

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, September 10, 2025

6:00 PM

**Council Chambers,
City Hall**

Members Present:

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

Members Not Present:

Andrew M. Madison

Jay V. Kahn, Mayor

Staff Present:

Elizabeth A. Ferland, City Manager
Amanda Palmeira, City Attorney
Kathleen Richards, Deputy City Clerk
Paul Andrus, Community Development
Department
Steve Stewart, Police Chief
Don Lussier, Public Works Director
Mari Brunner, Senior Planner
Megan Fortson, Planner
Michael Hagan, Plans Examiner
Michelle Grimes, Animal Control Officer

Chair Bosley called the meeting to order at 6:03 PM.

1) Kiwanis Club of Keene - Request to Use City Property - Tree Lighting Ceremony

Chair Bosley welcomed applicants from the Kiwanis Club of Keene, Liz Sayre of 290 Main Street and Christine Klauck of 110 Arch Street. Ms. Sayre said the Kiwanis Club proposed the annual Keene Tree Lighting Event for November 28, 2025, on Central Square. The Club completed the City application process and had Protocol meetings with the City Clerk's Office, Public Works Department, and Fire Department. Santa would be in attendance this year and Mrs. Claus would read *The Night Before Christmas*, giving out candy canes to children, and bells for them to ring when Santa comes. The Keene Cheshiremen Chorus would provide entertainment. Ms. Sayre called it a very community and family-friendly event, and the Kiwanis Club hoped for the Council's continued support.

Chair Bosley requested comments from City Manager Elizabeth Ferland, who said Deputy City Manager Rebecca Landry attended the Protocol Committee meetings and reported back. The City Manager said the Protocol Committee was happy with the plans as in the past. Staff from the Public Works Department and Fire Department would coordinate closing Central Square and detouring all traffic, consistent with past practice; staff would be present throughout the event. Community Development Department staff were prepared to perform any necessary food and electrical inspections. So, the City Manager said everything was in good shape, no changes to the event were needed, and the Protocol Committee was happy with the application.

Vice Chair Jones welcomed Ms. Sayre back to City Hall and thanked her for the report. Ms. Sayre said it was always a pleasure.

Councilor Haas recalled a question in 2024 about more coordination with downtown merchants. He said some specific requests did not seem practical, but it might be good to reach out to some of the merchants to see how they could promote their businesses during the Tree Lighting. Ms. Sayre said the Kiwanis Club would go to every downtown merchant leading up to the event and try to work with them as best possible. She was only aware of one person who felt closing Central Square affected their business, but Ms. Sayre said that business is not on the part of Main Street impacted by the closure. She said the Kiwanis Club would try to accommodate everyone. Ms. Sayre hoped the merchants would use it as an opportunity to become a part of the event and have special sales or some other draw to their location.

There were no public comments.

The following motion by Councilor Williams was duly seconded by Vice Chair Jones.

On a vote of 4 to 0, Planning, Licenses and Development Committee recommends the Keene Kiwanis Club be granted permission to use downtown City rights-of-way on Friday, November 28, 2025, to conduct the annual Tree Lighting Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street at Central Square, Roxbury Street from west of the Hannah Grimes Parking lot to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the actual event will be held from 5:00 PM to 8:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for the following: use of spaces with dates, times and locations to be determined in coordination with the Parking Division for volunteer parking during pre-event set-up and post-event break-down activities, and spaces within the event footprint on the day of the event.
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

2) Relating to Endorsement of the City of Keene 2025 Comprehensive Master Plan - Resolution R-2025-32

Chair Bosley welcomed Senior Planner Mari Brunner to present the proposed 2025 Comprehensive Master Plan (CMP) for the City Council's endorsement to the Planning Board,

which would ultimately adopt the CMP. The Council would endorse the CMP by adopting Resolution R-2025-32. Ms. Brunner said this presentation was the culmination of several years of background work, but she primarily focused on the previous year since she last presented the Community Vision to this Committee. She described the planning process before reviewing main sections of the CMP including Strategic Pillars, Goals, Future Land Use, Implementation, and Next Steps.

Ms. Brunner said the CMP process began when the City Council approved the project budget. A consultant team was hired, led by Future IQ, which she called a small-but-mighty firm based in Minnesota. Future IQ was supported by economic development firm JS&A, and national planning firm WGI. Ms. Brunner said a critical part of this process was forming the Master Plan Steering Committee, which she recognized for all of its hard work. The Steering Committee included a diverse array of perspectives: Planning Board members, City Councilors, Mayor Kahn, small and large business owners (local manufacturing, public health, higher education, the nonprofit sector—in particular Keene Housing), as well as a member of the Conservation Commission. The Steering Committee met monthly throughout the 18-month process to guide the project and make key decisions.

Ms. Brunner described Phase 1 of the Master Planning process—developing the Community Vision & Snapshot—which focused on data gathering and public engagement. Notable activities included a community survey, with 648 very detailed responses (average 24-minute response time; survey responses available on KeeneMasterPlan.com). In addition, a two-day Think Tank workshop was held in late May 2024, when 50 community members (led by the consultant team) explored the community's preferred future. Think Tank feedback/data allowed the consultants to develop a framework for that preferred future. Next, there were 17 visioning sessions. Then in August and September 2024, the Steering Committee held a series of roundtables to develop the CMP Strategic Pillars. At the Future Summit in October 2024, which concluded Phase 1, the Community Vision and draft Strategic Pillars were presented to the larger community. Ms. Brunner referred everyone to the project portal (KeeneMasterPlan.com) for: the Community Snapshot Report that provides demographic and economic data on the City, the Think Tank Report that goes into detail on the process for the Think Tank Workshop, the Community Vision Report, and responses to all of the project surveys.

Ms. Brunner continued with Phase 2: Plan Development & Future Land Use Map. She said Phase 1 was focused on identifying and building consensus around a shared Community Vision. Phase 2 identified the goals, action steps, and priorities to make that Vision implementable. To do this, six Task Forces were created to deep dive into the six Strategic Pillars. The Task Forces reviewed data/past work from the City and larger community, analyzed case studies from other communities, and used all that information to develop Goals and Actions—vetted by the Master Plan Steering Committee. A Prioritization Survey was sent to the Planning Board, City Council, Task Force members, City leadership, and Steering Committee to help prioritize those Goals and Actions. Finally, the draft CMP, including an Implementation Matrix and Future Land Use (FLU) Map, were presented to the community at a second Future Summit on June 3, 2025.

Next, Ms. Brunner described the updated Community Vision, which was the main outcome of Phase 1. The goal was to develop a data-informed and consensus-based Vision that would reflect

the shared values of the community. The Vision Report (available on the project portal) provided a more detailed description of how the Community Vision was developed. Ms. Brunner briefly recalled the Scenario Planning process described in the Think Tank Report, noting an overwhelming community consensus and desire for change. She said in other words, people in Keene did not want the status quo; they wanted to see Keene grow into a safe, welcoming, and vibrant place with good living options, access to nature, and high-quality jobs. They also wanted to see the City proactively invest in infrastructure to support both new businesses and new residents, invest in neighborhoods, and proactively go after housing solutions. Throughout the planning process, Ms. Brunner said seven “Distinctly Keene” Community Themes arose that were not specifically called out in the Strategic Pillars but are essential to what makes Keene: sustainability, education, accessibility, public health, collaboration, region, and leadership. The Themes reflect how the City works and makes decisions, and they helped shaped the Goals and Actions in the CMP. Ms. Brunner said to think of the Themes as guiding principles and values of the CMP.

Ms. Brunner explained how the Vision Keene 20-Forward Strategic Pillars were developed by the Steering Committee leading up to the first Future Summit and further defined and refined through the Strategic Pillar Task Forces and Steering Committee. The Task Forces met throughout January, February, and March of 2025. Ms. Brunner said these Pillars are meant to provide a framework to apply best practices to key areas of focus and they represent the major topic areas that underpin the community’s preferred future. Ms. Brunner showed how the CMP was structured—a roadmap for reading the Plan—with the Community Vision at the center, the connecting Themes (values that are embedded in the City’s policies and practices) around it, surrounded by the Pillars (core foundational elements or principles that underpin the Vision), and then Goals, and Actions to help achieve that Vision. Ms. Brunner proceeded, describing each Strategic Pillar in the CMP.

