ADOPTED

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE MEETING MINUTES

Wednesday, November 12, 2025	**6:00 PM**	**Council Chambers, City Hall**

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

Members Not Present:
All Present

Staff Present:
Elizabeth A. Ferland, City Manager
Amanda Palmeira, City Attorney
Paul Andrus, Community Development Director
Steve Stewart, Police Chief
Michelle Grimes, Animal Control Officer
Rick Wood, Fire Marshal/Building Official
Mike Hagan, Plans Examiner/Floodplain Administrator
Ryan Lawliss, Housing and Health Inspector

Chair Bosley called the meeting to order at 6:02 PM.

1) Presentation - Heritage Commission Annual Report - Heritage Commission Chair

Chair Bosley welcomed Molly Ellis, Chair of the City's Heritage Commission (HC), for the HC's annual report. Ms. Ellis noted there is a lot of work the HC is engaged in throughout the year that the public might not hear about. Ms. Ellis stated that she has been Chair of the Commission for approximately one year; her predecessors were Cauley Powell and Rosie Carey.

Ms. Ellis summarized the HC's biggest past projects before welcoming questions:

- Extant Historic Carriage Houses and Urban Barns in Keene's Washington/Court Street Neighborhood: This effort was focused on finding what old carriage houses and barns are still standing because typically the City only learns of them when they are about to be demolished. So, the HC wanted to find out which houses still have old barns; when they were built many had horses and carriages as old farmhouses, such as Ms. Ellis' house. The total project cost was $11,666.00, but the Heritage Commission received a grant for $10,000 and the HC paid about $1,200 and provided in-kind costs.
- Italian Neighborhood Mapping Project: Ms. Ellis said the HC is very proud of this project. CGIS Solutions was hired to create a customized crowdsourcing application for a public facing mapping tool. The idea was to create a website with a map that people could use, pick an address, and submit photos of family or events that correspond to those specific locations with captions that tell their heritage/historic stories. The HC solicited a grant to pay for this website's creation. Once completed, Ms. Ellis said the second portion of the project was the HC interviewing members of Italian descent from the Old

Italian neighborhood (as a newer member of Keene she did not realize there was one). Heritage Commissioners took photos of houses that are still standing and compared them to old photos for a "then and now," and uploaded those photos onto the map. The interview questions asked about life in the 1920s, when a lot of people of Italian descent came to Keene to work on the railroad. She said it was fascinating, all available on the website map, and the HC was very proud of it.

- Recovering Black History: Ms. Ellis called this a fascinating project. The Heritage Commission partnered with the Monadnock Center of History and Culture and the Black Heritage Trail of New Hampshire. Together, they hired a public historian, Dr. Kabria Baumgartner of Northeastern University, to contextualize and synthesize a lot of research the HC had compiled from the Cheshire County Historical Society. Dr. Baumgartner presented at the Historical Society in 2024. The project was meant to learn about the history of Black people in the Monadnock region and Keene, specifically focusing on the lives of Black individuals instead of the White people who helped Slaves escape.
- Video of Main Street and Central Square Before Reconstruction: The HC was currently working on this project before the Downtown Infrastructure Project to provide historical context for some of the buildings when they were built and how they are now by talking to people who live and work in them. The concept was to create a snapshot of downtown before the project.
- Ongoing HC work: Demolition review requests, grant applications, writing letters of support for other projects, and trying to raise awareness of historic resources.

Chair Bosley thanked Ms. Ellis and the HC for their efforts to preserve all this history for Keene and its residents here. Chair Bosley owned a historic carriage house on Court Street that was attached to the farmhouse she lived in. She asked where people go to find out what the HC had been able to document about barns and carriage houses. Ms. Ellis said it was all linked to the HC's webpage on the Keene website; she would share the link with the Council, as well as the report the consultants wrote, which documented every carriage house. Chair Bosley thought the HC's effort was really amazing. She asked the City Manager to have the City's social media staff publicize some of this information and get some PR for the Heritage Commission, as well as Keene's Italian neighborhood that had a lot of interaction with Council right now because of a project in that neighborhood. Ms. Ellis noted that the City's GIS Coordinator was still uploading the final details onto the Italian neighborhood website and the public facing website might not be linked to the HC webpage yet, but she would send it to the Council. Chair Bosley reiterated that the HC was doing such incredible work and the Council appreciated the annual update. However, she encouraged the HC to follow up more frequently during the year and send information along as projects are completed. That way, the details could be shared with the community more and people could access resources. Chair Bosley knew the Keene Sentinel and other local papers published historical photos to get people interested in remembering places. Ms. Ellis thought that would be great and appreciated the idea.

Councilor Haas thanked Ms. Ellis and appreciated the current snapshot of downtown before the Infrastructure Project. Councilor Haas asked when the Italian neighborhood project occurred. Ms. Ellis thought that happened about two to three years prior and Recovering Black History was one to two years prior. The Carriage House project had been ongoing and wrapped before Ms. Ellis joined the Commission in 2022. Councilor Haas echoed Chair Bosley that the City should

publicize the HC's work. He suggested perhaps a showing for the Italian heritage project at The Colonial Showroom. He left the communication strategies with the City Manager.

