning Board review of Governmental Land Use notifications.

The attached materials include the full text of Ordinance O-2025-26 and excerpted sections of the Land Development Code that are proposed to be amended with Ordinance O-2025-26. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.



CITY OF KEENE

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

AN ORDINANCE Relating to Land Development Code Application Procedures

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 Table 26-1 to include additional application types; consolidate the list of Conditional Use Permit applications; and correct Article references.

Table 26-1: Development Applications Decision Authority

Application Type		Zoning Board of Adjustment	Planning Board	Minor Project Review Committee	City Council	Historic District Commission	Joint Committee	Conservation Commission	Zoning Administrator	Community Development Dir.	City Engineer	Floodplain Administrator
Amendments to the LDC	Articles 1- 19 8 & 22-28 <u>(Zoning Regulations)</u>				D / PH		PW					
	Articles 49 & 20, 21, 25, <u>26.10-26.14 & 26.19</u> <u>(Planning Board regulations)</u>		D / PH		D							
	Article 22 4 & <u>26.15</u> <u>(HDC regulations)</u>				D	D / PH						
	<u>Articles 23-29</u>				<u>D</u>							
Zoning	Amendments to Zoning Text /Zoning Map				D / PH		PW					
	Variance / <u>Floodplain Variance</u>	D / PH										
	Special Exception	D/ PH										
	Equitable Waiver	D/ PH										
	Expand or Enlarge Non-conforming Use	D/ PH										
	Zoning Administrator Decision <u>Written Interpretation</u>								D			

	<u>Appeal of Zoning Written Interpretation</u>	<u>D/ PH</u>										
Subdivision Review	Subdivision		D/ PH	PS								
	Conservation Residential Development Subdivision		D/ PH	PS								
	Boundary Line Adjustment		D									
	Voluntary Merger							D				
	Administrative Planning Review								D			
Site Plan Review	Minor Project			D / PH								
	Major Project		D/ PH	PS								
Conditional Use Permit (CUP)	Hillside Protection		D/ PH	PS							R	
	Surface Water Protection		D/ PH	PS			R					
	Telecommunications		D / PH	PS								
	Congregate Living & Social Services		D / PH	PS								
	Solar Energy System		D / PH	PS								
	<u>All Other Conditional Use Permits</u>		<u>D / PH</u>	<u>PS</u>								
Historic District	Minor Project								D			
	Major Project			PS		D / PH						
<u>Earth Excavation</u>	<u>Permit Application / Major Amendment</u>		<u>D / PH</u>	<u>PS</u>			<u>R</u>					
	<u>Minor Amendment</u>								<u>D</u>			
	<u>Permit Renewal</u>		<u>D / PH</u>						<u>D</u>			
<u>Street Access</u>	<u>Street Access</u>		<u>D</u>								<u>D</u>	
	<u>Street Access Exception Request</u>		<u>D / PH</u>								<u>D</u>	
	<u>Appeal of Decisions on Street Access Permits</u>		<u>D / PH</u>									
Other Permits	Floodplain Development											D
	Sign							D				
	<u>Change of Governmental Land Use</u>		<u>R</u>									
	Street Access		D								D	
	Earth Excavation		D / PH					R				

"R" = Recommendation "D" = Final Decision "PW" = Public Workshop "PH" = Public Hearing "PS" = Pre-submission Meeting Required

- Amend Table 26-2 to include notice requirements for additional application types and consolidate the list of Conditional Use Permit applications.

Table 26-2: Public Notice Requirements

Application Type	Notice Type			# Days ¹
	Mailed	Published	On-Site	

Amendments to Articles 1-22, 25, 26.10-26.14, and 26.19 of this LDC		•	•		10
Zoning	Amendments to Zoning Text or Zoning Map	•	•		10
	Variance / <u>Floodplain Variance</u>	•	•		5
	Special Exception	•	•		5
	Equitable Waiver	•	•		5
	Expand or Enlarge Non-Conforming Use	•	•		5
	<u>Appeal of Zoning Written Interpretation</u>	•	•		<u>5</u>
Subdivision Review	Subdivision	•	•		10
	Conservation Residential Development	•	•		10
	Boundary Line Adjustment	•			10
Site Plan Review	Minor Project	•	•		10
	Major Project	•	•		10
Conditional Use Permits	Hillside Protection	•	•	•	10
	Surface Water Protection	•	•	•	10
	Telecommunications	•	•	•	10
	Congregate Living & Social Services	•	•	•	10
	Solar Energy System	•	•	•	10
	<u>All Other Conditional Use Permits</u>	•	•	•	<u>10</u>
Historic District	Major Project	•	•	•	5
<u>Street Access</u>	<u>Street Access Exception Request*</u>	•	•		10
	<u>Appeal of Decisions on Street Access Permits</u>	•	•		10
Other	<u>Change of Governmental Land Use</u>	•	•		<u>10</u>
	Earth Excavation Permit	•	•		10
<u>Earth Excavation</u>	<u>Application / Major Amendment</u>	•	•		<u>10</u>
	<u>Permit Renewal*</u>	•	•		<u>10</u>

° = *The requirements of on-site posting of notice for a public hearing for major project applications for a certificate of appropriateness shall be limited to proposals related to demolition of a structure in the Historic District.*

* *Published notice for this application type shall only be required when the Planning Board is the reviewing body.*

¹*The number of days before a public hearing or public body meeting that notice is to be issued, not including the day of posting/postmark or day of public hearing/meeting.*

3. Amend Section 26.2.4.A.1 of Article 26 to change the certified mailing rate for noticing land use applications to a Certificate of Mailing rate, as follows:

When a mailed notice is required, the applicant shall submit 2 sets of mailing labels for each abutter or person entitled to such notice in accordance with state law or the City Code of Ordinances, and a mailing fee equal to the cost of the current United States Postal Service ~~Certified Mail~~ **Certificate of Mailing** rate, at the time of application submission, unless otherwise specified in this LDC.

4. Amend Section 26.4.3.B to include the Planning Board's Earth Excavation Regulations and application procedures outlined under Article 25 & Article 26.19 of the LDC.

Articles 20, 21, and 25 and Sections 26.10-25.14 and 26.19 of Article 26 – “Subdivision Regulations,” “Site Development Standards,” **and “Earth Excavation Regulations”** and Planning Board Application Procedures. For amendments proposed to Articles 20, 21, 25, and Sections 26.10 through 26.14 **and 26.19** of Article 26 of this LDC, the following procedures shall apply.

5. Amend Sections 26.5.4.E, 26.6.4.E, 26.7.4.E, 26.8.5.E, 26.10.5.B.7, 26.12.5.I, and 26.15.5.K, and 26.16.9.A.c of Article 26 to remove the certified mailing requirement for development applications, as follows:

Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

6. Add a new section after Section 26.19.4.E of Article 26 to require the submittal of application and notice fees for Earth Excavation Permit applications, as follows:

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

7. Add a new section after Section 26.20 of Article 26 titled “Change of Governmental Land Use,” as follows:

26.21 Change of Governmental Land Use

26.21.1 Description

In accordance with New Hampshire RSA 674:54, any substantial change in use or a substantial new use on land owned or occupied or proposed to be owned or occupied by the state, university system, the community college system of New Hampshire, or

by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature shall be considered a change of governmental land use.

26.21.2 Initiation

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

26.21.3 Authority

The Planning Board shall have the authority to provide nonbinding recommendations relative to the conformity or nonconformity of the proposal with normally applicable land use regulations.

26.21.4 Submittal Requirements

An applicant shall submit written notification and supporting materials to the Community Development Department, which shall include the following.