Pillar 1: Livable Housing

- Objective – Expand enticing housing options for all.
- Goals:
 1. Boost infill development and redevelopment.
 2. Remove barriers to housing development.
 3. Promote sustainable and healthy housing standards that align with the community’s character.
 4. Increase the diversity of housing options and price points.
 5. Address the housing needs of all residents, current and future.

Ms. Brunner said housing was the topic with the strongest consensus, with repeated comments about housing shortages affecting businesses, residents, and families. It is a problem with many different sources that would require many different solutions in concert together. She cited a lack of available units and incompatible supply for the demand.

Pillar 2: Thriving Economy

- Objective – Grow a dynamic economy of the future that spans local and international.
- Goals:
 1. Encourage and recruit businesses in targeted industries.

2. Prioritize economic sustainability and resiliency.
3. Attract and grow Keene's businesses of all scales, from entrepreneurs to businesses that span internationally.
4. Strengthen Keene's position as an economic development leader.
5. Foster an inclusive economy.

Ms. Brunner said people expressed wanting Keene to remain a place where both small businesses and entrepreneurs that would be able to grow their businesses. Folks also recognized that large employers and industries play a key role in the backbone stability of the local economy and need to remain healthy.

Pillar 3: Connected Mobility

- Objective – Build regional and local connectivity, transportation, and recreation networks.
- Goals:
 1. Create a connected and accessible network of multi-modal transportation infrastructure.
 2. Prioritize vulnerable road users in infrastructure design, operations, and maintenance.
 3. Expand and promote environmentally sustainable mobility options that are convenient and attractive.
 4. Expand Keene's connectivity to support economic growth.

Ms. Brunner said there was a theme of Keene being connected to the larger region throughout the CMP and called Keene the logical hub of the region. She said it would be important to build connectivity as the region and surrounding areas grow, so there is an easy flow of workforce and residents to Keene.

Pillar 4: Vibrant Neighborhoods

- Objective – Support vibrant community neighborhoods that reflect their unique identity.
- Goals:
 1. Support a built environment that encourages social connections and interactions.
 2. Foster community relationship-building and collaboration.
 3. Ensure safe and efficient movement around town.
 4. Foster a high quality of life for all residents.
 5. Create opportunities to encourage the creation of neighborhood businesses.

Ms. Brunner liked this Pillar about placemaking. She said the Keene community had retained a lot of important cultural aspects and neighborhoods. Many people in this process talked about loving the unique identities of the specific locations where they lived and the people they could connect with there. Ms. Brunner called this Pillar like a microcosm of the larger Plan—with aspects of mobility, connections, active transportation, placemaking, and parks.

Pillar 5: Adaptable Workforce

- Objective – Foster a future-ready, abundant, and adaptable workforce.
- Goals:

1. Attract talent to grow Keene's workforce.
2. Expand credential pathways and skill development opportunities.
3. Plan a proactive role in de-siloing efforts, broadening partnerships, and increasing collaboration between partners that serve and support Keene's workforce.
4. Meet quality of life needs and reduce workforce barriers, such as housing availability, childcare, and transportation.
5. Prioritize workforce and community health and wellness.

Ms. Brunner said Keene's future competitive success was a common theme in the visioning session. That success would depend on the City's ability to both develop and retain a skilled and future-ready workforce. She explained that an *adaptable workforce* is a balance of three fundamental facets: (1) adaptable workers who have access to evolving skill development and credential pathways throughout all stages of life; (2) adaptable institutions that offer flexibility, innovation, and planning for future needs in response to tomorrow's economy and workforce needs; and (3) an adaptable community that focuses on livability, where residents can live and commute to their workplaces, remain involved in the community, and contribute to the high quality engaged community that exists in Keene today.

Pillar 6: Flourishing Environment

- Objective – Champion environmental stewardship and climate action.
- Goals:
 1. Promote smart land use and development.
 2. Prioritize environmental protection and sustainability.
 3. Integrate green technologies and best practices in Keene's built environment.
 4. Expand community and infrastructure development.
 5. Strengthen Keene's local leadership and collaboration to build resilience at the regional, state, and wider levels.

Ms. Brunner explained that this Pillar reflected a deep underlying value and desire to be a responsible community, with a lot of discussion around climate changes and adapting to shifting weather patterns (e.g., flooding, extreme heat, drought). She mentioned environmental stewardship, conservation, and being proactive on renewable energy.

Next, Ms. Brunner displayed the updated Future Land Use (FLU) Map, noting the City's Future Land Use Plan illustrates desired land use patterns given the aspirations, goals, and strategies expressed throughout the Master Planning process. The FLU Map uses generalized categories, called Character Areas, which identify the desired characters for existing and future areas of growth and change. Ms. Brunner noted the FLU Map is *not* an official map or a Zoning map; it does not follow parcel lines, and it does not specify what an owner can or cannot do legally with their property. However, the FLU Map guides policy making and reflects previously adopted plans, current development trends, established land uses, and Zoning patterns. The Map attempts to capture future desires for these areas.

Ms. Brunner listed the eight Character Areas: Downtown, Downtown Neighborhoods, Residential Neighborhoods, Neighborhood Business Nodes, Corridor-Oriented Commerce, Conservation and Low-Impact Recreation, Rural Residential and Working Landscapes, and

Production and Innovation. She said the FLU Map is organic and flowy, which was intentional to differentiate visually from the Zoning Map that *does* follow property lines. The FLU Map's organic nature was also meant to give future decision makers flexibility to allow for change to occur in line with the Community Vision and Goals. Character Areas were defined more by look/feel/experience than the uses because to some extent, mixed-use was desired almost everywhere in Keene, except for more rural/recreational/natural areas. Ms. Brunner said defining Character Areas was different than defining an area as solely for industrial or commercial uses.

Ms. Brunner continued with Implementation section, which sets the stage for Council and larger community to make progress on achieving the Vision and Goals of the CMP. This section was intentionally short to keep it manageable, but Ms. Brunner said a lot of work went into its organization behind the scenes. Every Action item listed under every CMP Goal was ranked based on its relative importance, boldness, and urgency through the Prioritization Survey. Ms. Brunner thanked everyone who completed that long Survey and showed an example of the graphed results. She said the Prioritization Survey immediately showed the top priorities based on their relative importance, boldness, and urgency. Each Action in the Plan was assigned a priority level, including the City's role (i.e., lead implementer, participant, supporter). That information was used to categorize each Action into an Implementation Matrix, with one page for each Strategic Pillar of the CMP. The Implementation Matrix would allow for quickly identifying items in the CMP that should be acted on first.

Ms. Brunner concluded her presentation on the Next Steps section of the Comprehensive Master Plan, listing the next immediate steps for this project:

- September 29 Planning Board public hearing and adoption of CMP.
 - Staff hoped to have a shorter overview document prepared for the public.
- Use Implementation Matrix and identify actions to start working on now (high priority, City in lead role).
 - Following adoption, Ms. Brunner said it would be up to the City Council, Planning Board, City staff, and other community partners to act on this Plan.
- Work with community and regional partners on goals where the City is not the lead.
- Monitor and track progress.
- Keep the Plan “fresh” and relevant to ensure the community remains engaged, with annual or biannual event(s).
- Align budget, CIP, and policy decisions with the Plan Goals and Community Vision.

Chair Bosley knew how much hard work and countless hours were invested in getting the CMP to this point. Discussion ensued about how the Council would endorse the CMP by adopting Resolution R-2025-32, before the Planning Board would officially adopt the CMP. There was confusion among the PLD Committee; Councilors thought adopting Resolution R-2025-32 meant adopting the CMP until Ms. Brunner clarified that it signifies the Council's endorsement of the CMP.

Chair Bosley received a list of questions from another Councilor, who was unable to attend this meeting. The Chair asked about the ability to still edit the CMP for typos, etc. Ms. Brunner said typos and other errors could be treated as Scrivener's errors. Actual content changes at this point would happen through the Planning Board (PB) Public Hearing on September 29. She said staff

hoped the Plan would be ready for adoption at point. Chair Bosley said she understood and thought some of the questions were simple, like changing the word “agency” to “institution,” to clarify without changing the intent of the underlying statements. Chair Bosley would share the questions with staff so they could go directly to the PB Public Hearing.