Vice Chair Jones said it was good to see Ms. Ellis. The Vice Chair thought there was so much history the City was missing, so he thanked the HC for this work. He noted that down every different street through the north-center of Keene, if you look in the backyards, there would be an old barn that had been there forever. He said it was good to see some of that history documented. Vice Chair Jones recounted speaking to someone who grew up in the Stonehome Farm on the corner of Summit Road and Maple Avenue, noting there is so much history within a lot of Keene buildings. Thanks to the HC, he said the City was starting to learn about them. He thanked Ms. Ellis and the HC.

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

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends that the presentation – Heritage Commission Annual Report – be accepted as informational.

2) Continued Discussion: Request for Consideration of an Ordinance Amendment to Regulate the Muzzling of Dogs and Draft Ordinance - City Attorney

Chair Bosley recognized City Attorney, Amanda Palmeira. The City Attorney recalled that on September 10, 2025 the PLD Committee discussed the statute changes, which authorized municipalities to require vicious dogs to wear muzzles, and at that meeting the Committee directed her to submit a draft Ordinance for their consideration. The City Attorney found that other towns were also working on the same question since the statute change, which she found interesting. She recalled the Committee discussing ideas about a strict muzzling requirement, when a dog is found to be "vicious." In the City's existing Code Section 10-35(d), a dog will be vicious if they "bite, attack, or prey on game animals, domestic animals, fowl, or human beings." The Committee also talked about the nuance of dog behavior and training, such as how a dog might be found vicious, but may not necessarily be dangerous at home with its owner. The City Attorney referred to the draft Ordinance in the agenda packet. She thanked Police Chief Steve Stewart and Animal Control Officer (ACO) Michelle Grimes for their assistance preparing the Ordinance.

The City Attorney reviewed the four sections of the draft Ordinance (page 2 of 31 in the PLD meeting packet) and welcomed feedback on the draft language:

a) This section is the requirement for a dog that is found to be vicious to be muzzled. It does not apply when they are on the owner's residence or property. The highlighted section showed the muzzling requirement for two years. The City Attorney highlighted it because the Committee talked about this, but she was not quite clear whether or not it should be indefinite, so it was a placeholder for more discussion.
b) This section is the ability for the dog owner to present a certificate to the ACO that shows the dog completed a reactivity class or one-on-one training with a certified trainer. The ACO spoke with the City Attorney about what this might look like, and the City Attorney included language for the ACO to use their discretion to accept the certificate (e.g., in case it is clearly fake or extremely old).

c) This section imposes a $50 fine if the owner does not muzzle their dog when required. The City Attorney noted that it might sound a little low, given other fines, and said that is because the muzzling authority is in a specific part of the statute, which only allows violations to be $50. She noted some possibly relevant good news: the statute would be changing again, effective January 2026, with much higher fines for the traditional fines in the forfeiture provisions.
d) This section was included by the City Attorney in case the Committee wanted it to be a part of the muzzling requirement scheme, as the statute does already allow the ACO to have authority to take a dog into custody if the owner fails to, "abate a nuisance," which would include failing to muzzle a dog if it is ordered to be muzzled.

Chair Bosley welcomed comments from Councilor Williams, who originally introduced this item. Councilor Williams thought this was very strong work and thanked the City Attorney. Councilor Williams liked the highlighted two-year date from the offense in Section a), he did not want this to be a life sentence, in case a dog may be rambunctious in its youth and then could be a more reformed when it gets older and more tired; the crimes of a dog's youth should not haunt it in its old age and he appreciated that. Councilor Williams also liked that there would be the possibility of time off for good behavior if the dog is trained by a certified trainer, recalling there are different levels of trainers, and it could be to the ACO's discretion of acceptable accreditation. Councilor Williams thought the asset forfeiture was appropriate too, stating $50 is not a huge fine, but he was also leery of putting undue financial burdens on people. Overall, he thought it was nice work and Councilor Williams was glad to have Ms. Palmeira as City Attorney.

Chair Bosley was unsure whether she had an opinion about it but clarified that the $50 associated with this language would not be a substitution for the initial fine in violation for the vicious behavior. The City Attorney said that was correct. Chair Bosley said there would be the initial fine associated with vicious behavior and then said the $50 fine would be for not following the letter of the law. Chair Bosley said not muzzling and then having a second incident, while not wearing the muzzle, would result in a larger fine. The City Attorney said that was correct. She noted that the draft Ordinance language listed the muzzling requirement in addition to any forfeiture to be paid under Section 10-36 of the Code of Ordinances and welcomed suggestions to make that clearer.