- A. A written notification providing an explanation of proposed changes.
- B. Plans and specifications showing the proposed changes.
- C. A statement of the governmental nature of the use as set forth in NH RSA 674:54.
- D. A proposed construction schedule.
- E. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel. This list shall also include the name and mailing address of the property owner and applicant.
- F. Two (2) sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and the applicant.
- G. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

26.21.5 Procedure


The following procedures shall apply to all notifications for a change of governmental land use.

- A. Determination of Public Hearing. Upon receipt of a notification of a change in governmental land use, the Planning Board Chair shall determine whether the proposed change in use or new use warrants a public hearing. This notification must be provided at least 60 days prior to the start of construction and 10 business days prior to the Planning Board meeting at which the public hearing will be held.
- B. Notice of Public Hearing. If the Chair determines a public hearing is warranted, the Community Development Director, or their designee, shall forward the notification for a change of governmental land use to the Planning Board for a public hearing and shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:4(I)(d).
- C. Public Hearing. A public hearing shall be held within 30 days after the receipt of the notice of governmental land use. A representative of the governmental entity which provided notice shall be available to present the materials and provide explanations to the Board.

- D. Recommendations. The Planning Board may issue nonbinding written comments relative to the conformity or nonconformity of the proposal with the normally applicable land use regulations to the applicant within 30 days after the hearing.**

Jay V. Kahn, Mayor

In City Council August 21, 2025.
Referred to the Planning, Licenses and
Development Committee.



City Clerk

Table 26-1: Development Applications Decision Authority

Application Type		Zoning Board of Adjustment	Planning Board	Minor Project Review Committee	City Council	Historic District Commission	Joint Committee	Conservation Commission	Zoning Administrator	Community Development Dir.	City Engineer	Floodplain Administrator
Amend-ments to the LDC	Articles 1-19 & 22-28 (Zoning Regulations)				D / PH		PW					
	Articles 19 & 20, 21, 25, 26.10-26.13 & 26.19 (Planning Board Regulations)		D / PH		D							
	Article 22 & 26.15 (HDC Regulations)				D	D / PH						
	Articles 23-29				D							
Zoning	Amendments to Zoning Text / Zoning Map				D / PH		PW					
	Variance / Floodplain Variance	D / PH										
	Special Exception	D / PH										
	Equitable Waiver	D / PH										
	Enlarge or Expand Nonconforming Use	D / PH										
	Zoning Administrator Decision Written Interpretation								D			
	Appeal of Zoning Written Interpretation	D/PH										
Sub-division Review	Subdivision		D / PH	PS								
	Conservation Residential Development Sub.		D / PH	PS								
	Boundary Line Adjustment		D									
	Voluntary Merger								D			
Site Plan Review	Administrative Planning Review									D		
	Minor Project			D / PH								
	Major Project		D / PH	PS								
Conditional Use Permit (CUP)	Hillside Protection		D / PH	PS							R	
	Surface Water Protection		D / PH	PS				R				
	All Other Conditional Use Permits		D / PH	PS								
Historic District	Minor Project	January 2025										
	Major Project			PS		D / PH						

Earth Excavation	Permit Application / Major Amendment		D / PH	PS				R			
	Minor Amendment								D		
	Permit Renewal		D / PH						D		
Street Access	Street Access		D							D	
	Street Access Exception Request		D / PH							D	
			D / PH								
Other Permits	Floodplain Development										D
	Sign							D			
	Change of Governmental Land Use		R								
	Street Access-		D							D	
	Earth Excavation-		D / PH					R			

"R" = Recommendation "D" = Final Decision "PW" = Public Workshop "PH" = Public Hearing
 "PS" = Presubmission Meeting Required

26.2 COMMON APPLICATION & REVIEW PROCEDURES

26.2.1 Applicability

The following requirements are common to many of the application review procedures in this LDC. Additional or slightly varying application and/or review requirements and procedures may be specified elsewhere in this Article or LDC.

26.2.2 Application Requirements

A. Pre-Submission Meeting

Prior to formal submittal of an application, the applicant may request a pre-submission meeting with City staff.

1. The purpose of this meeting is to review the proposed project when it is still at a conceptual stage, to identify any potential concerns with project design, and to ensure that the applicant is aware of all information that must be submitted with the application.
2. This meeting does not require a formal application or fees.

3. Some applications require attendance at a pre-submission meeting prior to application submission. Such requirement shall be specified in this LDC.

B. Submittal Requirements

1. All applications pursuant to this LDC shall be submitted in accordance with the requirements of this Article, and the established submittal requirements of the appropriate review or decision-making authority.
2. Applications pursuant to this LDC shall be filed with the appropriate review or decision-making authority, or their designee, on forms provided by the Community Development Department, or the Public Works Department for street access or service connection permits.

F. Withdrawal of Application

Unless otherwise specified in this LDC, an application may be withdrawn at any time prior to the final decision on the application. Requests for withdrawal shall be made in writing by the applicant to the appropriate review or decision-making authority. Applications to amend this LDC, including the Zoning Regulations or Zoning Map, may be withdrawn by the applicant in accordance with this Section.

G. Burden of Proof

It shall be the sole responsibility of the applicant to demonstrate that their application satisfies all applicable standards of review.

26.2.3 Staff Review

- A. Prior to consideration of an application pursuant to this LDC by a City board or commission, City staff may prepare a staff report for the application, which contains a brief summary of the proposal and a summary analysis of how the proposal relates to the applicable standards in this LDC.
 - a. Sample motions, including any suggested findings and/or conditions, may also be provided in this report.
 - b. Such staff report shall be shared with the board or commission in advance of the meeting, and shall be made available to the public.
- B. Some applications pursuant to this LDC may require review and comment from other City departments prior to a public hearing or action on the application. Comments received from City staff in other departments following their review of an application shall be forwarded to the appropriate review or decision-making authority and shall be shared in writing with the applicant as soon as they are all received.

26.2.4 Public Notice

The general public notice requirements for applications and procedures subject to this LDC, including, but not limited to, notice of public body meetings and public hearings, are included in this Section. Table 26-2 indicates the type of public notice required for applications that require public notice in accordance with state law or the City Code of Ordinances.

A. Mailed Notice

1. When a mailed notice is required, the applicant shall submit 2 sets of mailing labels for each abutter or person entitled to such notice in accordance with state law or the City Code of Ordinances, and a mailing fee equal to the cost of the current United States Postal Service ~~Certified Mail~~ **Certificate of Mailing** rate, at the time of application submission, unless otherwise specified in this LDC.
2. The appropriate review authority, or their designee, shall be responsible for issuing the mailed notice.
3. The mailed notice shall include, at a minimum, the date, time, place, and purpose of such public hearing; the names of the applicant and property owner; and the address of the subject property. Such information shall be current to within 10-days of application submittal.
4. The mailed notice shall be sent to the address used for mailing local property tax bills, which may be obtained from the City of Keene Assessing Department.
5. The required timeframe for issuing mailed notice is specified in Table 26-2. This timeframe shall not include the day such notice is postmarked or the day of the public hearing or public meeting at which the application is first considered.

