



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

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- October 16, 2025 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Presentation of Retirement Resolution - Christopher L. Simonds
2. Public Hearing - Ordinance O-2025-29 Relating to Cross-Site Access Exception from the Parking Lot Pavement Setback

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation - Congregate Living and Social Services Licensing Board

C. COMMUNICATIONS

1. Councilor Greenwald - Potential Conflict of Interest - Ordinance O-2025-29
2. Mike Pappas - Petition - Magnolia Way Residents - Request for Discontinuance and Removal of Sidewalk on Northerly Side of Magnolia Way
3. Frederick B. Parsells - Local Police Department Response to Motor Vehicle Incidents on State Maintained Class I and II Roads

D. REPORTS - COUNCIL COMMITTEES

1. Sale of City Property - 100 Church Street
2. Downtown Infrastructure Project Update

3. Execution of an Agreement to attach City Lighting to Private Property
4. Acceptance of FAA AIP Grant Funding for Airport Perimeter Fence Project
5. 2025 Homeland Security Grant Program - Local Hazmat Training Award
6. Relating to the Acceptance of Donations for the Goose Pond Pedestrian Bridge Project (65M0012C)
7. Relating to the Execution of an agreement for Engineering Services With Weston & Sampson for the Design of the Court Street Water Main Replacement Project (34MI0226)
8. Relating to the Execution of an agreement for Engineering Services With Fuss & O'Neil for the Design of the Court Street Culvert Replacement Project (75M00626)
9. Agreement for Engineering Services During Construction (CE) With Greenman Pedersen Inc (GPI) for the Construction Phase of the Downtown Infrastructure Improvements Project
10. Relating to the Execution of an Agreement for "Engineer of Record" services with McFarland Johnson for the George Street Bridge replacement Project (75M020A)
11. Relating to Approval of Designation as Sole Source Contractor of Record - Minkland, LLC (C.M. Minkler)
12. Authorization to borrow NHDES CWSRF loan funds for the replacement of two existing galvanized water services in accordance with EPA Lead and Copper Rule mandates
13. Relating to the reallocation of NHDES CWSRF loan funds from the Sewer Main Lining Program (32MI04) to the Sewer Manhole Lining Program (32MI06)
14. Subordination Agreement - 310 Marlboro Street

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donations - Finance Director
2. Canvass of Municipal General Election Results - City Clerk

G. REPORTS - BOARDS AND COMMISSIONS

1. O-2025-28-A Relating to Zone Change for Five Properties on Pearl Street & Winchester Street - Joint Planning Board/PLD Committee
2. O-2025-34-A: Relating to Zone Change for Six Properties on Maple Ave & Route 12 - Joint Planning Board/PLD Committee

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Class Allocation
Ordinance O-2025-32

J. ORDINANCES FOR SECOND READING

1. Relating to Rules for the Operation of Bicycles
Ordinance O-2025-33-B

K. RESOLUTIONS

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, October 16, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:01 PM. Roll called: Laura E. Tobin (arrived at 7:14 PM), Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison (departed at 8:30 PM), Kris E. Roberts, Jacob R. Favolise (arrived at 7:10 PM), Bryan J. Lake, Catherine I. Workman (arrived at 7:12 PM), Bettina A. Chadbourne, Thomas F. Powers, and Mitchell H. Greenwald were present. Kate M. Bosley was absent. Councilor Roberts led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to adopt the October 2, 2025, meeting minutes as presented was duly seconded by Councilor Filiault.

Councilor Filiault noted that at the previous two Council meetings, there were motions referring items back to Standing Committees made as amendments to the Committee reports. He pointed out that per the Council's Rules of Order, those motions should not be amendments, but positive votes to refer the reports to the Committee. Mayor Kahn said it was duly noted for future reference. Councilor Remy said that the phrasing of the motion as an amendment to refer the Sale of City Property – 100 Church Street back to the Municipal Services, Facilities and Infrastructure Committee on October 2, 2025, was why he had voted in opposition.

The motion to adopt the October 2, 2025 meeting minutes as presented carried unanimously with 11 Councilors present and voting in favor. Councilors Bosley, Tobin, Favolise, and Workman were absent.

ANNOUNCEMENTS

Mayor Kahn noted that Councilor Bosley was absent because she was being honored at the Extraordinary Women Awards, which recognizes individuals who inspire through leadership, compassion, innovation, and a deep dedication to others.

Mayor Kahn led the Council in honoring Councilors Bosley and Madison, who celebrated birthdays in October.

Next, Mayor Kahn reminded the community about the Municipal General Election scheduled for November 4, 2025. The polls will be open from 8:00 AM to 7:00 PM. Please direct any questions regarding election and voting to the City Clerk's Office.

The Mayor shared a reminder of the Keene Pumpkin Festival on October 18 in Downtown Keene, with the children's costume parade at 2:00 PM. He noted that there would be a fundraiser selling sausages for Keene's Einbeck Partner City exchange, and he cited Councilor Madison's tagline of, "the best wurst sausages."

The Mayor also announced two Council Goals Workshops. The first is a Progress Update Regarding Current Goals on Monday, November 17, 2025 from 6:00 PM to 8:00 PM in Cohen Hall. The second workshop is on Monday, December 1, 2025 at 6:00 PM in Cohen Hall

regarding amendments and additions to Council Goals. The Municipal Services, Facilities and Infrastructure Committee meeting on Wednesday, November 25, 2025 has been moved to Tuesday, November 24 at 6:00 PM for the Thanksgiving Holiday.

Mayor Kahn said there would be a ribbon cutting ceremony for an installation of public art in Ashuelot River Park on Sunday, October 26, 2025, at 2:00 PM. Councilor's received a communication from the sponsor of that request to the City, Rick MacMillan.

The Mayor also announced the Friends of the Keene Public Library's Annual Fall Book Sale at Heberton Hall on October 24 to 26, 2025.

PROCLAMATION - TRICK-OR-TREAT

Mayor Kahn welcomed children Annaliese and Cora (with their parent, Senior Planner Mari Brunner), and Paige (with her parent, Planner Megan Fortson) to receive a Proclamation declaring Friday, October 31, 2025 as Trick-or-Treat Day in Keene. The Mayor asked Keene parents and children to cooperate in limiting Trick-or-Treat time to between 5:30 PM and 7:30 PM. He also asked parents and other responsible adults to accompany their young children. He further requested that households indicate their willingness to welcome children by keeping their porch or exterior lights on, so that Trick-or-Treaters call on those that are lit. Finally, Mayor Kahn encouraged the cooperation of all the citizens of Keene to make this a happy and safe occasion for the children.

PROCLAMATION - CELEBRATING 23 YEARS - EINBECK PARTNERSHIP

Mayor Kahn welcomed Petra Bohnsack and Gerhard Specht. The Mayor said this moment was one year in the making with Keene's Partner City Committee, Chaired by John Mitchell and staffed by Will Schoefmann and Nicole Howe. Mayor Kahn said they all worked for one year to prepare for this Partner City visit of 16 representatives from the Einbeck City Delegation, with two other delegations in Keene at the same time: 10 guests from Einbeck participating in MC² and a choral exchange of 29 singers performing on October 19 at the Redfern Arts Center at Keene State College. During summer 2025, there was also an exchange of a dance troupe that took 16 Keene High School students to Einbeck, led by Kristen Leach. Mayor Kahn noted that during this current visit, the 55 guests were hosted by local families, whom he thanked. He said it had really developed into a very fine exchange and partnership between the two cities.

Mayor read into the record and presented Ms. Bohnsack and Mr. Specht with a copy of a Proclamation declaring the enduring value of the Partner City relations between Keene, NH, and Einbeck, Germany. The Mayor urged all Keene residents to recognize the importance of these international bonds and to celebrate the 23rd anniversary of this official partnership and the commitment to continue these valuable exchanges in the future. He thanked Ms. Bohnsack and Mr. Specht for representing Einbeck.

Ms. Bohnsack thanked Mayor Kahn for the warm welcome on behalf of the citizens, City Council, administration, and City of Einbeck, Germany. Ms. Bohnsack noted the importance of having friendships even over the oceans to have peace in the world; if you know each other, then

it is much easier to understand each other. She said this friendship is really something special. Ms. Bohnsack thanked Mayor Kahn for the invitation to stay in Keene and invited members of the City to Einbeck in 2026. Mr. Specht said that Ms. Bohnsack, Vice Mayor of Einbeck, was the official representative. Still, Mr. Specht thanked the Mayor and said this was special to him because he had history in Keene more than 10 years prior, when he worked at Schleicher and Schuell on Optical Avenue that was sold. So, he said this visit was coming back to a place he recognized, although some things had changed, like the Colony Mill. He called it a great honor and pleasure to be here again, meet new people, and find new friends. Mr. Specht looked forward to hosting familiar and new Keene visitors in Einbeck in 2026 for Eulenfest, celebrating the city's beer brewing tradition dating to the 1800s.

PROCLAMATION - MONADNOCK PEER SUPPORT 30TH ANNIVERSARY

Mayor Kahn welcomed Monadnock Peer Support's Director of Mission Impact Melissa Callender and Interim Executive Director, Sheriff Eli Rivera. The Mayor read into the record and presented Ms. Callender and Mr. Rivera with a Proclamation, congratulating Monadnock Peer Support on their 30th anniversary and urging all residents to recognize and celebrate their profound commitment and contributions to the mental health and well-being of the community.

Ms. Callender thanked the Mayor and noted that even though Monadnock Peer Support had been in Keene for 30 years, some people were just learning about them. She encouraged everyone to look into their free services that are vital to the community. She welcomed anyone to Monadnock Peer Support's Annual Meeting on Thursday, October 23, 2025 at Delegation Hall. Ms. Callender said Monadnock Peer Support was very thankful for this Proclamation.

PUBLIC HEARING - PROHIBITING THE OPERATION OF KENO - MUNICIPAL GENERAL BALLOT QUESTION

Mayor Kahn opened the Public Hearing at 7:27 PM and the City Clerk read the notice of hearing.

The Mayor requested an overview from the City Attorney, Amanda Palmeira. The City Attorney explained that this topic was first raised to the City Council via communication from Councilor Jacob Favolise on June 19, 2025. The matter was referred to the Finance, Organization and Personnel (FOP) Committee. The issue raised to the City Council via that communication was whether to add a question to the Municipal General Election ballot about prohibiting Keno in the City. On August 28, 2025, Councilor Favolise's letter to the Council was discussed by FOP, which also heard from City Clerk Terri Hood, who provided some history on the question of Keno in the City. On September 4, 2025, the City Council voted to carry out the intent of the FOP Committee and to place the Keno question on the ballot, as well as to schedule this Public Hearing. This Public Hearing was a requirement of the New Hampshire statute. The requirement for this hearing came from RSA 287-D:32. The question that would be on the ballot was: "Shall we prohibit the operation of Keno games within the City?" The City Attorney said this hearing was not intended for deliberations by the City Council on that question; the question was already on the ballot. This hearing was required by the statute in anticipation of voters deciding the question through their ballots. The hearing offers the forum to provide education and notice of the question on the ballot. The City Attorney noted that after this hearing, there would not be a

referral to Committee or further action by the City Council. The next and final step would be the ballot box with the voters.

Mayor Kahn recalled that this question had been posed to the voters of Keene twice before. He said the reason Keno was not effective in Keene yet was because both those times it was defeated by public ballot. This time, he said there was a change in statute so that it would be legal in the City unless the City votes to prohibit the operation of Keno.

Mayor Kahn welcomed Executive Director of the New Hampshire Lottery Commission, Charlie McIntyre, for a presentation. Mr. McIntyre said the Lottery Commission's job is threefold: (1) Raise money for education, of which Keene gets about \$3.5 million per year of Adequacy Grants from the New Hampshire Lottery revenues for the Education Trust Fund. In 2024, New Hampshire Lottery generated \$207 million for the citizens of New Hampshire, up from \$62 million when Mr. McIntyre began, which does not reflect in his salary. (2) Provide something fun to do. Mr. McIntyre said he spoke as a person who actually walks into casinos—not the ones he regulates, but ones in other states and those in virtually every other country on the planet. (3) Support local businesses. Mr. McIntyre cited 1,500 New Hampshire Lottery retailers across the state, all of whom derive some or significant amounts of money from sale of what the Lottery provides.

Mr. McIntyre explained Keno 603 as a rapid-draw numbers game, where out of 80 numbers, you pick up to 12; he said most people pick three or four because it is most likely to win. Most of the prizes are below \$500, so they are not taxed by the IRS. Twenty winning numbers are drawn every five minutes, from 11:05 AM to 1:00 AM. Purchases are made from the bar, so Mr. McIntyre hoped bartenders would benefit from tips. He said this is the only Lottery game specific to New Hampshire. To play Keno, customers use a big, orange self-service terminal, which means the bartender only has to pay off winning tickets and hopefully receive tips. At this time, Mr. McIntyre reported that Keno 603 was effective in 95 New Hampshire communities (65% of the state). He cited large northern parts of the state without any retailers and larger communities like Keene, Portsmouth, and Concord. Mr. McIntyre said Keno had expanded somewhat, so play slips could now be sold in community stores without the monitors in towns that have approved it. He added that in 2023, the state removed the \$550 Keno licensing fee.

Next, Mr. McIntyre described the Keno commissions by fiscal year, with retailers earning over \$60 million. He said more importantly, a survey through the University of New Hampshire showed that more than 75% of Keno retailers reported business increasing dramatically when they added it as a part of their sales. Mr. McIntyre also discussed the benefits of Keno for retailers, such as increased foot traffic and people staying longer in businesses. As former law enforcement, he said the concerns about criminal behavior related to Keno had not borne out over the previous few years. Mr. McIntyre also presented benefits for municipalities, such as supporting businesses in the community. He stated that many taverns and bars across Keene's borders would not want the City to adopt this because it would detract from their foot traffic. Mr. McIntyre concluded that the biggest Keno retailer at this time was on the southern border of Concord and people would travel to that location, stating retail behavior does not know geography.

Councilor Jones asked about the wording that would be on the ballot, questioning why it asked the voters whether to “prohibit” Keno, meaning they must vote “No” if they are in favor of having it in Keene. Mr. McIntyre said that that Bill was not something the New Hampshire Lottery Commission submitted, but the legislature made that decision. He thought the question was meant to make it affirmative. He recalled visiting Keene twice before (once he sent a representative) when the voters considered this question. Councilor Jones said he thought it sounded confusing for the voters.

Mayor Kahn said the question on the ballot would be, “Shall we prohibit the operation of Keno...” If voters want to prohibit Keno operation in Keene, they vote “Yes,” and if they wish to allow Keno, they vote, “No.” Councilor Jones said that was his point.

Councilor Favolise wanted to clarify his understanding of how the State of New Hampshire allows a community to regulate Keno that might be different than other forms of gambling, such as a casino. As he understood it, the state law here was that grocery stores, convenience stores, bars, taverns, and anywhere with a specific kind of liquor license could offer Keno through their hours of operation, even if those hours of operation are 24/7. Mr. McIntyre replied in the affirmative. Councilor Favolise asked if there were any steps the City could take to regulate those hours of operation for Keno specifically, or would that involve zoning changes for the underlying type of establishment. Mr. McIntyre said yes, it would involve zoning changes for the underlying type of establishment. Councilor Favolise thought that it was an important difference to note between Keno and brick and mortar casinos, another form of gambling that he said cities maybe have a little bit more regulatory control over. Mr. McIntyre replied that when the state first passed Keno, it followed the model that was passed before the Lottery was established in 1964, when cities and towns could vote to prohibit it. Mr. McIntyre said approximately 20 of 200 towns voted against the model in 1965.

Mayor Kahn asked if any establishment with a Liquor License would be eligible for Keno. Mr. McIntyre said there is a distinction in that it has to be an active pouring Liquor License, and he thought there were approximately 50 in Keene. He said it would not be a convenience store selling a six pack of beer, for example. In New Hampshire’s history, approximately 25% of a jurisdiction’s bars and taverns typically took advantage of Keno; he said those establishments typically pour more beer and chardonnay. Mr. McIntyre noted convenience stores could sell the Keno play slips just like a Powerball ticket but there would not be playing terminals/monitors (i.e., take and walk away; no lingering).

Councilor Lake asked, if the City voted not to restrict Keno (i.e., allow it), could the Council pass zoning regulations to restrict where Keno could be allowed in the City or would it be up to the Lottery Commission. Mr. McIntyre was not aware of a municipality that had zoned for Keno and said that it would be an interpretation of the state law. He would need to confer on the question and recalled when he asked the Attorney General about municipalities’ interpretations/passage of zoning on travel gambling. To Councilor Lake’s point, Mr. McIntyre was unsure of the answer, noting there are no real zoning issues related to Keno because the cables and monitors are inside the buildings, which are not modified at all. Mayor Kahn asked whether, to Mr. McIntyre’s knowledge, anyone had ever denied its operation in any manner. Mr. McIntyre said no, if the City wanted to keep Keno downtown or in commercial areas, that it

certainly seemed reasonable, but a worry would be competing businesses having a benefit. He spoke from experience with the state's passage of sport's betting and the rule that there cannot be another sports betting location within 350 feet across state lines. In Portsmouth there were two sports bars, one within the zone and one just outside, so every patron started going to the bar with the betting; Mr. McIntyre said he never got more phone calls because of how much business the other sports bar lost, so they had to readjust that zone (half in New Hampshire and half in Maine on the Piscataqua River). Therefore, Mr. McIntyre thought zoning for Keno would be difficult but could certainly be considered. Councilor Lake said he would be interested in hearing from the City Attorney or Lottery Commission if they found out more about the City's ability to pass additional zoning regulations for Keno. Councilor Lake worried about the City being open to Keno and it going into any spot, noting the City just went through a lot of regulation for charitable gaming facilities. He said a fresh topic on the Council's mind was being able to contemplate where these things should and should not be in the City. The City Attorney said she would look into it because it would be something new to Keene, and she was very interested in the Attorney General's opinion. Mr. McIntyre said he also had a compliance officer, an exceptionally talented litigator lawyer, who he would ask to look into it.

Councilor Roberts referred to the PowerPoint that listed Keno 603 commissions by fiscal year; a lot of numbers that could be confusing. It said over \$59 million in Keno sales, \$4.7 million in commissions for retailers, and \$8,251 average in annual commissions per Keno retailer. Councilor Roberts said that would come out to approximately \$22.00 a day, leaving a remainder of \$54.3 million. He asked how much of that \$54.3 million goes back to players and what portion goes back to the Education Trust Fund. Mr. McIntyre thought Councilor Roberts was fundamentally asking about how much goes back to education, which is approximately \$0.19 on the dollar. He said Keno was passed as a full funding mechanism for kindergarten, with about \$10 million per year going back into the state Education Trust Fund. Mr. McIntyre did not believe the funds were restricted to kindergarten anymore, with all funds going back into the Education Trust Fund as a part of the education grants the state offers, which he has nothing to do with.

Mayor Kahn asked for the total dollar amount the City of Keene receives from the Education Trust Fund. Mr. McIntyre said it is a lot of revenue. In 2024, of the \$207 million New Hampshire Lottery revenue, he said based on Keene's approximately 23,000 population out of New Hampshire's 1.3 million, he estimated the City's Education Trust Fund portion at \$3.5 million. It varies by city and town. For instance, Wolfeboro receives nothing and other towns get more than Keene.

Councilor Roberts said that it equated to approximately \$8 per person for the State of New Hampshire going into the Education Trust Fund from the Lottery. Mr. McIntyre agreed but said there are far fewer than 1.3 million students. He added that \$59 million is total sales, noting the "churn" in the gambling process (i.e., maybe you win maybe you lose). Councilor Roberts wanted it to be clear that the numbers appeared confusing.

Councilor Williams asked if the standalone Keno machines accept credit cards. Mr. McIntyre said no, as a practical matter, there is no login. As a matter of conscience, he said the state does

not accept credit cards on any lottery platform or its DraftKings platform. He does not want people to play with money they do not have.

Mayor Kahn opened the floor to the public.

Dorrie Masten of Swanzey, owner of the Pour House downtown, knew this was going on the ballot regardless but wanted Councilors to hear a bar owner's side for when their constituents call and ask them questions. Ms. Masten said she was relatively sure most people know what she had been through with having a casino downtown. She felt she was pretty smacked around. She said Keno would be an opportunity for everyone downtown to, "get a small piece of the pie." Ms. Masten referred to the newly approved casino location in the City, stating that she was happy for the owners. She asked if the City would now get a piece of that casino's earnings. Mayor Kahn stated that the City would be eligible to apply for a limited license. Ms. Masten said that it does not mean the City will, but it is able to do it. She said the City could potentially get some portion of gambling revenues. So, Ms. Masten, thought the small business owners should also be allowed a portion. She referred to Mama McDonough's Irish Pub located in Swanzey, where on the weekends for brunch, a large portion of the community goes to have fun with friends and play games like Keno. Ms. Masten said she does not play but picks up her Megabucks ticket while there and that for a lot of Keene residents, the games are a huge draw; she sees her own customers there for the games. She said even if Keno was allowed in Keene, she did not foresee every bar in the City getting a machine. She anticipated Keno operating at the local pubs, not restaurants like The Stage. She said customers could also buy tickets at places like Cumberland Farms. Ms. Masten asked the Council to take all of that into consideration with "the big dig" facing downtown businessowners. She said this would be another chance for them to, "get a small piece of the pie." Ms. Masten called it a step that all these other communities were taking, and she thought it was time that Keene stopped sending its community out of town.

Peter Hansel of 61 Bradford Road asked for clarification about whether this was already on the ballot and the Council's responsibility at this point. Mayor Kahn replied that Keno would be legal in Keene if this did not go on the ballot, so in order to give the people of Keene a voice in that decision, the Council voted to place it on the ballot. The Mayor said Mr. Hansel's comments at this point would be best directed to the public at large. Mr. Hansel wanted to make a few remarks about the quality of the City, recalling the visitors from Keene's Partner City, Einbeck, Germany; he was a host. He had the privilege of visiting Einbeck in 2012, where a plaza was dedicated with Keene's name on it similar to Central Square. Mr. Hansel called it a great relationship. He also mentioned during the prior month: the Keene Pride Festival, International Festival, and Monadnock International Film Festival. He cited the recent Radically Rural about how to make rural communities better and more competitive with large urban environments. Annually over two to three days, the event draws participants from across the country (eight from Hawaii in 2025) to Keene to learn how to make their communities more successful on topics like journalism, arts, and the environment. In all the parts of Radically Rural Mr. Hansel attended, he had not heard anyone recommend gambling to make a community more competitive. He said he had been following the gambling issue in New Hampshire for approximately 20 years, when this type of gambling began, and a lot had changed in that time. Now, he noted the existence of online gambling from a computer, betting on every pitch thrown at in a baseball game, calling it ubiquitous. Mr. Hansel wanted to say that he did not think it

would be in Keene's culture to allow more gambling than what is already available to the community. He hoped the community would decide to say "No" to Keno.

Bridget Hansel of Bradford Road said through the years, the State of New Hampshire had tried to fund the state's budget first with liquor sales, then tobacco. As those sources were drying up, she said the state was looking for another unsustainable source in gambling. Ms. Hansel was concerned about the short-term fix for the state budget that would offer no clear long-term solutions. She was also concerned about the impacts of gambling and specifically Keno on the social fabric of the community. All types of gambling can be addictive, which Ms. Hansel did not hear Mr. McIntyre from the Liquor Commission address. However, Ms. Hansel said the specific nature of Keno gambling makes it especially addictive due to the instant gratification and fast pace of the game. She echoed that she was hosting visitors from Einbeck, Germany, which made her realize she was showing them a unique community full of arts, a diverse downtown, and a world class Public Library. As such, Ms. Hansel did not see gambling in Keene's future.

Jim Putnam of 168 Court Street, which is about 2.5 blocks from City Hall, also has an office in-between in the Central Business District that he walks to most days. He spends a lot of time downtown, where he enjoys walking and patronizing the businesses with his wife. He completely agreed with Mr. and Ms. Hansel. Mr. Putnam said we are fortunate this is a community that understands the downside of gambling, especially this kind of gambling. He said Keno is a form of gambling and it can lead to unhealthy, addictive behavior. Mr. Putnam said this community does not need Keno and Keene citizens had rejected Keno twice already in the past. He was confident, or certainly hoped, the voters would again.

Warren Steinberg of Concord Hill Drive said he researched Keene's Partner City Einbeck, Germany, which also has legal gambling, including something like Keno. He said Keno is not something only in large cities, but smaller cities were incorporating this as well. Mr. Steinberg noted someone mentioned a lot of online options available right now and said "we" get nothing from that. He said somebody can sit at home, gamble all they want, and feed their gambling addiction; if that is what people were worried about. He said people would find a way, stating there was already a legal casino in the City. Mr. Steinberg said Keno would be very different because it is not a casino, not online, and would not put money through some corporation in a random city. He said this would be for the local business owners of bars and taverns, as well as convenience stores, giving them an ability to generate additional income. Mr. Steinberg cited a lot of stores and businesses all along Main Street closing down and said they all said the same thing: they were just not making enough income. He understood that this might not be one of the ways for the state to make more money but said it would help the struggling small business owners. Mr. Steinberg also cited the upcoming "big dig" downtown that he said would be two years of business owners trying their hardest to stay alive and keep the downtown area going. He believed Keno would help those small business owners, even though it is a small percentage.

Ms. Masten wanted to ensure everyone noticed something from the public speakers' comments. She stated that casinos should not just be allowed when they benefit someone's family or family member, they should be allowed regardless of who you are, what your last name is, and what

property you own and or how long you have lived in Keene. Ms. Masten said anyone who is eligible for a casino, casino license, or gambling—everyone—should be included.

Hearing no further comments, Mayor Kahn closed the Public Hearing at 8:03 PM. There would not be an extension of the hearing for written comment. The question would be on the upcoming November 4, 2025 Municipal General ballot.

A true record, attest:


City Clerk

PUBLIC HEARING - ALLOWING THE OPERATION OF SOCIAL DISTRICTS - MUNICIPAL GENERAL BALLOT QUESTION

Mayor Kahn opened the Public Hearing at 8:04 PM and the City Clerk read the notice of hearing.

The Mayor requested an overview from the City Attorney, Amanda Palmeira. The City Attorney explained that this topic was first raised to City Council via communication from Councilor Remy on June 19, 2025, when it was referred to the Finance, Organization and Personnel (FOP) Committee. The issue raised to the City Council via that communication was whether to add the question to the Municipal General Election ballot about authorizing social districts in Keene as described in the newly created statute RSA 178:34. On September 25, 2025, the FOP Committee discussed Councilor Remy's letter and heard from the City Attorney about the various logistics incumbent on the City within a social district, as described in the statute. The FOP Committee recommended to place the question of whether to allow social districts within the City on the November 4, 2025 Municipal General Election ballot. The City Council voted on October 7, 2025 to carry out the intent of the FOP Committee, placing the question on the ballot and scheduling this Public Hearing as a requirement of the statute. This hearing was not intended to be deliberations by the City Council on the ballot question because the question, as read by the City Clerk, was already on the ballot regardless of what was discussed during this Hearing. Instead, this hearing was a requirement by the statute in anticipation of the voters deciding the question through their ballots. After this, the City Attorney noted that there would be no referral to Committee or further action by the City Council. The next and final step would be the voters at the polls on November 4.

Mayor Kahn said the City Clerk asked the New Hampshire Liquor Commission whether it would send a representative to address questions and comment at this evening's hearing. The Liquor Commission indicated it was not a part of this legislation and did not wish to be present.