Chair Bosley asked the Committee if it wanted to move immediately to muzzling after first bite offense, or wanted there be an opportunity for the person to take ownership and responsibility for the dog, and then muzzling would be the consequence for a second offense. Councilor Haas replied that it is hard because there are degrees of bites—from a dog flashing its teeth and not causing injury to tearing a garment, which is often conceived of as a bite—and he wondered if they should all initiate this process. Councilor Haas added that Section b) did not really define what a "reactivity class" or a "certified trainer" is. He said it would be left to the ACO's discretion whether the dog/owner has completed some kind of behavior modification, and there would be a lot of uncertainties with that being contested. There could always be problems when something is left to someone's discretion. So, Councilor Haas wanted to be clear on when a bite is in fact a bite, wondering whether the City could define a "bite." He pointed out the possibilities for disputes between people saying someone's dog bit them when the owner claims

they only actually licked them. Vice Chair Jones thought he recalled ACO Grimes saying there was no real certification for dog training. Chair Bosley thought that was incorrect. She thought some people were certified; not every trainer needs to be certified but some can receive professional certifications, which ACO Grimes holds. Councilor Williams replied to Councilor Haas, stating that if a bite is large enough for an owner to be fined and a dog declared vicious, that would be a clean enough line for Councilor Williams. Councilor Williams also felt that one vicious bite offense would be appropriate for muzzling, stating that the goal is to protect people, and he would not want a second bite to really cause damage.

Chair Bosley welcomed ACO Grimes from the Keene Police Department. The ACO shared insights about the definition of a "bite." She said the professional training world and often courts use the Ian Dunbar Dog Bite Scale, which is a very defined and professional bite determination level from one to six. Ms. Grimes had used the scale as well when looking at bite types. Chair Bosley asked if there was a level on the Scale that ACO Grimes would associate with vicious, for example. The ACO replied, for instance, that a Level 2 bite would be considered a dog that nips at somebody's pants but does not actually put teeth on skin.

ACO Grimes also shared her perspective on whether a first or second bite offense would be more appropriate for muzzling. She said her only personal concern was that as written, a dog would be considered "nuisance, menace, or vicious," depending on if the dog, "growls, snaps at, runs after, or chases." The ACO wanted to ensure that a dog would not be punished for wanting to make sure that they are safe; for example, if two dogs meet each other and one is not acting appropriate. She noted it could get into the hearsay of two dog owners. However, ACO Grimes also expressed concern about waiting to enact muzzling at second offenses if the first bites are at a certain bite level. So, she aligned with Councilor Haas on wanting to define "bite" a little better and eliminate some of that unfortunate grey area with dog behavior. Ultimately, Chair Bosley said her impression was that these determinations would fall to the ACO, whose opinion would be questioned when a dog owner receives a decision they do not like. So, Chair Bosley's concern was also how to follow-up and track the dog after the bite incident.

ACO Grimes followed up on the comments about dog training certification, which she is very passionate about because it is an unregulated industry. Whereas a registered nurse in human medicine must have a certificate to legally call themself a nurse, it is not the case for dog trainers. She cited only one industry called the Certification Council for Pet Dog Training, (CCPDT) offering an actual credentialed certification, but many other organizations in the dog training industry may become more accredited at some point. In this conversation, regardless of who makes the decision at the time as to whether a dog gets time off for good behavior (i.e., training), ACO Grimes' personal and professional opinion was that it be completed by a professional certified dog trainer (CCPDT) vs. anyone who can just say they are a long-term pet trainer).

The Committee reviewed specifics of the Ian Dunbar Dog Bite Scale, which Councilor Madison Googled during the meeting:

- Level 1: No skin contact.
- Level 2: Skin contact without puncture (i.e., no skin break; a nip).
- Level 3: Shallow skin contact.

- Level 4: Deep punctures and bruising.
- Level 5: Multiple bites with serious injuries (i.e., hospitalized).
- Level 6: Fatal dog attack.

Chair Bosley referred to the current Ordinance on vicious dogs, which she said referred to dogs that "runs after, or chases." She was concerned about instances ACO Grimes described in which one dog enters another's space and is disrespectful and the other dog tries to correct it but does not puncture its skin. She wondered if one dog's appropriate response of snapping or correcting in those instances should be muzzled. Also, dogs that might be acting like puppies and misbehave/be disrespectful but not actually vicious according to this definition. The City Attorney noted that Keene City Code Section 10-35 listed six dog behaviors, which were then categorized as nuisance, menace, or vicious. Only one behavior is vicious, and that is if the dog—whether alone or with other dogs—"bites, attacks, or preys on animals or humans." She thought what Chair Bosley described was closer to a "menace" dog, which runs after, chases, and growls at vehicles or people. The City Attorney said menace would not be a muzzling category.