Table 26-2: Public Notice Requirements

		Notice Type			# Days ¹
		Mailed	Published	On-Site	
Zoning	Amendments to this LDC	●	●		10
	Amendments to Zoning Text or Zoning Map	●	●		10
	Variance / Floodplain Variance	●	●		5
	Special Exception	●	●		5
	Equitable Waiver	●	●		5
	Expand or Enlarge Non-conforming Use	●	●		5
	Appeal of Zoning Written Interpretation	●	●		5
Sub-division Review	Subdivision	●	●		10
	Conservation Residential Development	●	●		10
	Boundary Line Adjustment	●			10
Site Plan Review	Minor Project	●	●		10
	Major Project	●	●		10
Condi-tional Use Permit	Hillside Protection	●	●	●	10
	Surface Water Protection	●	●	●	10
	All Other Conditional Use Permits	●	●	●	10
	Tele-communications	●	●	●	10
	Congregate-Living & Social Services	●	●	●	10
	Solar Energy System	●	●	●	10
Historic District	Major Project	●	●	○	5
Street Access	Street Access Exception Request*	●	●		10
	Appeal of Decisions on Street Access Permits	●	●		10

Earth Excavation	Application / Major Amendment	●	●	10
	Permit Renewal*	●	●	10
Other	Earth Excavation- Permit	●	●	10
	Change of Governmental Land Use	●	●	10

○ = The requirements of on-site posting of notice for a public hearing for major project applications for a certificate of appropriateness shall be limited to proposals related to demolition of a structure in the Historic District.

* **Published notice for this application type shall only be required when the Planning Board is the reviewing body.**

¹The number of days before a public hearing or public body meeting that notice is to be issued, not including the day of posting/postmark or day of public hearing/meeting.

B. Published Notice

1. When published notice is required, the appropriate review authority, or their designee, shall publish notice in a newspaper of general circulation within the City, and in at least 2 public places.
2. The required timeframe for issuing published notice is specified in Table 26-2. This timeframe shall not include the day notice is posted or the day of the public hearing or public meeting at which the application is first considered.
3. At the time of application submission, the applicant shall submit a fee to cover the cost of the published notice in accordance with the LDC Fee Schedule in Appendix B of City Code of Ordinances.
4. The published notice shall include, at a minimum, the date, time, place, and purpose of such public hearing; the names of the property owner and applicant; and the address of the subject property.

25.2.5 Site Visits

- A. Submittal of an application in accordance with this Article shall be deemed as granting permission to City staff, the appropriate review or decision-making authority, or their designees, to enter onto the subject property for purposes of review.
 1. Permission to visit the property extends from the date an application is submitted until the project is formally denied or construction of an approved project is complete, a certificate of occupancy has been issued, or final security has been returned to the applicant, whichever occurs later.
 2. If an applicant wishes to place limitations upon access to the property subject to review, then the limitations shall be requested in writing at the time of application. Any such request shall include the reasons for the limitations, and the appropriate review authority shall use reasonable judgment in determining the extent to which the request may be granted.
- B. City boards and commissions may elect to conduct a formal site visit of a project site prior to the meeting at which an application will be

26.4 LAND DEVELOPMENT CODE AMENDMENTS

26.4.1 Description

The standards and requirements set forth in the City of Keene Land Development Code (also referred to as "this LDC") may be amended from time to time. The process for amending this LDC varies depending upon which article or articles are proposed to change. The process for amending the Zoning Regulations, which are contained in Articles 2 through 19 of this LDC, shall be as described in Section 26.3.

25.4.2 Authority

The City Council, after receiving a recommendation from the Planning Licenses and Development Committee, and from the Planning Board with respect to Articles 20, 21 and Sections 26.10 through 26.14 of Article 26, and from the Historic District Commission with respect to amendments to Article 22 and Section 26.15 of Article 26, shall take action on proposed amendments to this LDC.

26.4.3 Procedure

In addition to the common application and review procedures of this Article, the following procedures shall apply with respect to proposed amendments to this LDC.

- A. Articles 1 through 19.** For amendments proposed to Articles 1 through 19 of this LDC, the same application and review procedures shall be followed as those described in Section 26.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.
- B. Articles 20, 21, 25 and Sections 26.10-25.14 and 26.19 of Article 26 - "Subdivision Regulations," "Site Development Standards," and "Earth Excavation Regulations"** and Planning Board Application Procedures. For amendments proposed to Articles 20, 21, 25, and Sections 26.10 through 26.14 and 26.19 of Article 26 of this LDC, the following procedures shall apply.

- 1. Planning Board Public Hearing.** In

26.5 ZONING VARIANCE

26.5.1 Description

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

26.5.2 Initiation

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

26.5.3 Authority

The Zoning Board of Adjustment has the authority to authorize variances from the provisions of the Zoning Regulations of this LDC, subject to the requirements of this Article, the Zoning Regulations, and NH RSA 674:33.

26.5.4 Submittal Requirements

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

- A.** A written narrative that describes the property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed variance, including a response to each of the variance criteria.
- B.** A scaled plot plan clearly displaying the location and dimensions of all structures and open spaces on the lot in question and on the adjacent lots, as well as any proposed changes to the site, such as, but not limited to, additions to existing structures or the construction of new structures.
- C.** A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map

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

- D.** 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- E.** Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

26.5.5 Procedure

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

- A.** Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.
- B.** The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.
- C.** Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.
- D.** The Zoning Board of Adjustment shall give reasons for all decisions on variance applications and shall make reference to the appropriate sections of the Zoning Regulations, where applicable.

26.5.6 Approval Standards

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

26.6 ZONING SPECIAL EXCEPTION

26.6.1 Description

A special exception seeks permission to do something that the Zoning Regulations permit only under certain special circumstances. All special exceptions shall be made in harmony with the general purpose and intent of the Zoning Regulations and shall be in accordance with the rules contained therein.

26.6.2 Initiation

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

26.6.3 Authority

The Zoning Board of Adjustment shall have the authority to hear and decide special exceptions from the provisions of the Zoning Regulations of this LDC, subject to the requirements of this Section and NH RSA 674:33.

26.6.4 Submittal Requirements

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

- A.** A written narrative that describes the property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed special exception, including a response to each of the special exception criteria.
- B.** A scaled plot plan clearly displaying the location and dimensions of all structures and open spaces on the lot in question and on the adjacent lots, as well as any proposed changes to the site, such as, but not limited to, additions to existing structures or the construction of new structures.
- C.** A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map

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

- D.** 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- E.** Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

26.6.5 Procedure

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

- A.** Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.
- B.** The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.
- C.** Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.
- D.** The Zoning Board of Adjustment shall give reasons for all decisions on special exception applications and shall make reference to the appropriate sections of the Zoning Regulations, where applicable.

26.7 EXPANSION OR ENLARGEMENT OF A NONCONFORMING USE

26.7.1 Description

A nonconforming use of a structure or land may be expanded or enlarged with approval from the Zoning Board of Adjustment, provided such expansion or enlargement does not violate any of the basic zone dimensional requirements of the zoning district in which it is located.

26.7.2 Initiation

The applicant seeking approval to expand or enlarge a nonconforming use shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

26.7.3 Authority

The Zoning Board of Adjustment shall have the authority to hear and decide on applications to expand or enlarge a nonconforming use.

26.7.4 Submittal Requirements

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

- A. A written narrative that describes the property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed expansion or enlargement of a nonconforming use, including a response to each of the relevant approval standards.
- B. A scaled plot plan clearly displaying the location and dimensions of all existing structures and open spaces, as well as any proposed changes to the site, such as, but not limited to, additions to existing structures or the construction of new structures.
- C. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the

street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.

- D. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- E. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

26.7.5 Procedure

In addition to the common application and review procedures of this Article, the following review and approval procedures shall apply to applications to expand or enlarge a nonconforming use.

- A. Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.
- B. The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.
- C. Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.

26.7.6 Approval Standards

The Zoning Board of Adjustment may approve an application for an expansion or enlargement of a nonconforming use, only when the Board finds that all of the following conditions apply.

- A. Such expansion or enlargement would not reduce the value of any property within the zoning district, nor otherwise be injurious, obnoxious or offensive to the neighborhood.
- B. There will be no nuisance or serious hazard to vehicles or pedestrians.