Councilor Haas repeated the upcoming endorsement and adoption process for the public’s understanding: The PLD Committee could recommend that the Council endorse the CMP through the adoption of Resolution R-2025-32, then the Planning Board would have the power to adopt the CMP during its Public Hearing on September 29 or a subsequent Hearing. The PB is responsible for the CMP after its adoption. One of Councilor Haas's concerns was that people would not have enough time to review the draft CMP before its adoption. He said it had been available since the beginning of June as a PDF online that most people would try to read on their phones, which he called somewhat difficult. He said people would not really be motivated to dig into the plan until the final chance. Councilor Haas hoped the City would quickly advertise the September 29 PB meeting and he asked his fellow Councilors to do so as well. Councilor Haas said the fact that the Council would not approve the Master Plan but endorse it through a Resolution had not necessarily been clear to him. He wanted it to be clear to the Planning Board and everyone else. Chair Bosley agreed that the Council adopting Resolution R-2025-32 and endorsing the CMP was very different than adopting the CMP. Ms. Brunner mentioned that the decision to follow this procedure—with the Council’s endorsement of the Comprehensive Master Plan by adopting Resolution R-2025-32—was based on how this body had done it in the past. The Committee still wanted it to be very clear.

Councilor Haas asked if the September 29 Public Hearing would be the first hearing or workshop on the finished document before its adoption. He knew it was presented to the public but could not recall if questions were taken then. Councilor Haas asked if the Planning Board (PB) would vote to adopt the CMP on September 29. Ms. Brunner said that would be the PB’s decision and the Board could continue the deliberation to a future meeting. She added that the CMP had not changed significantly since the June 3 Future Summit draft was publicly available. Although not formally noticed Public Hearings, all the subsequent Master Plan Steering Committee meetings to discuss the Plan were open to the public and advertised via newsletters. Ms. Brunner expected that the Communications and Marketing Director would also advertise the September 29 Public Hearing very well. Councilor Haas said that would be important, so that PB would have options. The Councilor knew many PB members were on the Master Plan Steering Committee, stating there was some built-in bias to accept the CMP. Councilor Haas said the interests of the public would be defined by who showed up at the Public Hearing, so it would be important to advertise.

Next, Councilor Haas said the Master Planning process was a great effort over the previous couple years; he took part in some of it. He asked what could happen differently in the future, rather than just letting the Planning Board work on the CMP and the City updating it every 10 years. Chair Bosley mentioned the regulations for Master Plans in NH. Ms. Brunner agreed, stating it was a State of NH guideline that recommended updating it every five to 10 years. Due to the level of effort and resources required, it takes many communities longer. Ms. Brunner described two approaches: (1) some communities update their master plans every 20 or 30 years, which is not recommended, and (2) some communities update them piecemeal. She thought the City of Keene tried the piecemeal approach in the past and it did not work out well. Ms. Brunner

thought 10 years was a good target because of how much time and effort the Planning process requires. When constantly focused on updating the Plan, she said it is hard to focus on implementation. Ms. Brunner thought Councilor Haas's point about keeping the CMP relevant and fresh was really important; the Steering Committee also mentioned that point and she said the PB would be discussing it. The Steering Committee suggested a dashboard to measure progress and City staff started talking internally about possibilities. Ms. Brunner learned of at least one city that updated its master plan annually and spent more money than Keene doing so. She agreed that a measurement tool to make it more real would be great. Community Development Director Paul Andrus added that internally and externally, the Community Development Department was talking about how it would—with the Planning Board—develop live mechanisms to track Master Plan progress over time and how to articulate that to the community in a fresh way. A major comment Mr. Andrus heard when he arrived in Keene was that people did not learn about all the progress since the 2010 CMP until this update began. He said there was a commitment from staff to that ongoing effort going forward.

Vice Chair Jones had the honor of serving on the Steering Committee and the Consultant Search Committee. He thanked staff for an excellent job. As chair of PLD when the 2010 Plan was adopted, Vice Chair Jones was a little more familiar with the procedure than some people. He said the CMP was actually not the City's Council tool anymore. He said it was the Steering Committee's tool and now the ownership would belong to the Planning Board. The City Council only endorses it. Most of the follow-up would be by the PB. Vice Chair Jones noted that in almost any future ordinance or resolution the City creates, Councilors would have to reference this CMP. He thanked staff for working on the specific things he asked for, like the Neighborhood Business Nodes on the FLU Map (currently on More time for the Joint Planning Board—Planning, Licenses & Development Committee) and the Implementation Matrix. Vice Chair Jones said it was a wonderful process, and he thought the City was making great progress.

Councilor Williams added a huge thank you to Ms. Brunner, all City staff, and to everyone who participated. Councilor Williams said it was amazing to watch and participate. He thought the draft CMP was a great document and he appreciated all the work that went into it.

Councilor Haas asked Ms. Brunner to explain the legislative link between the state requirement to have a Master Plan and being allowed to have a Land Development Code or Planning Board. Ms. Brunner said many things rely on the community having an adopted Comprehensive Master Plan (CMP): Zoning Ordinance, Subdivision Regulations, Site Plan Regulations, Historic District Commission, and Capital Improvement Program. She added that while the CMP itself is not regulatory and does not create any new requirements, it is meant to guide all of the major policy decisions the City makes. So, it is very important.

There were no public comments.

The following motion by Vice Chair Jones was duly seconded by Councilor Haas.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Resolution R-2025-32.

3) Authorization to Enter Mutual Aid Agreement with the Town of Marlborough for Building Inspection and Code Enforcement Services - Community Development Director

Chair Bosley welcomed Code Enforcement Plans Examiner Mike Hagan, who explained that the Town of Marlborough contacted Keene about some inspection services. The City looked into it and developed a proposed Mutual Aid Agreement between the City of Keene and Town of Marlborough to provide inspection and code enforcement services to the Town of Marlborough. This was regulated under RSA 53-A:3, II. City staff presented a package for the Committee and sought to authorize the City Manager to enter into the Mutual Aid Agreement.

Chair Bosley asked if the City held this agreement with any other community. Mr. Hagan said not at this time for building inspection services. Keene had provided plan review services for the Town of Winchester's Rite Aid building. So, he said it was a familiar scenario to the City.

Chair Bosley requested comments from City Manager Elizabeth Ferland, who supported this proposal. The City Manager said staff had a lot of conversations about what it meant to have a Mutual Aid Agreement and ensure it would not be at the expense of Keene taxpayers. She explained that the Town of Marlborough had a conflict reviewing a project happening in its own community and needed some outside help. This agreement is allowed by RSA, which was followed very closely. City Manager Ferland said she always prioritizes the City of Keene's needs and ensures the City does not take on responsibilities for another community without fair reimbursement.

Councilor Haas asked what staffing Marlborough had for inspections and reviews at this time. Mr. Hagan said there was a part-time building inspector as well as a part-time electrical inspector. Councilor Haas said it sounded like Keene's staffing was more robust and could handle this workload. He respected that sometimes people need help from the outside but feared the City becoming an agency for the Town of Marlborough. He said most of the time when a large organization provides a service to a smaller organization, there would be some kind of markup associated with it, it would not just be at the City's cost. Councilor Haas was disappointed to see there was nothing like that in the Agreement. City Manager Ferland said the State of New Hampshire was pretty strict in terms of what the City could charge for fees and reimbursements; unless it is an enterprise fund, the City does not generate revenue, and even an enterprise fund just offsets costs. So, the City was limited as to what it could charge for a service like this, as long as the City would be reimbursed wholly. The City Manager said she made sure to include a short notice in the Agreement if the City should need to cancel at any time or if it is something the City simply could not take on. Councilor Haas asked if "reimbursed wholly" means the City's normal fee or the actual cost to the City for employee time and benefits. Mr. Hagan replied that the City of Keene's current fee structure would cover the costs and pay directly for the plan review, inspections, and administrative services provided.

Councilor Haas thought staff could see his point. He said if the City was limited by the state law, "so be it," that was how it was for so many things. Councilor Haas was concerned that this Agreement would interfere with staff time spent on Keene issues, noting Code Enforcement had been a concern over the past several years. He said the City hired Rick Wood, Fire

Marshal/Building Inspector, who helped to organize things. Councilor Haas said he guessed Mr. Wood had done such a great job that the City had enough added capacity for this Mutual Aid Agreement. Chair Bosley did not think capacity was the same as ability, stating that she thought Mr. Wood brought quality to the Community Development Department; Chair Bosley thought the Department had the capacity but had not been using it in the most constructive way. City Manager Ferland thought the Community Development Department had capability but not a lot of capacity, so she shared the concern for City staff being pulled in too many different directions. The City Manager said the priority would always be City of Keene work. However, she said the City had helped other communities from time-to-time, as long as it is not at the City's expense; for example, the Revenue Office had registered vehicles for another town for a period of a few weeks. The City Manager called that a part of being in New Hampshire municipal government—"we do tend to help each other." Councilor Haas appreciated a good neighbor policy and called it good thing. He was glad the Mutual Aid Agreement included a 30-day cancellation because he said it, "could get ugly," if the Town of Marlborough laid off both part-time inspectors or they retired. Councilor Haas appreciated the City Manager's attention to that concern.