Chair Bosley asked whether the Committee wanted to be as specific as defining a bite at a certain level for the purpose of muzzling. For example, she said Level 3 was the first associated with a puncture. The City Attorney noted that the City's authority for muzzling came from statute (RSA) and there was no definition of bite there. The City Attorney was unsure that it was something the City would want to be defining so specifically when the RSA set out exactly the dog behaviors the City could regulate. If the City added a definition, she said it might be leaving that shadow of blessing from the RSA because the City would be changing what the RSA says the City has the authority to do. Chair Bosley felt the Council needed to be able to give the Animal Control Officer some sort of line, at which they have the authority to determine a bite, noting the Committee had discussed lots of different instances. For example, an uninvited person gets down in a dog's face and the dog nips; that person could use this ordinance to potentially say that it was a vicious attack. Chair Bosley said she would not want that dog to be muzzled. She expressed her preference for there to be an associated injury, specifically a bite that has some sort of puncture, not necessarily multiple bites and bruising. Chair Bosley thought a Level 3 Bite made sense as a point she would be comfortable asking the Animal Control Officer to recommend muzzling.

The City Attorney said she understood the Chair's perspective. The City Attorney recalled the Committee's conversations about the nuance of dog behavior. She heard that ACO Grimes had a pretty good system in place when looking at dog bites. City Attorney Palmeira wanted to emphasize again that what was in this Ordinance was verbatim from the RSA. She was unsure the City had the authority to start adding new language that specific. Chair Bosley asked if the RSA just gave the City the authority to create its own ordinance regarding muzzling. The City Attorney said that was true, but that when the Ordinance is associated with and tied to the definition of "vicious dog" and the activity that comes with a vicious dog, that is controlled by RSA; that is verbatim what the RSA says can be a behavior the City can categorize as a vicious dog. The City Attorney noted it was very similar to other types of law enforcement, when RSA or City Code says a Police Officer shall judge something and clearly use their discretion. She said this really went back to the conversation the Committee had been having about nuance and behavior. The City Attorney said the more exact they tried to be about what the Animal Control

Officer's authority is, the less authority she would have to act judiciously and equitably in these situations. The City Attorney recommended leaving the ACO with that authority in the City Code.

Chair Bosley felt the City would need a policy and stated that if the City Attorney would not let Chair Bosley write the policy into the Ordinance, the Police Department would need a really clear policy. Chair Bosley said she felt the exact opposite to the City Attorney. Chair Bosley said she felt like defining "bite" would protect the ACO (Ms. Grimes or anyone in the future) from unintentionally treating the public differently in different circumstances. Chair Bosley thought that without some sort of common response, the public could have different consequences, which would open the City to liability. If the City Attorney was not comfortable including it in the Ordinance, Chair Bosley wanted to see the City Manager work with the ACO to ensure there are very clear policies for how and when this type of provision would be initiated.

Councilor Haas said that in City Code Section 10-35, "vicious dogs" are defined. He added that this Ordinance, Section 10-40, would only factor in if the dog has been judged vicious under Section 10-35. He asked the three categories of dogs in 10-35 per RSA and Chair Bosley replied: nuisance, menace, and vicious. Councilor Haas asked the City Attorney at which of the six Ian Dunbar Scale levels of bites each category in Section 10-35 would come into play. Chair Bosley said they were not associated and that was the problem; at this time, any level of bite would make a dog "vicious." She said that was her concern with the nuance of this for dogs that might nip when they need their space, for example. So currently, Councilor Haas said the ACO was left to judge the broadest interpretation of what vicious could be. Chair Bosley said yes, unless the Council wrote something into this Ordinance or created some sort of policy.

The City Attorney wanted to be careful about what they called the "broad interpretation" of vicious. She said there is a menu of categories in the RSA that the municipality has the authority to choose from and assign to its own. Section 10-35 represents the categories the previous City Council assigned. The City Attorney would not say this definition of "vicious" was the broadest of all the categories in the RSA, only the one that was selected by this City to qualify as a vicious dog. As far as the City Attorney knew, that was the only category in Section 10-35 that included bites. Chair Bosley said that was correct. From what the Committee heard, Chair Bosley said bites were on a scale of one to six, with Level 1 being no contact, which in her opinion is not a dog that deserves to be considered vicious and muzzled. She thought that could possibly happen with some sort of direction. Chair Bosley also noted that someone could demand muzzling, when they are not injured but have an emotional reaction and feel violated. Without clarification, Chair Bosley thought this draft Ordinance would be putting the Animal Control Officer in a very tenuous situation to make decisions without a clear policy. Chair Bosley said in her opinion it would create different decisions for different people based on whatever emotional reaction is happening at the moment, creating an opportunity for liability. She also did not want to see dogs who do not actually bite forced into this situation where they must be muzzled. She said she was unsure how to get there.

ACO Grimes noted that per the law, a dog that "growls, snaps at," is considered a menace dog. When she mentioned using the Bite Scale in a professional setting for training, ACO Grimes stated that she would not use it as her "black and white interpretation." She said when someone

calls her about a bite, she looks at the overall presentation of the information, the environment, what the dog(s) was doing, who was involved, and more. Ms. Grimes stated that when she looks at the Bite Scale, she would not personally mark a dog at Bite Levels 1 or 2 as vicious. She said dogs at Bite Levels 1 and 2 do not miss accidentally, noting that when dogs put their teeth on you as just pressure without puncture, it is a warning. ACO Grimes said she also understood her unique position because of her background and education. She understood the Committee's thought process to define things, which Ms. Grimes appreciated because not every future ACO may have the same education. Chair Bosley thought it was helpful, that the point was made, and she was on the same page with ACO Grimes about the correct Level at which a vicious bite really begins. Chair Bosley thought there must be some policy for future ACOs, who might not as clearly understand the will of this Council that created the Ordinance; there could also be an instance of two ACOs. ACO Grimes reiterated her goal for muzzling to be a correction, not a punishment.