26.8 EQUITABLE WAIVER OF ZONING DIMENSIONAL REQUIREMENTS

26.8.1 Description

In situations where a lot or structure is discovered to be in violation of a physical layout or dimensional requirement of the Zoning Ordinance, and such lot or structure is not legally nonconforming, a waiver from the requirement may be sought under certain conditions.

26.8.2 Applicability

- A.** An equitable waiver shall only apply to waivers from physical layout, mathematical or dimensional requirements, and shall not apply to use restrictions.
- B.** An equitable waiver shall not be construed as a nonconforming use and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the Zoning Regulations.

26.8.3 Initiation

The applicant for an equitable waiver of dimensional requirements shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

26.8.4 Authority

The Zoning Board of Adjustment shall have the power to hear and decide on equitable waivers of zoning dimensional requirements, subject to the requirements of this Section and NH RSA 674:33-a.

26.8.5 Submittal Requirements

An applicant for an equitable waiver of dimensional requirements shall submit a completed application to the Community Development Department, which shall include the following materials.

- A.** A written narrative that describes the property location, owner of the subject property, and explains the purpose and effect of, and justification for, the proposed waiver, a response to each of the equitable waiver criteria.
- B.** A scaled plot plan clearly displaying the

locations and dimensions of all structures and open spaces on the lot in question and on the adjacent lots.

- C.** A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.
- D.** 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- E.** Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

26.8.6 Procedure

In addition to the common application and review procedures of this Article and NH RSA 676:5 through 676:7, the following review and approval procedures shall apply to applications for an equitable waiver of dimensional requirements.

- A.** Once an application is determined to be complete, the Zoning Administrator, or their designee, shall forward it to the Zoning Board of Adjustment for a public hearing.
- B.** The Zoning Administrator, or their designee, shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.
- C.** Prior to deciding on the application, the Zoning Board of Adjustment shall render, as appropriate, findings of fact by majority vote.
- D.** The Zoning Board of Adjustment shall give reasons for all decisions on equitable waiver of dimensional requirements applications and shall make reference to the appropriate sections of the Zoning Regulations, where applicable.

- c. A proposed conditions plan (at a scale of 1-in = 100-ft or at a larger scale) showing all parcels affected by the proposal, and depicting the following information.
 - i. Owner names and tax map parcel numbers for all direct abutters.
 - ii. Boundaries and acreage of the proposed lots subject to review.
 - iii. Location of any existing structures or site features, driveways, parking areas, public streets, rights-of-way, easements, surface waters (including wetland areas delineated by a NH certified wetland scientist), precautionary and prohibitive slopes, 100-year floodplain and floodways delineation, and wooded and vegetated areas that are displayed on the existing conditions plan, and are proposed to remain.
 - iv. The location of proposed structures and site features, lot lines, public streets, rights-of-way, easements, driveways and parking areas.
 - 3. Any additional information the Planning Board, or its designee, may reasonably deem necessary to determine compliance with the applicable regulations of this LDC.
 - 4. Any technical reports prepared by a NH licensed engineer or qualified professional, which may be required or reasonably requested by the Planning Board, or its designee, based on the nature and scope of the proposal. Such reports may include, but are not limited to drainage, traffic, and/or soils analyses.
 - 5. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.
 - 6. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
 - 7. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~
- C. Conservation Residential Development Subdivision Applications**
- In addition to the submittal requirements for a subdivision or boundary line adjustment in Section 26.10.5.B, a completed application for a proposed conservation residential development subdivision shall include the following.
- 1. An overview plan (1-copy on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper; and, an electronic pdf file), which displays the entire tract and any existing public roads, public or private protected lands, woodlands areas, surface waters, and precautionary or prohibitive slopes located within 200-ft of the tract.
 - 2. An existing conditions plan displaying the location of primary and secondary conservation values as defined in Section 20.3 of this LDC.
 - 3. A proposed conditions plan including the following.
 - a. The area(s) designated as Open Space, any common land and any specifically protected conservation values.
 - b. Any proposed uses of the Open Space (e.g. agriculture, recreation, forestry, etc.) and/or common lands shall be noted on the plan.
 - c. The location and dimensions of any

- D. Elevations (3 color copies on 22" x 34" sized paper or larger size, 1-color copy on 11"x17" paper and an electronic pdf file) showing the visual appearance and architectural details of all proposed structures, with proposed façade height and length dimensions, construction materials, finishes, and colors clearly labeled. Landscaping should not be included on elevations.
- E. Additional color representations, simulations, or renderings of a proposed development may be required by the respective decision-making authority, during the review process.
- F. Any additional information the respective decision-making authority may reasonably deem necessary to determine compliance with the applicable regulations of this LDC.
- G. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; all owners of property located within 200-ft of the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.
- H. 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- I. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

26.12.6 Submittal Requirement Exemptions

- A. An applicant may make a request to the Community Development Director, or their designee, to exempt their application from specific submittal requirements.
- B. Any exemption granted by the Community Development Director, or their designee, shall be evaluated and approved by the respective decision-making authority during its review of application completeness. If the Planning Board or Minor Project Review Committee determines the exempted material is necessary to complete its review of the application, they may deny the exemption request and determine the application to be incomplete.
- C. If a requested exemption is not granted by the Community Development Director, or their designee, the applicant may appeal the decision to the Planning Board, in the case of major site plan applications, or the Minor Project Review Committee, in the case of minor site plan applications, prior to the respective decision-making authority's determination of application completeness.

26.12.7 Application Submittal Deadline

A. Major Site Plan Application

A completed major site plan application shall be submitted to the Community Development Director, or their designee, no later than 26 business days prior to the Planning Board meeting date at which the applicant desires the application to be reviewed.

B. Minor Site Plan Application

A completed minor site plan application shall be submitted to the Community Development Director, or their designee, no later than 14 business days prior to the Minor Project Review Committee meeting date at which the applicant desires the application to be reviewed.

- a. Owner names and tax map parcel numbers for all direct abutters.
 - b. Boundaries and acreage of the lot(s) subject to review.
 - c. Location of any existing structures or site features, driveways, parking area, wooded or vegetated areas, public streets, rights-of-way, and easements that are displayed on the existing conditions plan, which will not be altered or relocated.
 - d. The location of proposed structures and site features, driveways, parking areas, public streets, rights-of-way, easements, and landscaping.
- C.** Elevations at a maximum scale of ¼-in = 1-ft (3 color copies on 22" x 34" or larger paper, 1-color copy on 11"x17" paper, and an electronic pdf file) showing the visual appearance and architectural details of all proposed structures, as well as any portions of the existing structure proposed for demolition or removal. Such drawings shall include proposed façade height and length dimensions, construction materials, finishes, and colors clearly labeled. Landscaping should not be included on elevations.
- D.** Additional color representations, simulations, or renderings of a proposed development may be required by the Community Development Director, or their designee, or the Historic District Commission during the review process.
- E.** Samples of mortar and/or brick for projects proposing new or replacement mortar and/or brick.
- F.** Manufacturer specifications (i.e. cut-sheets) for any proposed building materials, exterior lighting fixtures, windows and doors, mechanical equipment or other site elements (e.g. benches, railings). The applicant shall specify the proposed type, color and finish, if applicable, and if missing from the manufacturer specifications.
- G.** Manufacturer specifications (i.e. cut-sheets) for cleaning products, if applicable.
- H.** Photographs, renderings, and/or line sketches to visually demonstrate the scale, massing, and visual appearance of neighboring structures.
- I.** Major project applications shall include a list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for: all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.
- J.** Major project applications shall include 2 sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and their authorized agent.
- K.** Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~
- L.** Other information as deemed necessary by the Community Development Director, or their designee, or the Historic District Commission to complete the review of the application.