Councilor Remy said that putting this on the ballot was basically to give the voters a chance to answer. He said it was a 14 to 1 vote, and he promised not all 14 of those Councilors who voted in favor of putting the question on the ballot were in favor of the idea of social districts in Keene; he said they thought the voters deserved the opportunity to weigh in on whether it should be allowed. Councilor Remy further explained that if the voters unanimously voted "Yes" on the ballot, social districts would not be immediately legal in Keene. It would still be up to the City Council to establish an ordinance that would control it, with boundaries, hours, etc. He said the

statute laid out what the City is allowed to rule on when and where; it would affect the license holders in that area in those license holders would have an opportunity to opt in and out; participation is not mandatory. Councilor Remy said there is a lot of flexibility in the statute and that the whole point was to put it on the ballot and if it passed, there would be significant deliberation by the City Council. If the City voted “No” unanimously on the ballot, it would not move forward. He said it has to go through a ballot process because Keene is a City without a town meeting process. Councilor Remy said that putting the question on the ballot this year provided flexibility to make a decision and let the public weigh in without having to wait another two years.

Councilor Favolise asked the City Attorney about the wording of this ballot question, noting that it was different than the Keno ballot question. Knowing both questions would be on the ballot at the same time, he wanted to have the opportunity to make a really clear distinction for the public. Councilor Favolise asked the City Attorney to confirm that for social districts, a “Yes” vote would actually mean “yes.” The City Attorney said that was correct, it would be a “Yes” vote on the question of, “Shall we allow the operation of social districts within the City of Keene?”

Councilor Greenwald said he thought social districts were the worst idea he heard in 30 plus years on City Council. He stated that he had some rhetorical questions: Does the state have any regulations on how social district should be employed? In answer he said no he does not believe they do. Does the City have any regulations on how they should be employed? Again, he said the answer is “no”. Do any cities in New Hampshire already have social districts? He said he was not aware of any. Councilor Greenwald said there are some things for which the City likes to be the pioneer, but this is not one of them. He added that he thought the ballot question was very confusing but appreciated that it was asked straightforward (yes is yes, no is no) compared to the Keno question, which he could see was manipulated to kind of fool the people. However, he said the general public really did not know all these questions he was asking and would be apt to just vote “Yes.” He agreed as Councilor Remy pointed out that if passed, there would be rules and regulations that would hopefully stick but having been around a little while and seeing how things go, Councilor Greenwald said this Council could be concerned but a future Council less so. He worried it could result in regulations that would lead to real damage. Councilor Greenwald said the City had gone a long way to control excessive alcohol use amongst the student population and if this was enacted, he thought it would target that population. He was very concerned, which was why he did not want to hear from the general public, who Councilor Greenwald did not think would be informed enough to really say “No” when they want “No.” In speaking with his fellow Councilors one-on-one, he knew they were not necessarily all vastly in favor of the concept but wanted to put it out to the public. Councilor Greenwald hoped others would speak and the public would listen. He stated that this would be a bad idea.

Councilor Jones said for clarity: if this were to pass on the ballot, it still would not happen unless the Council created ordinances. The Mayor said that was correct. Councilor Jones wanted that to be clear for the public. The Mayor added that if it did not pass on the ballot, there was nothing to prohibit another Councilor/Council from raising this again in two years and placing it on the ballot again because it is still state law to be able to create these districts once the question is approved. The Mayor said perhaps in two years other communities would have adopted these rules as some precedent and the City Council might have a different opinion.

Councilor Haas said what this does, in addition to the prior question, is tell the citizenry it is really important to come out and vote. He said let's have a great turnout at this otherwise quiet municipal election.

Councilor Williams said Keene has a lot of festivals that are a lot of fun and family friendly. He did not think the addition of more drunk people would benefit them. That was why Councilor Williams had opposed this.

City Clerk Terri Hood mentioned that she and the City Attorney talked about the two questions on the ballot, in terms of the phrasing and intent of each question, and the confusion that might cause. The City Attorney contacted the solicitor in Concord, where both questions would also be on the ballot at the same time. The Clerk's office reached out to the State of New Hampshire and the Secretary of State told the Clerk that as long as Keene's Charter does not oppose the City putting literature out for voters, that it is allowed; previously the City Clerk was under the impression it was not. She said there was some information staff would be sharing with voters on the website and at the polls on Election Day, explaining what a yes vote means or what a no vote means on both questions.

Mayor Kahn opened the floor to public comments.

Valerie Kost of 51 Railroad Street said as a resident downtown, she sees what happens downtown every day. She was concerned about the students and how the parents would feel sending their children to a town that would allow open drinking on the streets. She wanted everyone to consider the families who live in the area, who walk, who shop, who walk their dogs, who dine at restaurants, who bring their grandchildren and their children into town. Ms. Kost could understand drinking allowed associated with festivals and thought the drinking areas for Taste of Keene had been wonderful. She said she is a person who likes to put policy before a decision, and thought this question really needed a policy before a vote. Obviously, she said there would be a vote, but she wanted every Council member to think hard about what policies and ordinances they would put in place if this was voted for. She provided some examples: What were the hours be? Would it be within distance of a school or child walking home from school? Would it be during hours when parents are picking up their kids? Would it be late at night? Ms. Kost said there are a lot of policy decisions that would be required and cited the amount of associated effort needed, including educating the public. Ms. Kost was personally against this and said she thought policies and decisions should be made before an ordinance like this is put on the town.

Dorrie Masten of Swanzey and owner of the Pour House downtown wanted to speak from bartenders' conversations when this first went public. She cited the hypothetical of a member of the public coming into the Pour House and only having one drink after several drinks at another bar, then getting in their car and putting nips in a cup and walking down main street under a social districts ordinance, and then choosing to drive afterward and killing someone; Ms. Masten said the liability and punishment would be on the last bar that served that person, not the bar that served them the most. She called that very serious and said it puts everyone on Main Street in a tough spot. Ms. Masten believed the Council was also considering a nearby pocket park and said

the City did not have funds for Police or City staff to maintain the park as it is; she wondered what it would be like with broken liquor bottles and cups all over town. She said there were a lot of things to think about besides being a party town, people walking around with cups, and kids drinking. She said she did not know everything about the statute but that there were serious liability questions accompanying those issues, even for the City. Ms. Masten said it would actually be legal to sit in Central Square Park and get drunk whereas right now it would be disorderly conduct. She thought the same problems at the pocket park would start happening on Central Square. Ms. Masten encouraged the Council and community to consider all the different angles of this issue, the liabilities that small businesses could incur, and that somebody could really get hurt. Mayor Kahn said this discussion helped the Council recognize that the private business owners are responsible people who do a good job.

Councilor Remy clarified that this statute would not allow for “bring your own beer/booze” (BYOB) at all. Every drink that must be purchased from a licensee and it would be illegal to carry a cup from one licensee into another licensee’s establishment. He said it would also be very illegal, though not impossible, to fill a cup with unauthorized beverages; he said he would be no different than refilling a coffee cup from Cumberland Farms with alcohol and walking around with it, stating it would be harder to catch either way. Councilor Remy reiterated that BYOB would not be permitted. He continued explaining that the statute has really specific rules on certain things, like what the cups (non-glass, 16-oz maximum) must display in 12-point font: identify the licensee the drink was sold by, display the logo of the social district, “drink responsibly,” and “must be 21.” Patrons could only carry the cups back into the establishment they purchased the drink from originally. Councilor Remy said it would be a little different from what Ms. Masten described but he understood her concern.

Warren Steinberg of 36 Concord Hill Drive asked, if the constituents voted “No” at the polls this year, could the City Council still take the time to develop policies and procedures, so the City would be prepared two years from now if the question were to be placed on the ballot again and not in the same situation without any regulations ready. He said they heard about how many policies and regulations would have to be developed if this passed at the polls and said in two years the City would be at the mercy of whomever is on staff at the time without anything prepared in advance. The City Attorney replied that if residents were to vote “No” at the polls, the City Council would not have the legal authority to start developing rules for social districts. Mayor Kahn said that in two years, the question could come back, and perhaps other communities would have enacted the districts as examples.

Hearing no further comments, Mayor Kahn closed the Public Hearing at 8:25 PM. There would not be an extended period for written comment, and the question would appear on the November 4, 2025 Municipal Ballot.

A true record, attest:



City Clerk

CONFIRMATIONS- ENERGY & CLIMATE COMMITTEE, HUMAN RIGHTS COMMITTEE

Mayor Kahn nominated Matthew Boulton to serve as an alternate member of the Energy and Climate Committee, with a term to expire December 31, 2027. The Mayor also nominated Gregory Kleiner to serve as an alternate member of the Human Rights Committee, with a term to expire December 31, 2026. A motion by Councilor Greenwald to confirm the nominations was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

COMMUNICATION - ANDREW ORAM - RESIGNATION - CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD

The Mayor pulled forward on the agenda a communication was received from Andrew Oram, resigning from the Congregate Living and Social Services Licensing Board after serving as Chair for almost four years. A motion by Councilor Greenwald to accept the resignation with gratitude for service was duly seconded by Councilor Filiault. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Bosley was absent.

NOMINATIONS - CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD

Mayor Kahn nominated Robert Hamm to serve as a regular member of the Congregate Living and Social Services Licensing Board, with a term to expire December 31, 2027. The Mayor tabled the nomination until the next regular meeting.

COMMUNICATIONS - KEN KOST - IN OPPOSITION TO THE SALE OF 100 CHURCH STREET AND PROPOSING A COMMUNITY STEWARDSHIP PLAN; AND COUNCILOR WILLIAMS - IN OPPOSITION TO THE SALE OF 100 CHURCH STREET AND PROPOSING A REDESIGN OF AREA

The first communication was received from Ken Kost, submitting a petition with 25 East Side residents' signatures stating they are against the sale of 100 Church Street and would like to preserve that space as a pocket park and a valuable neighborhood asset. They further explained their Community Stewardship Plan. A second communication was received from Councilor Robert Williams, submitting a letter related to 100 Church Street suggesting a redesign of the space that would incorporate elements to encourage the public's use of the space, improve visibility from the street and discourage poor behavior. Mayor Kahn filed the communications as informational.

Councilor Madison left the meeting.

PLD REPORT - KEENE SNO-RIDERS - REQUESTING PERMISSION TO RUN SNOWMOBILES IN THE RIGHT-OF-WAY ALONG KRIF ROAD FROM ASHUELOT RAIL TRAIL TO WINCHESTER STREET

A Planning, Licenses and Development Committee report was read, unanimously recommending the Keene SnoRiders be granted permission to use the following locations on City property for a snowmobile trail: the right-of-way along the north side of Krif Road from Krif Court to

Winchester Street; City property identified by tax map numbers: 115-023-000-000-000; 109-027-000-000-000; 204-001-000- 000-000; the crossing of Winchester Street at Krif Road; and the crossing of Production Avenue approximately 200 +/- feet south of NH Route 9. As well as access to the Class VI Portion of the Old Gilsum Road starting approximately one mile from the Gilsum Town Line and going north, (“Premises”) for the following purpose: for a snowmobile trail, and under the following conditions: Said use shall commence on December 15, 2025, and expire on March 30, 2026, and is subject to the following conditions: the signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as additionally insured. In addition, the Keene SnoRiders, Inc. will be responsible (including all associated costs) for furnishing, installing and maintaining of all signage/markings; which shall be furnished and installed in accordance with the Snowmobile Trail Standards published by NH Department of Business and Economic Affairs and the Manual for Uniform Traffic Control Devices (MUTCD); all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover; no structures, including but not limited to buildings, shelters, lights, displays, walls, etc. shall be permitted within the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the rightof- way of Krif Road; snow windows shall be groomed to provide adequate sight distances in conformance with AASHTO Standards and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off- highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that Keene SnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City rightof-way and property shall only be used when there is snow cover. All crossing of public right of ways shall be made and maintained as perpendicular with the right of way being crossed. A motion by Councilor Jones to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Bosley and Madison were absent.

PLD REPORT - THE PERCH - REQUEST FOR PERMISSION TO SERVE ALCOHOL - SIDEWALK CAFÉ

A Planning, Licenses and Development Committee report was read, unanimously recommending that The Perch 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 Jones to carry out the intent of the committee report was duly seconded by Councilor Williams. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Bosley and Madison were absent.

CITY MANAGER COMMENTS

The City Manager, Elizabeth Ferland, announced that the Keene Public Library launched a new online resource: Peterson’s Test and Career Prep, which helps students prepare for upcoming standardized tests, like the ACT, SAT, AP, CLEP, etc. Of particular interest for City staff,

Peterson's includes practice tests for the Police Officer Exam, Public Safety Dispatcher/911 Operator Exam, Police Sergeant, Lieutenant and Captain Promotion, Bookkeeping Practice Sets, Journeyman Plumber and Electrician Exam, Firefighter Exam, Commercial Driver's License Exam, Paramedic Exam, EMT Exam, Certified Information Systems Security Professional, Comp TIA A+ and Cybersecurity Awareness Training Course. Peterson's Test and Career Prep can be accessed from the [Library's Online Tools & Learning Resources](#).

The City Manager also shared an update on the Verizon Tower that would be installed soon on City property. City staff had been working with various stakeholders to finalize a lease agreement for construction of a Verizon cell tower on City-owned property along Arch Street. The City Council authorized the negotiation and execution of this agreement in April 2024. The current plan was to locate the tower on a wooded parcel owned by the City's Water Fund at 84 Arch Street. As part of the agreement, the City would install municipal emergency response equipment on the tower. The use of this space was being considered as partial compensation within the overall lease rate, which was not yet finalized. Placement of City equipment on the tower would enhance communications and address existing dead zones in adjacent areas, including coverage improvements at Keene High School and close proximity to Monadnock Market Place. The City Manager hoped to have the lease finalized in the next couple of months. Councilor Jones asked if that tower would be a 35-foot 5G tower. The City Manager said no, this would be a regular cell tower, not a 5G tower, but it could have 5G on it in the future. She said it would be 135 feet tall.

Councilor Remy asked if the petitioner from The Perch was effective to serve alcohol at their sidewalk café immediately based on the previous agenda item. The City Clerk said the petitioner would need to sign a new license agreement that incorporates the alcohol service, which the City Clerk's office could accommodate as soon as the next day.

Councilor Favolise recalled that the City applied for the Staffing for Adequate Fire and Emergency Response Grants (SAFER) Grant, and he asked for an update about the availability of that grant. The City Manager said the City should have known by now but because of the government shutdown, the City had not been notified. Some other communities were notified within a few days of the shutdown. The City Manager could not say for sure whether that meant the City was not awarded the grant.

REPORTS - RESIGNATIONS - RANDYN MARKELON - PLANNING BOARD; EMMA SIEMER - HUMAN RIGHTS COMMITTEE; AND KATHLEEN MALLOY - ZONING BOARD OF ADJUSTMENT

Mayor Kahn reminded everyone that with the new calendar year approaching, Councilors should refer anyone interested in serving on City boards and committees to the Mayor or City Manager.

The first memorandum was read from Planner Megan Fortson, recommending accepting Randyn Markelon's resignation from the Planning Board with gratitude for her three years of service. A second memorandum was read from Parks and Recreation Director Carrah Fisk-Hennessey, recommending accepting Emma Siemer's resignation from the Human Rights Committee with gratitude for her service. A third memorandum was read from Planner Evan Clements,

10/16/2025

recommending accepting Kathleen Malloy's resignation from the Zoning Board of Adjustment with gratitude. A motion by Councilor Greenwald to accept the resignations with gratitude for service was duly seconded by Councilor Tobin. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Bosley and Madison were absent.

MORE TIME - PLD REPORT - MARK REBILLARD - USE OF CITY PROPERTY - SERIES OF SMALL-SCALE DOWNTOWN FESTIVALS DURING DOWNTOWN CONSTRUCTION PROJECT

A Planning, Licenses and Development Committee report was read, unanimously recommending the Use of City Property – Series of Small-Scale Downtown Festivals During Downtown Construction Project to be put on more time to allow protocol meetings to occur. Mayor Kahn granted more time.

IN APPRECIATION OF CHRISTOPHER L. SIMONDS UPON HIS RETIREMENT - RESOLUTION R-2025-33

A memorandum was read from ACM/Human Resources Director Elizabeth Fox, recommending the adoption of R-2025-33 in Appreciation of Christopher L. Simonds Upon His Retirement (18 years with the Keene Police Department). A motion by Councilor Powers to adopt Resolution R-2025-33 was duly seconded by Councilor Greenwald. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Bosley and Madison were absent.

IN APPRECIATION OF TODD R. FARNSWORTH UPON HIS RETIREMENT - RESOLUTION R-2025-34

A memorandum was read from ACM/Human Resources Director Elizabeth Fox, recommending the adoption of R-2025-34 in Appreciation of Christopher L. Simonds Upon His Retirement (18 years with the Public Works Department). A motion by Councilor Powers to adopt Resolution R-2025-34 was duly seconded by Councilor Greenwald. The motion carried unanimously with 13 Councilors present and voting in favor. Councilors Bosley and Madison were absent.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 8:48 PM. The Mayor noted that following a five-minute break, the Council would meet with legal counsel for the purpose of receiving legal advice. This gathering does not constitute a public meeting under RSA 91-A:2, I.

A true record, attest: 
City Clerk



PUBLIC HEARING

Amendment to Land Development Code - **Cross Site Access and Parking Lot Pavement Setback**

Notice is hereby given that a public hearing will be held before the Keene City Council relative to **Ordinance O-2025-29 Relating to Cross Site Access Exception from the Parking Lot Pavement Setback**. Petitioner, City of Keene Community Development Department, proposes to amend Sec. 9.4.2.A of the LDC to create an exception to the parking lot pavement setback requirement to allow for cross site access drive aisles across property lines.

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

HEARING DATE: November 6, 2025

HEARING TIME: 7:00 pm

HEARING PLACE: Council Chambers, Keene City Hall

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

Attest:

City Clerk

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee

From: Evan J. Clements, AICP – Planner/Deputy Zoning Administrator

Date: August 29, 2025

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

Overview

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 nearby 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.

Background

Parking Lot Regulations Overview

The City of Keene Parking & Driveway Regulations is in Article 9 of the Land Development Code, which is part of the zoning regulations for the City. The purpose of these regulations is to:

“The intent of these parking and driveway standards is to address the following objectives.

- 1. Ensure the provision of on-site vehicle parking for individual sites that supports the needs of existing and future uses.*
- 2. Promote safe and efficient circulation of pedestrians, motorists, and bicyclists into, within, and out of parking areas.*
- 3. Allow flexibility in addressing vehicle parking, loading and access issues, recognizing that both too little and too much parking can create negative impacts.*
- 4. Ensure appropriate site location and design features that mitigate the impact of parking on other land uses and surrounding neighborhoods.*
- 5. Promote parking designs that minimize runoff and incorporate infiltration of stormwater into the ground.”*

This Article of the Land Development Code outlines on-site parking requirements based on use and zoning, driveway design standards for single and two-family properties, design standards for commercial parking lots, and design standards for parking structures. These sections contain dimensional requirements for parking spaces, drive aisles, locations for parking areas, surface material and grade requirements, landscaping, and setbacks.

Section 9.4 of this Article outlines all of the requirements for parking lots within the City. Subsection 9.4.2 outlines the dimensional and siting requirements for parking lots and includes setbacks, parking space dimensions and angulation, travel lane width, and location of the parking lot. Table 9-2 below lists the minimum required parking lot surface setback from property lines. The surface setback is dependent upon the size of the parking lot and the location of the property line closest to which it will be located.

Table 9-2: Travel & Parking Surface Setbacks

Parking Lot Size	Min Setback	
	Front	Side/Rear
≤10,000 sf	8 ft	8 ft
>10,000 to ≤30,000 sf	10 ft	8 ft
>30,000 sf to ≤2 acres	15 ft	10 ft
>2 acres	20 ft	15 ft

Fig 1: Table 9-2 from section 9.4 of the LDC.

This section states that aside from what is listed in Table 9-4, these setbacks are required for all uses besides single-family and two-family dwellings. Table 9-4 is specific to the City's Downtown Zoning Districts and are related to the Form Based Codes that the regulations for these districts are designed around. Based on Table 9-4, there is an allowance for pavement up to the property line and across it to create cross site access. Outside of the downtown districts, cross access between properties is prohibited due to the pavement setback requirements.

Type A Interior Lot & Type A and Type B Corner Lot Parking Location Diagram

Prohibited parking locations (as specified above) are depicted with a diagonal hatched pattern. Required perimeter landscape (Sec. 9.4.4) is shown in solid dark green. Permitted parking locations are depicted in light gray, subject to all other standards of this ordinance.

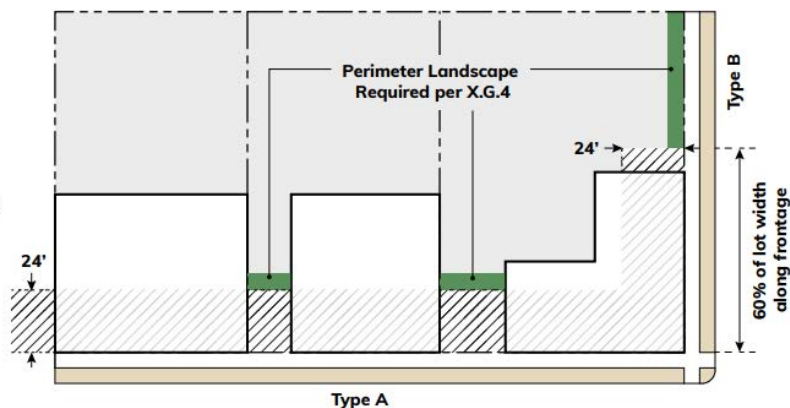


Fig 2: Example from part of Table 9-4 from section 9.4 of the LDC showing specific parking lot regulations for downtown districts.

Cross Site Access Overview

Cross Site Access is a form of Access Management, which is one of aspects of land use management and one of the Planning Board's Site Development Standards in Article 21 of the Land Development Code. Access Management involves the planning and coordination of the location, number, spacing, and design of access points from the public right-of-way onto adjacent property. This allows for efficient control of vehicle movements by reducing conflicts and maximizing the traffic capacity of roadways. Well-planned access management systems facilitate safe access to land along roadways while promoting and supporting an efficient street system and unified access and internal site circulation for development.

A Cross Site Access is the continuation of a parking lot drive aisle across a property line that allows vehicles to travel from one property to another without having to re-enter the street system. These connections can have a one- or two-way traffic flow. Examples of these connections currently exist throughout the City and are especially prevalent along the existing major commercial corridors, such as West St. The picture below is an example of a cross-site connection between the West Street Shopping Center and the adjacent property at 465 West St.



Fig 3: Ariel imagery of existing cross site access connections circled in red between the West St Shopping Center and 465 West St.

Discussion

This ordinance proposes to make an exception from the parking lot pavement setback requirement to allow for the creation of cross site access connections over property boundaries. The exception will codify an established traffic management technique that already exists in many built up commercial areas of the City. The proposal includes width requirements of the access point depending on one-way or two-way traffic, provisions for adequate sight lines, and other safety measures. The exception highlights the need for mutual access agreements between property owners, if ownership differs, and that planning review will be required prior to the establishment of a new cross site access point.

Currently, if a property owner wanted to create a cross-site access point, they would need to obtain a Variance from the Zoning Board of Adjustment from the parking lot pavement setback requirements. This traffic management tool is a technique that should be encouraged to reduce traffic pressure on roadways along the City's commercial corridors. Instead, it is currently prohibited and requires significant time and effort to receive approval. This Ordinance would not only allow this technique to be utilized by property owners, but provides a reasonable level of review to approve these connections.

Consistency with the Comprehensive Master Plan (CMP)

The 2010 Comprehensive Master Plan recognizes that, in order to promote a "Quality Built Environment," a complete transportation system with efficient transportation infrastructure is required. The plan articulates a variety of transportation strategies to improve efficiency and safety. The plan states that:

"The linkage between transportation systems and land use and development was a critical consideration in the development of transportation strategies. This linkage is crucial to planning and implementing a transportation system that efficiently and safely serves the region's wide range of activities and uses. The transportation system must adequately serve all areas within Keene, now and in the future."

This proposal furthers the goal of this section of the Master Plan by allowing vehicular traffic to navigate along developed commercial areas of the City in a controlled, safe way, that reduces traffic congestion on roadways. It also provides less hassle for customers who are visiting multiple locations without having to wait for traffic signals or make difficult turns when exiting one location to reach another plaza or business that is adjacent but inaccessible.

Recommendations:

If the Committee is inclined to approve this request, the following language is recommended for the motion for each board:

Planning Board Motion: *"To find proposed Ordinance, 0-2025-29, consistent with the 2010 Comprehensive Master Plan."*

Planning, License & Development Committee Motion: *"To recommend that the Mayor set a public hearing date."*



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



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: November 6, 2025
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Terri Hood, City Clerk
Subject: Confirmation - Congregate Living and Social Services Licensing Board

Council Action:

In City Council October 16, 2025.

Nomination tabled until the next regular meeting.

Recommendation:

Attachments:

None

Background:

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

Congregate Living and Social Services Licensing Board

Robert Hamm
Slot 1 - Regular Member
89 Valley Street

Term to expire Dec. 31, 2027



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: November 6, 2025
To: Mayor and Keene City Council
From: Councilor Mitchell Greenwald
Through: Terri Hood, City Clerk
Subject: Councilor Greenwald - Potential Conflict of Interest - Ordinance O-2025-29

Recommendation:

Attachments:

1. Councilor Greenwald Communication

Background:

Councilor Greenwald has put a potential Conflict of Interest on record relative to Ordinance O-2025-29, indicating it may apply to a property he owns at Mechanic and Pleasant Streets. He requests to be recused from the discussion and vote when the Ordinance comes before the City Council.

Mitchell Greenwald
Keene City Councilor, Ward 2

October 9, 2025

Re: Conflict of Interest

To: Mayor and Council

Ordinance 0-2025-29 may apply to a property that I own at Mechanic and Pleasant Streets, and thus I request to be recused from discussion and vote when it comes to City Council..

Thank you,

A handwritten signature in black ink, appearing to read 'M. Greenwald', with a stylized, flowing script.

Mitchell Greenwald



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: November 6, 2025

To: Mayor and Keene City Council

From: Mike Pappas
On Behalf of Magnolia Way Residents

Through: Terri Hood, City Clerk

Subject: **Mike Pappas - Petition - Magnolia Way Residents - Request for Discontinuance and Removal of Sidewalk on Northerly Side of Magnolia Way**

Recommendation:

Attachments:

1. Pappas_signed_Magnolia_sidewalk_and petition pages

Background:

Mike Pappas has submitted the attached communication, including a petition containing eight signatures from residents of Magnolia Way asking to discontinue and allow the removal of the sidewalk located on the northerly side of Magnolia Way, extending from Winchester Street to the fire hydrant located at the cul-de-sac of Magnolia Way. They are requesting a variance from Keene Land Use Ordinance Requirements, Section 23.3 requiring that sidewalks be installed with new road infrastructure construction. The petition indicates the sidewalk is not needed, and shortens many of the neighborhood driveways, such that larger parked vehicles extend into the sidewalk.

PAPPAS CONTRACTING

P.O. BOX 575
W. SWANZEY, N.H., 03469
CELL: 603-313-7107
EMAIL: pappascontracting@yahoo.com

November 5, 2025

Mayor Jay Kahn & Keene City Counsel
350 Marlboro Street
Keene, NH 03431

Re: *Elimination Of Sidewalk On Magnolia Way, Keene, NH*

Dear Mayor Kahn and City Counsel:

As we work on construction and interact with residents, it has become clear the residents of Magnolia Way wish to eliminate the existing sidewalk.

As such, I am enclosing a petition to permit the removal of the sidewalk signed by all owners of land on Magnolia Way.

Kindly advise what additional steps, if any, are necessary to initiate the approval process for this request. Thank you.

Should you have any questions or concerns, please do not hesitate to contact me.

Very Truly Yours,



Pappas Contracting, LLC

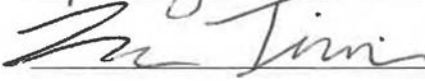
Encl.