Chair Bosley asked if ACO Grimes had an opinion as to whether muzzling should apply to the first or second bite offense. The ACO said no, calling it a very hard question for her to answer because of the grey areas of dog behavior.

Chair Bosley recommended starting with the Ordinance the way the City Attorney presented it. Chair Bosley said that hopefully the Council could revisit it with some feedback from ACO Grimes in one year and see how it is going, if the ACO has had to enact the Ordinance, and if anyone was able to complete any of these criteria. Chair Bosley requested an update from the ACO at that time.

There were no public comments.

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

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends that the City Attorney be directed to introduce an Ordinance for first reading relating Regulating the Muzzling of Dogs.

3) Creation of New City Code Chapter 44 Relating to Building Construction and Demolition - Community Development Director

Chair Bosley welcomed Community Development Director Paul Andrus. Mr. Andrus introduced Fire Marshal/Building Official, Rick Wood, Code Enforcement Officer/Floodplain Administrator Mike Hagan, and Housing and Health Inspector Ryan Lawliss to discuss the proposed new City Code Chapter 44 relating to Building Construction and Demolition. Mr. Wood said his 19 months with the City had been quite busy and productive. He acknowledged that Chapter 44 was a long process, which Mr. Hagan and Mr. Lawliss worked predominantly through, including Mr. Lawliss for years. Mr. Wood called them great partners in trying to create this. He said a primary reason he joined the City was to evaluate the current permitting, inspection, and enforcement system with a goal to create this continuously improving, customer-centric environment. Mr. Wood said that was done through the idea of engagement, transparency, efficiency,

collaboration, and communication to create the idea of a "One-City" approach instead of a multi-departmental approach. Mr. Wood explained the proposed changes in City Code Chapter 44.

The Building Code and the Housing and Property Standards are currently combined in Chapter 18. With this proposal, Mr. Wood said Building Construction Standards would be removed from Chapter 18 and made into the separate, streamlined Chapter 44. Mr. Wood said in recognizing that community development is really economic development, staff aimed to continually ask themselves, when presented with provisions in code or regulation: why? What are they for? What are they accomplishing? Is there a compelling interest or need that is unique? He said this was the same process of staff working through the ideas that were in place, considering why, and if they were compelling. If they were not compelling or they conflicted with New Hampshire law (there had been a lot of state law changes to building codes in recent years), they were removed; Mr. Wood said it was in keeping with the idea of leveling the playing field, increasing certainty, and anchoring ourselves in customer service.

Fire Marshal Wood explained that Chapter 44 was set-up as an enactment, enforcement, and administration chapter of the New Hampshire building code. He said the City only had a few modifications to the state building code, which is restrictive on what the City can modify under current law. So, he said staff included an add-on to the Permits section to clarify that permits are required for manufactured housing remodels and installs. Mr. Wood said they ran into some challenges with that for a storm in 2024, recalling a lot of back-and-forth about whether permits are required. We wanted to make it very clear that the permits *are* required, which is why Mr. Wood said they added Chapter 44. He referred to the recommendation to insert Table 301.2(1), which he said were already adopted standards in the International Residential Code Chapter 3 as adopted by the New Hampshire building code and City of Keene; this would streamline it into one location for easy access.

Mr. Wood explained another proposed section regarding the size of accessory buildings, such as tool sheds. At this time, he said the State of New Hampshire had modified the International Building Code down, so that sheds 200 square feet or less did not require a Building Permit. Staff proposed reducing that to 120 square feet in the City of Keene, which would align with the current Land Development Code that says anything more than 125 square feet would require setbacks. Mr. Wood said that when these proposals were submitted for review to the State Building Code Review Board, which is required currently by the new law, the Board provided feedback. Mr. Wood said City staff were still unsure whether or not they agreed with the feedback, so they left it as a placeholder for the Council to be aware of. He recognized it was something that could be problematic, so if it stayed at the 200-foot state regulation, then Mr. Wood said staff may look at modifying the permitted square feet in the Land Development Code instead to have some unity and so no potential problems arise. Chair Bosley asked what section of Chapter 44 this was in. Mr. Wood said it was not included as written; it was left out purposefully because the state provided some feedback that it might not comply. City staff were still working through that, but Mr. Wood wanted to bring it to the Council's attention.

Mr. Wood concluded his presentation on the proposed Chapter 44, Article III, Demolition Review. The only difference was that it reduced the scope to focus on demolition of buildings in the Historic District. Essentially, Mr. Wood said these proposed changes in Chapter 44, all the

Building Provisions, are the City's way of saying it will follow the New Hampshire building code and how.