Vice Chair Jones saw this as more of a Mutual Aid Agreement, in which the City is reimbursed for services performed because the Town of Marlborough had a conflict. He thought it was very simple and if there was more to it, it should be called into court, and the City would still be reimbursed. Vice Chair Jones called it a Mutual Aid Agreement and being good neighbor.

There were no public comments.

The following motion by Councilor Haas was duly seconded by Vice Chair Jones.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends that the City Manager be authorized to do all things necessary to enter into the Mutual Aid Agreement with the Town of Marlborough.

4) Councilor Williams - Request for Consideration of an Ordinance Amendment to Regulate the Muzzling of Dogs

Chair Bosley welcomed comments from the petitioner, Councilor Bobby Williams. Councilor Williams recalled that approximately 18 months prior in March 2024, the PLD Committee discussed a larger dog that attacked a smaller dog in the community. The larger dog had a history of attacking other dogs. The owner of the smaller dog requested that the Council consider a muzzle Ordinance, requiring dogs with bite histories to wear muzzles in public. Councilor Williams did not think that should be a permanent sentence, but perhaps that two years with the muzzle could be a good lesson for a dog and a dog owner, specifically. He said the intent was not to punish dogs or dog owners, but to improve behavior and safety overall in the City.

Councilor Williams explained that when first introduced, the City found it was unable to pass this proposed muzzling ordinance because the State of NH laws restricted muzzles only to the context of a rabies outbreak; he called that a curious interpretation. Given this problem, Councilor Williams took the issue to the State of New Hampshire with the help of State Representative Jodi Newell. Representative Newell introduced House Bill 250, which passed by

unanimous consent and was signed into law in August 2025. HB 250 allows the City to pass a muzzling ordinance in Keene. Therefore, Councilor Williams asked the Committee to consider whether the City would want a dog muzzling ordinance and what it would entail if so, to ensure Keene citizens remain safe from dogs who have attack histories. He mentioned needing to consider proper enforcement, noting that as a part of the HB 250 process, many interested parties came forward, including the Humane Society, with some model ordinances the City could consult from other communities, as well as other experts. Councilor Williams hoped to hear from the public about what they would want.

Chair Bosley noted that with this being a new law in the State of NH, the City would pave the way with this conversation. She did not think the Committee would act at this meeting. The Chair requested comments from City Attorney Amanda Palmeira on next steps. The City Attorney began with a high-level overview of the state law before reviewing the new change. NH is a Dillon's Rule state, which is the opposite of a Home Rule state, meaning the City can only regulate what the state says it can regulate. Under NH RSA 466:39, municipalities have been expressly authorized to regulate the restraint of dogs and issue fines. Although the City could regulate the restraint of dogs, the state has still limited the type of restraint activity and the enforcement measures for the type of activity (outlined in RSA 444:31). The state identified actions the City could choose from to qualify dogs as either a *nuisance*, *menace*, or *vicious*. The City chose to work with those three actions/categories, as seen in the City Code Section 10-35. The City Attorney recalled the state's limit on enforcement in RSA 444:31 was a monetary penalty. So, although the City could pick actions and assign them to categories, the categories and their fines were already picked by statute for the City.

City Attorney Palmeira explained that the new law taking effect September 30, 2025, would authorize the City and other municipalities to require muzzling of dogs who have engaged in one of the particular actions listed in RSA 466-31, II (g), "If, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings." If a dog has committed one of those actions, the statute would now authorize municipalities to require the action that warrants a muzzle in public. Chair Bosley asked if this RSA would require the City to create an Ordinance. The City Attorney said no, this was an enabling statute. So, the City would have the option to create an Ordinance indicating that when an incident like this happens, muzzling could be required. The change in law was to be enabling. The City Attorney concluded with the options for monetary fines in the statute, noting there were fines listed for first, second, and subsequent biting and attacking offenses; the City could choose to follow this mechanism for muzzling but there was no guidance for it in the new statute.

Chair Bosley welcomed Deputy City Clerk Kathleen Richards and Animal Control Officer (ACO) Michelle Grimes. The Chair asked Ms. Grimes to explain the steps she goes through during an incident with a dog. Ms. Grimes said at this time, depending on the violation—nuisance, menace, vicious—and the situation at hand, the dog would be deemed vicious if it had a record of biting another person or dog. The dog owner would receive a first offense violation if the dog never had an issue before. They must pay within 96 hours from date of issuance. If there is a second bite within 12 months, they would receive a second offense—\$400 at this time. A third offense within 12 months or the dog being deemed a danger to the public would result in a

court date and process. Ms. Grimes said at this time, there was one dog and owner in that court process for the year 2025.

Chair Bosley asked about the court process and what comes from it. Ms. Grimes was unsure as this was her first time dealing with this situation as ACO. The City Attorney said it is usually out of municipal hands once it reaches the courts, and the incidents sounded pretty infrequent; she also deferred to Police Chief Steve Stewart with longer tenure to discuss. Chief Stewart said it is just the difference between a civil process at the City level and a state violation if it is taken to District or Circuit Court. The penalties would be largely the same, but the court could order the animal seized or in some cases destroyed, depending on the viciousness of the attack and circumstances. Chair Bosley said she had heard people's anecdotal concerns that if a dog bites someone, it will have to be put to sleep. However, in reading the statutes, it looked to her like the City's only recourse to date had been financial penalties. She was curious where the assumption/concern came from, but it seemed like the court could make the decision to have a dog put to sleep. Chief Stewart said yes, the Court has the power to make that decision through due process but said it could get complicated. He recalled one situation in the recent past, in which the attack was so vicious that the dog was housed in the Humane Society for an extended period of time, there was negotiation between the prosecutors and the owner's defense attorneys, and it ultimately resulted with the rare decision to end the dog's life.

Chair Bosley asked about the investigation process to build evidence and decide fault when there is a bite between two dogs. She thought often, people would be more willing to just pay a fine. However, if a new ordinance stipulated that someone would have to muzzle their dog for one year after a bite, for example, they might appeal that decision because it would feel like a bigger burden than paying a fine and moving on with their life. Chair Bosley wanted to ensure that any new ordinance would have a really good process for proving what dog was at fault, noting that if livestock was involved it would be more obvious. She asked about current evidence collection processes to decide what dog provokes in a situation. Chief Stewart said this ordinance process would not change any of that; investigations and fact collecting would always have a standard protocol. Ms. Grimes could not respond to every incident due to her limited hours. In many cases Police Officers respond, perform the immediate investigation (e.g., fact collecting), and turn the information over to Ms. Grimes to help process if it does not seem to be criminal or going to the state. Chief Stewart reiterated that none of that process was changing.

Chair Bosley asked about the appeals process once the City has decided fault. Chief Stewart said someone could appeal the City's decision by not paying their civil forfeiture, the City would issue a summons, and then the matter would go to District or Circuit Court. The City Attorney thanked Chief Stewart and added that the existing statute had fines assigned for the categories (nuisance, menace, vicious). However, muzzling would only be for *vicious* dogs, and the new statute provided a lot of flexibility to give muzzling a separate fine structure, if the Council wanted.

Chair Bosley asked about data/records on past attacks and fines paid. Ms. Grimes said she kept a manual Excel spreadsheet to track all forfeitures issued. The City Clerk's office receives one of the carbon copies of the forfeiture fine to place on file waiting for the dog owner to come in to

pay the fine. Ms. Grimes said the Clerk's office typically calls or emails her on the day that payment is made, so she can remove those cases from the 2025 forfeitures that she tracks.