PETITION RE: SIDEWALK ON MAGNOLIA WAY, KEENE, NH

We, the undersigned, being owners of the properties on Magnolia Way, in Keene, New Hampshire, hereby petition the City of Keene to discontinue and allow the removal of the sidewalk located on the northerly side of Magnolia Way, extending from Winchester Street to the fire hydrant located at the cul-de-sac of Magnolia Way. We are requesting a variance from Keene Land Use Ordinance Requirements, Section 23.3 requiring that sidewalks be installed with new road infrastructure construction. There is no need for this sidewalk, as it is rarely (if ever) used by pedestrians. There is little pedestrian traffic in the neighborhood. Additionally, the sidewalk shortens many of the neighborhood driveways, such that larger parked vehicles extend into the sidewalk. The undersigned owners believe that adding additional driveway length is more important to public health and safety than keeping the existing sidewalk.

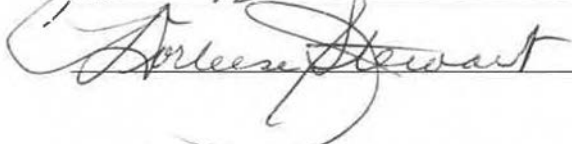
Becky & Lawrence Tinnin, #2 Magnolia Way

Dated: 10/30/25

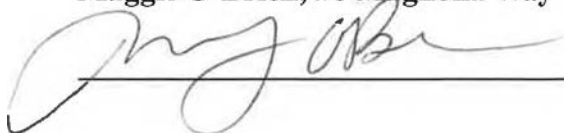
John & Dorleese Stewart, #4 Magnolia Way

Dated: 10-30-25

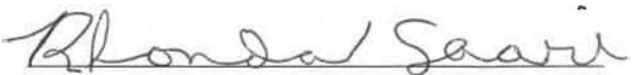
Maggie O'Brien, #6 Magnolia Way

Dated: 10/30/25



Rhonda Saari, #8 Magnolia Way

Dated: 10.30.25

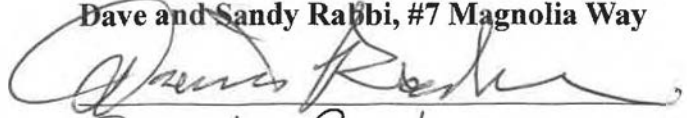


Ken & Nancy Castor, #10 Magnolia Way

Dated: 10-30-25



Dated: 10/30/25

^{Raabe}
Dave and Sandy Rabbi, #7 Magnolia Way

Sandy Raabe

Dated: 10.30.25

Glen & Pam Valentine #5 Magnolia Way


Pamela Valentine

Dated: _____

By: _____
Duly Authorized

Dave and Sandy Rabbi, #7 Magnolia Way

Dated: _____

Glen & Pam Valentine #5 Magnolia Way

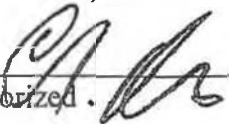
Dated: _____

Nuevo Transfers, #1 and #3

Dated: 10/30/25

By: _____

Duly Authorized .

A handwritten signature in dark ink, appearing to be 'P. B.', is written over the signature line and extends slightly into the 'Duly Authorized' text.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: November 6, 2025

To: Mayor and Keene City Council

From: Frederick B. Parsells

Through: Terri Hood, City Clerk

Subject: **Frederick B. Parsells - Local Police Department Response to Motor Vehicle Incidents on State Maintained Class I and II Roads**

Recommendation:

Attachments:

1. Communication_Parsells

Background:

Mr. Parsells is questioning why the Keene Police Department handles motor vehicle incidents on State-maintained class I and II roads in the City, indicating he believes it is the responsibility of the State Police under the Urban Compact Agreement. He is concerned that the City may be misinterpreting the agreement and is asking the City Council to review the issue. He would like to see the State assume responsibility, or that the City be reimbursed.

From: FredKaren Parsells <[REDACTED]>
Sent: Wednesday, October 15, 2025 11:48 AM
To: Terri Hood
Subject: Re: From Fred Parsells

Keene Mayor and City Council
3 Washington Street
Keene, New Hampshire 03431

Dear Mayor Kahn and Council:

Mine is a simple question but with perhaps a more complex answer.

I apologize in advance for being "wordy".

Before I go on, I want to acknowledge the possibility that I might be wrong about the matter I am going to address. I don't discount that possibility. If so, I trust that someone will make that clear to me. Also, if I am, I apologize to the City Manager for wasting her time. She has been very cooperative.

I have spoken with a few individuals about my concern and received mixed reactions. One challenged my mental health for being so bold as to challenge the State. Another encouraged me to push forward. A State Representative had no idea what I was talking about. An NHMA legal counsel offered Compact language which I believe affirms my belief. So, if I am wrong, please show me where.

As I read the Urban Compact Agreement, aside from the State roads Class I and II issue that I will address, I see no mention of local police responsibility or jurisdiction. The Compact language doesn't state that the Keene Police Department is responsible for handling motor vehicle matters on Class I or II State roads. What is set forth in the agreement is that the community (Keene) is responsible on Class IV State roads for maintenance and operation to include sidewalks and drainage. Ask yourself why the Keene Public Works Department doesn't plow snow on State roads such as Route 9, 101 and most of Routes 10 and 12.

Finally, nothing I have written below is intended to demean or challenge the integrity or job performance of the New Hampshire State Police as an organization or any Trooper of any rank. Quite the opposite. I worked for years with Troopers in the Keene area and always found them to be a "cut above". I do hope, if I am correct, that it will prompt the Keene City Council to address and resolve this matter. More importantly, I hope the State will accept its responsibility to Keene and other communities in a similar situation.

As it regards the Urban Compact Agreement to which the City has been a signatory for decades, it is my opinion that at some point in the past its legislative intent was misinterpreted.

Specifically, I wonder why State roads, which are designated as Class I, and as that fact pertains to the City, notably the police department, has the Keene Police Department become responsible for motor vehicle accident investigations and more on said class I State roads in Keene?

It is my opinion that what has been allowed for decades to become the norm, is not set forth in the language of the agreement.

According to Keene Public Works Director Lussier, the roads I am challenging are out of the scope and purview of the agreement. Director Lussier provided me with a chart indicating that:

Route 9

Route 10 North of Route 101

Route 12 North of Route 101

Route 101

are all Class I State roads. This doesn't even begin to address Class II State roads in Keene.

According to a communication from the New Hampshire Municipal Association to the City Manager, a portion of which I am copying below:

Good Morning Elizabeth:

Therefore, the Class IV highways in the City Keene enumerated in your email are city highways that would come under the primary jurisdiction of the Keene Police Department for all law enforcement purposes. It would not be possible for a town or city with urban compact Class IV highways to defer all enforcement to the state police. In order to change the existing Class IV highways back to Class I or Class II State Highways would require an amendment to RSA 229:5.

Stephen C. Buckley

Senior Legal Services Counsel

NH Municipal Association

Mr. Buckley suggests a need for an amendment to RSA 229:5 in order to change the current Class IV State roads in Keene to Class I or II. According to Mr. Lussier they are not designated as Class IV but are already Class I and II.

My concern as a taxpayer is that Keene taxpayers are paying for a service the State is legally obligated to provide.

I see two possible remedies. Either the State accepts its responsibility for motor vehicle matters occurring on the noted Class I roads, with assistance from the Keene Police

Department when required to secure the scene, attend to possible injured parties, stabilize traffic flow and standby until the State Police arrive to investigate, which is currently what happens in reverse when the State Police, infrequently at best, arrive at a motor vehicle incident before the Keene Police; or, the second remedy would be for the State to financially reimburse the City for services rendered. Some of you may remember when the City hosted the Keene District Court in this very room. The expenses incurred by the City and the service rendered were reimbursed. I see this as a similar matter. I agree that the State Police are understaffed. You are likely aware that even at full budgetary staffing levels, the Keene Police Department is also understaffed. The State has the ability to levy taxes and increase revenue in order to address its short-staffed agency, while Keene does not. Keene, through you and your efforts, can only hope to deliver adequate and quality services to its taxpayers while managing an ever more difficult budgetary process. Why should Keene continue to expend tax dollars when it is clearly the State's obligation? You are the minders of Keene's purse strings.

Of course there is a third option. You could ignore me and my concern and that of your constituents and allow the State to continue shifting its obligation onto the backs of Keene taxpayers. I hope not.

I respectfully request that this matter be referred to the MSFI Committee for further discussion.

Respectfully,

Frederick B. Parsells
11 McKinley Street
Ward 4
Keene

A handwritten signature in dark ink, appearing to read 'F. B. Parsells', with a stylized, flowing script.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: November 6, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Sale of City Property - 100 Church Street

Recommendation:

On a vote of 0-5, the Municipal Services, Facilities and Infrastructure Committee failed to recommend that the City Manager be authorized to all things necessary to negotiate and execute the sale of 100 Church St., Parcel 574-015.

Attachments:

None

Background:

Chair Greenwald asked to hear from the Public Works Director.

Public Works Director Don Lussier stated that to recap, this item first came to City staff's attention through a request from a neighboring property owner, related to activities happening on that City-owned parcel. He continued that during discussions with that property owner, the potential to sell the property to the abutter came up. Staff supported this idea and brought the question to the Finance, Organization, and Personnel (FOP) Committee to seek the City Manager's authority to negotiate and execute a purchase and sale agreement. On July 24, the FOP Committee voted to sell the property. The City Council deliberated on August 21, and ended up referring the matter to the MSFI Committee for further review. On September 3, the MSFI Committee discussed it and there was extensive public comment during that meeting. The MSFI Committee voted to sell the property. However, between September 3 and when the City Council picked it back up, there was additional public interest that resulted in the project getting sent back to the Committee for further discussion. The Committee took the matter up again on September 24, and again, after considerable public comment, voted to sell the parcel. When the item returned to the City Council on October 2, it was accompanied by two letters from property owners and a petition signed by 21 neighborhood residents, and a correspondence in support of selling the property. Once again, the City Council had lengthy discussion and sent the item back to the MSFI Committee for additional deliberation, and here they are tonight.

Mr. Lussier continued that they discussed at previous meetings that this property is not a park. Parks are designated by the City Council and listed in City Code. That designation comes with a certain

regulatory framework, in terms of prohibited activities and permitted activities. It addresses things like use of tobacco and use of alcohol. This parcel falls under the definition of “unimproved City land.” As such, it is designated as the Public Works Director’s responsibility, which is why he is here tonight talking with them, instead of Carrah Fisk-Hennessey, Parks and Recreation Director. Public Works’s management of these unimproved City properties is minimal. Staff will respond and clear illegal dumping that people report to them, and they will take care of a hazardous tree overhanging abutting property, but they are not actively managing these spaces for the public’s enjoyment. They are, by definition, unimproved. Many are land that was either acquired by tax deed because it was useless land or donated to the City as conservation land and it is just there to be preserved as undeveloped land.

Mr. Lussier continued that he mentioned the distinction between parks and unimproved land because over the past few months there have been a number of concept plans and proposals for improvement brought forward. Many of those ideas have merit, but they are outside the realm of unimproved City land. Implementing those ideas would be an implied acknowledgement that the City Council wants to convert this unimproved land to a City park and maintain it as such. He respectfully suggests that they have put the cart before the horse a little bit and have been asking the wrong question. The question now is not *“What should we do with this land?”* The first question the MSFI Committee needs to answer is, *“Is this a property the City Council wants to convert to a City park and manage as a City park?”* With that in mind, he prepared a graphic that shows the subject property, 100 Church St., which is about 5,375 square feet. Within a quarter mile radius are five City park areas. Railroad Square is about 24,000 square feet, which is about four times the size of 100 Church St., and about 1,000 feet walking distance away. The courts at Water St. have a different activity and user group, but that is about 14,000 square feet, about two and a half times the size. That is about 1,400 feet walking distance away. Russell Park is 7 acres, about a quarter mile away. Robin Hood Park is 117 acres, about three quarters of a mile walking distance from 100 Church St. The Church St. pocket park is comparable to 100 Church St., at 12,000 square feet, or about two times the size. It is only 1,200 feet away. Central Square and 92 Church St. are not public parks. Central Square is public right-of-way, so it is a little different from a regulatory perspective. 92 Church St. is part in the right-of-way and part unimproved City land, but he brings it up because it is across the street from the subject parcel and he thinks it would be a good candidate for the kind of volunteer improvements and neighborhood adoption that has come forward as one of the ideas. The neighborhood could become actively involved in planting flowers, maintaining that space, and that sort of thing.

Mr. Lussier continued that you can see there are many open space opportunities for public recreation outdoors within that neighborhood. The question comes down to whether this property is something the City Council wants to develop as a public park. He and Ms. Fisk-Hennessey have discussed this at length. They continue to believe that an improved public park at this location is not necessary, for the reasons he described. That said, if the City Council decides they do want an improved City park at this location, that is the first question to answer. If they come to that conclusion, the next step would be to put this into the CIP, and then through that normal process, go through a thorough public engagement, where everyone would get to weigh in on what amenities they want at the park and what kind of activities would be appropriate there, and then they would come up with a plan and fund the improvements through the CIP. He recommends that tonight they focus on the question of whether they want this to be a park or not. Everything else, such as the various plans for development, grant opportunities, public adoption of the public space, and more, could be discussed later, if this is a place the City Council wants to develop as a park.

Chair Greenwald thanked Mr. Lussier for focusing the conversation. He continued that the MSFI

Committee has had this discussion before, as Mr. Lussier said, and many of the discussions and arguments have already been heard. He thus requests that speakers limit their comments to one to two minutes. This is an open meeting and anyone can speak, certainly including those who wrote letters. The discussion is on whether the City should sell or retain the property. He does not want to hear about the fact that individuals have drug issues, or about homelessness, or the uses, because they are not going to cure society's issues here. They are just talking about whether to keep this little parcel of land. As Mr. Lussier said, if they do decide to retain it, City staff will work on a plan, be it to make it a City park or maybe just another piece of land with grass that gets mowed.

Chair Greenwald continued that they have talked about concerns for abutters' safety. He would put forth a thought – if the Committee decides to recommend retaining the parcel, the abutting property owners could put up a fence. He is not saying that would keep people out or whether it is a great idea, but it would be a way to assure safety. He does not want the City to get hooked into putting up cameras and trying to monitor it. All over the city, there are little pieces of land like this that are in the same situation, and they cannot ask the City to take on this responsibility. If the Committee decides to recommend selling the property to the abutters, they should consider that there have been no negotiations. The abutters do not know a sale price or terms and conditions. They might not want to purchase it when they find out those details. He is just throwing out thoughts that have come to him over the past month. If the City Council decides to retain the property, they could always change their mind in a year or so and look to sell, if it is not working. He personally is not advocating for retaining or selling this property, and he is not driving this discussion, just facilitating it.

Chair Greenwald asked for public comment, beginning with people who sent in communications.

Councilor Bobby Williams stated that he is here to ask that they retain this property. He continued that it surprised him to learn this is not a park, because it functions as one, and has for a long time. He thinks it is illustrative of the way things happen on the east side of Keene that this parcel was allowed to become “not a park” and just become the way it is. He thinks they can fix this. He submitted a vision of a possible redesign, with the intention of showing some ways to address the safety issues. The neighbors' safety concerns are valid. Fencing is one of the first things that could happen, and it does not necessarily have to be paid for by the City. Clearing out the vegetation, especially the invasive plants that block the view from the east side, would improve the lines of vision. Additionally, cutting down a portion of the berm would make it easier to see from the road. Putting a path from Church St. to Norway Ave. that goes through the park would drive foot traffic through the park, and as they say, the more eyes on the street, the safer a location is. Finally, he would love to find an activity that would bring people into and activate the space, like community gardening. If people were there doing positive things for the community, other people who engage in not-so-positive activities might move on. He understands that some people are already moving on to a private property on Church St. where several people have been doing the things they had been doing at 100 Church St. It shows that the City can push people out of 100 Church St., but they will wind up somewhere, so they should be thinking of a holistic solution. They can make 100 Church St. a gem for the community. Yes, there are other parks within a quarter mile, but this is the densest part of the city. There are no rail trails in Ward 2, so anytime you bike from Ward 2 into downtown, you end up biking past this. He thinks of it as a gateway to Ward 2, which is why it is important to him, even though it is just barely into Ward 1. It could be a valuable spot. He has spent time there, and it is a beautiful spot, and he would hate to lose it for the city.

Paul Rodenhauser of 24 Pearl St. stated that he thinks the City has made it clear that they want to sell the park. He continued that he thinks the plan that has been talked about and formulated should

be implemented on all these other designated parks within the city. The letter he submitted was lengthy, so he will not repeat himself.

Robin Kost of 51 Railroad St. stated that the new Master Plan designates the importance of keeping green spaces. She continued that this is the last small green space in the neighborhood. She will reiterate that the neighborhood has many elderly and disabled people. The park is already paved. The redesign is minimal. It is 5,000 square feet. Many people, including her landscape architect husband, have looked at different ways to update what exists that would have minimal cost and be easy to maintain. There are walkways, and seating areas that could be moved around. The park serves a purpose for the people in the neighborhood, such as herself, who are handicapped and use walking aids. Russell Park is too far, and the Church St. park has two benches and that is all, whereas 100 Church St. has trees, flowers, and proximity to 800 people within two blocks who cannot utilize the other parks. She thanks the Council and Committee for the time and effort they have put into this, and for respecting people's voices. This is something citizens are trying to keep. If the City sells it to the abutters, no one knows what they will do, as it will belong to them and they can develop it if they want to. Citizens would lose the space. She thanks the Committee for their interest and their patience and reminds them that with only a few weeks to put things together, the neighborhood created a lot of interest and support. The citizens need to be heard. Yes, the other parks exist. She lives right off of Railroad Square and does not consider it a park. It is a thoroughfare. The Master Plan says to keep the green spaces.

Ken Kost of 51 Railroad St. stated that he thanks the Committee for giving everyone more time to work on this. He continued that he also thanks the Public Works Director, who underscored a point he made earlier that in good urban design, a pocket park should be 300 to 400 feet away from population centers. This is in the right place. For the October 2 City Council meeting, he and others submitted a brief plan with 22 signatures committing to be stewards of the site. Most of those people are from east Keene. They submitted a more developed plan to the last City Council meeting with another 25 signatures from people who want to keep the space public. That is a lot of people, and they did not go door to door to know or have a signing campaign, they just talked to people. They got people to be interested in this at the East Keene Neighborhood meetings. If they need more signatures, he is sure they could get more, given that even with the limited time they had, they demonstrated that people would like to keep it open. The plan that they submitted now is a broader partnership between the east Keene residents and the City. They outline how residents will care for the park, including periodic pickup, which the abutting neighbors are fantastic with; walking by, driving by, and observing what is going on at various times of day; and encouraging low intensity uses. They are not talking about redesign, just talking about low intensity uses that could happen there, such as meet-ups, yoga, or tai chi. It would be especially great for people with mobility issues. It needs to be safe for the neighbors, which is how this whole thing started. The plan that they submitted asks the City Manager to investigate additional fencing, whether done by the owner or the City, motion lights, motion-activated cameras, and any signs that the City can post. The Keene Ordinance "Regulatory Authority on Unimproved Land," Chapter 58, article 4, section 58-68 says the City can put up certain signs, like no alcohol, no camping, and things like that, even though it is unimproved space. They included a sample signage request. If the City Council decides to retain the park, they will submit that to them.

Mr. Kost continued that in the letter, they also ask the City to look at transferring the parcel to the Parks & Recreation Department. His understanding is that they have the equipment to mow it and are already mowing it. If the Department controls the space, the biggest benefit is they can place signs saying the park is closed from dusk to dawn, to help control use. If the City decides to retain the parcel based on all of this, he and the letter-signers would like to get together with the City, the

people who live next to the park, and the broader east Keene community. He thinks that if they work together, they can come up with something that works for all that provides safety, makes the park available to everyone, and does all the things that they all would like to do, and everyone would be happy. He hopes they have a chance to make that happen.

Scott Olmstead of 54 Meetinghouse Rd. stated that he is a commercial tenant at 103 Roxbury St. on the second floor with windows that overlook Norway Ave. and windows that overlook the green space. He continued that he witnesses what is going on in the green space daily, including at 4:30 this afternoon. Every day, they see public urination, public defecation in the alley or at the dumpster right next to the green space. He knows it is probably up to the owner of the real estate to take care of that, because it is private property, but he hopes that if the City decides to retain the land and convert it to a park or whatever they turn it into, that they put public restrooms somewhere there or nearby. That would solve a lot of the problem. He sees other activities in the daylight hours but does not go there at night. He has a tremendous amount of sympathy for people who are homeless and donates to help homeless people. If the City retains the land, he asks that they put a public restroom there, even if it is a porta-potty, or something on the 92 Church St. side, so people can have a safe toilet to use and running water.

Jody Newell of 32 Leverett St. stated that the process is important to how this plays out. She continued that conversations were happening between the owners, the tenants, and City staff for quite a while, it seems, before the community was brought into the conversation. They have seen that since the community has been alerted to the possibility that this parcel would be sold, so many people have stepped up and want to help. Her question is about the property value. In 2024, it was assessed at \$59,800. For 2025, it is assessed at \$6,000. She is curious to know what the discrepancy was, what the difference was between 2024 and 2025 and how that plays into being willing to buy the property and what can happen with the property afterwards.

Chair Greenwald stated that he does not have an answer for how they came up with \$59,000 for that, but his experience in real estate tells him that that is not likely. He continued that if it were to be sold, it would be a negotiation, but the question tonight is whether the City Council wants to consider selling it.

City Manager Elizabeth Ferland stated that this question about the value has been asked a couple of times. She continued that Councilor Haas spoke to the City Assessor about this. The parcel was valued as a buildable parcel, which is why it had a higher value. It has been exempt from taxes for a long time, so it is not something that would have raised a red flag for them until this conversation started to happen. When it did, they corrected it, as an unbuildable lot.

Chair Greenwald stated that there is no assumption that if it is sold, there is any number specific that it is going to be.

Ms. Newell stated that she has a follow-up question. She asked, if the abutter were to purchase the property, if it would be possible to get a Variance to create one larger lot, and then it would be buildable from that point out. The City Manager replied potentially, but she does not know. She continued that she does not know what they plan to do with the lot. If they did do that, the City would tax it as a buildable lot.

Chair Greenwald stated that there is no guarantee or assumption what the use, if sold, would be. He continued that that is clear. As long as it is allowed by Zoning, even by Variance, anything could

happen. They could make it a water park, a parking lot, or a corn field.

Sarah Allen of 164 Roxbury St. stated that 10 plus years ago, her father lived in that little yellow house next to the pocket park, and for a short time, she lived there with him. She continued that he maintained the park for a while. His name was Jeffrey Allen, and he was known by many people in the community. He used to grow beautiful, tall sunflowers there, and there were always flowers in his owl statues there. After he passed away seven years ago, a group of people did a fundraiser and maintained the park for a good amount of time afterward, planting flowers and keeping the bushes nice, growing things that her father used to grow. She recently found out the City might be getting rid of the space, and that brought this back to her attention. That space holds a place in her heart. If she had the chance, she would actively, daily participate in maintaining the space. She would help build a fence and grow flowers again, if the City decides to keep the space. She understands and agrees that there are issues there, as she, too, sees the substance abuse happening in the park. She visited it from time to time, because it was her dad's park, climbing the tree there and thinking about him. She goes to take pictures of the owl statues that have been there since he passed and sees the smashed beer cans. She would love to change that. If it were legally turned into a park, with the rules and regulations that go with that, she likes the idea of fences and community gardening. If there were potentially a small fence or pathway, and a sign to prohibit substance use or a sign saying it was a community garden, that could help push the negative behaviors out. She would be an active part of it. If there were signs posted, it might make the space more family friendly. It would mean a lot to many people, and to her, personally. She hopes it can stay.

Chair Greenwald thanked Ms. Allen and stated that if the space is retained, they will look for her. He continued that they have her contact information. He asked if anyone else wished to speak. The Committee will make a decision tonight, because the abutters and the public need an answer, and the Council needs to move on to other things, because they have put a lot of time into this.

Councilor Favolise stated that even though this conversation over the months has felt a bit charged at times, and he felt like they were on different sides, he thinks there is an agreement that everyone wants this space to be safe and to be an asset. What that looks like or the path they take to get there might be a little different, but he feels agreement in the room tonight that the status quo here will not work, and something needs to be done. To that end, several communications the Council received in the past, and some speakers tonight have talked about how the people rallying to save this park and develop stewardship plans understand the concerns of the residents and the commercial tenants and are willing to work with those who have concerns. He wonders if the plans and petitions have been crafted with any input from the abutters, whether that is representatives or residential or commercial tenants. He does not know who from the public would want to answer, but his question is how the petitions the Committee has in front of them got there, and whether those conversations between the two groups have taken place already. He is not clear on that.

Chair Greenwald replied that he thinks the petitions just came to the Council. He continued that he does not fully understand Councilor Favolise's question. He asked him to clarify. Councilor Favolise stated that he hears that in the future, there is a willingness to talk with people who have concerns and work with the groups who have concerns, who were originally interested in purchasing this property. He continued that he wonders if the group that has those concerns, and the group that is submitting the petitions around management and stewardship of this, have gotten together outside of this Council space. Chair Greenwald replied that he does not know, but again, the focus is on whether the Committee wants to recommend selling the property or not, not on what happens if they do not sell. Councilor Favolise replied that he thinks the answer to his question would help inform his

decision.

Michele Chalice of 25 Beech St. stated that to Councilor Favolise's question, yes, there were two meetings held on site, one on a Saturday and one on a weekday evening, attended by members of the community as well as various other people. She continued that in this short period of time, no, there has not been an appropriate design process with adequate community involvement. However, what the Committee is seeing has not been developed in isolation.

Councilor Workman stated that she wants to thank the public for their ongoing patience with the Committee while they flesh out these discussions even more. She continued that in the beginning she favored the immediate sale of this property for many of the reasons Mr. Lussier outlined in the presentation. However, with more time, hearing from the public and reviewing the new Master Plan, which she helped develop, a couple of themes come to the forefront of her mind. The Master Plan's tenets include the creation of more third spaces and community nodes, and she thinks this spot is a perfect example of that. She does not see an immediate need to sell the property. It does not solve the homelessness problem. This is becoming indicative of a larger homelessness issue they have throughout the city. They could be reactive and just sell it, wanting to get rid of it and wipe their hands of this problem, but it would not really solve the problem. That is what she is concerned about. Just like with the decision about the airport road, she knows this matter went to the FOP Committee, but it was not until it came to the MSFI Committee that it really picked up traction from the community and the discussion started. A fellow Councilor refers to the MSFI Committee as "the people's committee," which is relevant when you see issues like this where it bounces from one committee to another. She thinks they owe it to the community, because there has been an outpouring of support and interest in designating this as a park, and a lot of confusion, not realizing it was not already a park. She urges her fellow Committee members to give this a little more time and see what the community can do. She thinks they should give everyone a chance to make something beautiful out of this.

Councilor Tobin stated that she wants to highlight that Mr. Lussier mentioned the CIP, which is a ten-year plan. She continued that just to be clear, if this were to be made a park, it would be added somewhere into the development process over the next ten years. It will not happen next month. This came to the Council as a safety concern for the residents, and she has not really heard anything that will address that soon. She understands that people have an attachment to this piece of land, and she thinks it looks beautiful. She thinks that right now, with it owned by the City and managed by Public Works, they are not able to keep those residents safe. One of the first things she brought up in one of the initial conversations is that this is surrounded by people who live in low-income housing and senior housing, and having certain behaviors there is particularly problematic because those are vulnerable people. Many of the plans are wonderful and she would love to see that energy focused on the property across the street. She hears the idea of the neighbors putting up a fence. She has gone there several times. Most often, the people she runs into are the people who live right next door. They are the ones really using and owning the space. One time, they saw her there and questioned her, wanting to see what she was up to, which she appreciated, as they are really monitoring the space. They are watching the space, picking up trash daily. She went to one of the meetings, and did not see any of those people there, but she knows the people who live there are focused on safety. They know their neighbors, greeting people by name. If the City were to retain this space and develop any plans, it would need to be converted to a park. It could not be managed by Public Works. She does not want to see it go to the bottom of the list, making these neighbors wait another eight or so years.