26.15.6 Submittal Requirement Exemptions

- A.** An applicant may make a request to the Community Development Director, or their designee, to exempt their application from specific submittal requirements.
- B.** For minor project applications, the Community Development Director, or their designee, shall have the authority to approve such exemption requests, based on the nature and scope of the proposal.
 - 1.** If a requested exemption is not granted by the Community Development Director, or their designee, the applicant may appeal the decision to the Historic District Commission prior to the Commission's

5. Analysis of Important Habitat. All applicants for an earth excavation permit shall provide an environmental review of the excavation site obtained from the NH Natural Heritage Bureau, to determine if any lands within the excavation site are listed in the NH Natural Heritage Database as containing rare, endangered or threatened species, species of special concern, or exemplary natural communities.

- a.** If lands within the analysis area are included in the NH Natural Heritage Database, a natural resource inventory for both vegetation and wildlife shall be completed by a forest ecologist, wildlife biologist, or other qualified professional, to verify the presence and/or significance of the important habitat and to determine whether the excavation will cause an adverse impact, degradation, or fragmentation of said important habitat.

6. Miscellaneous Information. Applicants for an earth excavation permit shall provide to the Planning Board any and all additional information that the Board may reasonably deem necessary in order to complete a site-specific review of the excavation site and to determine whether the proposed excavation complies with NH RSA 155-E, and the Earth Excavation Regulations in Article 24 of this LDC.

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

26.19.5 Submittal Requirement Exemptions

An applicant for an Earth Excavation permit may request the Community Development Director, or their designee, to exempt their application from any of the submission requirements referenced in Section 26.19.

- A.** Requests for exemption shall be made to the Community Development Director in writing prior to the submission of a completed

application and shall include an explanation of why the specified information is not relevant to the Planning Board's determination whether the applicant complies with NH RSA 155-E, the Earth Excavation Regulations in Article 25 of this LDC.

- 7.** The Community Development Director, or their designee, may grant an exemption of the submittal requirements if they find that the information is not relevant to the Planning Board's determination of whether the applicant complies with NH RSA 155-E and the Earth Excavation Regulations in Article 25 of this LDC. Factors to consider in determining whether to grant an exemption include consideration of the size, scale, scope, and nature of the proposed excavation project.
- 8.** Any exemption granted by the Community Development Director, or their designee, must be confirmed by the Planning Board during its completeness review of the application. The Board may consult City staff and/or a consultant retained by the Board in accordance with Section 26.19.7, prior to confirmation. If the Planning Board deems the information relevant to its decision on the merits of the application, then the applicant shall provide said information prior to the Planning Board making a finding that the application is complete.

26.19.6 Application Submittal Deadline

A completed earth excavation permit application shall be submitted to the Community Development Director, or their designee, no later than 26 business days prior to the Planning Board meeting date at which the applicant desires the application to be reviewed.

26.19.7 Procedure

In addition to the common application and review procedures of this Article, the following review and approval procedures shall apply to applications for Earth Excavation Permits.

- A. Presubmission Meeting.** Applicants for earth

26.21 CHANGE OF GOVERNMENTAL LAND USE

26.21.1 Description

In accordance with New Hampshire RSA 674:54, any substantial change in use or a substantial new use on land owned or occupied or proposed to be owned or occupied by the state, university system, the community college system of New Hampshire, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature shall be considered a change of governmental land use.

26.21.2 Initiation

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

26.21.3 Authority

The Planning Board shall have the authority to provide nonbinding recommendations relative to the conformity or nonconformity of the proposal with normally applicable land use regulations.

26.21.4 Submittal Requirements

An applicant shall submit written notification and supporting materials to the Community Development Department, which shall include the following.

- A. A written notification providing an explanation of proposed changes.
- B. Plans and specifications showing the proposed changes.
- C. A statement of the governmental nature of the use as set forth in NH RSA 674:54.
- D. A proposed construction schedule.
- E. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel. This list shall

also include the name and mailing address of the property owner and applicant.

- F. Two (2) sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and the applicant.
- G. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

26.21.5 Procedure

The following procedures shall apply to all notifications for a change of governmental land use.

- A. **Determination of Public Hearing.** Upon receipt of a notification of a change in governmental land use, the Planning Board Chair shall determine whether the proposed change in use or new use warrants a public hearing. This notification must be provided at least 60 days prior to the start of construction and 10 business days prior to the Planning Board meeting at which the public hearing will be held.
- B. **Notice of Public Hearing.** If the Chair determines a public hearing is warranted, the Community Development Director, or their designee, shall forward the notification for a change of governmental land use to the Planning Board for a public hearing and shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:4(l)(d).
- C. **Public Hearing.** A public hearing shall be held within 30 days after the receipt of the notice of governmental land use. A representative of the governmental entity which provided notice shall be available to present the materials and provide explanations to the Board.
- D. **Recommendations.** The Planning Board may issue nonbinding written comments relative to the conformity or nonconformity of the proposal with the normally applicable land use regulations to the applicant within 30 days after the hearing.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.3.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Donald Lussier, Public Works Director
Through: Elizabeth Ferland, City Manager
Subject: **Relating to No Parking Zones
Ordinance O-2025-27**

Council Action:

In City Council August 21, 2025.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

That Ordinance O-2025-27 be referred to the Municipal Services, Facilities and Infrastructure Committee.

Attachments:

1. O-2025-27_Related to No Parking Zones_referral

Background:

On May 28, 2025, the City received a request from several residents of Church Street and South Lincoln Street to enact parking prohibitions on the north side of Church Street to alleviate congestion related to school pick-up and drop-off. At their meeting on June 25, 2025, the MSFI committee heard from concerned residents. The item was placed on more time in order for the City Manager to facilitate discussions with the neighbors and school administration.

A meeting was held at City Hall on July 15, 2025. Attendees discussed a number of options to improve parking and traffic flow for school drop-off and pick-up. Ordinance O-2025-27, if passed, would enact a parking ban as requested by the residents. It will likely not address all the concerns that have been identified.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to No Parking Zones

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded underlined text to the provisions of Section 94-93, “No Parking” in Division 2, “Specific Street Regulations”, in Article III of Chapter 94, entitled “TRAFFIC, PARKING AND PUBLIC WAYS” as follows:

Sec. 94-93. – No Parking.

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:

- b) *Specific times.* No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or a traffic control device in any of the following places between the hours and upon the days indicated:

...

Church Street, north side, from South Lincoln Street to Probate Street, no parking between 8:00 a.m. and 4:00 p.m., school days.

...

Valley Street, east side, from Kingsbury Street to Church Street, no parking between 8:00 a.m. and 4:00 p.m., school days.

Jay V. Kahn, Mayor

In City Council August 21, 2025.
Referred to the Municipal Services, Facilities and
Infrastructure Committee.


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.4.

Meeting Date: August 21, 2025

To: Mayor and Keene City Council

From: Chad E. Branon P.E.
Fieldstone Land Consultants

Through: Terri Hood, City Clerk

Subject: Relating to Amendments to the Zoning Map – Low Density to
Commerce – Intersection of Pearl Street and Winchester Street
Ordinance O-2025-28

Council Action:

In City Council August 21, 2025.

Referred to the Joint Planning Board and Planning, Licenses and Development Committee for a public workshop to be held.

Recommendation:

To refer Ordinance O-2025-28 to the Joint Planning Board/Planning, Licenses and Development Committee for a public workshop.