Chair Bosley summarized, stating that staff had proposed Chapter 44 as an independent section to bring the City Code up to date and meet the state building code. Chair Bosley said Chapter 44 was submitted to the state, reviewed, and the City took feedback, so this version of Chapter 44 was something the state had signed off on. Mr. Wood agreed, stating there was a preliminary state review and once enacted, the City is obligated to send it back to the state. He added the City cannot enforce things that are unique, so the City would not be doing anything different than the state is doing, so he called it kind of nebulous. The state would review and approve the City's enacted copy and put it on the State of New Hampshire's web page as a confirmed ordinance for compliance.

Councilor Haas thanked City staff, saying it is good to be coordinated and organized like this, and a separate section would make referencing easier. He cited a Demolition Review Committee in Sec. 44-13 and asked for more details on that Committee. Mr. Wood said the Demolition Review Committee exists in the City and he thought most of the members were administrative at this time. Mr. Hagan said that portion of the Ordinance had been in place for 10 years and there was an RSA that allowed the 3-member Committee to be formed, with a requirement to review demolitions. It is now an administrative review; a demolition delay to ensure the applicant meets the requirements and cannot be stopped from demolishing. Councilor Haas asked if that happens as a part of the Community Development Department and Mr. Hagan said yes. When the Community Development Department receives a Demolition Permit application, the Demolition Review Committee is notified within seven days and then has 10 days to review the application. That process delays demolition sometimes by almost one month, so he said it was stripped back to an administrative process vs. full Historic District Commission review. It used to apply to any building over 50 years old, over 500 square feet, or eligible to be on the National Register of Historic Places as a historic building. Mr. Hagan said that it was stripped back as well because there are a lot of 50-year-old garages over 500 square feet, with no historic significance, so those demolitions slowed the permit process. In transparency and to streamline the process, the 50-year stipulation was removed and now Demolition Review only applies in the Historic District or to buildings eligible for the National Register of Historic Places, for which there are criteria. Mr. Wood clarified that the Demolition Review Committee comprises members appointed by the Mayor including a member of the Historic District Commission, not just members of the Community Development Department. Councilor Haas said that when the Community Development Department receives a Demolition Permit application, the Demolition Review Committee exists already, it does not need to be formed ad hoc. Mr. Wood agreed.

Vice Chair Jones noted the recommended motion was for staff to prepare an ordinance. He asked if the Community Development Department was ready for that. Mr. Wood thought they were ready to start moving the process forward, noting it had been in progress for a long time and they wanted to get the Council's feedback at this stage. He said they were ready to move toward finalizing Chapter 44.

Chair Bosley asked City Attorney Amanda Palmeira to confirm that Chapter 44 would not need to appear before the Joint Committee of the Planning Board/Planning, Licenses and

Development Committee. The City Attorney said that was correct because Chapter 44 is a proposed part of the City Code of Ordinances. Chair Bosley said this draft would go to City Council as an Ordinance for first reading, come back to the PLD Committee, and then return to the City Council for a vote as an Ordinance for second reading. The City Attorney said yes.

Chair Bosley opened the floor to public comments.

Toby Tousley of 500 Washington Street said the State of New Hampshire was allowing cities and municipalities to have more restrictive codes than the state. He commented on something he thought was lost upon people regarding the problem with existing homes and searching for more affordable homes. While he knew the Community Development Department was not suggesting this, Mr. Tousley said he was making the Committee aware that the one thing the City of Keene does not want to do is make more restrictive codes. He said the main thing that makes housing expensive is code; every year, he said more and more layers of code are added, making both confusing and expensive. In Mr. Tousley's lifetime, he noted how prohibitive it had become. He said it was the single biggest reason he did not care how many zoning changes the City makes because it would never beat the code problem. Mr. Tousley urged the Committee to beware of making more regulations that make it even worse, so they could understand that it could be dangerous.

Molly Ellis of 87 Cross Street, Chair of City's Heritage Commission (HC), noted that three HC members form the Demolition Review Committee and at least two members must visit any proposed demolition sites to review them. Ms. Ellis said almost always, they are clearly dilapidated and the Committee signs off on the demolition. If they are buildings of historical value, she said the Committee might try to arrange some way to preserve something within the 30 days; noting that had not occurred during her time on the HC. Chair Bosley agreed, recalling her experience developing a 1700s tavern with an upstairs ballroom into a school. Because of how they used the funding, Chair Bosley said the project included architectural documentation of all the rooms, some of which were very tacky and not historical (e.g., 1950s bathrooms). She said they may be in 100 years. Chair Bosley called it an interesting part of the process and said it is valuable that the City gets the opportunity if there is something left to document.