Councilor Filiault stated that Councilor Workman is correct, they have always considered the MSFI

Committee the committee of citizens. He continued that it is the committee where people are heard. That is why this issue is here. The FOP Committee's focus is different, based on dollars and cents, whereas the MSFI Committee deals with emotions a little more. What to do with 100 Church St. is front page news in the Keene Sentinel. This means the community is in good shape, if this is what they are talking about, considering what is going on in other communities. Many other communities would love to have this be their headline. First, he would point out that this conversation is a win-win. Both sides of the aisle want the same thing, a better outcome for this little piece of grass. This is not adversarial, with one side beating up the other side, this is just a case of people thinking they can do it a little better than the other people can, which is not a bad thing. Originally, he strongly favored selling the parcel, based on the issues that have been happening there, but that was before everyone had come together and put their heads together. Both sides say they can make this work and improve the situation. Until it went to the FOP Committee, they had not even been discussing this property. Most of the Keene population did not even know it was there. He is now changing his decision. He thinks they should allow the citizens an opportunity to improve this grassy area. It is not a park, it is a small green space the City owns, that maybe could be improved. He is leaning towards voting for the City to retain it for now. They would give the neighbors and east side residents a chance to put something together. They have, in a short amount of time. It is not completely solid, just little thoughts here and there, but he knows that it takes time. It would be nearly impossible for citizens to come together and develop a totally concrete plan in 30 or 45 days, because even the Council cannot always do that. Tonight, he will vote to retain the property for the time being, not necessarily permanently, and see if the neighbors can come up with viable solutions. The MSFI Committee could always look at it again in a few months if it is not working out.

Chair Greenwald stated that he has a procedural question for the City Attorney. He asked if the Committee would need to make a motion to recommend retaining the property, given that the City already owns it. He continued that he could see a motion to recommend executing the sale, but they like to have a positive motion coming out of Committee. City Attorney Amanda Palmeira replied that if staff's recommended motion was for the Committee to recommend authorizing the City Manager to sell the property, Chair Greenwald is looking for what they would positively recommend as the alternative. They could recommend instructing the City Manager to retain 100 Church St. for the time being.

Councilor Filiault stated that it is okay for the Committees to make recommendations on the fly, in their own words. He continued that they could say they do not recommend authorizing the City Manager to sell 100 Church St.

Councilor Tobin stated that they have spent a lot of time discussing housing and becoming a community that is focused on housing, and here they had a landlord who reached out to the Committee and said they were having an issue. She continued that she does not think they can become a housing- or developer-friendly community if they are not willing to support the property owners when they do develop. Chair Greenwald replied that he does not disagree, but he would note that if there was a situation with one of his properties and he was concerned about an activity or an individual, he would put up a fence or some means of dealing with it. He would not go to the City.

The following motion by Chair Greenwald was duly seconded by Vice Chair Filiault.

The Municipal Services, Facilities and Infrastructure Committee recommends the City Manager be authorized to all things necessary to negotiate and execute the sale of 100 Church St., Parcel 574-015.

Chair Greenwald stated that he recommends a negative vote, and he will explain such to the Council on Thursday. He asked for comment from the Committee or public.

Sarah Allen asked if she would be legally allowed to put a fence around the parcel or put up a sign. She asked if someone is allowed to personally do that, or if there is a committee she could seek permission from, if she or someone else wanted to take it upon themselves to try and make it a safer space. Chair Greenwald replied that he does not think she could put up a fence or signs on public land, but she could probably plant sunflowers if she would like. Ms. Allen replied that people have placed items there in honor of her dad. She asked if she could put up a sign on the tree, not something official. Chair Greenwald replied that the MSFI Committee cannot advise on that.

Ken Kost stated that he could not hear the motion. Chair Greenwald replied that the motion staff recommended to the Committee was to authorize the City Manager to "execute a sale." He continued that he thinks the Committee will not vote in favor of that.

Mr. Kost stated that he has a question about the CIP that Councilor Tobin mentioned. He continued that if there is interest in turning this into an official park managed by the Parks and Recreation Department, maybe it does not need a lot of money put into it, because it does not need to be developed more, just maintained. He asked if that would mean it would go to the end of the 10-year CIP list.

Chair Greenwald replied that it is not a rotating list, and it does not necessarily need to be a \$25,000+ project that waits for a period of time. He continued that the City Manager can meet with a group or individuals to work out something in the interim, and the interim can be a rather permanent solution. The City Manager replied that she heard Councilor Filiault say they would be keeping it for an interim period of time to see what happens. She continued that if that were the case, they would not be planning any substantial changes to the property and expending funds that they might then not benefit from, if later the Council decided to sell it. If the Council then comes back and tells her they would like to see it as a park, they would start the Ordinance process to change it over to a park, and then they would start the engagement with the community. She has seen groups come together in the past and raise funds for something they wanted to see happen, before it could make its turn in the CIP process.

The motion to recommend authorizing the City Manager to negotiate and execute a sale failed with a vote of 0-5.

Chair Greenwald stated that the failed motion means that the MSFI Committee recommends to the City Council that the City keep the piece of property. He commented that he thinks this is great public involvement in an issue and it makes him glad to be chairing the MSFI Committee.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: November 6, 2025

To: Mayor and Keene City Council

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

Through:

Subject: **Downtown Infrastructure Project Update**

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the report on the Downtown Infrastructure Project as informational.

Attachments:

None

Background:

Mr. Lussier stated that the first thing he wants to mention, regarding the Downtown Infrastructure Project, is that a while back, he had sent letters to all the property owners that have parcels abutting this project. He continued that the letter invited the property owners to get in touch with the Public Works Department to coordinate certain things that could happen on their property that are not public expenses and thus are not work that the City will do, but that the City could help facilitate and hopefully make a more uniform, seamless integration. Specifically, they mentioned accessibility improvements if a building's current entrance does not meet the ADA. The City could help facilitate that improvement. The City cannot do work on private property, and thus could not build a ramp on private property, but if they say, for example, *"if you can bring the sidewalk elevation up two inches, then I can make this ramp work and meet the ADA,"* the City is happy to try and accommodate those sorts of improvements and coordinate that with the property owners. The second item was regarding storm drainage connections for roof drains. The City plans to add a stub for roof drains for any property that has frontage on the project. In the letter, he said, *"We will bring the stub for future roof drain replumbing, if you are going to replumb your building, to the building face. If it works out better to have it at this corner of the building versus that corner of the building, let us know so we can put it in the right spot so it facilitates your connection to it."* The third item was with respect to water and sewer connections. For all the City's big infrastructure projects like this, they do not want to leave old service connections in the ground, knowing they will fail in the next three to five years, and then have the property owner have to dig up City sidewalks. Even though it is a property owner's responsibility to replace the sewer service line from the main to the building face and the water service connection from the valve to the building, the City will do up to the building as part of the project. Further south along the project where the buildings are set back, they will replace up to the property line as part of this project. Thus, it will save people the effort of having to dig up City infrastructure later on. In the

letter, they said, *"If you want to go to the next step, and take that service line through your foundation and right up to the meter so you know the entire service line is uniform and there are no connections, we are happy to coordinate that. We will have a plumber under contract as part of this project. They will give you a quote to do the work inside your building. If you approve that work, we will tell the plumber to do it."* The City would pay the plumber and then get reimbursed by the property owner.

Mr. Lussier continued that those sorts of coordination's are ones Public Works is happy to do. To date, no property owners have responded to that letter and indicated that they want to coordinate. Thus, he wants to put that back out there, and remind people that the opportunity is still available, though it is closing rapidly. If there is anything the City can help facilitate on someone's property, he asks that they please get in touch with him or the Public Works staff.

Councilor Filiault stated that in downtown Keene, the buildings were built in various eras and those pipes coming out of the buildings were probably laid out in different eras. He continued that he assumes the pipes vary in size and material. He asked if they will find out what size pipes they need to make an adapter for. It will probably not be one size fits all. Mr. Lussier replied that he is correct, different materials need different adapters. He continued that City records show the pipes' sizes, and staff have been in all the basements' buildings, so they know, for example, whether it is a six- or eight-inch sewer line. He will not rule out the possibility that they will find out somewhere underground it went from a six-inch line to a four-inch connection at the main, say. They will have surprises during construction. That said, the heart of Councilor Filiault's question is about making the new infrastructure connect to the old infrastructure. Luckily, the fittings they use for that anticipate a range of sizes. They will have numerous different fittings available and in stock. The contractor is responsible for having all the different parts, pieces, fittings, and adapters to make that connection when it happens.

Mr. Lussier stated that next, he wants to talk about arborists. This question has come up repeatedly during the design process. He continued that it has almost been presented as a concern that the design did not involve the work of qualified arborists when talking about the downtown trees. He wants to set the record straight. Before preliminary design, Stantec had, as part of their scope of work, to have an arborist – they used Bartlett Tree Consultants – come in and do a comprehensive tree inventory and assessment. The Committee saw the results of that assessment in the preliminary design work product where the trees were color-coded with pink, yellow, and green. The colors indicated the trees' health. The City used that information to inform which trees to try to work around and accommodate to stay in place and which trees they were less worried about having to stay in place. Trees that were in poor health and likely would need to be replaced anyway, they did not put a lot of effort into saving. Trees deemed as "high value trees," which were many of the trees on Central Square, they tried very diligently to not touch those. There are some design quirks, like if you look at the plan and ask, *"Why is that landscaped island there?"*, the answer is probably because they were trying to save a high value tree. That was done by a qualified arborist. Once the preliminary design was done and they knew which trees to preserve, which ones they were planning to replace and which species they were talking about, where they were planting them, and where they were using the "silva cell" tree wells, those plans were reviewed again by Bartlett Tree. They also met with the forestry people from Keene State College (KSC) who take care of all the trees on campus and let them look over the City's plans and give their comments. They did have some comments that were incorporated into the final design. That recommendation came from the Mayor, who had contacts at the college. That was very helpful. He wants to be clear that arborists have been involved with the plan's design from the very beginning, from deciding what is healthy downtown today to deciding what species to plant with this project and how to make sure they are healthy when planted.

Mr. Lussier stated that next, he has some not so good news, regarding the NH Department of Environmental Services (NHDES) review. He continued that the City has Clean Water State Revolving Fund (SRF) funding for the sewer and storm water components of the project, and they also have Drinking Water SRF funding for the potable water portion of the project. The potable water is the more significant piece of it. They have about \$2 million of funding from the State to help offset the cost of the drinking water. It came to the team's attention recently that the NHDES's technical review, as part of their process, will end up delaying the project's advertisement date. They had planned on advertising at the end of October and were getting ready to do that. About a month ago, the NHDES project manager asked what the status of the technical review was, and Stantec replied that the technical review was submitted to NHDES in January, and they (Stantec) responded to the NHDES's request for more information in March, and in April, the NHDES's online portal indicated that the technical review was closed. They told NHDES, *"You tell us. We thought we satisfied that requirement."* The NHDES project manager said she would check and went to talk to the technical reviewers. The explanation they got from NHDES staff was that the technical review was inadvertently terminated in April. They had somehow come to believe that the project was being rescope, so they suspended their review of the water and sewer and drainage components of the project. He has not received a satisfactory answer to why NHDES thought that. If he had to guess, he would guess that it was because NHDES heard from Stantec that the project was not being advertised for construction in 2025, because the City Council had decided to postpone it a year. He thinks the NHDES assumed the delay was because the design was being relooked at or was being rescope and they just decided to stop until they received a new, updated design. He does not know if his assumption is true and he hopes to find out a little bit more. But for whatever reason, the NHDES suspended their review in April, and the team thought that the review disappearing from the list, being closed out, meant that it was done. Really, apparently, it meant that NHDES had just stopped looking at it. The NHDES is now expediting the conclusion of the review, based on the plans that the team already submitted, and the team is going ahead with all the notification requirements that they have. He talked with NHDES staff today when he got that information and asked if the City can go ahead with the advertisement and just not award the contract, pending the NHDES's final process. The NHDES said no, the City cannot advertise the construction until they have a final determination from NHDES staff, signed by the Commissioner, that says this project has met all the environmental requirements. That means there will be a delay in the advertisement. Right now, he cannot say how long that delay will be. It will be at least four weeks, and probably more, but he does not know. This news is not what he was hoping to tell the Committee tonight, but unfortunately, this is where they are at.

Chair Greenwald stated that he presumes Mr. Lussier will say this was not something Stantec should have been on top of. Mr. Lussier replied no, he was a little upset this afternoon when he got this news, and that was the first question he asked Stantec – how did they miss this? He continued that he then got the explanation, and Stantec showed where they had submitted the materials to the regulatory agency in January and provided more information per the Request for More Information in March, and then in April, got this information that it was closed out on the online portal. Maybe Stantec could have checked to make sure that that closure meant everything was all set, but he thinks they made a reasonable assumption that since they had responded to NHDES's request and did not get any further requests, and the review showed as closed, that they were done with the process.

Councilor Favolise stated that he does not have any sense of what the typical NHDES review logistics are like. He asked if it was just a matter of Stantec going into the portal, looking and thinking

everything was good. He asked if there was no communication from NHDES saying that they were good. That would have sent up a red flag for him. Mr. Lussier replied that like he said, he has not received a satisfactory answer to how this fell through the cracks. This is just what he has pieced together so far.

Chair Greenwald replied that it is better to find this out now than four weeks from now. He asked if they are still within the timeline of bidding appropriately. Mr. Lussier replied that typically, they do not put projects out to bid until January, February, or March, so they are still well in advance of that. He continued that they had hoped to have the contract awarded by the end of the year and to use that January-March timeframe to sort out the fine details, construction schedules, and those sorts of things. This will shrink the amount of time they have for that.

Councilor Filiault stated that they all know the risks of making assumptions. He continued that he is not blaming anyone in the City, but he thinks the last two times they have heard something big from Stantec, it has not been good news. He hopes Stantec, or whoever else, starts going back and looking at every dotted "I" and every crossed "T", to make sure they are dotted and crossed. This is unacceptable. He is not blaming Mr. Lussier or the City, but this is unacceptable to have this happen at the 11th hour. He hopes this does not delay the bidding process enough that it delays the project another construction season. Mr. Lussier replied that he does not think they are there yet.

Mr. Lussier stated that on a different topic, he emailed the Council a few weeks ago about staff's plan to use an alternative barricade system for the Pumpkin Festival street closure. He continued that this did not happen. The trucks were in place as barricades at Pumpkin Fest as usual. He had learned about these barricades from the vendor in August, and they looked interesting. He thought they would be a good compromise between the cost prohibitive installed bollards they had talked about earlier in the design process, where some business owners desired to have something a little more aesthetically pleasing than giant trucks and jersey barriers in front of their businesses. Staff looked at something very elegant but also very expensive. He could not in good conscience recommend that as a prudent use of City funds. This alternative was steel structures on wheels, designed so that when hit by a vehicle, they tip over and lift the vehicle off the ground. You can see videos of them online. Public Works rented some to test them out on Washington St. and Roxbury St. and see whether they would be easy for staff to deploy and see if the KPD was comfortable with them. Based on their findings and evaluation, they would come to Council with a recommendation to move forward with that as an alternative system. After he arranged the rental, the company finally gave him the quote for what it would cost for a full system to replace the City's existing system of jersey barriers and trucks with these mobile barricades. He read the number three times in disbelief: \$1,048,000 for a full system. That blew him away. After he caught his breath, he called the City Manager and said it did not make sense to go through with the rental and show the community something they might love, only to say they cannot afford it. That is why they decided at the 11th hour to cancel that rental and they were not there at Pumpkin Fest. He was shocked to learn they were more expensive than what he thought was the most expensive barricade system.

Mr. Lussier stated that finally, some good news. Railroad Square and the bike lane as you come off Main St. to the west side, between Margaritas and the transportation center, is proposed to have catenary lights. Catenary lights are decorative, overhead lighting that will look amazing. However, the City does not own the buildings to the south side of the project limits, so the plan was to support the catenary lighting with poles. He spoke with both adjacent property owners, and both are amenable to having the City attach those wires to the buildings. Both property owners are interested in having those attached, and what they get out of it is a cleaner installation, without poles adjacent to the

buildings. It will be a very nice feature once it is done. Further in tonight's agenda is an item that would authorize the City Manager to enter into agreements for that.

Mr. Lussier continued that further, quick notes on the downtown project are that the selection committee, the team that interviewed consultants who will oversee the construction next year, has gone through the qualifications-based selection process. Tomorrow, the City Engineer will present the FOP Committee with a recommendation to award that contract. That consultant will be under contract in advance of having the contract form, so they will be on board from the beginning. Finally, the status of the solar pavilion project. They got a grant to build the solar shade structure. It will hold the solar power and provide shade for things like the farmer's market and food truck festivals, and parking when it is not in use. Again, they went through a qualifications-based selection process, which is a requirement when using federal funds. They selected the most qualified vendor, and they are in the process of negotiating a scope and fee with that consultant right now. That contract will most likely be coming to the FOP Committee the first cycle in February. It anticipates design through next year with construction in 2027. It is moving forward.

Mr. Lussier asked George Downing to give an update from the office of the Ombudsman.

Mr. Downing stated that he has been holding walk-in hours in the Colonial Theater lobby twice a week for the past two months. He continued that the original agreement for that was to run through the end of October and then he, Mr. Lussier, and the director of the Colonial would revisit it. There has been low interest. He gets two or three people, generally. He does not think it is a profitable use of his time. As an hourly employee, he wants to be conscious of using his time helpfully for the City. It is probably not a good use of Colonial staff's time, either, to let him in and set him up. Thus, he will be there tomorrow morning, Monday afternoon, and next Thursday morning, then stop that phase for the winter. In the spring, he will revisit whether he should have walk-in hours somewhere downtown as they get closer to digging ground and interest strengthens. He thinks his time is probably better used moving around door to door, introducing himself and meeting people face to face.

Mr. Downing continued that what he is seeing for concerns right now are less "*Are we really doing this?*" – he thinks there is finally a level of acceptance that the project will happen - and more of "*What will the detailed schedule look like?*" As they just heard, he cannot answer that question yet. He can only give the same information that Mr. Lussier just gave. They know roughly when they will be able to put it out to bid. Once they have the contractor lined up, they can start to give detailed phasing information. That is what the business owners are looking for right now; they want to know when their section of the street will be shut down, and when their water will be shut off, which probably will not be known until much closer to that happening. Other than that, there is still a misperception among a significant number of downtown business owners that there will be no parking at all downtown for the duration of the project. That has never been contemplated. With the compacted schedule, they are talking about two blocks at a time, and it will be known well in advance which blocks will be shut down when. They are grappling with how to help people understand that there still will be the majority of parking available through the duration of the project. People will still be able to come downtown and park downtown. The videos Asah Cramer is putting out, showing how long it gets to take from point A to point B, are helpful. The Commercial St. lot is seriously underused; there is always parking there. Regarding the traffic flow during the project, there is a similar misconception - people think there will just be no cars allowed. The contract documents say, basically, that there will always be at least one lane in both directions, with a couple of exceptions when a whole section of the street has to be done. He is working to get that information out face to face, and he has been talking with the Communications Department in the City about how to let more people

know that that is happening. He gives a big thank you to Ms. Cramer, Ms. Landry, and their department. He is getting a lot of positive feedback downtown about the video snippets they have been putting out, such as about parking, trees, and Central Square now versus what it will look like after the project. That has been very helpful, because he thinks many people were still picturing one of the three or four alternatives the Council looked at.

Mr. Downing continued that they will update the FAQ page on the website, which has not been updated in about 18 months. A rough draft went to Mr. Lussier and Ms. Landry. They both reviewed it, and he is working on the final changes on that. It should be up soon. They are also working on a downtown business binder, which he will be walking around downtown and handing out to every downtown business. It will have contact information, shots of what the actual project will look like when it is finished, and detailed phasing information. Initially when it goes out, obviously it will just have "Phase I and Phase II," because they do not have the detailed phasing yet, but he will bring around updates as the project changes and as more details come out. He hopes they will also have some information from the revitalized downtown group on some business initiatives. The City cannot promote those directly, but since it is a three-ring binder, he can bring that information around for the merchants who are working on that.

Mr. Downing stated that one of the challenges he is facing is the upcoming schedule. He continued that it is taking a lot longer to get through downtown than he expected, on the door-to-door phase, because nearly everyone he encounters at their business wants to talk for 30 to 45 minutes. They have a lot of questions for him, and he needs information from them, so it takes time. When someone reaches out to say that he has not gone to see them yet, he has usually gotten to them within the next day. Anyone who wants to get in touch with him can contact him directly; there is no need to go through the Council or other staff to get to him. If he has not gotten to someone downtown yet, it is just because it has been a time-consuming process. He will need to make changes. He has mostly been doing this during daytime business hours, but especially for restaurants and some salons, those hours are not convenient for them, so he will make himself available at least one evening a week to get to those people he has been missing.

Chair Greenwald asked about how many hours per week Mr. Downing is going door to door. Mr. Downing replied that he is hired for 20 to 25 hours a week, and he also needs to put in some desk time for, like he said, the binder content and the FAQ update. He is also trying to build a database with all of the information they are collecting from the businesses. He is probably going door to door about 10 to 15 hours a week, and the other hours are spent at his desk. He is trying to balance them. He needs to spend more time on the street before it gets cold and snowy, so he might be downtown more frequently over the next couple of weeks.

Chair Greenwald stated that he will eventually have to deal with the cold and snow, but he thinks that sitting in the Colonial is a waste of time. Mr. Downing replied that he thought that would be helpful and people would want a chance to come find him, but that has not turned out to be the case, so he will not keep going with that.

Chair Greenwald stated that he has not yet heard any of his tenants say that Mr. Downing has come into their business to talk, so maybe Mr. Downing has been on other blocks. He hopes to hear from any downtown merchants present tonight.

Councilor Workman stated that she does not want to tell Mr. Downing how to do his job, but she has some suggestions. She continued that she knows many business owners are eager to meet him, and

she has been hearing that he is still rather elusive or that they have not had the chance to meet him yet. She knows that once he walks into someone's business, people are glad to have his attention and want that one on one conversation, but maybe he could frame those first meetings as just a quick meet and greet and then schedule a longer meeting to answer questions or invite people to his open office hours, so he can at least get the introduction part down and all the business owners can put a face to the name. That would help Councilors be able to ease people's anxieties.

Councilor Tobin asked if Mr. Downing's open office hours were posted somewhere, like on the website. She continued that she knows he mentioned them before, but she could not remember what the hours were. Mr. Downing replied that the Administrative Assistant in the Public Works Department sent that out over the e-blast system to everyone who had asked for information either from Public Works or specifically about the downtown project, and it was mentioned on one of the radio broadcasts.

Councilor Tobin stated that it might be a little early to be asking this question, but it is something she has been thinking about. Many times, restaurants have deliveries scheduled on certain days at certain times, and a lot of those schedules might need to be set up early. She wants to make sure that is part of the conversation somewhere, as they start construction. Mr. Downing replied yes, the information he collects from businesses that he visits includes the primary contact, who may or may not be the business owner, the owner's name and contact information, hours of operation, when the busiest hours are, when deliveries happen, and where the deliveries come. Most come on Main St., but some businesses have back or side entrances. That is all the information he brings back to the office and puts into a database and makes searchable. The hope is that they will know, for example, which establishment always gets a delivery on Tuesday afternoon, so they will make sure Tuesday afternoon is not the day they are pulling up the water pipe and making a new connection and preventing access to the front door that day. They are already trying to collect that information, so they have it in advance.

Councilor Favolise stated that conversations are happening around what the future festivals will look like through the construction season. He asked if the Ombudsman has been joining protocol meetings for that or working with staff on that. He thinks that any opportunity to be immersed in some of these downtown conversations, even if it is not directly about liaising around construction schedules with business owners, is probably a positive and a way to get in front of some different people.

Mr. Lussier replied that he has not asked Mr. Downing to attend the protocol meetings with event sponsors, but they have shown him the graphics for different alternative event footprints for next year so he can discuss those with property owners if it comes up. He continued that he does not want to put Mr. Downing in a position where he is negotiating with event sponsors for what the event footprint should look like, but he wants him to be aware of what the guidelines will be. Mr. Downing replied that he thinks that applies in larger terms, too, not just for the event pictures. He continued that there are many behind-the-scenes meetings about various downtown things as they go into this project, which Public Works and the City Clerk's Office have to navigate. It is probably not a profitable use of his time to sit in on all those meetings, and they really do not want to blur that line. He is not a City employee in those terms. He is not a decider. He is not here to defend the project; he is here to explain the project to people. So, while he is not sitting in on those meetings, Mr. Lussier and City Engineer Bryan Ruoff keep him up to date on any decisions or information that come from those meetings that he might need to share with people downtown.

Chair Greenwald asked for public comment or questions.

Roberta Mastrogiovanni stated that she owns Corner News. She continued that her general manager met with Mr. Downing and they have gotten a little bit of information. Tonight, she was surprised to hear what Mr. Lussier was saying about the connections and how the deadline is approaching. She did not know about that. She thinks she received an email from his office, but she was hoping to meet with his office at some point. She thinks there was an initial attempt to meet with her, but it never came about. She encourages Mr. Lussier's office and Mr. Downing to follow through with all the communications that are necessary, because she thinks it is odd that not one property owner responded to the connection issue. She is definitely interested in talking with them about that, and they look forward to talking more with Mr. Downing.

The following motion by Vice Chair Filiault was duly seconded by Councilor Workman.

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the report on the Downtown Infrastructure Project as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: November 6, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Execution of an Agreement to attach City Lighting to Private Property

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute revocable license agreements with the owners of Parcel 575-012, Margaritas, and Parcel 575-057, Local Burger, for the attachment of City-owned and maintained lighting systems to privately owned buildings.

Attachments:

None

Background:

Mr. Lussier stated that this agenda item is to authorize the City Manager to negotiate and execute license agreements, but license agreements where the City is the licensee, and the adjacent property owners are the licensors. He continued that the adjacent property owners are giving the City permission to attach City infrastructure to their buildings. It would be a revokable license, so if those property owners ever decide they do not want the wire there anymore, the City would have to honor that and remove it from their property. The license would spell out a period of time the City has to plan and put in a pole to support the wires and whatnot. It is important to note that the City is not asking the property owners to pay for the electricity or pay for the maintenance and upkeep of these lighting systems. It is City property, City responsibility. They are just attaching it to the property owners' buildings to be a more aesthetic installation.

Chair Greenwald stated that he thought the catenary lights were for Church St. and Lamson St. He continued that he did not know they were in front of other buildings. Mr. Lussier replied that the project right now only includes them on Railroad Square and the bike lane between the transportation center and Margaritas, that first 100 feet or so.

Chair Greenwald asked, if it attaches to the building, if they will be setting up a pole to hook on the other side. Mr. Lussier replied that over the bike lane, they will just be using the transportation center on the other side, which the City owns. It will bounce from Margaritas to the transportation center, kind of zig zag. Chair Greenwald asked if he means this is not over their dining area. Mr. Lussier replied no, it is over the rail trail. He continued that on the other side, next to Local Burger, it is in

Railroad Square. There are poles in Railroad Square, and instead of having a pole right up against the building, they would go from the pole in the center of Railroad Square or in the vegetated islands into the building, and vice versa.

Chair Greenwald asked if the owner of the building, not Local Burger, is giving consent for this. Mr. Lussier replied yes, that is right. He continued that they contacted the local manager, who put them in touch with the property owner, and the property owner responded and said he is amenable to it.

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

The following motion by Councilor Tobin was duly seconded by Vice Chair Filiault.

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute revocable license agreements with the owners of Parcel 575-012, Margaritas, and Parcel 575-057, Local Burger, for the attachment of City-owned and maintained lighting systems to privately owned buildings.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: November 6, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of FAA AIP Grant Funding for Airport Perimeter Fence Project**

Recommendation:

On a vote of 4 to 0, 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 \$350,000 from the Federal Aviation Administration Airport Improvement Program for the Airport Perimeter Fence Project.