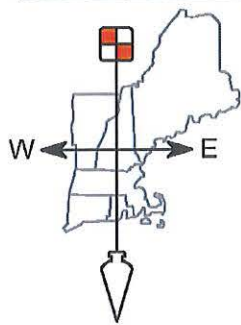
Attachments:

1. O-2025-28 Cover Letter & Narrative
2. O-2025-28 Application
3. O-2025-28 Map
4. O-2025-28 Zoning Map Amendments - Pearl and Winchester_referral

Background:

Fieldstone Land Consultants has submitted the attached application to amend the official Zoning map in Keene on behalf of petitioner, Adam Wright. The application proposes to amend the zoning designation for eight properties on the western side of the intersection of Winchester and Pearl Streets from Low Density to Commerce.

LETTER OF TRANSMITTAL



FIELDSTONE

LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

To: Terri M. Hood, City Clerk
City Clerk's Office
City Hall
3 Washington Street
Keene, NH 03431

Date: July 24, 2025

Re: Adam Wright
Application to Amend The Zoning Map
Tax Map 592, Lots 019, 020, 021,
Tax Map 593, Lots 003, 004, 005, 006, 007
Pearl Street & Winchester Street, Keene, New Hampshire

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☒ Prints ☒ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			Application to Amend the Zoning Map
1			Narrative and Drafted Ordinance
1			Notarized List of Abutters, Owner, Applicant, Professionals and CL Zone Owners
2			Two Sets of Mailing Labels
1			8.5" x 11" Plan Showing Boundary of Area to Be Changed
2			24" x 36" Plan Showing Boundary of Area to Be Changed
1			Application Fee to City Clerk (\$210.70)
1			Workshop Fee to Community Development (\$82.70)

THESE ARE TRANSMITTED as checked below:

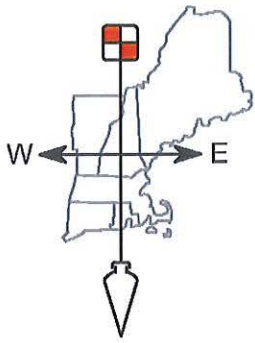
- ☒ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For review and comment ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected copies

REMARKS

Dear City Clerk, We are submitting the above listed items for the next City Council meeting. Please contact me with any questions or if you require additional information.

Thank you,

Chad E. Branon, PE



FIELDSTONE

LAND CONSULTANTS, PLLC

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

APPLICATION TO AMEND THE ZONING MAP

Tax Map 592, Lots 019, 020, 021,
Tax Map 593, Lots 003, 004, 005, 006, 007
Pearl Street & Winchester Street – Keene, NH

July 24, 2025

Prepared For:
Adam Wright

Narrative:

This Ordinance proposes to amend the Zoning Map designation for Tax Map Parcels 592-019, 592-020, 592-021, 593-003, 593-004, 593-005, 593-006, and 593-007 from Low Density (LD) to Commerce (COM). These properties are located along intersection of Pearl Street and Winchester Street on the western side of the roundabout.

The properties together are situated along the corner of Pearl Street and Winchester Street, where there is a mix of residential and commercial uses. The petitioner of this application, Adam Wright, has the intent to own these lots and develop the land as a commercial use. The residential homes on these lots have been vacant for many years and have fallen into disrepair. The location of these properties does not serve the residential Low Density (LD) zoning well, as the roundabout vehicle traffic and adjacent fast-food restaurants hinder the appeal of residential homes at this intersection.

The location of these properties are best suited to be zoned Commerce (COM). The permitted uses in the Commerce (COM) zoning district would allow for a broader range of uses. These uses include many types of commercial business types, along with multi-family housing allowed. The many uses permitted would make the properties much more marketable to potential investors and developers. The lots could be developed to include a mix of commercial and multi-family residential uses that could provide a transition between the existing commercial and residential uses from Winchester Street to Pearl Street. The frontage of the properties along Winchester Street would provide ideal visibility and access for a commercial business. This section of Winchester Street has two lanes for traffic on each side of the divided roadway, south of the roundabout. This allows for heavier traffic along Winchester Street and typical of the Commerce (COM) zone, whereas the double lanes are not typical of the residential zones, specifically the Low Density (LD) residential zone in the surrounding neighborhoods.

For these reasons, we believe the request for amending the zoning district map in this location is a reasonable request. Below is a draft of the ordinance to amend the zoning map.

Adam Wright
Pearl St. & Winchester St. Intersection – Keene, NH
Application to Amend the Zoning Map

Page 2 of 2

Draft Ordinance:

That Article 2.4 ZONING MAP, of the City of Keene, NH Land Development Code (LDC), as amended, be and hereby further amended by changing the zoning designation on the "1977 Amended Zoning Map of the City of Keene", as adopted by the Keene City Council on September 1, 2021, as part of Article 2 entitled, "ESTABLISHMENT OF ZONING REGULATIONS & DISTRICTS", of the said LAND DEVELOPMENT CODE (LDC), from Low Density (LD) to Commerce (COM), on the following parcels so that the entire parcels will designated Commerce (COM):

592-019-000-000-000	0 Winchester Street
592-020-000-000-000	291 Winchester Street
592-021-000-000-000	371 Pearl Street
593-003-000-000-000	305 Winchester Street
593-004-000-000-000	363 Pearl Street
593-005-000-000-000	347 Pearl Street
593-006-000-000-000	339 Pearl Street
593-007-000-000-000	331 Pearl Street

This information was prepared by:
FIELDSTONE LAND CONSULTANTS, PLLC



Chad E. Branon, P.E.
Civil Engineer / Principal



APPLICATION TO AMEND THE ZONING MAP

Applicant: ADAM WRIGHT Date: 7/24/25

Address: 4 FORBES LANE, ANDOVER, MA 01810

Telephone: (617) 785-0478 Email: adamw1919@gmail.com

Property Owner (If different): ADAM WRIGHT

Location of proposed boundary line adjustment: PEARL ST. & WINCHESTER ST.

Present Zoning District: LD Proposed Zoning District: COM

Parcel ID #'s of Property to be Rezoned: 592-019, 592-020, 592-021, 593-003, 593-004, 593-005,
593-006, AND 593-007

of Abutters on Abutter List: 30 (includes Owners & Agent)

John Armon (SEE LDA)
Applicant's Signature

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

- A properly drafted Ordinance containing the full description of the proposed new boundary line for the Zoning Map Amendment.
- A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- \$100.00 application fee.
- As provided for in RSA 675:7 I (a), because the proposed amendment changes the boundary line of a zoning district, the Applicant shall submit a notarized list of **affected property owners*** within each of the zoning districts impacted by the proposed boundary line adjustment. This list shall be sequentially numbered and shall include the parcel ID number and address of each property owner and must be current with the Assessing Department's records within ten days of submittal. The list shall also include the name of any agent who should receive notice. Two sets of mailing labels shall be provided. If the proposed boundary line adjustment would affect 100 or fewer properties, the applicant shall be responsible for the cost of the required notice sent by mail to each affected property owner.
- Three maps showing the boundary of the area or areas to be changed, one at 8 1/2" x 11" and two at City tax map scale (24" x 36").

***Affected property owner** means the owner of any property (or property agent) directly abutting either side of the proposed boundary line adjustment, and the subject property or properties. (Direct abutters would include properties across water bodies or roads).



APPLICATION TO AMEND THE ZONING MAP

Date Received by City Clerk: 07/31/2025 Ordinance Number: O-2025-28

On City Council agenda: 08/21/2025 Workshop to be held: _____

Public Hearing to be held: _____

APPLICABLE FEES:

Application Fee @ \$100.00	\$ <u>100.00</u>
Publication of Notice in <u>The Keene Sentinel</u> @ \$90.00	\$ <u>90.00</u>
Postage Fees for property owners/agents and abutters at current USPS 1 st Class Mailing rate 30 x 0.69	\$ <u>20.70</u>
Total Fees submitted to City Clerk	\$ <u>210.70</u>

The petitioner is also responsible for the publication costs for the public workshop before the joint Planning Board and Planning, Licenses and Development Committee. Additional fees will be collected by the Community Development Department for the mailing costs associated with the public workshop as well as the publication of the public workshop notice.