Chair Bosley said she appreciated City staff's effort in separating these portions of the Code and getting the City close to what the state allows. She agreed with Mr. Tousley that code is very overwhelming, hard to follow, and not very organized. So, she thought City staff were nailing it as far as what the Council has asked for. She agreed that since Covid there had been incredible pressure on people to create affordable units, any units to take some of the pressure off. She said the Council had been asking the City to make this simpler and do it from a customer's perspective. So, Chair Bosley thought it was great that the Community Development Department heard that feedback and brought this back. Mr. Wood said the team was really tuned into the idea of identifying the barriers to someone improving their property. He said staff went through this Chapter with a keen eye toward removing those barriers and making it as simplistic as possible.

Recognizing that any code requirement is some sort of burden, no matter how good and needed it is, Councilor Haas asked the downside of not doing this. Mr. Wood said at this time, Chapter 18 had provisions that were not enforceable; over the previous two years, the state made provisions

in RSA 155-A, which is a state building code that invalidated a lot of what we had in our Code, creating confusion. Mr. Wood said staff were suggesting for the City to have a unified playbook, so there would be a better chance of getting things right the first time. Councilor Haas said he liked the timing of Demolition Permit review and the 30-day pressure on the Demolition Review Committee to produce findings; that time passes quickly, and he hopes that helps things.

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

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the City Manager be directed to introduce an ordinance for first reading relating to the creation of a new City Code Chapter 44 Relating to Building Construction and Demolition.

4) Update to Chapter 18 of the City Code, Property and Housing Standards - Community Development Director

Chair Bosley welcomed Community Development Director Paul Andrus. Mr. Andrus introduced Fire Marshal/Building Official, Rick Wood, Code Enforcement Officer/Floodplain Administrator Mike Hagan, and Housing and Health Inspector Ryan Lawliss to discuss updates to City Code of Ordinances Chapter 18. Mr. Wood said the big push on Chapter 18 was to align it with other regulations, predominantly the Land Development Code. At this time, he said the LDC were using different definitions that conflicted with the building codes. So, Mr. Wood said the goal was to create alignment between the different regulatory arms. It was not presented as track changes because it was essentially a wholesale change to strip out one section that would require realignment of everything else, and the former City Attorney recommended a full replacement.

Mr. Wood highlighted specific parts of the Chapter 18 update and welcomed questions:

- Sec. 18-2. – Definitions: Updated to match the Building and Land Use Code Definitions to reduce confusion. Mr. Wood explained how having different definitions would create challenges for the end user, so staff tried to align things.
- Article II. – Unfit Structures: Previously named "Hazardous Buildings." Realigned to follow the statute, which calls them unfit structures.
- Article III. – Property Standards: Removed items that could be enforced in other City codes. Mr. Wood said these building aspects only come into play during a construction project for the Community Development Department and they were merged, so those more operational and maintenance issues blurred the lines. By separating Article III, Mr. Wood said they removed those construction standards.
    - Sec. 18-12. – Minimum Standards for All Property: At this time, Chapter 18 allows zero unregistered vehicles on a property and Mr. Wood said that had created some disparity. For example, Mr. Wood said it would not be reasonable to think someone would register a plow truck that is only used to plow their rural driveway. Yet, he said someone with a single unregistered vehicle downtown parked on an approved parking surface would technically be a violation. Staff researched other communities in the state and consistently found they all basically agreed that one unregistered vehicle is no problem. Mr. Wood said more than one unregistered vehicle would be when to take action that prevents the real issue of

feeling like a junkyard. Additionally, staff spend an enormous amount of time chasing things like unregistered vehicles.

- Sec. 18-12– Minimum Standards for All Property: Another proposed change in this section is on waste storage containers and bulk containers that refers to corner lots and some other things in rural areas. Mr. Wood said it cleared up disparities that would make enforcement much clearer and more uniform throughout the City. At this time, depending on the zone, Mr. Wood said it created burdens in some zones, and the proposed changes would streamline.
- Sec. 18-13. – Recreation and Camping Vehicles: Aligned these standards with the parking standards for motor vehicles and approved surfaces.

- Article IV. – Housing Standards: The proposed updates to this section clarified that these Housing Standards only apply to rental properties, per New Hampshire RSA 48-A. Mr. Wood said they also added a new requirement for posting of emergency contact information so rental tenants, code enforcement responders, etc., know who to contact at all times. He cited daily experiences that can become very problematic when unable to find property owners who live in other cities, when tenants do not have heat or water, for example. Mr. Wood said the newly proposed expectation would be to post property owner contact information within rental properties.
  - Sec. 18-26. – Heating Facilities: The current heating standard in the City's regulation was 70 degrees Fahrenheit and this change proposed 65 degrees Fahrenheit to align with state law.
- Article V. – Property and Housing Standards Enforcement: Clarified the process and moved the City to a more administrative appeals process, with the remedy to any discrepancy in the District Court.