Attachments:

None

Background:

Airport Director David Hickling addressed the committee stated this item is for acceptance of grant funding for phase two of the perimeter fence project. The first phase was for environmental assessment at 30% of the design and this will complete the design of the project. It also includes the permitting and bidding portion of the project. The plan is to apply for a construction grant for the next fiscal year. 95% of funding is through FAA and DOT grants, which leaves the City portion at 5%.

The following motion by Councilor Lake was duly seconded by Councilor Remy.

On a vote of 4 to 0, 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 \$350,000 from the Federal Aviation Administration Airport Improvement Program for the Airport Perimeter Fence Project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: November 6, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: 2025 Homeland Security Grant Program - Local Hazmat Training Award

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the 2025 Homeland Security Grant Program – Local Hazmat Training award.

Attachments:

None

Background:

Fire Chief Jason Martin stated this item is in reference to acceptance of 2025 Homeland Security funds. He stated that the Fire Department was awarded \$15,833 by the Office of the New Hampshire Fire Marshall as part of the 2025 Homeland Security Hazardous Materials Grant Program.

These funds are used for training the HAZMAT team in the disciplines of detection, mitigation and decontamination of chemical, biological, radiological, nuclear and explosive events. The Chief noted there is no match component to the City.

The following motion by Councilor Remy was duly seconded by Councilor Roberts.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the 2025 Homeland Security Grant Program – Local Hazmat Training award.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: November 6, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Relating to the Acceptance of Donations for the Goose Pond Pedestrian Bridge Project (65M0012C)

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend donations from Savings Bank of Walpole up to the amount of \$10,000 and donations from the public up to \$20,000 for the construction of the Goose Pond Pedestrian Bridge Project (65M0012C).

Attachments:

None

Background:

City Engineer Bryan Ruoff addressed the committee and noted the Parks and Recreation Director was unavailable to be at today's meeting and stated the success of the project is due to her efforts. He stated this work will result in a pedestrian bridge which will span over the spillway of the Goose Pond Dam. The plan was to complete construction in the fall, but it is likely going to be pushed to the spring. Mr. Ruoff stated the Savings Bank of Walpole has committed a dollar for dollar match up to \$10,000 of donations the City receives from the public. He encouraged the public to donate to this effort.

The following motion by Councilor Roberts was duly seconded by Councilor Lake

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend donations from Savings Bank of Walpole up to the amount of \$10,000 and donations from the public up to \$20,000 for the construction of the Goose Pond Pedestrian Bridge Project (65M0012C).

Parks and Recreation Director Cara Fiske-Hennessey arrived at the meeting and addressed the committee regarding the Goose Pond Pedestrian Bike Project and stated so far from the community they have donations totaling \$3,490 with the dollar-for-dollar match from Savings Bank of Walpole which brings it up to almost at \$7,000. She stated the goal is to raise \$10,000 of community funding,

so that the matched dollar for dollar would add up to nearly \$20,000, which is the anticipated project cost.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: November 6, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: Relating to the Execution of an agreement for Engineering Services With Weston & Sampson for the Design of the Court Street Water Main Replacement Project (34MI0226)

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute an agreement with Weston & Sampson for engineering services for the design of the Court Street Water Main Replacement Project (34MI0226) for an amount not to exceed \$165,000.

Attachments:

None

Background:

Mr. Ruoff addressed this item. He stated this project is for the reconstruction of the Court Street water main. This water main is approximately 1/2 mile of 10-inch old cast iron water main which is being replaced with 12-inch ductile. He stated the reason for expediting this design and construction is over the past the winter the water main broke over the crossing of the river and now there are two dead ended sections of that water main.

Mr. Ruoff stated there are funds available, but the RFQ was expedited for engineering services to hire a consultant to perform the engineering services for design development of contract documents for bidding and construction. Four qualification packages were received and were reviewed by staff. The committee felt Weston Sampson set themselves ahead of the consultants by demonstrating and presenting ideas that would save the City a considerable amount of money by incorporating installation as part of the design. Staff is confident the project could go out to bid by next spring.

Councilor Lake asked whether there were any projects being moved around to accommodate this project as it is being expedited. Mr. Ruoff stated money has already been set aside for this project and the city was going to wait until some of these bigger projects went through, but this project is being moved up for construction next year to get this constructed as soon as possible and resolve the issue with the water main.

The following motion by Councilor Lake was duly seconded by Councilor Remy.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute an agreement with Weston & Sampson for engineering services for the design of the Court Street Water Main Replacement Project (34MI0226) for an amount not to exceed \$165,000.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: November 6, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to the Execution of an agreement for Engineering Services With Fuss & O'Neil for the Design of the Court Street Culvert Replacement Project (75M00626)**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute an agreement with Fuss & O'Neil for engineering services for the design of the Court Street Culvert Replacement Project (75M00626) for an amount not to exceed \$128,000.

Attachments:

None

Background:

Mr. Ruoff stated the Court Street culvert replacement project was scheduled for construction in 2028 and the plan was to utilize those funds for the downtown work. However, because engineering is being done in the same location it made sense to combine the projects at the same time.

Mr. Ruoff stated this RFQ received one response and a fee was negotiated with Fuss & O'Neil and they are ready to get started on this project as soon as possible. He added this would be more of a no dig technology project.

The following motion by Councilor Remy was duly seconded by Councilor Roberts.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute an agreement with Fuss & O'Neil for engineering services for the design of the Court Street Culvert Replacement Project (75M00626) for an amount not to exceed \$128,000.



ITEM #D.9.

CITY OF KEENE NEW HAMPSHIRE

Meeting Date: November 6, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Agreement for Engineering Services During Construction (CE) With Greenman Pedersen Inc (GPI) for the Construction Phase of the Downtown Infrastructure Improvements Project**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute an agreement with Greenman Pedersen Inc (GPI) for engineering services during construction for the Downtown Infrastructure Improvements Project, for an amount not to exceed \$1,800,000.00.

Attachments:

None

Background:

The City Engineer stated the city as part of the downtown project solicited qualifications as per federal funding for engineering services. Three qualification packages were received. The interview team consisted of MSFI Chair Mitch Greenwald, Deputy City Manager Rebecca Landry, Public Works Director Don Lussier, Colonial Board Trustee Tom Minkler who represented the public, the City Engineer and Infrastructure Project Manager, TJ O'Brien. All three firms were interviewed. Mr. Ruoff stated there were negligible things that separated the three firms. They all had great experience, experience working with DOT projects, and past performance of successful project experience. Ultimately, the committee decided to go with GPI.

Mr. Ruoff stated staff has been negotiating a scope of work and fee with GPI and are at a point where they are confident about their scope and fee and recommend the award to GPI. Mr. Ruoff went on to say they are requesting approval but will not award the project until the City has a contractor under contract, which should be around mid-January.

Councilor Lake asked what GPI would be doing for \$1.8 million. Mr. Ruoff stated there are two sides of engineering services during construction; construction administration and construction inspection. GPI would undertake both these tasks on behalf of the City. Submittals for the project, any materials or means that are being incorporated in the project, they would be reviewed by GPI first and forwarded to the City for confirmation. They will track the quantities on the project, confirm the

contractor's payrolls and quantities are correct. They will also track budgeting on the project at the 25%, 50%, 75% and 90% of completion to see if the City was going over or trending under.

From the inspection standpoint, they would serve two purposes. They would coordinate with the ombudsman and the City to make sure that communication is ongoing, and anything that comes up during construction is being addressed. They will also review technical work going in making sure the contractor is meeting specifications.

Councilor Remy stated he would vote in favor but would like to see the scope and a level of effort.

The following motion by Councilor Roberts was duly seconded by Councilor Lake

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute an agreement with Greenman Pedersen Inc (GPI) for engineering services during construction for the Downtown Infrastructure Improvements Project, for an amount not to exceed \$1,800,000.00.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.10.

Meeting Date: November 6, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: Relating to the Execution of an Agreement for "Engineer of Record" services with McFarland Johnson for the George Street Bridge replacement Project (75M020A)

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute an agreement with McFarland Johnson for design engineer of record engineering services during construction for the George Street Bridge Replacement Project (75M020A) up to \$60,000.

Attachments:

None

Background:

Mr. Ruoff address the next item the George Street Bridge project. He indicated McFarland Johnson is the engineer of record on the project. As part of a DOT project, the City is required to hire the engineer of record for construction services. The City has negotiated a scope and fee. Part of the negotiations is reducing some of their scope. There is still a cost that exceeds the City's procurement requirement to obtain bids to award this dollar value contract. Staff is requesting permission to award a contract to the engineer of record for the George Street Bridge project for engineering services during construction for the project.

The following motion by Councilor Lake was duly seconded by Councilor Remy.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute an agreement with McFarland Johnson for design engineer of record engineering services during construction for the George Street Bridge Replacement Project (75M020A) up to \$60,000.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.11.

Meeting Date: November 6, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: Relating to Approval of Designation as Sole Source Contractor of Record - Minkland, LLC (C.M. Minkler)

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to designate Minkland, LLC (C.M. Minkler) as a "Contractor of Record" in accordance with City Code Sec 2-1332 (5).

Attachments:

None

Background:

Mr. Ruoff stated City purchasing rules require obtaining pricing from three consultants or contractors for projects that exceed \$10,000. Mr. Ruoff stated in the last few years the City has experienced quite a few water main breaks, which is work the Highway Department staff has been able to address. The breaks have been on Water Street, West Street, Winchester Street, Glen Road pump station and Old Walpole Road. The City has reached out to local vendors capable of performing pavement repairs for this work in the interest of public safety. He indicated there is one contractor who has answered the call every time and it doesn't matter if the work needs to be done at night, he is always willing to do the work. For this type of work an independent cost estimate is always obtained and in every instance this contractor has submitted a price that is better than what the City estimated it would be.

Mr. Ruoff stated in light of his service to the City, staff is recommending that he be designated as a contractor of record. He stressed this was not a sole source contractor for all paving work of the City, it just eliminates some of the purchasing requirements for hiring this contractor when emergency repairs are needed. This contractor will be evaluated every year, and if his work is not up to standard, staff will recommend removing this status.

Chair Powers felt having a reliable contractor available to address an emergency project in the middle of the night was important.

The following motion by Councilor Remy was duly seconded by Councilor Lake.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to designate Minkland, LLC (C.M. Minkler) as a "Contractor of Record" in accordance with City Code Sec 2-1332 (5).



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.12.

Meeting Date: November 6, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Authorization to borrow NHDES CWSRF loan funds for the replacement of two existing galvanized water services in accordance with EPA Lead and Copper Rule mandates**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute agreements with the owners of properties served by two (2) existing galvanized water services for the purposes of financing the replacement of private water services. The payment plans shall not exceed 10 years with an annual interest rate equal to the CWSRF loan rate in effect at the time.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to apply for, accept, and expend NHDES CWSRF funds for the replacement of two existing galvanized water services.

Attachments:

None

Background:

The City Engineer addressed this item and stated in 2024 the EPA revised their lead and copper rules and requirements mandating the elimination of galvanized water service piping within municipal and utility maintained public infrastructure. The City of Keene, as the water company in the City, identified two such services that are required by the EPA to be replaced with this mandate. He noted these are private services – hence, the City cannot pay for the replacement. The City is essentially looking to apply for a Clean Water SRF loan to be able to do this work and then have the homeowners of these two services pay those back within the terms of the NHDS Clean Water SRF loan terms, which is 10 years.

He indicated there are two motions as part of this item. The first is to authorize the City Manager to apply for, accept and expend the loan on behalf of the City and that these two homeowners who are not allowed to apply for it themselves enter an agreement to pay back this loan to the City.

Mr. Ruoff stated the Clean Water SRF loan has a 10% loan forgiveness. The work as part of the

independent government estimate was around \$58,000, which would be an approximate \$6,000 savings. The Engineer stated this issue has been discussed with NHDE and all environmental reviews have been addressed. The last step for this item is to show confirmation that Council is in agreement with applying for and accepting this loan.

The following motion by Councilor Roberts was duly seconded by Councilor Lake.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute agreements with the owners of properties served by two (2) existing galvanized water services for the purposes of financing the replacement of private water services. The payment plans shall not exceed 10 years with an annual interest rate equal to the CWSRF loan rate in effect at the time.

The following motion by Councilor Lake was duly seconded by Councilor Remy.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to apply for, accept, and expend NHDES CWSRF funds for the replacement of two existing galvanized water services.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.13.

Meeting Date: November 6, 2025

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: Relating to the reallocation of NHDES CWSRF loan funds from the Sewer Main Lining Program (32MI04) to the Sewer Manhole Lining Program (32MI06)

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to amend the NHDES Clean Water State Revolving Fund agreements to reallocate the remaining available funds in the NHDES CWSRF Sewer Main Lining Program (32MI04) to the NHDES CWSRF Sewer Manhole Lining Program (32MI06) in an amount not to exceed \$130,000.00.

Attachments:

None

Background:

Mr. Ruoff stated the City received a Clean Water SRF fund for sewer manhole and sewer main lining projects. When the City received the bids, the cost amounts for the two projects were reversed from what was allocated in those loans. For the manhole project the amount that was allocated was \$836,700 and the actual bid was about \$1,000,000. Hence, the scope of the manhole lining had to be reduced because there wasn't enough money allocated by the City. Since then, staff has had a conversation with DES and these projects have both advanced and will likely be under budget on the sewer main lining project.

What staff is looking for is permission from Council to move the allocated sewer main lining loan amount to the sewer manhole lining account for the loan.

The remaining funds, minus the change orders to-date for the sewer main lining project would be approximately \$130,000, of which the City would receive 10% loan forgiveness.

The following motion by Councilor Remy was duly seconded by Councilor Lake.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to amend the NHDES Clean Water State Revolving Fund agreements to reallocate the remaining available funds in the NHDES CWSRF

Sewer Main Lining Program (32MI04) to the NHDES CWSRF Sewer Manhole Lining Program (32MI06) in an amount not to exceed \$130,000.00.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.14.

Meeting Date: November 6, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Subordination Agreement - 310 Marlboro Street

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends to the City Council that the City Manager be authorized to sign a Subordination Agreement to a mortgage from 310 Marlboro Street, LLC to Newburyport Five Cents Savings Bank.

Attachments:

None

Background:

City Attorney Amanda Palmeira addressed the committee and stated that the City Council determined before the redevelopment project at 310 Marlboro that it qualified for RSA 79 E tax relief. At that time the Council also approved a subrogation agreement for that project.

She explained tax relief under RSA 79 E requires the recipient enter into a restrictive covenant with the City. It is in that covenant that the City bound the project developer to qualify for tax relief. One of the requirements that is in the restrictive covenant is that the City retains a lien on any proceeds of casualty or flood insurance claims. She indicated the lien has been an obstacle for the developer and the property owner to obtain a mortgage on the property because the bank wants to see priority over the lien.

The developer as a result has requested the City subrogate its lien in favor of a mortgage for them to be able to complete the project. The Attorney stated staff is recommending that the Council authorize the City Manager to sign that subrogation. She explained there is no real practical need for the City on this lien towards those proceeds. There is a requirement in the statute, if the City receives the proceeds it is obligated to use it to complete the project. She noted this is not a City project.

Secondly, this helps the developer continue with their project and complete it. The Attorney stated going forward, when the City has 79 E projects, staff is going to be asking Council not to include this lien so staff does not have to keep coming back for this type of issue.

Councilor Remy asked if this is a requirement of the funding; does the City have to include

authorization. Attorney Palmeira stated the statute says that it is the discretion of the governing body to include in the first place.

The following motion by Councilor Roberts was duly seconded by Councilor Remy.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends to the City Council that the City Manager be authorized to sign a Subordination Agreement to a mortgage from 310 Marlboro Street, LLC to Newburyport Five Cents Savings Bank.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: November 6, 2025
To: Mayor and Keene City Council
From: Kari Chamberlain, Finance Director/Treasurer
Through: Elizabeth Ferland, City Manager
Subject: **Acceptance of Donations - Finance Director**

Recommendation:

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

Attachments:

None

Background:

- \$500 donation from Cersosimo Industries for the benefit of the Human Rights Committee's Keene International Festival.
- \$5,000 donation from the Gallup Foundation for the benefit of the Human Rights Committee's Keene International Festival.
- \$71 in community donations during the Human Rights Committee's Pride Event.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.2.

Meeting Date: November 6, 2025
To: Mayor and Keene City Council
From: Terri Hood, City Clerk
Through:
Subject: Canvass of Municipal General Election Results - City Clerk

Recommendation:

Move to recommend that, pursuant to Section 5 of the City Charter, the candidates receiving the highest number of votes for their respective offices on the Municipal General Ballot are hereby declared elected, and further, pursuant to Section 6 of the City Charter, that the results of Ballot Question 1 – Keno Prohibition and Ballot Question 2 – Social Districts Authorization are hereby declared final and official.

Attachments:

1. Municipal General Election Tally Reports

Background:

Pursuant to Section 5 of the Keene City Charter, the City Council is required to canvass the votes cast at each Municipal General Election and the candidates receiving the highest number of votes for the respective offices to be filled shall be declared elected. The term of office for elected officials will begin January 1, 2026.

In addition, there were two ballot questions. Question one asked voters "*Shall we prohibit the operation of keno games within the City of Keene?*" Question two asked voters "*Shall we allow the operation of social districts within the City of Keene?*" Pursuant to Section 6 of the Keene City Charter, the City Council is required to canvass the votes cast on any referenda, and whenever the majority of votes cast on the question are in the affirmative, said referendum shall take effect according to its terms.

The election results tally reports for each City ward are attached for the City Council's review.

Unofficial Tally Report • Ward 1

Municipal General Election, Nov 4, 2025, Keene, New Hampshire

Report Generated: Nov 4, 2025, 9:52:16 PM Election ID: ed60bbd-2fa3d5b

Ballot Counts	
Hand Marked	0
Machine Marked	0
Manually Entered	371
Total	371

City-Wide
FOR MAYOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	371	371
Overvotes	0	0	0
Undervotes	0	13	13
BRADFORD "BILL" HUTCHINSON	0	45	45
JAY KAHN	0	305	305
Write-In	0	8	8

City-Wide
FOR COUNCILORS-AT-LARGE
Vote for 5 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	371	371
Overvotes	0	4	4
Undervotes	0	372	372
BETTINA CHADBOURNE	0	215	215
MICHELE CHALICE	0	192	192
RANDY L. FILIAULT	0	213	213
MITCHELL "MITCH" GREENWALD	0	213	213
"SAM" JACKSON	0	140	140
ROBERT JOHNSON	0	82	82
STEVEN W. LINDSEY	0	94	94
LAURA RUTTLE-MILLER	0	206	206
EMILY BENSON	0	119	119
Write-In	0	5	5

Ward 1
FOR WARD ONE COUNCILOR
Vote for 1 • 4 YEAR TERM

	scanned	manual	total
Ballots Cast	0	371	371
Overvotes	0	0	0
Undervotes	0	70	70
KRIS E. ROBERTS	0	295	295
Write-In	0	6	6

Ward 1
FOR WARD ONE COUNCILOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	371	371
Overvotes	0	0	0
Undervotes	0	84	84
JACOB FAVOLISE	0	282	282
Write-In	0	5	5

Ward 1
FOR WARD ONE MODERATOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	372	372
Overvotes	0	1	1
Undervotes	0	76	76
OCKLE JOHNSON	0	292	292
Write-In	0	3	3

Ward 1
FOR WARD ONE CLERK
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	371	371
Overvotes	0	0	0
Undervotes	0	77	77
ELIZABETH SAYRE	0	292	292
Write-In	0	2	2

Ward 1
FOR WARD ONE CHECKLIST SUPERVISOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	371	371
Overvotes	0	0	0
Undervotes	0	84	84
KELSEY C. HILLIARD	0	285	285
Write-In	0	2	2

Ward 1
FOR WARD ONE SELECTMEN
Vote for 3 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	371	371
Overvotes	0	0	0
Undervotes	0	367	367
PATRICIA BARBER	0	261	261
DEREK HALL	0	227	227
SUSAN HANSMEIER	0	252	252
Write-In	0	6	6

City-Wide
QUESTION 1

	scanned	manual	total
Ballots Cast	0	374	374
Overvotes	0	3	3
Undervotes	0	12	12
Yes	0	234	234
No	0	125	125

City-Wide
QUESTION 2

	scanned	manual	total
Ballots Cast	0	371	371
Overvotes	0	0	0
Undervotes	0	18	18
Yes	0	141	141
No	0	212	212

Unofficial Tally Report • Ward 2

Municipal General Election, Nov 4, 2025, Keene, New Hampshire

Report Generated: Nov 4, 2025, 9:52:16 PM Election ID: ed60bbd-2fa3d5b

Ballot Counts	
Hand Marked	0
Machine Marked	0
Manually Entered	738
Total	738

City-Wide
FOR MAYOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	738	738
Overvotes	0	0	0
Undervotes	0	37	37
BRADFORD "BILL" HUTCHINSON	0	65	65
JAY KAHN	0	625	625
Write-In	0	11	11

City-Wide
FOR COUNCILORS-AT-LARGE
Vote for 5 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	738	738
Overvotes	0	0	0
Undervotes	0	895	895
BETTINA CHADBOURNE	0	367	367
MICHELE CHALICE	0	418	418
RANDY L. FILIAULT	0	468	468
MITCHELL "MITCH" GREENWALD	0	425	425
"SAM" JACKSON	0	266	266
ROBERT JOHNSON	0	160	160
STEVEN W. LINDSEY	0	149	149
LAURA RUTTLE-MILLER	0	364	364
EMILY BENSON	0	171	171
Write-In	0	7	7

Ward 2
FOR WARD TWO COUNCILOR
Vote for 1 • 4 YEAR TERM

	scanned	manual	total
Ballots Cast	0	738	738
Overvotes	0	0	0
Undervotes	0	131	131
EDWARD J. HAAS	0	601	601
Write-In	0	6	6

Ward 2
FOR WARD TWO MODERATOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	738	738
Overvotes	0	0	0
Undervotes	0	207	207
MATTHEW McKEON	0	529	529
Write-In	0	2	2

Ward 2
FOR WARD TWO CLERK
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	738	738
Overvotes	0	0	0
Undervotes	0	194	194
JAMIE L.J. WHITE	0	541	541
Write-In	0	3	3

Ward 2
FOR WARD TWO CHECKLIST SUPERVISOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	738	738
Overvotes	0	0	0
Undervotes	0	159	159
LINDA HAAS	0	576	576
Write-In	0	3	3

Ward 2
FOR WARD TWO SELECTMEN
Vote for 3 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	738	738
Overvotes	0	0	0
Undervotes	0	905	905
WES COBB	0	424	424
ANNE FARRINGTON	0	444	444
KATIE FOLTS	0	438	438
Write-In	0	3	3

City-Wide
QUESTION 1

	scanned	manual	total
Ballots Cast	0	738	738
Overvotes	0	0	0
Undervotes	0	32	32
Yes	0	505	505
No	0	201	201

City-Wide
QUESTION 2

	scanned	manual	total
Ballots Cast	0	738	738
Overvotes	0	0	0
Undervotes	0	38	38
Yes	0	256	256
No	0	444	444

Unofficial Tally Report • Ward 3

Municipal General Election, Nov 4, 2025, Keene, New Hampshire

Report Generated: Nov 4, 2025, 9:52:16 PM Election ID: ed60bbd-2fa3d5b

Ballot Counts	
Hand Marked	0
Machine Marked	0
Manually Entered	716
Total	716

City-Wide
FOR MAYOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	716	716
Overvotes	0	1	1
Undervotes	0	22	22
BRADFORD "BILL" HUTCHINSON	0	53	53
JAY KAHN	0	629	629
Write-In	0	11	11

City-Wide
FOR COUNCILORS-AT-LARGE
Vote for 5 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	716	716
Overvotes	0	0	0
Undervotes	0	787	787
BETTINA CHADBOURNE	0	393	393
MICHELE CHALICE	0	408	408
RANDY L. FILIAULT	0	465	465
MITCHELL "MITCH" GREENWALD	0	434	434
"SAM" JACKSON	0	263	263
ROBERT JOHNSON	0	147	147
STEVEN W. LINDSEY	0	159	159
LAURA RUTTLE-MILLER	0	331	331
EMILY BENSON	0	173	173
Write-In	0	20	20

Ward 3
FOR WARD THREE COUNCILOR
Vote for 1 • FOUR YEAR TERM

	scanned	manual	total
Ballots Cast	0	716	716
Overvotes	0	2	2
Undervotes	0	77	77
MOLLY ELLIS	0	562	562
JOHN SCHMITT	0	73	73
Write-In	0	2	2

Ward 3
FOR WARD THREE MODERATOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	716	716
Overvotes	0	0	0
Undervotes	0	174	174
LUCINDA McKEON	0	539	539
Write-In	0	3	3

Ward 3
FOR WARD THREE CLERK
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	716	716
Overvotes	0	0	0
Undervotes	0	201	201
SHARON MELENDY	0	512	512
Write-In	0	3	3

Ward 3
FOR WARD THREE CHECKLIST SUPERVISOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	716	716
Overvotes	0	0	0
Undervotes	0	155	155
CHARLES FERRANDO	0	558	558
Write-In	0	3	3

Ward 3
FOR WARD THREE SELECTMEN
Vote for 3 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	716	716
Overvotes	0	0	0
Undervotes	0	720	720
CHERYL KAHN	0	543	543
JOHN McKEON	0	431	431
CHARLIE STONE	0	446	446
Write-In	0	8	8

City-Wide
QUESTION 1

	scanned	manual	total
Ballots Cast	0	716	716
Overvotes	0	0	0
Undervotes	0	23	23
Yes	0	461	461
No	0	232	232

City-Wide
QUESTION 2

	scanned	manual	total
Ballots Cast	0	716	716
Overvotes	0	0	0
Undervotes	0	37	37
Yes	0	262	262
No	0	417	417

Unofficial Tally Report • Ward 4

Municipal General Election, Nov 4, 2025, Keene, New Hampshire

Report Generated: Nov 4, 2025, 9:52:16 PM Election ID: ed60bbd-2fa3d5b

Ballot Counts	
Hand Marked	0
Machine Marked	0
Manually Entered	709
Total	709

City-Wide
FOR MAYOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	709	709
Overvotes	0	0	0
Undervotes	0	29	29
BRADFORD "BILL" HUTCHINSON	0	69	69
JAY KAHN	0	604	604
Write-In	0	7	7

City-Wide
FOR COUNCILORS-AT-LARGE
Vote for 5 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	709	709
Overvotes	0	0	0
Undervotes	0	669	669
BETTINA CHADBOURNE	0	390	390
MICHELE CHALICE	0	426	426
RANDY L. FILIAULT	0	489	489
MITCHELL "MITCH" GREENWALD	0	406	406
"SAM" JACKSON	0	270	270
ROBERT JOHNSON	0	164	164
STEVEN W. LINDSEY	0	150	150
LAURA RUTTLE-MILLER	0	388	388
EMILY BENSON	0	171	171
Write-In	0	22	22

Ward 4
FOR WARD FOUR COUNCILOR
Vote for 1 • 4 YEAR TERM

	scanned	manual	total
Ballots Cast	0	709	709
Overvotes	0	0	0
Undervotes	0	118	118
CATHERINE "CATT" WORKMAN	0	585	585
Write-In	0	6	6

Ward 4
FOR WARD FOUR MODERATOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	709	709
Overvotes	0	0	0
Undervotes	0	149	149
ELLEN M. WISHART	0	558	558
Write-In	0	2	2

Ward 4
FOR WARD FOUR CLERK
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	709	709
Overvotes	0	0	0
Undervotes	0	172	172
BRIAN PHILLIPS	0	535	535
Write-In	0	2	2

Ward 4
FOR WARD FOUR CHECKLIST SUPERVISOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	709	709
Overvotes	0	0	0
Undervotes	0	149	149
TINA JOHNDROW	0	559	559
Write-In	0	1	1

Ward 4
FOR WARD FOUR SELECTMEN
Vote for 3 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	709	709
Overvotes	0	0	0
Undervotes	0	645	645
NANCY ANCHARSKI	0	509	509
WILLIAM HARMON	0	474	474
PAUL J. KRAUTMANN	0	494	494
Write-In	0	5	5

City-Wide
QUESTION 1

	scanned	manual	total
Ballots Cast	0	709	709
Overvotes	0	0	0
Undervotes	0	29	29
Yes	0	470	470
No	0	210	210

City-Wide
QUESTION 2

	scanned	manual	total
Ballots Cast	0	709	709
Overvotes	0	0	0
Undervotes	0	51	51
Yes	0	236	236
No	0	422	422

Unofficial Tally Report • Ward 5

Municipal General Election, Nov 4, 2025, Keene, New Hampshire

Report Generated: Nov 4, 2025, 9:52:16 PM Election ID: ed60bbd-2fa3d5b

Ballot Counts	
Hand Marked	0
Machine Marked	0
Manually Entered	807
Total	807

City-Wide
FOR MAYOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	807	807
Overvotes	0	0	0
Undervotes	0	21	21
BRADFORD "BILL" HUTCHINSON	0	79	79
JAY KAHN	0	699	699
Write-In	0	8	8

City-Wide
FOR COUNCILORS-AT-LARGE
Vote for 5 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	807	807
Overvotes	0	5	5
Undervotes	0	936	936
BETTINA CHADBOURNE	0	463	463
MICHELE CHALICE	0	433	433
RANDY L. FILIAULT	0	520	520
MITCHELL "MITCH" GREENWALD	0	488	488
"SAM" JACKSON	0	290	290
ROBERT JOHNSON	0	203	203
STEVEN W. LINDSEY	0	200	200
LAURA RUTTLE-MILLER	0	424	424
EMILY BENSON	0	61	61
Write-In	0	12	12

Ward 5
FOR WARD FIVE COUNCILOR
Vote for 1 • 4 YEAR TERM

	scanned	manual	total
Ballots Cast	0	807	807
Overvotes	0	0	0
Undervotes	0	97	97
SHANE BROWN	0	227	227
PHILIP JONES	0	481	481
Write-In	0	2	2

Ward 5
FOR WARD FIVE MODERATOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	807	807
Overvotes	0	0	0
Undervotes	0	163	163
CHRISTINE BERRY HOUSTON	0	643	643
Write-In	0	1	1

Ward 5
FOR WARD FIVE CLERK
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	807	807
Overvotes	0	0	0
Undervotes	0	232	232
JOHN THERRIAULT	0	573	573
Write-In	0	2	2

Ward 5
FOR WARD FIVE CHECKLIST SUPERVISOR
Vote for 1 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	807	807
Overvotes	0	0	0
Undervotes	0	134	134
KENDALL W. LANE	0	671	671
Write-In	0	2	2

Ward 5
FOR WARD FIVE SELECTMEN
Vote for 3 • 2 YEAR TERM

	scanned	manual	total
Ballots Cast	0	807	807
Overvotes	0	0	0
Undervotes	0	893	893
KATHALEEN AUSTIN	0	537	537
DANIEL J. FOX	0	488	488
CHARLES SOUTHGATE	0	497	497
Write-In	0	6	6

City-Wide
QUESTION 1

	scanned	manual	total
Ballots Cast	0	807	807
Overvotes	0	0	0
Undervotes	0	16	16
Yes	0	537	537
No	0	254	254

City-Wide
QUESTION 2

	scanned	manual	total
Ballots Cast	0	807	807
Overvotes	0	0	0
Undervotes	0	45	45
Yes	0	277	277
No	0	485	485



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: November 6, 2025

To: Mayor and Keene City Council

From: Megan Fortson, Planner

Through: Paul Andrus, Community Development Director
Mari Brunner, Senior Planner

Subject: **O-2025-28-A Relating to Zone Change for Five Properties on Pearl Street & Winchester Street - Joint Planning Board/PLD Committee**

Recommendation:

A motion was made by Chair Harold Farrington that the Planning Board find that the application meets the intent of the 2025 Comprehensive Master Plan. The motion was seconded by Armando Rangel and was unanimously approved.