Chair Bosley thought it could start to get cumbersome and unclear how to document and enforce the muzzling part of the ordinance through the City Clerk's office after a second bite. She wondered how the City would know it is the same dog in the second instance as the first instance; would it be attached to their City Dog License number? What if it is an out-of-town dog? Chair Bosley said it is not like a criminal record attached to a fingerprint on a person. She asked what City staff thought the City's capacity for record keeping and managing an ordinance like this would be. The Deputy City Clerk noted that at this time, the office was using the ClerkWorks application for its dog licensing database. ClerkWorks main purpose is to track the licensing of dogs according to state statute: new dogs that should be licensed in Keene and dogs that have been licensed. The Clerk's role for dogs that have committed offenses—nuisance, menace, and vicious dogs—are processed as “point of sale” transactions, with the Clerk serving as the intake for fines, applying them to the right cost code for the budget. The Clerk's office software does not associate the record of payments related to dog fines with dogs in the licensing database for a few reasons, including that some offending dogs may not reside in the City of Keene.

Chair Bosley asked Ms. Grimes if her Excel spreadsheet was adequate at this time and Ms. Grimes deferred to Chief Stewart. The Chief explained two different systems: (1) the overarching record system that does not accept civil forfeitures very well, so they needed to be kept in Ms. Grimes' Excel spreadsheet; and (2) summons issued for nuisance/menace/vicious dogs are easily tracked in our system due to the infrequency (e.g., only one at this time, and one in the prior few years). Chief Stewart did not think it was an insurmountable tracking undertaking.

Chair Bosley discussed the potential for loopholes, noting the summons would be issued to the person and not the dog. She wondered about rehoming a dog with a bite history; would the vicious summons follow the dog and how? Chief Stewart thought the City Attorney might be able to cleverly write the ordinance. The Chief said the City could not enhance the penalties or the fines against the new owner. The ACO noted there was no national database to track bites or attacks. Chair Bosley was concerned that the City would be making determinations from institutional knowledge and not record keeping. She wondered if the City could explore associating that identifying data with dog licenses. She provided an example of her dog's color being misidentified on its dog license, saying these were very common things. She wanted to capture the appropriateness of the ordinance the Committee was trying to create. The City Attorney agreed; she appreciated the questions from a constitutional perspective. She noted that the statute would criminalize the person for their dog's action and if the dog is passed to different people, the offense would not follow the dog. So, Chair Bosley said it could get a little tricky, because this was not to muzzle the person.

Councilor Haas said it was unclear to him that the red text in the agenda packet was a part of the state law. Regarding the offense following the dog rather than the owner, he thought of it in terms of a real estate transaction, with disclosure issues that you can't go back on. Councilor

Haas was in favor of crafting as strict an ordinance as possible, because once a dog gets into one of these categories, he said it probably would not change.

Chair Bosley agreed with Councilor Williams about wanting to hear from a dog behavior expert at some point to understand whether dogs could change over time. Chair Bosley said she did not have 100% experience, but she had a two-year-old dog with significant training and her trainer's immediate reaction was that muzzling can provoke aggression and they recommended training instead. After managing a large breed dog, she said it would be hard without training, and it is in large part about the person getting trained, not the animal. Chair Bosley wondered about the possibility of also requiring behavior classes, so if someone does not want to muzzle, they would have to take so many weeks of behavioral training courses; she would feel better about that because in many cases, she said people are the problems, not the dogs. Chair Bosley said in many instances people humanize their dogs, do not treat them like pets, and do not set good limitations and boundaries—this results in people getting hurt. She said it is unfortunate for the dogs and there is no fixing the dogs without fixing the people, calling it difficult.

Chief Stewart said that if trying to couch this in with not wanting to be too mean to the dogs—maybe they will have to wear a muzzle for one year or two years—he said nothing was likely to change in those two years. The Police Chief said that depending on training would probably also be a slippery slope, contingent on what sort of effort the owner puts in. Chief Stewart stated that when the Council is considering whether to do this, “if it is going to be muzzled it probably needs to be muzzled forever.” Chair Bosley said she wanted to see an opportunity for the dogs to potentially earn their way out of the muzzles; she compared it to a person with points on their license because they are a bad driver when they are young but earn their way back. She talked about the potential for the City to create a system for proving good behavior.

The City Manager, Elizabeth Ferland, talked about walking her properly leashed dog on trails, when improperly unleashed dogs would run up to her dog, startling it. She asked who would be at fault if her leashed dog bit one of those other dogs. She also asked who would be at fault if someone let their unleashed dog run up to her dog on her lawn at her house. The City Manager thought these were important questions for concerned pet owners, and she was also interested in the investigative part. Chair Bosley agreed, pointing out that strangers often would not respect boundaries for dogs. She gave the example of her really aggressive looking big black German Shepherd, who is actually very friendly, but she tells people he is not for his space. She said people would still disrespect her boundaries, run up, and grab the dog—in one instance a child and another an adult claiming they were “good with dogs.” Fortunately, the dog did not react, but Chair Bosley wondered who would have been at fault if the dog had bitten, when she clearly warned. It gave her anxiety about the potential ramifications for individuals. She knew this law developed from an incident, and she did not want to diminish the effect of that incident on the person it happened to. However, Chair Bosley said there was another side to this story, and she was trying to thread the needle and distinguish the dogs who might not be committing heinous acts of viciousness (e.g., wrong place at the wrong time). She asked how to make those determinations. Chief Stewart thought to start answering that question, it would help to have Ms. Grimes speak to Certified Dog Training and the true factors needed. The Chief said there would be different factors at play in every investigation. He thought the City Attorney could answer questions better about civil matters like when a dog might be on someone's property or

elsewhere in public when an incident occurs, or on/off leash. Chief Stewart said even telling someone not to touch your dog, the person not listening, and them getting bitten by your dog could still result poorly for the animal.

Ms. Grimes spoke about training, noting she is a Certified Professional Dog Trainer with credentials through one of the only nationally recognized credentialing organizations for dog trainers. This is an unregulated industry, and anyone can call themselves a dog trainer. As a Certified Professional Dog Trainer through this organization, Ms. Grimes said she must—like any professional credential licensing—take a national test and reaccredit yearly. ACO Grimes appreciated all of Chair Bosley's outside the box thinking. Ms. Grimes said the incident in Keene that prompted this new statute was devastating and it was clear what happened in that situation. In many cases she works professionally, there are instances where a dog is fearful of other dogs, but that does not mean it cannot enjoy time with its owner out on a leash. Unfortunately, she said people do not follow those laws, they allow their dogs off leash, and things happen because dogs are dogs; but she said it is also devastating if an owner tries to verbally warn. We cannot dictate what another human will do or how they will react. Ms. Grimes understood the reason behind the muzzling but also had concerns because she thought dogs could be rehabilitated in many cases. However, she said that it relies very much on the owner's dedication, effort, and being able to swallow pride and understand that it does not mean the dog is terrible, there is just something else happening with the dog to cause those behaviors. Ms. Grimes said owners who understand those underlying issues would be successful.

Chair Bosley said it would be a lot for the Committee to process, and it was good to discuss everything, so the City Attorney would be prepared to draft an ordinance. The Chair thought it would be important for the Committee to consider how creative the ordinance should be, how to structure it (with a mechanism to track it and implement it fairly), and what options there could be for a proper training period by reviewing other communities in NH that could be models. Chair Bosley asked Ms. Grimes to create a proposal for the Committee based on these items, and Ms. Grimes agreed.

Chair Bosley opened the floor to public comments.

Debra LeBlanc of 28 Union Street wanted to add one idea to these good suggestions and alternatives. Instead of fining people, she suggested their fines could be applied to training sessions for their dogs. She wondered if a combination of expert training and muzzling could work. Ms. LeBlanc thanked Councilor Williams for the whole process and helping to reach the solution through this legal process. Ms. LeBlanc appreciated everyone's attention to the topic. She wanted to address follow-through; not putting a muzzle on a dog and forgetting about it. Her mauling was on a City sidewalk, where she thought she was safe. Ms. LeBlanc was glad to work together to find solutions so she could feel safe again when walking her dog around another dog. She recalled that during her incident, receiving the information she needed from the Police Department was very challenging; she said they had no idea how to treat a person who had been through this situation. There was no ACO then and Ms. LeBlanc said she was adrift, unaware of the process to handle her bite wound. The Police Officer she called three times gave her inaccurate information about the other dog's vaccinations. After three days of calls, she was finally told that there was no record on the dog, so she received 12 globulin shots at the ER. Ms.

LeBlanc called that useless because she was then notified that the dog actually did have vaccinations. In the future, she hoped to see guidelines for when the ACO is unavailable, so the Police know how to handle this kind of situation. Ms. LeBlanc explained that this incident caused her a lot of depression, pain, and suffering. It took her one year to feel comfortable on the sidewalks again. She hoped for Police Department education. Ms. LeBlanc would bring more ideas to the future PLD Committee discussions on this topic.