WORKSHOP FEE TO COMMUNITY DEVELOPMENT
\$20.70 MAILING FEE + \$62.00 LEGAL ADVERTISEMENT = \$82.70

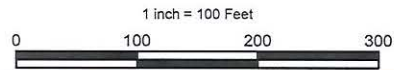


PROPOSED ZONING MAP AMENDMENT

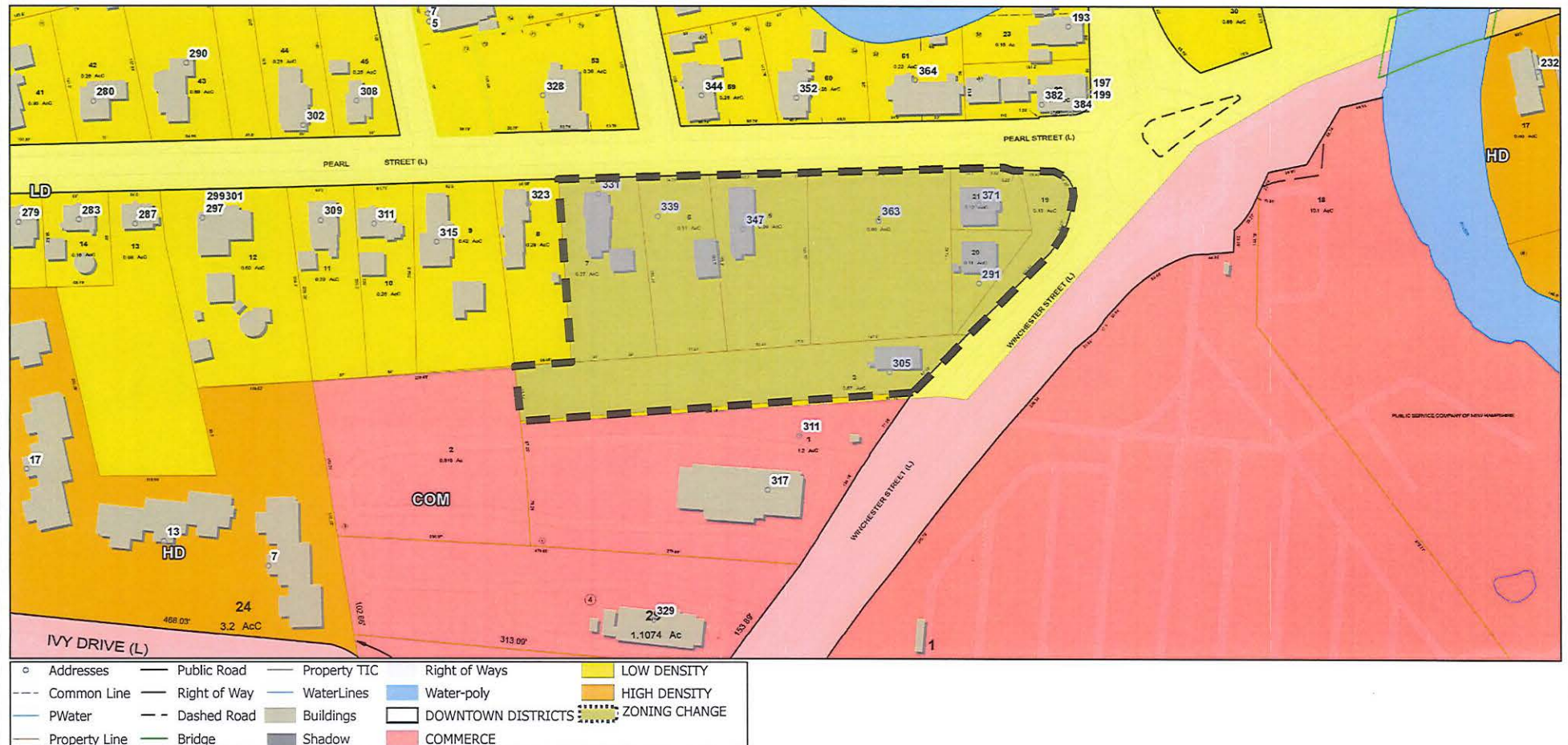
TAX MAP 593 LOTS 7, 6, 5, 4, 3 & TAX MAP 592 LOTS 21, 20, 19



July 24, 2025



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Amendments to the Zoning Map – Low Density to Commerce –
Intersection of Pearl Street and Winchester Street

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

That Article 2.4 “ZONING MAP”, of the City of Keene, NH Land Development Code (LDC), as amended, be and is hereby further amended by changing the zoning designation on the "1977 Amended Zoning Map of the City of Keene", as adopted by the Keene City Council on September 1, 2021, as part of Article entitled, "ESTABLISHMENT OF ZONING REGULATIONS & DISTRICTS", of the said LAND DEVELOPMENT CODE (LDC), from Low Density (LD) to Commerce (COM), on the following parcels so that the entire parcels will be designated Commerce (COM):

592-019-000-000-000	0 Winchester Street
592-020-000-000-000	291 Winchester Street
592-021-000-000-000	371 Pearl Street
593-003-000-000-000	305 Winchester Street
593-004-000-000-000	363 Pearl Street
593-005-000-000-000	347 Pearl Street
593-006-000-000-000	339 Pearl Street
593-007-000-000-000	331 Pearl Street

Jay V. Kahn, Mayor

In City Council August 21, 2025.
Referred to the Joint Planning Board and
Planning, Licenses and Development
Committee.


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.5.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Evan Clements, Planner
Through: Paul Andrus, Community Development Director
Subject: **Relating to Pavement Setbacks and Cross Site Access
Ordinance O-2025-29**

Council Action:

In City Council August 21, 2025.

Referred to the Joint Planning Board and Planning, Licenses and Development Committee for a public workshop to be held.

Recommendation:

Refer Ordinance O-2025-29 to the Joint Planning Board/Planning, Licenses and Development Committee for a public workshop.

Attachments:

1. Application
2. Narrative
3. Article 9_Parking
4. O-2025-29_Cross Site Access Exception_Referral

Background:

This Ordinance proposes to amend Section 9.4.2 “Dimensions & Siting” subsection A “Setbacks” to create an exception to the parking lot pavement setback requirement to allow for cross site access drive aisles across property lines. The intent of this change is to promote vehicular traffic movements between commercial properties without the need for vehicles to travel from one property to the next on the public right-of-way. This change will reduce the amount of “short hops” from one plaza to the next as patrons travel to near by stores. This change will also create flexibility for businesses that operate across multiple parcels and are looking to create internal connections to each side of the operation. The proposal includes some requirements for cross-access connections including size, location, access agreements, and planning review.