A motion was made by Councilor Jones that the Planning, Licenses, and Development Committee request the Mayor set a public hearing on Ordinance O-2025-28-A. The motion was seconded by Councilor Williams and was unanimously approved.

Attachments:

1. O-2025-28-A_Draft Ordinance Language_Redline
2. O-2025-28-A_Draft Ordinance Language_Clean Copy
3. Letter Size Pearl Street
4. O-2025-28-A_Staff Memo for Oct. PB-PLD Meeting

Background:

O-2025-28 went to City Council for a first reading on August 21, 2025, and was referred to the Joint Planning Board & PLD Committee. A public workshop was held on September 8, 2025. During the public workshop, the Joint PB-PLD Committee, after hearing concerns from members of the public, voted to create an "A" version of the ordinance by removing three of the eight parcels included as part of the zoning map amendment and reducing the area of land affected from ~2.65-ac to ~1.6-ac in size.

During the City Council meeting on September 18, 2025, the applicant requested that the ordinance be sent back to the Joint PB-PLD Committee for another public workshop. At the October 18, 2025 PB-PLD meeting, the PLD voted unanimously to recommend that the Mayor set a public hearing date for the ordinance, O-2025-28-A. Additionally, the Planning Board voted unanimously that the proposed zoning map amendment was consistent with the 2025 Comprehensive Master Plan.

Included below is a section of the draft minutes from the October 14th Joint PB-PLD meeting. Attached to this memo are clean and redlined versions of the ordinance as well as the memo that was included as part of the October 14th Joint Committee agenda packet.

1. **Ordinance O-2025-28-A Relating to Zone Change.** Petitioner, Adam Wright, proposes to amend the Zoning Map of the City of Keene by changing the zoning designation of the five properties located at 305 Winchester St, 0 Winchester St, 291 Winchester St, 371 Pearl St, and 363 Pearl St (TMP #s 593-003, 592-019, 592-020, 592-021 & 593-004) from Low Density to Commerce; change the zoning designation of the eastern and southern portions of the property located at 347 Pearl St (TMP #593-005) from Low Density to Commerce; and, change the zone designation for the southern portion of the properties located at 339 Pearl St and 331 Pearl St (TMP #s 593-006 & 593-007) from Low Density to Commerce. The total area of land that would be impacted by this request is ~2 ac.

Mr. John Noonan of Fieldstone Land Consultants and Adam Wright, Petitioner, addressed the Joint Committee. Mr. Noonan stated they have looked at different variations of the zoning lines and changes to the three lots. He stated the initial application was to have the new zoning boundary go through the three lots that were to remain zoned as low density residential. However, in working with the abutters and the landowners of those lots, the applicant has decided to go back and wants to move forward with the "A" version of the ordinance that was originally approved by the Joint Committee, which involved removing three lots on Pearl Street to remain in low density with their existing lot lines serving as the boundary between the low density and commerce zoning districts.

Chair Bosley clarified between the previous joint committee meeting and the council meeting where a public hearing was going to be scheduled, there was some question about potentially altering that map in an additional way. However, at this point, the applicant has decided to revise it back to what came out of this committee and move it to a public hearing.

The Chair asked for staff comments. Senior Planner Mari Brunner stated the only thing that has changed between last time and this meeting is that the 2025 Comprehensive Master Plan was adopted. Because this item was sent back to the public workshop phase and the committee is basically holding a new public workshop on this same ordinance, staff has provided a staff report using the new master plan. There will be a new vote tonight with reference to the consistency of the proposed rezoning with the 2025 master plan and the PLD Committee will be voting on whether to recommend that the Mayor move forward with setting a public hearing, which is required by state statute.

Ms. Fortson addressed the components related to the updated master plan. She stated that in regard to the updated future land use map, the areas of Keene are less defined than they were on the previous land use map. The goal is to be more flexible and allow for more interpretation by City Council and Planning Board members. The area proposed to be rezoned in the updated map is shown as a transition area between a well-established downtown adjacent neighborhood, often referred to as the Italian neighborhood. It is also an area designated as corridor-oriented commerce on the future land use map. The area is also located near the Ashuelot River, which provides an important north-south wildlife corridor through Keene.

Ms. Fortson went on to say that the downtown character area description includes a mix of historic downtown neighborhoods that provide missing middle housing types, which can be duplexes,

triplexes, townhomes, and other such housing types. It is described as highly walkable and multimodal. On the other hand, there is the corridor-oriented commerce character area, which serves more as a mixed-use regional magnet for higher intensity multifamily housing, chain businesses, and automobile-oriented transportation.

She indicated the “A” version of this ordinance, which was previously proposed by the Joint Committee at last month’s public workshop, would add a small strip of commercially zoned parcels along Pearl Street adjacent to the roundabout and then add a long strip of commerce adjacent to where the McDonald’s site is located.

With reference to the master plan goals, instead of having a focus area, which is what the previous master plan outlined, the updated master plan has six strategic pillars: livable housing, thriving economy, connected mobility, vibrant neighborhoods, adaptable workforce and flourishing environment. Staff felt that the goals most relevant to this map amendment included boosting infill development and redevelopment, which is a goal under the livable housing pillar, and then attracting and growing Keene’s businesses of all scales, which is a goal under the thriving economy pillar. The vibrant neighborhood pillar has the overall aim of supporting vibrant community neighborhoods that reflect their unique identity.

Ms. Fortson noted the proposal now involves the conversion of five existing parcels from a low density zoning designation to a commerce designation. The low-density district allows for the creation of the missing middle housing that the city is hoping to see with things like cottage court developments. However, a change to the commerce designation is going to allow for a greater variety of commercial uses, some of which are intense, including retail offices, etc.

Ms. Forston pointed out that the Pearl Street neighborhood has many single-family homes as well as two-and three-family homes. The architecture of the entire neighborhood has a very cohesive fabric and felt the Board needs to consider when making this rezoning change, whether the city wants to continue to allow commercial development along Pearl Street and if that should extend all the way to the Winchester Street roundabout and down Winchester Street to the South. Otherwise, does this area serve more as a transition between the traditional neighborhood layout and the more intense commercial area to the south and southeast.

Chair Bosley, for the benefit of Planning Board members who were not present at the last meeting, explained that this proposal originally included an additional three parcels that were adjacent to this commercial strip. The committee listened to comments from the neighborhood and created an A version to create a buffer zone between the potential commercial uses. The item has now been brought back to the committee for a second review.

Chair Farrington noted to the proposal outlined on page 17, which is what Mr. Noonan articulated today. However, the narrative in the agenda packet still includes changes to the other three parcels that have since been removed, so he asked for clarification. Ms. Brunner stated that since the public workshop was noticed (which had to go out 14 days prior to the date of today’s meeting, staff had an opportunity to speak with the petitioner and one of the things the petitioner was not aware of at the time that he requested this item get sent back to the Joint committee was the fact that City Council had adopted rules specifically for split zoned parcels. The Council adopted split zoned parcels rules on the same evening. This item went to City Council on September 18th for a public hearing and hence, wanted to stay with the A version.

This was after the notice had already gone out, and the city's practice is to keep the language on the agenda consistent with the notice. The Chair clarified that the following language should be deleted starting at the 5th line: *"change the zoning designation of the eastern and southern portions of the property located at 347..."* to the end.

Chair Bosley opened the public workshop portion of the meeting and stated that this was not a formal public hearing. The committee will hear different comments on this item but stated it will be equally important for the public to attend the public hearing set by the Mayor to make sure that the full Council hears the public's opinion as well.

Ms. Julie Rose of 315 Pearl Street, Keene addressed the committee. She stated she was opposed to rezoning the proposed parcels as commercial. She stated this neighborhood has been rooted in this area for generations. She felt if this property was going to be re-developed, it should be for affordable housing and talked about families who can't afford rent in Keene. Ms. Rose felt if commercial was the intent, there are several properties down Winchester Street that could be used for commercial uses as well as vacant properties downtown that could be used for commercial, but they should not be breaking up neighborhoods that have existed for decades as residential neighborhoods.

Ms. Rose talked about the disruption to traffic in the neighborhood due to the construction on Island Street. She asked that the area be retained as residential and not add commercial to this neighborhood. She also felt this type of change would reduce her property value.

Mayor Kahn asked Ms. Rose if these properties were not zoned commercial but allowed for a more dense, perhaps housing-oriented zone such as high density or medium density, whether that is something that would be agreeable to her. Ms. Rose felt the next step from high density would be commercial and felt this is an area that should not be used for multifamily housing in keeping with the character of the existing neighborhood.

Ms. Lori Whippie of 352 Pearl Street, Keene was the next speaker. She indicated her home is directly across from the petitioner's property. She stated she was opposed to this rezoning to commercial. Ms. Whippie stated her property abuts the Ashuelot River and already has issues with erosion and has experienced flooding twice in the last six years. She felt turning this area to commercial as indicated at the last meeting could bring in varying uses, such as multifamily homes or a hotel which could require additional parking areas – paving over the grassy areas would increase the already existing flooding issues. She added that this runoff also could end up in the river causing possible water pollution. She stated she is looking at entities to address this issue more eloquently.

Ms. Whippie asked whether there have been any studies done with respect to increased flooding if this area was to be paved over.

Ms. Whippie addressed noise pollution, which is already an issue with the commercial site at McDonald's and the issues with drug dealing that happens at that site. She stated she did not want to see this happen across from her home. She added the construction that is happening on Island Street is already causing vibration in the homes on Pearl Street. She indicated light pollution from McDonald's is also another issue. In the late spring and summer, the foliage helps with light pollution, but developing this area would remove this barrier. Having a commercial use would bring additional lighting issues, as you can't dictate what hours vehicles can access a commercial site.

Ms. Whippie noted if a restaurant is added to this site, it brings in dumpsters and food waste close to

residential neighborhoods and also runs the risk of attracting wild animals to the neighborhood.

Ms. Whippie stated commercial parking lots also attract crime and used a recent shooting at the Walmart parking lot as an example. She also talked about the traffic issues that exist on Pearl Street and did not feel this street is designed for commercial use. Ms. Whippie referred to the letter from the petitioner, which refers to the property on the roundabout, *“which has been vacant for many years and has fallen into disrepair. The location of these properties does not serve the residential low density zoning well, and that the roundabout traffic and adjacent fast-food restaurants hinder the appeal of residential homes at this intersection.”* She questioned what would happen to homes on Pearl Street by bringing this use closer – she questioned whether this would not de-value their property values. She added the property on the roundabout had only been vacant for about a year.

Ms. Whippie felt there are many vacant properties in commercially zoned areas in Keene and questioned why commercial use needs to be brought into their neighborhood. She also pointed out that she has solar panels installed on her house and would not want to see a tall building constructed across from her house blocking the sun, which could have financial impact on her.

She added that her husband would be retiring in four years after serving in the military for 20 years and would be coming home to all this turmoil.

Ms. Shauna Stack Davis of 323 Pearl Street stated she has lived in her home for the past 17 years and until last year they had a lot more privacy during spring, summer and fall when many of the trees were taken down. This has caused them to have to deal with a lot more noise and criminal activity from the McDonald’s site when fence panels get plowed down by cars, drug deals go on behind the fence, that she says she has witnessed. Ms. Stack Davis felt any more expansion of commercial uses would only increase this unsavory behavior. She expressed concerns about a commercial use located on the roundabout which could cause issues with traffic.

Mr. Joe Wadkowski of 280 Pearl Street addressed the committee and stated he has lived on his property for 35 years. He stated the neighborhood has attracted many young families, and he would hate to see that disrupted. Mr. Wadkowski stated affordable housing is an issue in Keene, and he would not want to see a low density residential area turned to commercial. He noted the traffic issues that already exist on this street.

Mrs. Barbara Peloquin of 308 Pearl Street stated she agrees with the comments made by the neighbors. She indicated she has lived in the area for the past 55 years. She noted there are many businesses that are located at the end of Wood Street where there was an agreement for their truck traffic to happen during certain times of the day. However, this has changed in the last few years with a paving company that has moved to this site and the trucks that pass by rattle their windows and the neighborhood is woken up at 4:30 am by these trucks driving by. She felt there was a heritage to be preserved and respect shown for the people who already live here.

Ms. Michelle Wright addressed the committee and stated she owns property on Pearl Street.

She reiterated the flooding issue previously raised, which she indicated her parents who live in this neighborhood have had to deal with. She noted the river on Island Street is an actual floodway and property in that area is required to have flood insurance. FEMA maps indicate this area is in the 500-year flood zone, and they are also referred to as A&E, which means these areas actually flood more often than the 500-year flood zone. Ms. Wright noted flood insurance could be very costly. She

indicated her parents have had two feet of floodwater in their basement and have received no assistance from FEMA. She also talked about trees falling into the river and disappearing, which is something that exists within Cheshire County, referred to as avulsion and is a major problem in New Hampshire. She indicated when water takes away the land that belongs to you, you are still responsible for paying the mortgage on that land.

She indicated this change to commercial would change the soul of this neighborhood. She felt this change would cause the loss of property value, safety, peace and stability. Zoning is not only about land use, it is also about values and what the city believes a neighborhood should endure. This change would increase impervious land to an area that already has flooding issues. Ms. Wright stated the residents of Pearl Street are not opposed to development, they are simply calling for responsible development.

With no further comments, the Chair closed the public hearing. The Chair noted this committee is not the body that will make any decision. The decision regarding this issue will ultimately be made by the City Council.

Councilor Haas felt this is a great example of the challenge the city faces where commercial neighborhoods abut existing residential neighborhoods, which he felt is a difficult problem to solve; to find developers who will invest in these properties. He hoped the city could find a good solution.

Councilor Williams stated he voted in favor of this item a month ago but is having some reservations, specifically about the large parcel on Pearl Street. The ones that are facing Winchester Street there is a good case for rezoning, but he wasn't sure if commercial rezoning is the answer. Instead, perhaps limited commercial as it exists elsewhere in the city, which allows for smaller businesses like doctors' offices, lawyers' offices, etc. but not large scale commercial. He felt the large lot on Pearl Street should be a residential lot as there is sufficient space to locate three or four good houses. The Councilor felt rezoning to commercial would have a negative impact on what really is a lovely neighborhood and stated he did not want to see that changed.

Councilor Jones stated he is concerned about impervious surfaces and noted there is going to be a loss of pervious surface in a part of the city where the river makes that bend (behind the Whippie property). He indicated this property is on the cut side, which gets cut every time there is a flood and causes more water to come down. The Councilor felt this property could eventually lose their yard.

The Councilor stated he has assisted neighbors in this area with their basements during a flooding event.

Councilor Jones referred to the history of zoning petitions on that street; eight or nine years ago there was a request for a change. This zoning change was denied by the City Council because the north end of Pearl Street, where it meets West Street, is considered a failed intersection, and they felt this was another good reason why this change should not be approved.

He went on to say the city went through a reevaluation a number of years ago and there is another one coming up next year. For the first time in history, the value of commercial property went down, while residential has increased. There are many empty commercial spaces, which is why commercial values are going down, and residential properties are having to pick up that burden.

He added the city keeps talking about needing more housing and questioned why the city would then

take away residential space. The Councilor referred to what Ms. Wright stated that zoning is about values and felt this area should be kept as residential.

Ms. Roberta Mastrogiovanni stated the rotary definitely is causing some traffic issues and the Island Street construction does not help with this issue either. She noted that this neighborhood has been here for a long time and many residents have lived in their homes for a long time as well. She agreed this corner has been an eyesore, and it would be nice to see this property improved. Ms. Mastrogiovanni agreed flooding is an issue and felt every time a developer comes in and wants to change a zoning to suit their needs, this is something the city needs to be careful about.

Chair Bosley stated at the last meeting there was discussion about the properties that were abandoned on the roundabout and questioned whether Ms. Mastrogiovanni can see residential buildings going into this property. Ms. Mastrogiovanni stated that even with residential you need to be careful that flooding does not increase for the rest of the neighborhood. The Chair asked for staff comment regarding pervious and impervious surfaces and how water is dealt with on commercial properties.

Ms. Brunner stated the flood risk for this area is expected to change and FEMA has released preliminary flood maps that show the flood risk and this is something for the committee to consider regarding the developable nature of this area. New construction is not permitted in the floodway, construction is permitted in the floodplain, but compensatory storage needs to be provided, which is an extra step and an extra expense for a developer. An engineer will need to be hired, an elevation certificate will need to be completed to indicate that for every foot of flood water that they are displacing, they are creating compensation elsewhere on the site. In addition, stormwater management is also required through the Planning Board; multifamily or commercial development would have to go through a review process, which will require an analysis of the runoff from the site.

Ms. Brunner went on to say the difference between low density and commerce in terms of the amount of impervious coverage that is allowed; Low density is probably around 40% maximum, whereas commerce is more like 80% maximum.

Chair Bosley stated she has concerns about the river in the neighborhood. She felt there is going to be a mixed conversation at council about this project, and she felt this should be a decision of the council.

A motion was made by Councilor Jones that the Planning Licenses and Development Committee request the Mayor set a public hearing on Ordinance O-2025-28-A. The motion was seconded by Councilor Williams and was unanimously approved.

A motion was made by Harold Farrington that the Planning Board finds that the application meets the intent of the 2025 Comprehensive Master Plan. The motion was seconded by Armando Rangel and was unanimously approved.

Ms. Brunner stated that to anyone in the public if they sign up through the city website, there are notifications sent out regarding upcoming city meetings.



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



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):

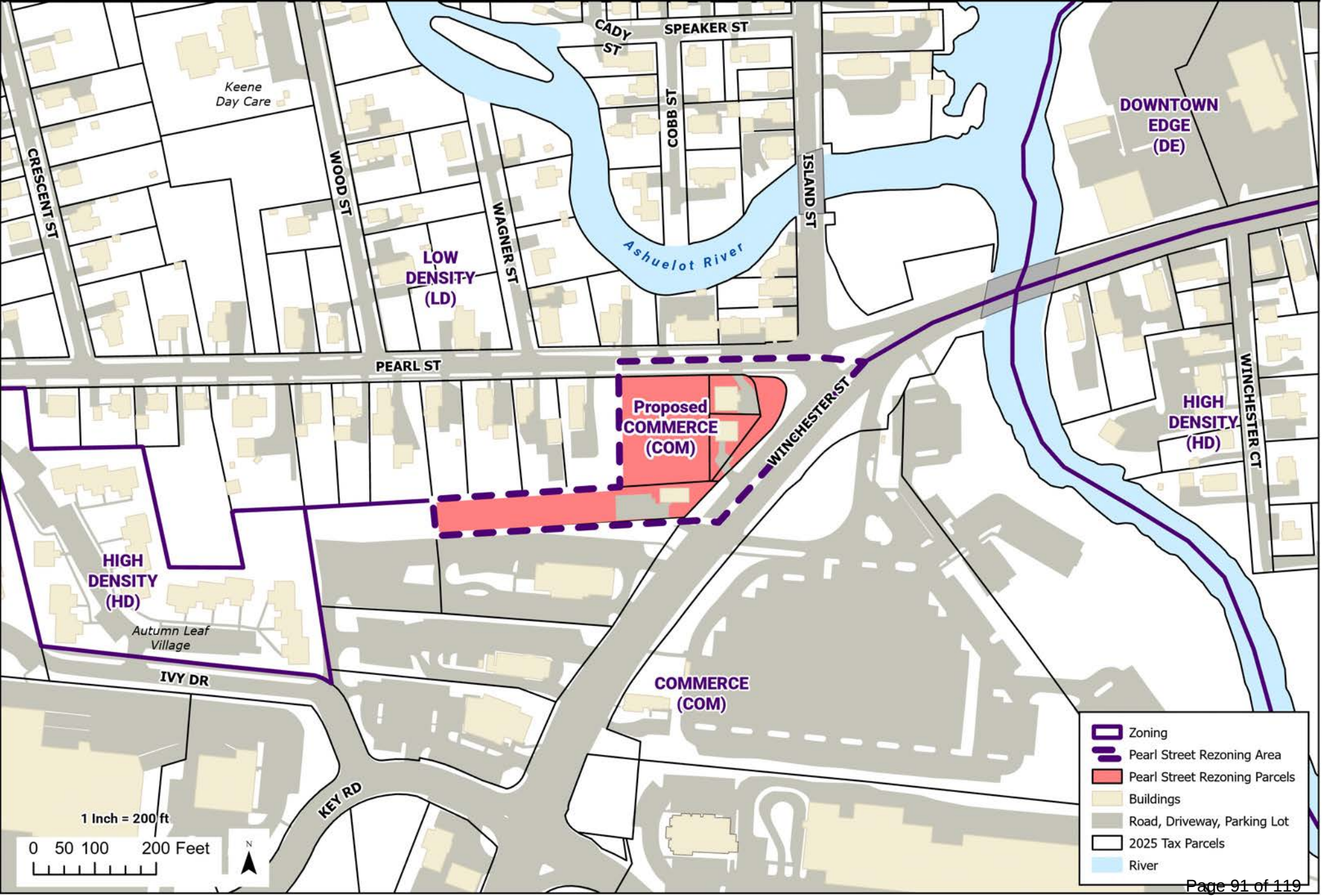
592-019-000-000-000 0 Winchester Street
592-020-000-000-000 291 Winchester Street
592-021-000-000-000 371 Pearl Street
593-003-000-000-000 305 Winchester Street
593-004-000-000-000 363 Pearl Street

Jay V. Kahn, Mayor

Proposed Zoning Map Amendment **Pearl Street, Keene, NH** **Tax Map 593 Lots 3-4 & Tax Map 592 Lots 19-21**

Prepared by KGIS
 9/15/25
 City of Keene Parcels:
 CAI Inc
 Basemapping:
 KGIS2025

DISCLAIMER:
 The City of Keene makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The City of Keene shall have no liability for the data or lack thereof, or any decision made or action taken or not taken in reliance upon any of the data.





MEMORANDUM

TO: Joint Planning Board & PLD Committee (PB-PLD)

FROM: Megan Fortson, Planner

THROUGH: Mari Brunner, Senior Planner

DATE: October 8, 2025

SUBJECT: Ordinance O-2025-28-A – Relating to Map Amendment in the vicinity of Winchester St & Pearl St

Recommendations:

Planning Board:

"To find that Ordinance O-2025-28-A is consistent with the 2025 Comprehensive Master Plan."

Planning, Licenses, & Development Committee:

"To recommend that the Mayor set a public hearing date."

Background:

This ordinance originally proposed to rezone ~2.65 acres of land between Pearl St. and Winchester St. from Low Density (LD) to Commerce (Com). The 8 properties proposed to be rezoned included 3 properties on Winchester St. and 5 properties on Pearl St. Following public comment and deliberation, the Joint Committee created an "A" version of the ordinance, O-2025-28-A, which removed three of the Pearl Street parcels from the proposed amendment, as shown in Figure 1. The area of land affected by the proposed zoning change in the A version is ~1.6-ac.

At the request of the petitioner, City Council referred this ordinance back to PB-PLD for further discussion. The petitioner then submitted a proposal to "split zone" three parcels on Pearl St. that had been removed in the "A" version, and this revised proposal was included in the notice for the Oct. 14th public workshop. However, after the notice for the workshop went out, the petitioner was made aware of a recent change to city code that established new rules for split-zoned parcels. The new section states:

"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. ..."*** (emphasis added)

Given these new rules, the petitioner indicated to staff that they intend to withdraw their request to amend the ordinance, and instead they would like to move forward with the “A” version of the ordinance that came out of the September 8th public workshop.