Terri O'Rorke of 34 Hillside Avenue noted that the City's Ordinance included nuisance dogs. She wondered if excessive barking qualified as a nuisance and if not, she hoped the City would consider adding it. She could not imagine that Hillside Avenue was the only neighborhood in Keene that experienced dogs continually barking day night. She provided 20 pages of continuous barking she had documented, and hoped barking could be in the Ordinance. Chair Bosley believed nuisance barking was already in the Ordinance and deferred to the City Attorney, who agreed. City Attorney Palmeira recalled the three categories of dogs—nuisance, menace, vicious—with actions assigned under them that trigger which category applies. "Barking for sustained periods of time of more than 1/2-hour or during night hours so as to disturb the peace and quiet of the neighborhood," falls under *nuisance* dogs. The City Attorney said the conversation at this meeting was about muzzling, which would only apply to vicious dogs. Chair Bosley advised Ms. O'Rorke to contact the Police Department or ACO if she experienced a sustained situation like the City Attorney quoted. Ms. O'Rorke said she called twice. Chair Bosley reiterated this meeting was about vicious dogs, and suggested Ms. O'Rorke send a follow-up email to the City Manager.

Mayor Jay Kahn said the City Council asked him to be involved in this process. He wrote the letter requested by the Council and attended the hearing to ensure legislators could ask questions. He was glad the response was so positive because he said the legislature was not consistent on local control during the prior legislative session. Having advocated for this state statutory change, the Mayor thought the City had a responsibility to act and produce a model for the State of New Hampshire. So, he said the process here needed to be pretty deliberate, and the Mayor felt this conversation had been at the right level to hear one another and the various perspectives. He agreed that education would need to be a big part of the ordinance. He suggested thinking broadly about the stakeholders who would need to join the Council in some type of workshop or interactive conversation around a proposed Ordinance. He said the ordinance should be progressive, meaning iterative, and consider many points of view. He hoped the veterinary community would engage in the process, calling them an important advocate for proper training and owner responsibilities; he thought vets had some responsibility to be a good nexus, so the ACO is not the sole adjudicator or educator to the community. Mayor Kahn also recounted his own incident of being bitten by an off-leash dog while he was walking on NH Route 12A. He said Ms. Grimes' follow-up within one day was outstanding, both with him and the dog owner. The Mayor encouraged the public to report these incidents to the ACO because although they might not want to penalize the owner who probably loves the dog, the ACO needs a record in case of future occurrences.

NH Representative Jodi Newell of 32 Leverett Street felt too close to this issue, having helped pass HB 250. She thought the conversation about how this could all work out was interesting, noting the whole point of HB 250 was to create something that makes sense to the community.

She thought of different situations, like the idea of a dog with no history until a child's birthday party or Ms. LeBlanc's instance of encountering a dog with a history. Representative Newell questioned the rational process for trying to understand where a dog is at, its capacity to learn, and where to go from there. She cited personal experiences as an owner and "terrible" dog trainer, saying she thought there could be certain things to consider for a good dog with an owner who does not necessarily have the means for training, and also a good dog who might try to get out of the house sometimes. Representative Newell touched on the differences between vicious and nuisance dogs, stating those definitions were already passed from the state to municipalities. She said the intent of this was not to put dogs who bark, get out during the day, or might be a "pain in the rear," in muzzles. The intent was to parse that out in the most rational way for the community and create guidelines that take the dog and owner into account. Representative Newell said a well-intentioned dog owner may not necessarily have enough money to pay for training and she thought they should be considered too.

The City Attorney confirmed that she had enough information from the Committee to draft the ordinance. The Committee discussed its options: (1) Place the item on More Time to allow the City Attorney to work on the draft ordinance to bring back to PLD, or (2) recommend the Council accept Councilor William's communication as informational and recommend the City Council instruct the City Attorney to draft an ordinance for first reading to bring back to PLD. Chair Bosley thought More Time would be more expeditious and Councilor Williams said he was comfortable with that option.

Councilor Williams said he really thought of this as an educational thing, not necessarily a punishment thing. He hoped to see this muzzle requirement for viscous incidents, with time off for good behavior if an owner could prove the dog is no longer the threat it appeared to be through training or some other way.

The following motion by Councilor Williams was duly seconded by Vice Chair Jones.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends placing Councilor Williams - Request for Consideration of an Ordinance Amendment to Regulate the Muzzling of Dogs on More Time.

Chair Bosley said the Committee looked forward to the City Attorney drafting an ordinance and said maybe at that point, the Committee could talk about some of the other community advocates, veterinary offices, trainers, other potential dog owners, and people who had been in this situation to provide feedback on the draft language.

5) Relating to Amendments to the Land Development Code to Encourage Housing Development in Keene - Ordinance O-2025-15-A

Chair Bosley noted there was already a Public Hearing, so no further public comments would be accepted. She welcomed Senior Planner Mari Brunner, who took questions from the Committee. Chair Bosley asked the Committee to discuss whether it wanted to recommend this Ordinance to Council and if any amendments were needed.

Councilor Williams knew some people were frustrated about increased density and that some thought the Ordinance was focused on Keene's east side. He wanted people to understand that this process really was not about targeting any one neighborhood. Councilor Williams said the intent was to spread out the burden of increased density. To that end, he said the City had been doing that by making buildings taller in High Density Districts and by reducing from five-acre minimum lot sizes to two acres in the Rural District. He said all of these changes impacted neighbors and the Council should listen to their concerns. Councilor Williams said the purpose of spreading increased density in so many different places is to defuse the impact, so that no one neighborhood is overwhelmed with development. He thought the City had been doing a good job with that. Councilor Williams thought people were specifically concerned in this instance about having up to six units in one large building, whereas he actually thought it was appropriate. He recalled living in one very big, empty building in the Medium Density District that would have been well-suited to five or six units. So, he believed those buildings existed. Councilor Williams also knew there was some concern that all of those buildings would develop really quickly. He stated the City, "should be so lucky to get that much housing all at once," but he did not think it would happen. Councilor Williams thought the intention of this would be the type of development the City needed most—small apartments for single people.

Councilor Haas heartily disagreed with Councilor Williams, with all due respect. Councilor Williams talked about shared burden throughout the City, but Councilor Haas was not so sure he saw development happening in all the other areas of the City where the Land Development Code had changed. While this Ordinance was not focused on any one neighborhood, Councilor Haas said there would be a single set of buildings very adaptable to this proposal that would not be distributed throughout the Medium Density District; they would be focused on streets with large older homes. He noted it was already possible to develop these homes into five or six units without this Ordinance, with a few extra steps in the process, but it had not happened. Councilor Haas said he would love to see this development happen, but through the extra steps to ensure all potential effects of any such development are taken care of.

Vice Chair Jones agreed with Councilor Haas. Vice Chair Jones said he knew this Ordinance was not only about east Keene, but that was where the Council heard about the impact most. He added that the City had done so many things for east Keene over the years. For instance, in 2000—when he chaired the Municipal Services, Facilities & Infrastructure Committee—the Council passed the Ordinance prohibiting parking anywhere but driveways in east Keene, because of the density issues. Vice Chair Jones said the primary concerns in 2000 were student housing, but reasons had changed since. He listed other ordinances that developed because of east Keene: the Public Effluence Ordinance, Noise Ordinance, and the Marlboro Street Ordinance or the rezoning of east Keene that took a long time and required consultants. East Keene had transformed from a once industrial area served by the railroads to neighborhoods. Vice Chair Jones recalled former Councilor David Richards introducing the Resolution to focus on improving the east side, incentivizing people to improve their homes and make better neighborhoods. Vice Chair Jones thought it had worked, and staff and the Council had done a lot to focus on the east side. He did not think this Ordinance would take the east side a step backward, Vice Chair Jones said he just did not agree with it.