The attached materials include the full text of Ordinance O-2025-29 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance O-2025-29. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: August 18, 2025

Address: 3 Washington St. Keene NH

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

Existing Section Reference in Chapter 100, Land Development Code: 9.4.2

Does the amendment affect "Minimum Lot Size"? ☐ Yes ☒ No

Does the amendment affect "Permitted Uses"? ☐ Yes ☒ No

Number of parcels in Zoning District*: N/A

Validation of Number of parcels by the
Community Development Department

Petitioner's Signature

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

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

Date Received by City Clerk: 08/20/2025 Ordinance Number: 0-2025-29

On City Council agenda: 08/21/2025 Workshop to be held: _____

Public Hearing to be held _____



APPLICATION TO AMEND THE ZONING ORDINANCE

APPLICABLE FEES:

Application Fee @ \$100.00 \$ N/A

Publication of Notice in The Keene Sentinel @ \$90.00 \$ N/A

Postage Fees for property owners/agents and abutters at
current USPS 1st Class Mailing rate
(Only needed if amendment impacts 100 or fewer properties) \$ N/A

Total Fees submitted to City Clerk \$ N/A

The petitioner is also responsible for the publication costs for the public workshop before the joint Planning Board and Planning, Licenses and Development Committee. Additional fees will be collected by the Community Development Department for the mailing costs associated with the public workshop (If a mailing is required pursuant to RSA 675:7), as well as the publication of the public workshop notice.

CITY OF KEENE
NEW HAMPSHIRE

O-2025-29 Relating to Cross Site Access Exception from the Parking Lot Pavement Setback

This Ordinance proposes to amend Section 9.4.2 “Dimensions & Siting” subsection A “Setbacks” to create an exception to the parking lot pavement setback requirement to allow for cross site access drive aisles across property lines. The intent of this change is to promote vehicular traffic movements between commercial properties without the need for vehicles to travel from one property to the next on the public right-of-way. This change will reduce the amount of “short hops” from one plaza to the next as patrons travel to near by stores. This change will also create flexibility for businesses that operate across multiple parcels and are looking to create internal connections to each side of the operation. The proposal includes some requirements for cross-access connections including size, location, access agreements, and planning review.

The attached materials include the full text of Ordinance O-2025-29 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance O-2025-29. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.

- C. Driveways and associated parking space(s) shall not have a slope greater than 15%.

9.3.5 Long Driveways

Driveways longer than 300-ft shall meet the following standards.

- A. Shall be limited in width to 10-ft, in order to minimize site disruptions.
- B. Every 300-ft there shall be an improved turnout, which is at least 8-ft wide and 15-ft long.
- C. Shall include at its terminus a vehicular turnaround as described for dead-end streets in Article 22.
- D. If the driveway slope is greater than 10%, the first 20-ft from the public road shall be at a slope of 5% or less.

9.4.6 Driveways Crossing Steep Slopes

For driveways located in or crossing prohibitive and precautionary slopes, as defined in Article 12 Hillside Protection Overlay District, the following standards shall apply.

- A. Driveway route shall follow the natural contours of the existing slope to minimize disturbance of vegetation and soils.
- B. Cutting and filling of slopes to construct a driveway shall comply with applicable grading standards of Article 12.
- C. Shared driveways shall be used to avoid entering into or crossing precautionary slope areas and to reduce grading, paving and site disturbance.

9.4 PARKING LOT DESIGN STANDARDS

9.4.1 Applicability

Section 9.4 shall apply only to parking lots or parking spaces that are associated with uses other than single- and two-family dwellings.

9.4.2 Dimensions & Siting

- A. **Setbacks.** Unless otherwise specified in Table 9-4 or elsewhere in this LDC, the setbacks for paved and unpaved parking lots and travel surfaces associated with all uses other than single-family and two-family dwellings are listed in Table 9-2.

1. **Drive aisles that provide vehicular connections across property lines shall be exempt from parking lot surface setbacks with the following requirements:**
 - a. **The connection shall be a minimum of 22 feet in width for two-way traffic and 11 feet for one-way traffic, as measured along a lot line or boundary between separate properties.**
 - b. **Connections shall be far enough from the front property line to promote vehicular and pedestrian safety.**
 - c. **The connection shall be an extension of a travel lane of the subject parking lot and align to the maximum extent practicable with a travel lane on any adjacent parking lot.**
 - d. **Adequate site lines shall be provided.**
 - e. **Shared access agreements between properties shall be required where necessary.**
 - f. **Planning review shall be required per Section 26.12.3.**

Table 9-2: Travel & Parking Surface Setbacks

Parking Lot Size	Min Setback	
	Front	Side/Rear
≤10,000 sf	8 ft	8 ft



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Pavement Setbacks and Cross Site Access

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

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

1. That Section 9.4.2 “Dimensions & Siting,” subsection A “Setbacks” be amended to create an exception for cross site access over property lines, as follows:
 - A. 1. Drive aisles that provide vehicular connections across property lines shall be exempt from parking lot surface setbacks with the following requirements:
 - a. The connection shall be a minimum of 22 feet in width for two-way traffic and 11 feet for one-way traffic, as measured along a lot line or boundary between separate properties.
 - b. Connections shall be far enough from the front property line to promote vehicular and pedestrian safety.
 - c. The connection shall be an extension of a travel lane of the subject parking lot and align to the maximum extent practicable with a travel lane on any adjacent parking lot.
 - d. Adequate site lines shall be provided.
 - e. Shared access agreements between properties shall be required where necessary.
 - f. Planning review shall be required per Section 26.12.3.

Jay V. Kahn, Mayor

In City Council August 21, 2025.
Referred to the Joint Planning Board and
Planning, Licenses and Development
Committee.


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Relating to Class Allocation & Performance Bonus
Ordinance O-2025-24

Council Action:

In City Council August 21, 2025.

Voted unanimously to adopt Ordinance O-2025-24 with an effective date of August 24, 2025.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Ordinance O-2025-24.

Attachments:

1. O-2025-24 Class Allocation and Performance Bonus_Adopted

Background:

Asst. City Manager/HR Director addressed the committee next and stated the next item is a proposed amendment to the class allocation ordinance and performance bonus sections of the City code. She stated the City recently amended and executed a contract with the police officers which moved their performance bonuses to base pay and the amendment before the committee tonight proposes to shift the compensation that is associated with annual performance bonuses into base salary. From the perspective of the employees, it brings that compensation into consideration for part of their pension calculations; performance bonuses are not. For non-union employees it also creates more transparency around what the actual compensation is.

Ms. Fox explained the amendment in front of the committee proposes in Section 62-192 to move the job titles of Police Captain and Deputy Fire Chief up one grade from 26 to 27. Move the job titles of Police Chief and Fire Chief up one grade from S29 to S30.

In addition, the amendment will strike from the ordinance, the performance bonus section, which is Section 162-195 - implementation proposal for this change would be similar to what the City did with the police officers, prorate their performance bonus up to the date of the proposed adoption of this ordinance which is August 24, start of the first pay period.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Ordinance O-2025-24.



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

In City Council July 17, 2025.

Referred to the Finance, Organization and Personnel Committee.


City Clerk

A true copy;

Attest: 
City Clerk

PASSED: August 21, 2025 with an effective date of August 24, 2025



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: August 21, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Relating to Proposed FY26 Budget Amendment
Resolution R-2025-25

Council Action:

In City Council August 21, 2025.

Voted unanimously to adopt Resolution R-2025-25.

Recommendation:

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2025-25.

Attachments:

1. R-2025-25 amendment to 2025-2026 fiscal year budget_adopted

Background:

Finance Director Kari Chamberlin stated this item is in reference to a Resolution – staff is proposing an amendment to the FY26 budget to appropriate the amount of \$105,440 for Police Department personnel costs and further reflect 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.

Ms. Chamberlin explained when staff was originally doing the calculations, the revenue from both the Keene State College contract and the Special Opioid Fund revenues were netted against the expenses, which reduced the overall appropriation for the Police Department personnel expenses. Staff is trying to recognize that with a 0 tax impact.

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

On a 4-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2025-25.



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

In City Council July 17, 2025.
Referred to the Finance, Organization and
Personnel Committee.

City Clerk

A true copy;

Attest: City Clerk

PASSED: August 21, 2025