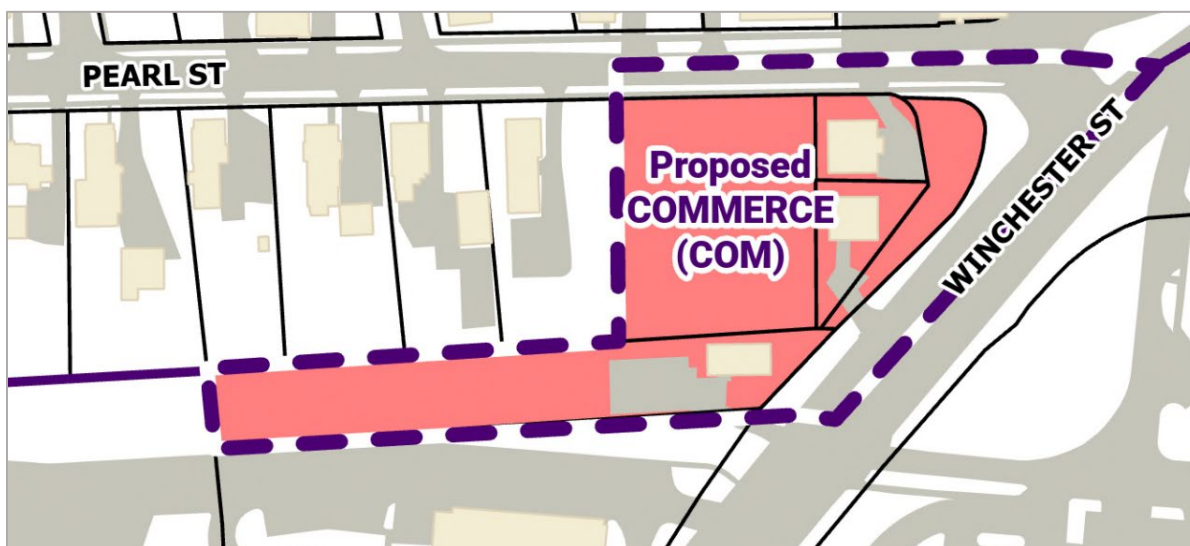


Figure 1. Area proposed to be rezoned from Low Density to Commerce in the “A” version of the ordinance, O-2025-28-A.

Master Plan Consistency:

The 2025 Comprehensive Master Plan was endorsed by City Council on September 18th with the adoption of Resolution R-2025-32 and was subsequently adopted by the Planning Board at their meeting on September 29th. Included below is a summary of the updated ordinance’s compliance with the new Master Plan.

Future Land Use Map:

The area proposed to be re-zoned is in a transition area between a well-established, downtown-adjacent neighborhood area (often referred to informally as the “Italian Neighborhood”), and an area designated as “Corridor-oriented Commerce” on the Future Land Use Map. This area is also near the Ashuelot River, which provides an important north-south wildlife corridor through Keene.

The Downtown Character area includes historic downtown neighborhoods that provide “missing middle” housing types (e.g., duplex, triplex, townhome, and other house-scale housing types) and is described as highly walkable and multimodal. The Corridor-Oriented Commerce character area serves as a “mixed-use regional magnet” attracting a combination of residential and commercial uses and tends to be clustered along major thoroughfares, including Winchester St. Properties in this area are intended to serve as a hub for chain development, workforce, and consumer uses. Multimodal transportation, including walking, biking, public transit, and vehicular access are identified as the primary means of transportation in these areas.

The “A” version of this ordinance would add commercially zoned land along Winchester St., which is consistent with the Future Land Use Map, and would add a limited amount of commercially zoned land along the south side of Pearl St. in a residential neighborhood area (Figure 1).

Master Plan Goals:

The 2025 Comprehensive Master Plan goals are organized around six strategic pillars: Livable Housing, Thriving Economy, Connected Mobility, Vibrant Neighborhoods, Adaptable Workforce, and Flourishing Environment.

Goals relevant to this map amendment include “Boost Infill Development and Redevelopment (Goal 1 under the Livable Housing pillar), “Attract and Grow Keene’s Businesses of all Scales” (Goal 3 under the Thriving Economy pillar), and various goals under the Vibrant Neighborhood Pillar, which aims to *“Support vibrant community neighborhoods that reflect their unique identity.”*

The proposal would change the zone designation for five parcels along Winchester St. and Pearl St. from Low Density (LD) to Commerce (Com). LD allows for a limited number of uses by right, including single-family homes, community gardens, and conservation areas. This district also allows for cottage court developments, which allows “missing middle” style housing to be built with Planning Board approval. In contrast, the Commerce District allows for a large variety of uses by right, including multi-family housing with commercial space on the first floor, retail and/or office uses, light industrial, and congregate living uses.

The parcels along Pearl St and Winchester St were historically part of the Italian Neighborhood in Keene. Homes in this area range in density from single- and two-family homes interspersed with multi-family buildings that fit in with the fabric of the existing buildings. However, along Winchester St., many of these properties have been transitioned to more automobile-oriented uses with a regional draw, such as fast-food restaurants, a commuter parking lot for Keene State College, a gas station, retail, and an urgent care center.

The project narrative states that the location of these five parcels does not serve the Low Density District well due to the proximity of the parcels to heavy traffic on Winchester St. as well as adjacent fast-food restaurants. The narrative also states that changing the zoning designation of the Winchester & Pearl St lots would make the properties more marketable to potential developers and investors. If rezoned to Commerce, these parcels could be redeveloped to allow for a mix of commercial and multi-family uses to provide a transition between existing commercial uses on Winchester St and residential properties along Pearl St.

In reviewing this request, the Committee will need to balance concerns about impacting the character of the existing historic Pearl St. neighborhood with the community’s goals of attracting new businesses and promoting redevelopment of underutilized properties.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.2.

Meeting Date: November 6, 2025

To: Mayor and Keene City Council

From: Megan Fortson, Planner

Through: Paul Andrus, Community Development Director
Mari Brunner, Senior Planner

Subject: **O-2025-34-A: Relating to Zone Change for Six Properties on Maple Ave & Route 12 - Joint Planning Board/PLD Committee**

Recommendation:

A motion was made by Harold Farrington that the Planning Board finds Ordinance O-2025-34-A is consistent with the 2025 Comprehensive Master Plan. The motion was seconded by Armando Rangel and was unanimously approved.

A motion was made by Councilor Jones that the Planning Licenses and Development Committee request the Mayor set a public hearing for Ordinance O-2025-34-A. The motion was seconded by Councilor Williams and was unanimously approved.

Attachments:

1. O-2025-34-A_Ordinance_Redlined
2. O-2025-34-A_Ordinance_clean copy
3. O-2025-34-A_Zoning Map Amendment Map_REDUCED SIZE
4. SR_Ordinance_O-2025-34

Background:

O-2025-34 went before City Council for a first reading on October 2, 2025, and was referred to the Joint Planning Boars & PLD Committee. A public workshop was held on September 8, 2025. During the public workshop, the Joint PB-PLD Committee, after receiving a recommendation from City Staff, voted to create an "A" version of the ordinance by adding five additional parcels to the proposed map amendment.

Included below is a section of the draft minutes from the October 14th Joint PB-PLD meeting. Attached to this memo are cleaned and red-lined versions of the updated ordinance, O-2025-34-A, as well as the staff report that was included as part of the October 14th agenda packet.

1. **Ordinance O-2025-34 Relating to Zone Change.** Petitioner, City of Keene Public Works Department, proposes to amend the Zoning Map of the City of Keene by changing the

zoning designation for a portion of the property located at 62 Maple Ave (TMP #227-006-000) from Industrial Park District to Medium Density. The total area of land that would be impacted by this request is ~1.3 acres.

Chair Bosley explained this is property on Maple Avenue that is owned by Cheshire Medical Center. The City Manager has negotiated that as part of their PILOT (Payment in Lieu of Taxes) agreement, Cheshire Medical Center will gift the City with an ~1.3-ac portion of their lot. However, the issue the City is running into is that the underlying zoning does not work for what they would like to potentially use the parcel for, even though there are no definite plans for its use yet. She added the City could perhaps use it as a new site for Fire Station 2. The Assessing & Public Works Departments are asking for this zoning change, but in reviewing the request, some additional changes might be better suited to this area, which would better benefit the City.

Ms. Brunner and Ms. Fortson addressed the Committee next. Ms. Brunner stated the petitioner is the City of Keene. The Public Works Department started the process by contacting the surveyor to prepare the plan, but the Community Development Department has since taken over. The original proposal was to rezone a portion of the lot so that it would be subdividable. However, in looking at this area, there is not a single parcel of land in this zone whose use would actually be allowed in the underlying Industrial Park District.

Ms. Brunner went on to say that there are five additional parcels of land in this area that staff are recommending be rezoned to Medium and/or Low Density as part of this process. Two of them are parcels located across Route 9 that are vacant and inaccessible. Both of these lots are immediately adjacent to the Low Density District, which is the new proposed zoning district. The three remaining parcels are located at 84, 90, and 100 Maple Ave are the sites of two single-family homes and Trinity Lutheran Church & school, which are proposed to be rezoned to Medium Density.

The proposal for all parcels on the north side of Maple Ave between the road's intersections with Route 12 and Park Ave to be rezoned as Medium Density would create a contiguous block for this zone. All uses that exist on these lots today would be permitted with this zone change. It would not make any of the parcels non-conforming and would take two non-conforming parcels and make them conforming. The two parcels that are across Route 12 are proposed to be rezoned to Low Density to be consistent with the land that they are immediately adjacent to. Ms. Brunner turned the presentation over to Ms. Fortson.

Ms. Fortson stated at the present time there are two single family homes, the Trinity Lutheran school and church, the hospital's property, and the two Rt. 9 undeveloped parcels included as part of the proposed zoning map amendment. Ms. Fortson stated the church, school and hospital uses are not permitted in the Medium Density District; however, this section of Maple Avenue is on what is called the "Institutional Street List," which allows these uses by right regardless of the underlying zoning designation.

Ms. Fortson went on to say this application is being reviewed through the lens of the 2025 Comprehensive Master Plan, since it was adopted by the Planning Board and endorsed by City Council on September 18th. Instead of having a split-zoned parcel that is partially Medium Density and partially Industrial Park District, staff feel that it would be cleaner to have those four parcels zoned Medium Density and then the two undeveloped lots across from Route 12 to be zoned Low Density. Under the current Industrial Park District zoning designation, the allowed uses include things like manufacturing as well as research and development firms.

She went on to say that in Medium Density, you are allowed to have up to six units in a building by right. There is no longer a density factor in that district as long as you meet the minimum lot size requirement, which is 8,000 square feet. Ms. Fortson added the only overlap in terms of uses between the two districts is the fact that any use in either of these districts needs access to City water and sewer utilities,

In terms of the dimensional requirements, as was mentioned, the Industrial Park District has a minimum lot size of four acres, whereas Medium Density has an 8,000-sf requirement and Low Density requires a minimum of 10,000-sf per lot. In the Industrial Park District, the setback requirements are 30-ft for side setbacks and 50-ft for front and rear setbacks. In Medium Density, you have a 15-ft front and rear setback and a 10-ft side setback.

Both districts have the same height requirements, except in the Industrial Park District, there is the potential to construct a taller building by going through a zoning Special Exception process.

In terms of the implications of the proposed change in the density of development, Ms. Fortson stated that this area of Keene is an intersection of many different zoning districts, including Corporate Park, Low Density, a small section of Medium Density, Conservation, High Density, and Commerce. Expanding the Medium Density in this area would obviously allow for the potential creation of more missing middle housing that the City is looking for through the creation of cottage court developments or the construction of additional single-family homes.

Ms. Fortson stated that as was discussed with the Pearl Street ordinance, the Board would need to deliberate as to what the neighborhood looks like now and what it could look like following this proposed zoning change. This concluded with staff comments.

Chair Bosley stated Maple Avenue has an industrial-type building, but noted that she thinks it feels more residential in nature. She felt rezoning Lots 1 and 2 across Route 19 to Low Density made sense to her. If the hospital wanted to provide housing for their staff, that would also be possible on their ~50-ac parcel with this change.

Councilor Jones stated the reason this area is in the Industrial Park District is because the lower part of this area, which was once part of the Black Rock Corporate Park area, and a TIF District was created to get services into this area. He questioned if this TIF District still exists. Ms. Brunner stated it is still there on paper, but it might need to be renewed. He asked whether the church and school were conforming uses. Ms. Brunner answered in the affirmative and added the hospital would also be a conforming use. She indicated the two single-family homes are currently non-conforming uses, but would become conforming uses with this zoning change. The Councilor felt this would be a benefit to the City by creating the potential for cottage court developments and Station 2 possibly located in this area.

The Chair asked for public comment. With no comments from the public, she closed the public hearing.

A motion was made by Councilor Jones that the Joint Committee modify Ordinance O-2025-34 by changing the zoning designation of the four parcels located at 62, 84, 90, and 100 Maple Avenue from Industrial Park District to Medium Density and to change the zoning designation of the two parcels located at 0 Off Route 12 (Tax map 513, Lots 1 & 2) from Industrial Park to Low Density.

The motion was seconded by Councilor Williams and was unanimously approved.

A motion was made by Councilor Jones that the Planning Licenses and Development Committee request the Mayor set a public hearing for Ordinance O-2025-34-A. The motion was seconded by Councilor Williams and was unanimously approved.

A motion was made by Harold Farrington that the Planning Board finds Ordinance O-2025-34-A is consistent with the 2025 Comprehensive Master Plan. The motion was seconded by Armando Rangel and was unanimously approved.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Amendments to the Zoning Map ~~a Zoning Map Amendment~~ – Industrial Park to Low & Medium Density - Maple Avenue & Route 12

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

That the Zoning Map of the City of Keene, as amended, is hereby further amended by changing the zoning designation of ~~a portion of Tax Map Parcels 227-006, known as 62 Maple Avenue from Industrial Park (IP) to Medium Density (MD), as shown as "Lot 1, 1.28 Acres ±, 55,881 Sq.Ft. ±, Proposed Medium Density" on a map entitled "Two Lot Subdivision Plan, Land of Cheshire Medical Center, Located at Tax Map 227 Lot 06, 62 Maple Avenue, Keene, Cheshire County, New Hampshire, Book 3164, Page 1025" prepared by Huntley Survey & Design, PLLC, dated 8/30/2025.~~ the four parcels located at 62 Maple Ave, 84 Maple Ave, 90 Maple Ave, and 100 Maple Ave from Industrial Park (IP) to Medium Density (MD), and the zoning designation of the two parcels located at 0 off Route 12 from Industrial Park to Low Density (LD), as outlined in the table below.

Parcel Address	Tax Map Parcel Number (TMP#)	Proposed Zoning District
62 Maple Ave	227-006-000	Medium Density
84 Maple Ave	227-007-000	Medium Density
90 Maple Ave	227-008-000	Medium Density
100 Maple Ave	227-009-000	Medium Density
0 Off Route 12	513-001-000	Low Density
0 Off Route 12	513-002-000	Low Density

Jay V. Kahn, Mayor



CITY OF KEENE

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

AN ORDINANCE Relating to Amendments to the Zoning Map – Industrial Park to Low & Medium Density - Maple Avenue & Route 12

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

That the Zoning Map of the City of Keene, as amended, is hereby further amended by changing the zoning designation of the four parcels located at 62 Maple Ave, 84 Maple Ave, 90 Maple Ave, and 100 Maple Ave from Industrial Park (IP) to Medium Density (MD), and the zoning designation of the two parcels located at 0 off Route 12 from Industrial Park to Low Density (LD), as outlined in the table below.

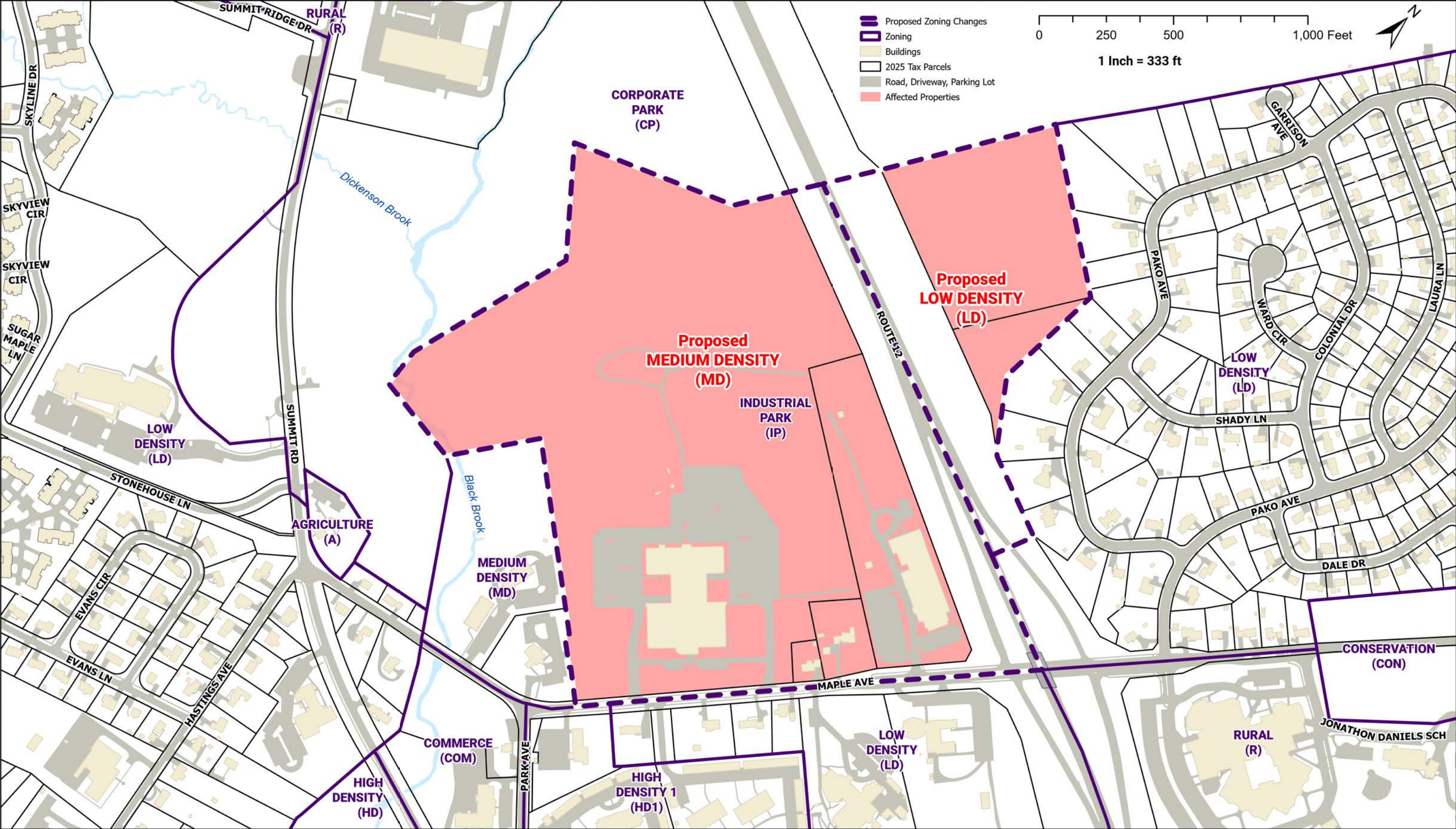
Parcel Address	Tax Map Parcel Number (TMP#)	Proposed Zoning District
62 Maple Ave	227-006-000	Medium Density
84 Maple Ave	227-007-000	Medium Density
90 Maple Ave	227-008-000	Medium Density
100 Maple Ave	227-009-000	Medium Density
0 Off Route 12	513-001-000	Low Density
0 Off Route 12	513-002-000	Low Density

Jay V. Kahn, Mayor

Proposed Zoning Map Amendment
Maple Avenue - Route 12, Keene, NH
Tax Map 227 Lots 6-9 & Tax Map 513 Lots 1,2

Prepared by KGIS
10/30/25
City of Keene Parcels:
CAI Inc
Basemapping:
KGIS2025

DISCLAIMER:
The City of Keene makes no
warranty or representation as
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completeness of any of the data.
The City of Keene shall
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or lack thereof, or any decision
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Staff Report – Ordinance O-2025-34

The Ordinance:

Petitioner, the City of Keene, on behalf of owner Cheshire Medical Center, proposes to amend the official Zoning Map of the City of Keene by changing the zoning of an ~1.24-ac section of the 50-ac parcel at 62 Maple Ave (TMP #227-006-000) from the Industrial Park District to the Medium Density District.

In rezoning decisions, the Petitioner's intended use of the property should not be considered. Rather, the permitted uses allowed in the proposed district should be evaluated for their suitability on the site. Additionally, the Board should consider and review:

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

Background / Surrounding Land Use and Zoning Patterns

The subject parcel is located on the north side of Maple Ave, about 800' southwest of the Maple Ave/Route 12 intersection and ~200' northeast of the Maple Ave/ Park Ave intersection. The property is the site of the Cheshire Medical Center residency program, which occupies a portion of the existing ~142,790-sf building. Adjacent uses include single-family homes and a church to the east, apartments and single-family homes to the south, apartments and a funeral home to the west, and undeveloped land to the north.

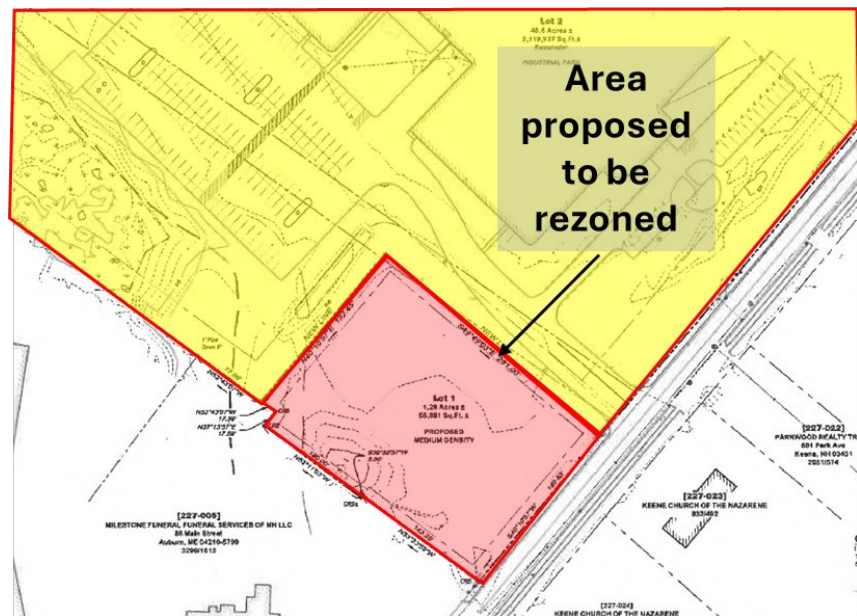


Figure 1. An image taken from the submitted plan showing the extent of the area proposed to be re-zoned.

The proposed Ordinance would expand the footprint of the Medium Density (MD) District further to the east along Maple Ave by re-zoning the southernmost portion of the existing 50-ac parcel as shown in Figure 1. This new area of Medium Density would be surrounded by the Industrial Park (IP) District to the north and east, Low & High Density to the south, Commerce to the southwest, and Medium Density to the west. Figure 2 shows the location of the subject parcel and Figure 3 shows the location of this parcel in relation to the adjacent zoning districts.



Figure 2. Aerial imagery from 2020 showing the location of the parcel at 62 Maple Ave.

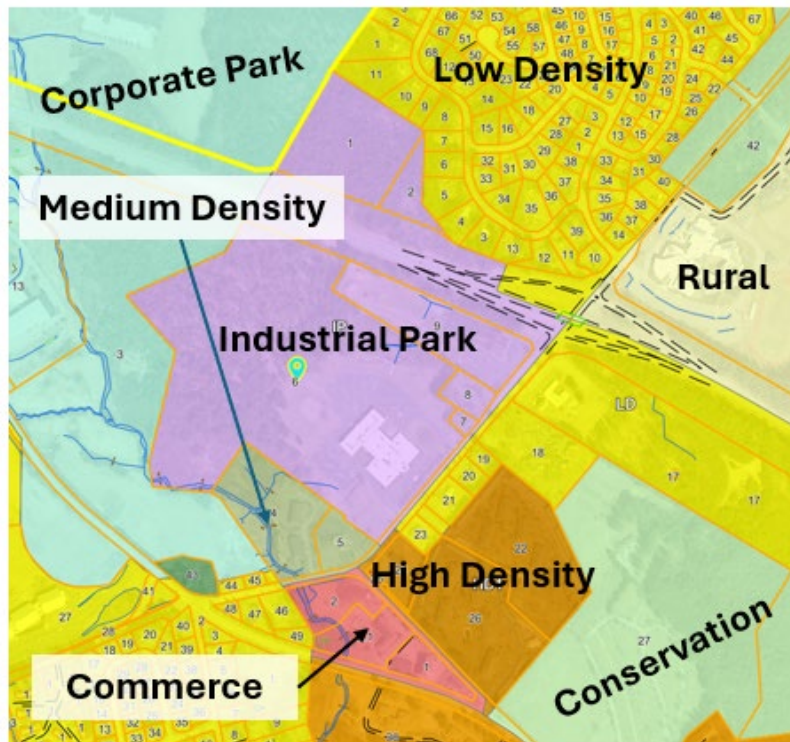


Figure 3. The zoning of the parcel at 62 Maple Ave and surrounding parcels.

Master Plan Consistency

The 2025 Comprehensive Master Plan was endorsed by City Council on September 18th with the adoption of Resolution R-2025-32 and was subsequently adopted by the Planning Board at their meeting on September 29th. Included below is a summary of the proposed ordinance's consistency with the new Master Plan.

The area proposed to be re-zoned sits in a location surrounded by a mix of both single- and multi-family residential uses as well as commercial uses, such as churches and schools. There are no industrial uses in this area; however, the 62 Maple Ave. site was historically the site of an industrial use. It is also important to note that Maple Avenue is on the City's list of "Institutional Streets" where institutional uses, such as hospitals and churches, are allowed irrespective of the underlying zoning district.

Future Land Use Map:

The Future Land Use Map identifies this area as being a desired location for a future Neighborhood Business Node. These "nodes" are characterized as a transitional form of development with small centers in neighborhood areas with higher densities that harmonize with adjacent residential structures. Multimodal transportation options should be offered in these areas, which are abundant with neighborhood-serving commercial uses, such as hair salons, laundromats, and dry cleaners that serve residents living in "missing middle" housing types. The project narrative states that the ~1.24-ac of land proposed to be rezoned would be transferred to the City of Keene from Cheshire Medical Center as part of their annual "PILOT" (Payment in Lieu of Taxes) agreement. The Committee will need to decide whether the proposed zoning map amendment to allow for residential uses on this traditionally industrial/commercial site makes sense in the context of the surrounding neighborhood.

Additionally, the Committee may want to consider expanding the area of the proposed re-zoning to include the other five properties located in this portion of the Industrial Park District given the fact that no industrial uses currently exist in this area and this area of the Future Land Use Map does not include industrial uses. The uses of these parcels include two single-family homes at 84 & 90 Maple Ave, Trinity Lutheran School & Church at 100 Maple Ave, and two undeveloped lots located across Route 12 (TMP#s 513-001 & 513-002) that are immediately adjacent to a Low-Density neighborhood. Expanding the proposed area of re-zoning to include these five additional parcels would not only expand the potential for increased residential development in this area, but would also bring the residential uses on two of these parcels into compliance with the underlying zoning district. If the Committee is amenable to this recommendation, staff recommend changing the zone designation of the four parcels on Maple Avenue to Medium Density and the zone designation of the two parcels off Route 12 to Low Density.

Master Plan Goals:

The 2025 Comprehensive Master Plan is organized around six strategic pillars: Livable Housing, Thriving Economy, Connected Mobility, Vibrant Neighborhoods, Adaptable Workforce, and Flourishing Environment. The two pillars most relevant to this proposed zoning change include Livable Housing and Vibrant Neighborhoods. The Livable Housing pillar aims to *"expand enticing housing options for all"* with a series of goals related to boosting infill development and redevelopment, removing barriers to housing development, and increasing the diversity of options and sustainability of the housing stock for all current and future residents. Additionally, the

Vibrant Neighborhoods pillar aims to “*support vibrant community neighborhoods that reflect their unique identity.*” Goals of this pillar include supporting a built environment that encourages social connections and intersections, fostering collaboration and community relationship building, and fostering a high quality of life for all residents.