Chair Bosley said this would get a little awkward because she tended to align with Councilor Williams in not seeing the large impact of that particular portion of this Ordinance change. Chair Bosley thought a lot of the concern was unfounded. She said she understood a little bit about development and the cost of development, and unfortunately probably should have been more adamant about this at the Joint Planning Board-Planning, Licenses and Development (PB-PLD) Committee meeting. She did not personally envision people taking large older buildings and going from three units to six units because the cost associated with that change once above four units is prohibitive due to the fire suppression and sprinkler requirement. She said it was unfortunate, because now there was an Ordinance that had some really great things, which she thought everyone could agree were positive moves forward in the community; she said those positives were bogged down by this concern from the public over something she did not think would be a useful tool. She thought anyone with a property that could accommodate that many units would choose to increase from three units to 10 units and make the infrastructure investment worth it. Chair Bosley mentioned owning property in Keene with associated vacant lots, and said when passing the Cottage Court Ordinance, she was excited for the potential opportunities. To her, it was not worth it to develop an individual unit, stating it would be cheaper as an investor to buy a pre-existing unit than to try developing something. She said the only way that investment works is on a scale, citing someone who brought a Cottage Court to the City for consideration consisting of a large lot acreage (approximately 10) and about 30 housing units. Chair Bosley called that viable but said three units on a vacant lot would not make financial sense to an investor. She thought everyone should be realistic, she felt the concern that had been stoked in the east side neighborhood was unfounded, and she did not want to lose the rest of the Ordinance over this item. She was concerned the Council could also have a 50–50 sentiment, like this Committee, and the other items in the Ordinance would be lost. Chair Bosley asked the Committee to have a heart-to-heart tonight about the appropriate path forward: (1) send this back to the PB-PLD Committee and amend the maximum allowable units down to four, which she thought was a more reasonable number developers might do by right anyway because it would not trigger the fire suppression associated costs; or (2) send this forward to City Council with a split Committee decision and risk losing the other good work in the Ordinance.

Councilor Williams noted that if this moved forward to Council and it were to fail, this was September, so the matter could be resubmitted again in January 2026 per the Council's Rules of Order on Resubmission of Items Previously Considered. Chair Bosley said that was correct.

Councilor Haas asked if the Committee could strike the portion of the Ordinance associated with the Medium Density District (so effectively nothing would be changed there), and if that would create a substantive enough change to cause the Ordinance to go back through the process. City Attorney Amanda Palmeira replied that the question depended on whether it would make a material change to the Ordinance. The City Attorney advised that removing a district or zone would constitute a material change, so the Ordinance would need to go back through the process. Councilor Haas said it was a shame that so many other things were bundled into this Ordinance, with the great Zoning change in the latter part, for instance. If this was sent back to the PB-PLD Committee, he thought they should continue debating the minimum interior side setback based on the question from three to six units. He said he was not too concerned about interior setbacks until he considered them in the Neighborhood Business District, where he thought it might seem

appropriate to maintain the 10-foot side setbacks. For both reasons, Councilor Haas was in favor of sending this back to the PB-PLD Committee.

Vice Chair Jones thought the Ordinance should move forward to Council as is because this was not a City-created Ordinance, a petitioner submitted this. The Vice Chair suggested sending this to Council as the petitioner intended it, so they would get the vote they hoped for. He thought that would be better vs. watering down the request in a way the petitioner did not ask for. Chair Bosley said that explanation helped clarify for her what the Committee should do. She agreed with Vice Chair Jones about sending the Ordinance as it was to Council for a vote.

Chair Bosley asked what would happen if the Committee's recommendation to the Council was a split 2–2 vote; would that be “no” recommendation? The City Attorney said yes, under parliamentary procedure and as mirrored in the City Council's Rules of Order, a tie on a motion to recommend the Ordinance would effectively be a failure to secure a majority, but also effectively a recommendation to deny. Chair Bosley said the Mayor would have to explain that well to the Council, and the City Attorney said she would be there to help.

Chair Bosley noted that this would further complicate things because the next Ordinance on the Committee's agenda would send definitions to Council, so the Mayor would need to explain that, and might have to send it back to the PB-PLD Committee. Ms. Brunner did not think the companion Ordinance O-2025-17 would be necessary anymore; the definitions in it were either removed from the petitioner's Ordinance when combined with a staff Ordinance or they related to charitable gaming facility and gaming position, and those definitions were already in Article 29. She explained that when the petitioner submitted their Ordinance, the online Land Development Code still needed to be updated.

Discussion ensued briefly on how to best phrase the motion.

The following motion by Vice Chair Jones was duly seconded by Councilor Williams.

On a vote of 2 to 2, the Planning, Licenses and Development Committee failed to recommend the adoption of Ordinance O-2025-15-A. Chair Bosley and Councilor Williams voted in favor. Vice Chair Jones and Councilor Haas voted in opposition.

6) Relating to Amendments to Definitions of the Land Development Code to Encourage Housing Development in Keene and the Definitions Relating to Charitable Gaming Facilities - Ordinance O-2025-17

The Chair said the Committee had just heard from staff that Ordinance O-2025-17 would not be necessary because the definitions would not refer to anything in its companion Ordinance and/or have already been updated in the Land Development Code. The Chair asked for guidance from the City Attorney on the best motion. The City Attorney thought accepting the Ordinance as informational would be fine if no parts of it were needed because it had solely been a Council action and had not gone through the Joint Planning Board-Planning, Licenses and Development Committee.

There were no public comments.

The following motion by Councilor Haas was duly seconded by Vice Chair Jones.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends accepting Ordinance O-2025-17 as informational.

7) Relating to Setbacks and Build-to Dimensions - Ordinance O-2025-20-A

Chair Bosley noted there was already a Joint Planning Board-Planning, Licenses and Development Committee Public Hearing, during which there were no public comments. No further public comments were accepted at this meeting. Senior Planner Mari Brunner was available to take questions from the Committee if needed.

The following motion by Councilor Williams was duly seconded by Vice Chair Jones.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-20-A.

8) Relating to Definitions for Accessory Structure, Setbacks and Build-to Dimensions - Ordinance O-2025-21

Chair Bosley welcomed Senior Planner Mari Brunner, who explained that this was a companion Ordinance to O-2025-20-A. Ms. Brunner suggested amending this Ordinance so the definitions in it would be consistent with Ordinance O-2025-20-A. She noted that some of the wording for the definitions in O-2025-20-A were modified when its “A” version was created. All of those same changes were needed for Ordinance O-2025-21 as well to ensure internal consistency.

Chair Bosley asked—if the Committee amended Ordinance O-2025-21 to an “A” version—were staff comfortable updating the Ordinance appropriately. Ms. Brunner said it was already updated as a redlined version and shared with the City Clerk’s office and Committee. It was included in the PLD packet as well.

The following motion by Vice Chair Jones was duly seconded by Councilor Haas.

On a vote of 4 to 0, the Planning, Licenses and Development Committee amended Ordinance O-2025-21 to an “A” version to include definitions as proposed to match those in Ordinance O-2025-20-A.

The following motion by Vice Chair Jones was duly seconded by Councilor Haas.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-21-A.

9) Relating to Land Development Code Fee Updates - Ordinance O-2025-25

Chair Bosley welcomed Senior Planner Mari Brunner and Planner Megan Fortson to discuss proposed Ordinance O-2025-25, relating to restructuring the fee schedule in Appendix B of the City Code. Ms. Fortson explained that the Community Development Department intended to do this for some time. The Department proposed both restructuring the layout of this part of City Code and updating some of the fees. Ms. Fortson reviewed examples of the proposed changes:

- Zoning Board of Adjustment Application fees: increase from \$100 to \$250 to match those of surrounding municipalities of similar size.
- Earth Excavation Permit Applications: add some additional application types related to permit renewals and major and minor permit amendments.
- Conditional Use Permit Application: adjust fees to \$200 flat instead of the current range between \$100 and \$200.
- Telecommunications Conditional Use Permit Application: \$300
- Cottage Court Applications: \$200

Ms. Fortson pointed out notice fees for the Change of Governmental Land Use Notifications. Another big proposal was to change the method of mailed notice used to notify abutters of land use applications. At this time, the Community Development Department was sending letters via certified mail at a rate of \$6.04 per abutter. The City of Keene requires noticing all property owners within 200 feet of a subject parcel, as well as any professionals (e.g., engineer, surveyor, architect) with a stamp on a plan, the applicant team, and any holders of easements. Ms. Fortson said that could add up very quickly for someone submitting an application. In place of that method, staff proposed changing to Certificate of Mailing, which would comply with the verified mail requirement under state statute; the Post Office certifies it receives the letters, but the method makes things less time-intensive for staff when sending letters. Ms. Fortson said Certificate of Mail would also greatly benefit the public because it is less expensive, and people receiving letters do not have to sign for them, which had been a barrier to people with different work schedules.