The proposed conversion of ~1.24-ac of the 50-ac parcel at 62 Maple Ave from Industrial Park to Medium Density could serve as an opportunity to allow for the creation of additional “*missing middle*” housing units in this area. However, this would create a split-zoned parcel and would leave six parcels in this area zoned in whole or in part as Industrial Park. In deliberating the merits of this proposed zoning change, the Committee may wish to discuss whether the proposed area of rezoning should be expanded to include the additional five parcels in this section of the Industrial Park District.

Characteristics of Existing and Proposed Zoning Districts

Intent of the Zoning Districts:

The proposal is to convert a ~1.24-ac portion of the existing ~50-ac parcel at 62 Maple Ave from the Industrial Park District to the Medium Density District. A description of each of these districts from the Zoning Ordinance is included below.

- **Current Zoning – Industrial Park:** The Industrial Park (IP) District is intended to provide for relatively low-intensity manufacturing and research and development firms that are employee intensive, clean in nature, and promote an attractive industrial park environment. Service operations and sales activities are excluded from this district, except for minor sales that may be accessory to the primary use. All uses in this district shall have city water and sewer service.
- **Proposed Zoning – Medium Density:** The Medium Density (MD) District is intended to provide for medium intensity residential development and associated uses. All uses in this district shall have City water and sewer service.

Based on the intent statements, the proposed zoning for the ~1.24-ac portion of the parcel could be appropriate in that City water and sewer service is available via Maple Ave and both districts allow for lower-intensity uses including residential and light industrial.

District Uses: The permitted uses of the Industrial Park (IP) District (existing) and Medium Density (MD) District (proposed) differ significantly. The Industrial Park District allows for research and development facilities; day care centers; data centers; light industrial businesses; and conservation areas by right. Additional uses including offices, solar energy systems of varying scales, and telecommunications facilities are either permitted with limitations in this district or can be approved through a Conditional Use Permit (CUP) process.

Alternatively, the Medium Density District allows for residential buildings containing up to 6 units by right as well as community gardens and conservation areas. Additional commercial uses including neighborhood grocery stores, offices, restaurants, light retail establishments, group homes, and day care centers are permitted through the submittal of a CUP application. Domestic violence shelters and telecommunications facilities are permitted in this district with limitations. Table 1 shows the permitted principal uses in the Industrial Park District and Table 2 shows the permitted principal uses in the Medium Density District.

6.3.5 Permitted Uses

COMMERCIAL USES		SECTION
Office	SE	8.3.2.W
Research and Development	P	8.3.2.AB
INSTITUTIONAL USES		SECTION
Day Care Center	P	8.3.3.C
INDUSTRIAL USES		SECTION
Data Center	P	8.3.5.C
Industrial, Light	P	8.3.5.E
OPEN SPACE USES		SECTION
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P ¹	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Solar Energy System (Large-Scale)	CUP	8.3.7.C
Telecommunications Facilities	P ¹	8.3.7.E

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

Table 1. Permitted uses list for the Industrial Park District.

3.5.5 Permitted Uses

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

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

Table 2. Permitted uses list for the Medium Density District.

Dimensional Requirements:

Table 3 highlights the dimensional requirements for the Industrial Park and Medium Density Districts. The frontage, story above grade, and height requirements for the two districts are similar, but overall, the dimensional requirements reflect the differences in allowed uses in each of these districts. The Industrial Park District requires a 4-ac minimum lot size and a minimum of a 30'-setback from side property lines. Meanwhile, the Medium Density District has a maximum 15' front and rear setback requirement with a minimum lot size of only 8,000-sf and a 60' minimum lot width at building line requirement. This stark difference between the required minimum lot sizes, setbacks, and lot coverage calculations for each district are reflective of their intended uses.

Table 3. Dimensional Regulations for the Industrial Park & Medium Density Districts		
Dimensional Standard	Industrial Park	Medium Density
Minimum Lot Area	4-ac (~174,240-sf)	8,000-sf (~0.18-ac)
Minimum Lot Width at Building	None	60'
Minimum Road Frontage	50'	50'
Minimum Front Setback	50'	15'
Minimum Rear Setback	50'	15'
Minimum Side Setback	30'	10'
Maximum Building Coverage	25%	45%

Maximum Impervious Coverage	70%	60%
Minimum Green / Open Space	30%	40%
Maximum Stories Above Grade	2 (3.5 with a Special Exception)	2
Maximum Building Height	35' (50' with a Special Exception)	35

Implications of the Proposed Change

Density of Development:

The proposed amendment would extend the footprint of the Medium Density District along Maple Ave with the abutting parcels to the east and north remaining part of the Industrial Park District and the parcels to the south in the Low & Medium Density Districts. This re-zoning would reduce the potential number and intensity of allowed uses on this portion of the parcel; however, if the lot were to be subdivided in the future, the parcel could be developed using the Cottage Court Overlay CUP process to allow for the potential construction of multiple residential buildings on the same parcel by right. Due to the fact that this portion of the Industrial Park District is comprised of only six parcels, rezoning all of these parcels to Medium Density would make any future potential uses of these lots align with the Low & High Density uses directly across Maple Ave to the south.

Provision of city water and sewer service:

The parcel has existing City water and sewer service connections along Maple Ave. Both the Industrial Park and Medium Density Districts require connections to the City water and sewer utilities. Any future development on this parcel or any of the other parcels in this portion of the Industrial Park District will need to be evaluated for sufficient capacity of existing water and sewer systems prior to the commencement of a new use on any of these sites.

Recommendation:

If the Committee is inclined to modify the ordinance as recommended by staff, the following motion language is recommended.

Joint Committee of the Planning Board and PLD: "Move to modify Ordinance 0-2025-34 by changing the zoning designation of the four parcels located at 62, 84, 90, and 100 Maple Avenue from Industrial Park to Medium Density, and to change the zoning designation of the two parcels located at 0 Off Route 12 (tax map 513, lots 1 and 2) from Industrial Park to Low Density."

Planning Board motion: "To find proposed Ordinance 0-2025-34-A consistent with the 2025 Comprehensive Master Plan."

Planning, License and Development Committee motion: "To recommend that the Mayor set a public hearing date."



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: November 6, 2025
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Ferland, City Manager
Subject: **Relating to Class Allocation
Ordinance O-2025-32**

Recommendation:

That the City Council refer Ordinance O-2025-32 to the Finance, Organization, and Personnel Committee.

Attachments:

1. O- 2025-32 Ordinance Relating to Class Allocation

Background:

The ordinance advances two schedule amendments. The first relating to 62-166 aligns job titles listed on the Public Works Probationary Wage Schedule with the recently authorized AFSCME Collective Bargaining Agreement. The second schedule amendment deletes one job title and adds two additional job titles to 62-194 related to non-bargaining unit positions included in the Administrative, Office, Technical and Management Personnel schedule.



CITY OF KEENE

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

AN ORDINANCE Relating to Class Allocation

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 inserting the bold text in Section 62-166 “Probationary public works hourly wage schedule” and 62-194, “Administrative, Office, Technical and Management Personnel” of Chapter 62 entitled Personnel as follows:

Section 62-166 Probationary public works hourly wage schedule

PPW 2	Maintenance Aide I; Recycler I; Recycler I/Attendant
PPW 4	Water & Sewer Service Aide I
PPW 5	Maintenance Aide II; Motor Equipment Operator I; Recycler II; Water & Sewer Service Aide II
PPW 7	Mechanic I
PPW 8	Motor Equipment Operator II; Water Meter & Backflow Specialist
PPW 9	Mechanic II; Sign Maker; Maintenance Mechanic; Utility Operator
PPW 10	Highway Foreman; Transfer Station Foreman; Maintenance Technician I; Lead Mechanic; Water/Sewer Senior Equipment Operator
PPW 11	Water Meter Technician ; Maintenance Electrician
PPW 12	Water & Sewer Foreman; Maintenance Technician II; Shop Manager; Solid Waste Operations Foreman; Senior Utility Operator; Highway Operations Foreman; Water Meter & Backflow Foreman

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; Building Construction Manager
- S 20 Systems Administrator; Purchasing & Contract Services Manager; ~~Assistant City Attorney~~; Water/Sewer Operations Manager
- S 21 NO POSITIONS ASSIGNED
- S 22 **Assistant City Engineer**
- S 23 NO POSITIONS ASSIGNED
- S 24 City Engineer; Database Administrator; Building/Health Official; **Deputy City Attorney**
- S 25 Assistant Finance Director/Assistant Treasurer; Assistant Public Works Director/Division Head; Airport Director
- S 26 City Assessor; Human Resources Director; Library Director; Parks & Recreation Director
- S 27 IT Director; Community Development Director; Police Captain; Deputy Fire Chief
- S 28 Finance Director/Treasurer
- S 29 Public Works Director
- S 30 Police Chief; Fire Chief
- S 31 Deputy City Manager
- S 32 NO POSITIONS ASSIGNED

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: November 6, 2025

To: Mayor and Keene City Council

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

Through:

Subject: Relating to Rules for the Operation of Bicycles
Ordinance O-2025-33-B

Council Action:

Recommendation:

On a vote of 4 to 1, the Municipal Services, Facilities and Infrastructure Committee recommends the adoption of Ordinance O-2025-33-B.

Attachments:

1. O-2025-33-B Rules for Operation of Bicycles CLEAN
2. O-2025-33-B Rules for Operation of Bicycles_Redline

Background:

Chair Greenwald stated that before they look at bicycle rules, he wants to share that there is a New York Times article that commends Keene's roundabouts, with a mention of Mr. Lussier, who was the City Engineer at the time. He continued that he commends Mr. Lussier and the City. Mr. Lussier replied that the article is about the City's innovation in adopting roundabouts as a response to climate change, and recognizing the safety, environmental, and air quality benefits. He continued that the article highlights how the City was at the cutting edge in early 2000 with pushing the idea of roundabouts forward, even over the objection of the NH Department of Transportation (NHDOT).

Mr. Lussier stated that this is about setting the stage for the use of bicycles in the downtown, once the bike lanes are constructed. He continued that largely this will be an Ordinance without a lot of effect until those bike lanes exist. However, the Council wanted to get these rules in place so people understood them, and they could begin the process of public education. Deputy City Manager Rebecca Landry has been thinking and talking with staff about how to do that education and outreach component. He can definitely see more videos from Asah Cramer in the future. That said, the business of tonight is the rules for the use of bicycles on the bike lane. The last time he spoke to the MSFI Committee about this, he presented a draft Ordinance he thought addressed the gaps between what the Bicycle and Pedestrian Path Advisory Committee (BPPAC) had expressed as their desire and what was already codified by State law. As he explained, as a legal best practice, it is not the best idea to have City Ordinances that overlap with or contradict what is already in State law. They

did not write this Ordinance as a comprehensive set of rules, because they did not want it to repeat rules that are already in State law. During the previous discussion, a question came up about whether they can include a rule saying that e-bike riders can ride on the bike lanes downtown, but they are not allowed to use the electrical function and would have to pedal the e-bike in the downtown. The Committee tasked the City Attorney with figuring out the answer to that question, and if the answer was that the City had the authority to make that rule, presenting it as an A version. That is what is in the Committee's agenda packet tonight, an A version that would add a provision that says, "When operating an electric bicycle within the Downtown Core Zoning District, electric bicycles may not engage the electric motor."

Chair Greenwald asked if that would include scooters, and whether they need to be named as such. Mr. Lussier replied that in the agenda packet, in the A version/red line version, subparagraph B says, "In addition, the following rules shall apply to the operation of bicycles, unicycles, tricycles, scooters, roller skates, skateboards, or similar devices, including electrically propelled or assisted versions of such devices." He thinks that because it is a subset of B., it is already included as all of the above. He would defer to the City Attorney to confirm her opinion.

The City Attorney stated that she wants to clarify scooters. She continued that e-bikes have pedals and pedal assist, which is what the Committee originally asked her to look into, and she is happy to talk about her research for that. However, the scooters she pictures do not have pedals. She asked if Chair Greenwald is asking whether the "do not use your motor" rule applies to scooters. Chair Greenwald replied yes. The City Attorney replied that they can apply the rule to scooters. She continued that e-bikes are more specifically regulated by the State, and the reason she asked for some time to look into this was because of that, and to make sure the Council was able to regulate it more specifically. Scooters, they can go to town on. There is a prohibition on scooters, skateboards, and things like that. In addition to e-bikes, if they want to go more specific on scooters, they can. She has not ridden a scooter and does not quite understand, logistically, what the Committee is picturing, for what that means.

Chair Greenwald replied that he would rather see Section 2 say "said devices" or something like that. He continued that he has an electric scooter and can use it the old-fashioned way, by foot, or hit the battery and get up to 20 mph. The City Attorney replied that she would like direction on how to phrase it, but she would point out that there is a mile per hour limit already. Chair Greenwald replied yes, but he thinks an electric device in a bike lane is a problem. Section 2 calls out electric bicycles, and he thinks it could say, "Said devices mentioned above." The City Attorney replied that he can correct her if she is wrong, but if a scooter's motor cannot be used in the bike lane, you would have to walk it, so they are effectively prohibiting them from being used.

Mr. Lussier stated that before there were electric scooters, scooters were just two wheels and a platform. You would use a kicking motion. He continued that he thinks what Chair Greenwald is saying is that you could kick push your scooter but not use the electric motor. The City Attorney replied that in that case, yes, they could do that. Mr. Lussier stated that he thinks "said devices" makes sense for the wording. Then, it is just a reference back to the list of devices under article B. "Bicycles, unicycles, tricycles, scooters, roller skates, skateboards, and similar devices."

Councilor Favolise stated that he had asked the City Attorney the same question about scooters, so he concurs with that. He continued that what he is concerned about is not so much the speed, but something Councilor Filiault has talked about at length. When he parked on Main St. and got out of his car, he looked up and did not hear, but saw, an electric scooter coming, which should not have

been on the sidewalk in the first place. If he had looked up a moment later, there could have been a collision. Thus, he concurs with that.

Councilor Favolise continued that today he received an email, and he thinks the other Committee members did as well, from people affiliated with BPPAC and who spend more time on a regular basis interacting with bicycles and devices like that than he does, wanting to make sure that the language here clearly does not prohibit an e-bike, for example, from being on the road within the Downtown Core District. Mr. Lussier replied that he would refer them to the language under subparagraph B: "The following rules shall apply to the operation of [...] on bike lanes and multi-use paths within the city of Keene." Thus, it is intended to apply to the bike lanes they will build downtown, but also, multi-use paths.

Councilor Favolise stated that he is picturing Main St. right now, and the green shaded thing with the bicycle on it, and the conversation has been around what to call the "bike lanes." His question is whether they are sure, for the purpose of the Ordinance, that it refers only to the sidewalk grade. Mr. Lussier asked him to ask the question again. Councilor Favolise asked, when they says "bike lanes," if they are sure that excludes roadway bike lanes. Mr. Lussier replied no, it would not preclude designated bike lanes adjacent to the roadway. For example, Washington St. has a bike lane. On Park Ave. to Summit Rd., there is an on-street bike lane, striped as a bike lane but not grade separated.

Councilor Filiault stated that it bothers him to hear the City Engineer and City Attorney are not on the same page. He continued that he does not like "winging things" when they are not 100% together here. However, it does not matter to him at this point, because as he has stated in the past, he will not agree to any Ordinance that allows anything with a motor on the sidewalk bike lane downtown, regardless of whether the motor is gas or electric, and that includes e-bikes, e-scooters, and e-skateboards. They would be creating a problem they do not have right now. He does not like creating Ordinances that are completely unenforceable. The speed part is unenforceable, even if they say, "Do not engage your electric motor." Who would monitor that? The whole Ordinance is unenforceable, even if it looks good on paper. The most problematic part is allowing anything with a motor downtown, mere feet away from pedestrians who will be crossing that lane onto what will be designated as the walking part of the sidewalk. He will not endorse this.

Councilor Tobin stated that she agrees that a lot of this will be challenging to enforce. She continued that that is true of many Ordinances, which are violated on a regular basis. They set them out as guidelines so that if there is a problem and someone reports a complaint, there is something the City can do. They can reference the Ordinance that was violated. They do not have the capability or resources to monitor every corner of the street. However, she thinks this Ordinance makes a lot of good points and covers the basics. Over time, it may evolve.

Councilor Workman stated that she was just reviewing an email a constituent sent the Committee, and it sounds like all the concerns the email raised were addressed in this conversation except for one. Only B.1. mentions "Downtown Core Zoning District." For B.5., do they also want to specify "Downtown Core Zoning District," for stops "except at a bike rack provided for such a purpose"? Because they are only intending to put bike racks in specific areas downtown, not all over the city right now. They might want to add that wording.

Chair Greenwald asked if they are drifting toward a C version of the Ordinance, or if this is still B. The City Attorney replied that they have an A, so this would be a B. Chair Greenwald replied that to make

this a B version, it would pick up Councilor Workman's suggestion that section 5 indicate the Downtown Core, and his suggestion on 2, about "above mentioned devices." The City Attorney replied that she has an alternative suggestion for wording for B.2. – "Any device with an electric motor may not engage the electric motor within the Downtown Core Zoning District." Chair Greenwald replied that that sounds good.

Councilor Filiault asked if the B version has to go back to the City Council to be read for the first time. The City Attorney replied that since they have stayed within the scope of what these rules proposed and the language edits tonight are not shifting any of that, she thinks they are good.

Chair Greenwald asked for public comment.

Robin Kost of 51 Railroad St. stated that for informational purposes as they think about bike lanes, there is a growing number of elderly and disabled people in the city who use electric scooters and electric wheelchairs. She continued that they go between 4 and 10 mph. They currently use the sidewalk. She asks the Committee to keep the ADA in mind, and keep in mind that if they are sharing the road, there is a consideration of respect for people who are handicapped using motorized wheelchairs and scooters.

Chair Greenwald asked the City Attorney if they need to add a Section 6 for this. The City Attorney replied that because these rules will apply to the devices they have identified, and she does not think it is contemplated that the bike lanes are intended for travel by pedestrians or wheelchair users, regulating them is probably not necessary. Mr. Lussier stated that he would add that the City Code provisions that prohibit the use of bicycles or scooters on Downtown sidewalks already have an exception for mobility devices. People using wheelchairs or scooters as mobility devices are allowed to use the sidewalks throughout the downtown, and that is not being proposed to be changed by the Ordinance. Councilor Filiault stated that to be clear, no matter what Ordinance comes out, medical devices and electronically assisted mobility devices would be exempt.

Lynn Sterling of Jordan Rd. stated that her husband Jim retired and started regular biking for health, fun, and exploring. She continued that now she is retired, too, and ready to join those bike rides. She can use an electric bike, and now they can ride together. She brought her electric bike tonight to show the Committee. She showed where it turns on by battery. She continued that it has different speeds, ranging from "0," which is just pedaling, to 4, but when she rides, she uses 0, 1, and 2. She and her husband ride up towards Gilsum along the highway, and bring their e-bikes to Maine and ride there. It has been wonderful. Finally, after all the meetings, the City Council said yes to bike lanes for the downtown project. It is just like Europe has. She has heard people on the radio, in Council meetings, and in the Keene Sentinel, calling her "an electric bike owner and rider," a "speed demon," a "silent danger to everyone," someone who is "zooming along Main St. and knocking over walkers" and "colliding with cars," and "an accident waiting to happen." She can speak for e-bike riders and regular bicycle riders when she says she does not want this to happen. They are not reckless like media outlets say they are. Cars can go 55 mph down Main St. and they weigh thousands of pounds, but they do not, because drivers have common sense. As a person born and raised in Keene, she knows this, and she knows to follow the rules. She does not want to crash or fall. Main St. is a special place for all of us to move safely together. They need to try bike lanes. It is not an original idea; Keene is not coming up with the concept. Electric bicycles need to be part of it.

Jim Sterling of 197 Jordan Rd. stated that he is happy to hear that they will have bike lanes that will allow e-bikes, just not with their electric motor turned on. He continued that he was actually going to

suggest that. He listens to talk radio and comes to meetings, and some people have so much apprehension about e-bikes. He rides a regular bike all the time, and he is trying to figure out where people are seeing these “speed demon” riders. Sometimes he sees someone go really fast, but outside downtown, not inside here. That is just like cars, which sometimes go a little faster. That same person is not necessarily going to go 20 mph on their scooter in the downtown bike lane, just like cars do not speed there. It is the same principle. He once heard on local talk radio a woman was having a hard time understanding bike lanes, and she was afraid that when she got out of her car and stepped onto the curb, she might get run over. He understands that anxiety, but he tried to picture that. It is not like she would be popping out of the bushes into the middle of a bike lane. Just like when approaching a street, you look and then step forward. That is all. That same woman has no problem walking across the street through two lanes of traffic of 2,000-lb. cars going 25 to 35 mph. That same person has no problem backing out from a parking spot into oncoming traffic or going on the bypass driving 50 mph with large cars coming by within eight feet with only a yellow line in between. It dawned on him that it is because she, and people in general, are used to those things. There are many things we all do that come with risks, but we are acclimated to them. We watch our children play various sports, for example. He thinks people’s anxieties about bike lanes are exaggerated, because they have not seen them. Once they see bike lanes, they will become acclimated. He and his wife went on a river cruise in Europe, and every stop with e-bike tours were always booked up, by people in their 40s through 80s. In every town they went through, big and small, they rode the bike lanes, which included e-bikes with their motors on, and there were no problems. These river cruises are run by billion-dollar companies that do risk assessments, and if e-bikes and bike lanes had the serious problems he hears people in Keene worrying about, the river cruise companies would not do them. He thinks that once the bike lanes in Keene get going, people will have something to look at and they will become acclimated. They do not want to lose the ability for e-bikes to come downtown. It is the fastest growing transportation method for people in their 40s and older, and those people have money to spend. Using a bike rack to park a bike is better than using a parking space. He knows Councilor Filiault fought hard for parking spaces. Regarding that mythical, \$14-million parking garage Keene will never really build someday, which would hold 400 cars, he did the math and realized one parking space costs \$30,000. A nice commercial bike rack that holds five bikes is \$500. That is 300 bike parking spaces for the price of one space in a parking garage. They want more people to use bikes, and for people to not be utilizing all the parking, and for fewer cars to come. He does not think they want to block out the growing number of people who want to come downtown on e-bikes and spend money.

Councilor Williams stated that he wanted to follow up on what someone said about mobility devices. He continued that in many cases, that is what these are. For example, he knows an elderly woman who rides an e-bike that is also a tricycle. It probably would not count as a “scooter,” but she uses it to get around because it is easier than pedaling a bicycle. He does not think they should require her to ride in the street. She already does, and it scares him. It is not safe to ride in the street. As an e-bike rider, he does it regularly, and on Main St., it is not great. If there were bike lanes with a 10 mph speed limit, he would ride the 10 mph speed limit on the bike lanes. If there is no motorization, though, he will be back out on the street, because his bike is heavy to pedal. Another concern he has is that this is unenforceable. Someone looking cannot tell if a motor is engaged or not. When he pedals, the motor is automatically engaged unless he switches it to “0.” He usually keeps it at “1,” and likes having the throttle there in case he needs to accelerate quickly to get out of danger. One of the safest things about e-bikes is that you can get out of the way of a car quickly. E-bikes are a great option for teenagers, as cars today are very expensive. For two years, his son commuted to high school from the east side on an e-bike. That was great, except he never rode on Main St., and had a couple of terrifying times on West St. There is not great infrastructure here. Some of the bike riders

they would be forcing out onto the street are 16 years old or 80 years old. Investing in new infrastructure to make bicycle transportation safer in Keene, to suddenly say that the whole category of e-bikes and other electric devices must be used in the street, means losing all of the safety benefits right there. E-bikes are the fastest growing mode of transportation, green transportation, and it is an affordable option for many people. The City should encourage it, not discourage it.

Councilor Favolise stated that he was listening to the City of Keene In Focus podcast, and this enforcement question came up, and it has been raised by the Committee repeatedly. He continued that the City Manager talked about a KPD position that is seasonal in the summer for downtown foot patrols. That will not solve all the problems that could ever come up downtown, but he wonders if she could share more information about that for additional context around what even partial enforcement could look like.

The City Manager replied that they have been fortunate that for the past several years, someone who no longer works for the City full time comes back to work every summer and either walks or bikes downtown and on the multi-use trails. She continued that it has been a huge benefit for the City. She does not expect he will be taking radar, but he will be looking for people who are acting badly and helping to enforce the Ordinance when he can. It is true that this will be challenging. They might not know when someone's motor is engaged, or if someone is going over 10 mph, but they will know if someone is acting badly, and the Ordinance gives them a tool to use when that is the case.

Chair Greenwald stated that a non-electric bicycle can go more than 10 mph. He continued that if someone is acting badly, he thinks he heard it is a violation. He asked what happens then. The City Attorney replied that if his question is how much the fine for the violation is, she does not know off the top of her head; that is a KPD question. Chair Greenwald asked if that should be in the Ordinance. The City Attorney replied that the fines are controlled by RSA. She continued that when they label something as a violation or misdemeanor, RSA 650 and the whole Criminal Code says what happens for those types of violations and crimes. Chair Greenwald asked if they should turn this Ordinance into a B version when the City Attorney gets the answer to section 6 of what the violations or whatnot would be. The City Attorney replied that to clarify, she does not know that the City can control what the fine would be. She continued that that is set by statute. She can come back and tell them what it is in the statute, but it is not something she recommends they put into the City Code. Chair Greenwald replied yes, if she could give them that information on Thursday, that would be important.

Chair Greenwald asked if there was any further comment from the Committee or public. He continued that they are speaking about what is now O-2025-33-A. The City Attorney replied that it will become O-2025-33-B. Chair Greenwald asked if everyone is clear on what the changes are.

The following motion by Councilor Workman was duly seconded by Councilor Tobin.

On a vote of 4 to 1, the Municipal Services, Facilities and Infrastructure Committee recommends the adoption of Ordinance O-2025-33-B. Councilor Filiault was opposed.

The City Attorney stated that she thanks the Committee for giving staff the time to look into this. She continued that she knows no one likes placing items on more time, but she had asked for that. She and the Public Works Director work hard to get questions answered for the Committee when they come up at meetings or anticipate what information they might need, so she thanks the Committee for their patience. Chair Greenwald thanked the City Attorney and reminded the Committee that if anyone thinks of a question ahead of the meeting, they can let staff know then, which would probably

be more helpful.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Rules for the Operation of Bicycles

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 deleting Section 94-464, “Rules for Operation” in Article VI of Chapter 94, entitled “TRAFFIC, PARKING AND PUBLIC WAYS” in its entirety and replacing it with the following:

Sec. 94-464. - Rules for operation.

- a) In all cases, the rules for operation of bicycles on public highways or public property within the City of Keene shall be as set forth in RSA 265:143–265:153.
- b) In addition, the following rules shall apply to the operation of bicycles, unicycles, tricycles, scooters, roller skates, skate boards, or similar devices (including electrically propelled or assisted versions of such devices) on bike lanes and multi-use paths within the City of Keene:
 - 1) Within the Downtown Core zoning district, the maximum permissible speed shall be 10 miles per hour.
 - 2) Any device with an electric motor may not engage the electric motor within the Downtown Core zoning district.
 - 3) Where bike lanes are provided adjacent to roadways, cyclists shall only travel in the same direction as the adjacent travel lane.
 - 4) No person shall stop, park or load any bicycle or other vehicle in such a way as to obstruct the public use of bike lanes and multi-use paths.
 - 5) Within the Downtown Core zoning district, bicycles and other personal vehicles shall not be parked or left unattended within the public way, except at a rack provided for such purpose.

Jay V. Kahn, Mayor



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 - 23) Where bike lanes are provided adjacent to roadways, cyclists shall only travel in the same direction as the adjacent travel lane.
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