Ms. Brunner said this had been in the works for a long time. She said staff spoke to each of the individual boards about 1.5 years prior. The Community Development Department completed a more in-depth analysis related to staff time spent reviewing these applications, comparing the data to other communities with similar application types. She said the intent was to try keeping these fees reasonable, while being a bit more in line with current practices and relieving some of the burden on the General Fund Balance by having more cost covered by the application fee itself. For instance, she cited the current Earth Excavation Permit Application fee at only \$50. She said the staff time dedicated to one Earth Excavation Permit equals tens of thousands of dollars; a third-party review calculated it as about \$30,000 for one application. So, Ms. Brunner said it would be cost-prohibitive to try to cover all costs with application fees and that was not the intent of this change. The goal was to help some.

Ms. Brunner also discussed something that had recently come to the Community Development Department's attention. She was unsure whether the Council wanted to consider it related to this Ordinance. Staff had started hearing from community members who were receiving their City

notices/communications just barely in time, which City staff found a little concerning. In the most recent instance, it was a first-class mailing, so it would not have had the same delaying effect (i.e., having to sign or go to the post office if you missed it), and staff verified that the letters were sent out a full 10 days before the hearing.

Ms. Brunner stated some potential things the Council could consider:

- Requiring on-site posting: It was required for some application types at this time, but not all. There were signs available in the Community Development Department for applicants to post on their properties to be visible to abutters.
- Given the number of renters in the community, who rely on the property owners to communicate information back to them, the City could just require direct mailing to the actual residents of the abutting properties. That was not in this Ordinance and would be a change from the current practice. However, in the time since introducing this Ordinance, staff started to hear of these issues and wanted to bring them to the Committee's attention.

Chair Bosley recalled a recent PB-PLD Committee meeting, when members of the public expressed that they did not have time to prepare or arrange to be there. She said she did not have any problems with the proposed changes. She had noticed the inconsistencies in the fee schedules, so she was happy to see the change. Chair Bosley would have preferred a redlined table to see the old fees next to the new fees and ensure the charges were high enough. Ms. Fortson clarified that the Chapter 100 section of Appendix B, where all of the Land Development Code fees are outlined, was not actually structured as a table but as a list of fees. She said this was staff's attempt to provide some structure in the Land Development Code where there was none before.

Councilor Haas asked how Keene's fees compared to neighboring towns, specifically Swanzey. Ms. Forton was unsure staff had analyzed Swanzey in particular. She explained the analysis. The Historic District Commission adopted its fee schedule updates in August 2024, and the Planning Board and Zoning Board each adopted fee schedules in April 2024. Staff tried to look at municipalities that were similar sizes, and Ms. Fortson said Keene is quite large compared to Swanzey. However, the analysis did compare to Lebanon, for example, with a \$150 application fee. Keene's Zoning Board Variance Application fee at this time was \$100, whereas in larger municipalities like Manchester or Nashua it was \$900 for a single application (not including the legal ad fee or the cost of noticing abutters). Ms. Fortson said the analysis showed Keene's costs were very low compared to municipalities of comparable sizes.

Vice Chair Jones asked staff to include this narrative in the September 18 Council packet, because he thought it would help the other Councilors. Vice Chair Jones called all of these "user fees" and asked if they would go back to the Fourth Floor (i.e., Community Development Department). City Manager Elizabeth Ferland said the funds would return to the General Fund Balance.

Councilor Williams was alarmed by Ms. Brunner's comments on the U.S. Postal Service. The Councilor wondered if the Postal Service was not as reliable as it used to be. A Keene resident just told him they had not received their mail in three days. So, Councilor Williams thought this

was a problem the City would be facing moving forward and he was worried about the effects. Though not the topic at hand, Chair Bosley agreed that at times, days had gone by at her office without a Postal person coming.

Councilor Haas asked staff to provide City Council with a redlined version of the fees to help visualize the changes. Ms. Brunner explained that they did not because they essentially struck the entire redlined section and added a new one; they did not want it to be confusing due to the formatting in Word. Staff agreed to produce a new, compromised redline copy for the Council with only the fees redlined to show the old vs. proposed new fees next to each other.

There were no public comments.

The following motion by Councilor Haas was duly seconded by Vice Chair Jones.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-25.

10) Relating to Land Development Code Application Procedures Ordinance O-2025-26

Chair Bosley welcomed Senior Planner Mari Brunner and Planner Megan Fortson. Ms. Fortson said the proposed Ordinance O-2025-26 was a companion Ordinance to O-2025-25. All the fees that were added or modified in O-2025-25 are interconnected to this section of the Land Development Code. She said staff proposed amending sections of Land Development Code Article 26, which outlines all of the application procedures for the City's land use applications. The most significant changes were proposed to two tables at the beginning of Article 26.

- Table 26-1: Outlines the various application types and the authority responsible for reviewing applications. Changes proposed:
 - Updated some sections to align with Planning Board regulations. For example, Earth Excavation regulations were not listed under the purview of the Planning Board and that was corrected with this change.
 - Added new Zoning Application types because the City started offering a Floodplain Variance option and a written interpretation for the Zoning Administrator.
 - Consolidated the list of Conditional Use Permits, adding the additional Earth Excavation Permit Application types.
 - Added additional permit types for Street Access Permit Applications, which are basically driveways.
 - Added a new application type called Change of Governmental Land Use to be used by the Public Works Department when there is a City Project and they need a lay down area for construction materials (e.g., during the Island Street project, the Department used Eversource land for materials). This process would require review and comment by the Planning Board. With this change, staff proposed a formal Procedure section in Article 26, outlining that process.

- Table 26-2: Outlines the legal and mail public notice requirements for each application type. Details in the table include requirements for posting onsite, notice type, and number of days prior to a meeting. Changes proposed:
 - Submittal Requirements: Several of the existing sections required providing application fees as set forth in Appendix B of the City Code of Ordinances and Certified Mailing. Staff proposed to strike “Certified Mailing” and replace it with “mailed notice.” So, should the method of mailed notice need to change, it can be changed in Appendix B of City Code, without having to alter all other sections of the Land Development Code.

Chair Bosley pointed out bullet size inconsistency in the Land Development Code mockup pages for staff to rectify.

Councilor Haas referred to Table 26-2 on page 79 of the meeting packet, stating it was a great presentation of the table and explanation of the revisions. He pointed out something that bothered him under Floodplain Development, noting the decision was left to the Floodplain Administrator, which struck Councilor Haas as a more serious decision to place on any one person. He thought it would be appropriate for Floodplain Development to also be reviewed by the City Engineer and then either this PLD Committee or the City Council. Any time Councilor Haas saw a single point of approval it troubled him, unless there was a legislative reason for the decision. He asked if others had thoughts. Floodplain Administrator Mike Hagan was not present, but Ms. Brunner explained that Mr. Hagan is a Certified Floodplain Manager, which required extensive training. He had received the Keene Floodplain Manager certification within the prior few years but had been doing it for a long time. Ms. Brunner said Floodplain Development is a technical review, and she thought there was a relief process through the Zoning Board of Adjustment if an applicant were to have any issues or want to seek relief from the regulations. Ms. Brunner did not think the Floodplain Development process would make sense going to City Council; she called it a pure math exercise. Councilor Haas asked how the City could build in another layer of review on something as serious as making judgements on Floodplain Development, stating any approval by a single point is fragile. Ms. Fortson provided the example of the U-Haul facility on Winchester Street that had an extensive Floodplain Review process, including actual amendments through the Federal Emergency Management Agency (FEMA). She said before any applicant or developer can get a Building Permit, they have to go through the Floodplain Development Permit, which requires submitting materials prepared by a licensed engineer in the State of New Hampshire. So, Ms. Fortson said someone else in the process would provide that background. She added that Mr. Hagan would not only review the Floodplain Development Permit, but also the Building Permit Application, so there is a thorough analysis. Ms. Fortson stated that people put their professional licenses on the line when this information is submitted to certify the accuracy of the materials. Councilor Haas was accepting that there were good controls in place but would always be on alert for single points of approval.

The following motion by Councilor Williams was duly seconded by Vice Chair Jones.

On a vote of 4 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-26.

11) Adjournment

There being no further business, Chair Bosley adjourned the meeting at 8:46 PM.

Respectfully submitted by,
Katryna Kibler, Minute Taker

Edits submitted by,
Terri Hood, City Clerk and Kathleen Richards, Deputy City Clerk