Chair Bosley had some questions as a real estate investor. She cited a property with four townhomes and asked where in that building the notice of her contact information should be posted: in each individual residence or a common hallway? Mr. Wood replied that a townhouse, by definition in the Code, is considered a single-family dwelling, despite being multi-unit; it is a multiple attached single-family dwelling by Code. Mr. Wood said the multi-unit dwellings are where staff tend to run into more challenges with the contact information. Mr. Lawliss said it tends to be even harder for properties with landlords who are not present in Keene. Even with Keene landlords, he commented on phone numbers changing or staff turnover. So, Mr. Lawliss said the centralized contact locations would help. He thought staff might need to clarify for four-unit townhouse cases like Chair Bosley mentioned or work with those property owners individually. Chair Bosley asked if there is an opportunity for a property owner to call the Fire Department or Community Development, describe the properties they manage, and share updated on-call information to alleviate the posting issue. Mr. Wood said they tried something like that for years, but the problem was maintaining the information. He said they constantly update property contacts in their emergency response software, but every few months, contacts phase out and it was untenable to manage. So historically, they found they needed the information, but it was out-of-date and inaccurate. Mr. Wood knew it would be a bit of a burden up front, but said the intent was to place that back on the property owner to ensure that information is available to tenants and first responders. Often, the Community Development Department or Fire Department receive complaints and their first responsibility to ask if they have contacted the property owner to find the resolution there first. Mr. Wood said this proposed

change to Chapter 18 would help City staff to streamline that realignment. Chair Bosley said she was not opposed to it but wanted there to be an educational component. If this does not happen in the beginning, she asked that staff take an opportunity to educate the property owner because these changes would not necessarily be front page news. Mr. Wood commended Mr. Lawliss again for thinking about how City staff do business every day, which is really about compliance with the regulations, not punishment. Mr. Wood said Mr. Lawliss does a fantastic job. Mr. Wood said the City was often criticized for how much it tries to work with people on that compliance, so he said staff would ensure some sort of campaign, with a soft start and goal to get there.

Councilor Madison agreed with all the proposed changes, noting he works in a similar field for New Hampshire Department of Environmental Services. He often responds to multi-unit apartment buildings for hazmat calls in the middle of the night and the owner is some trust out of Massachusetts or Florida, for example, and they cannot actually contact anyone to resolve the issue. So, Councilor Madison said having contact information at the ready would make things a lot easier for Code Enforcement, Fire Departments, and for tenants vs. having to consult property records. Councilor Madison added that the State of New Hampshire commonly receives complaints about someone running a junkyard. He noted there is a difference between junkyards, which are a state statute defined activity, and what he called "junky yards," with a lot of junk, garbage, collectibles, and art in a yard and no law to prevent it. Councilor Madison said he sees a lot of unregistered cars in junky yards but usually there will only be one per property that does not leak oil/gas or cause problems, but he said it creates opportunities for neighbors with animosity toward an individual to start weaponizing Code Enforcement against them. Councilor Madison thought it would cut back the Community Development Department's workload pretty substantially to stop chasing these things. He appreciated all these changes and the hard work, noting he had heard positive things about the way Code Enforcement works in the community.

Chair Bosley opened the floor to public comments.

Toby Tousley of 500 Washington Street shared some things for the Committee to consider in the Chapter 18 proposal:

- Article III. Division 2. Sec. 18-12. – Minimum Standards for All Property, 4): Discusses *waste and yard waste* but under Sec. 18-2. – Definitions, he said yard waste was defined as being placed in a container, so he thought there was ambiguity. He said the intent was to ensure household waste goes in the proper container. He wanted to ensure this would not cause a violation for blowing leaves curbside for City pickup and said that it was not clear to him as written in the draft Chapter 18.
- Article III. Division 2. Sec. 18-12. – Minimum Standards for All Property, 5): Discusses *bulk waste storage containers*. Mr. Tousley said this lengthy section goes on to describe how one remedies the violation of an overflowing waste storage container. It provides 12 hours to remedy the overflowing container, which Mr. Tousley called an unreasonable length of time. For example, if someone is notified at 4:00 PM, they would have to correct the violation by 4:00 AM the next morning; recycling centers close at 3:00 PM and the City Ordinance disallows dumpster pickup before 7:00 AM. Mr. Tousley questioned under what circumstance that would be possible. He called it unreasonable and recommended allowing more time.

- Article IV. Division 2. Sec. 18-16. – Posting of Emergency Contact Information, A): Mr. Tousley said he took exception to the single-family dwelling distinction because a rental property under definition is any unit that is not occupied by the owner, which could be a single-family home. He quoted the proposed Chapter 18, "All rental properties shall have been posted…" and thought all four of Chair Bosley's single-family townhouses should be posted and any rented single-family home. Chair Bosley thought Accessory Dwelling Units (ADUs) should be under that standard too. Mr. Tousley agreed about posting a name and contact. However, he said it would be more burdensome, requiring a statement that disputes should be addressed to the property owner before the Community Development Department and to list the Community Development Department contact info and website; Mr. Tousley said that was not his responsibility. He also cautioned not guiding tenants to call landlords during emergencies before 911. He said the whole idea seemed stupid to him and he did not think it would end the inundation of calls to the Community Development Department; Mr. Tousley said some do not want to confront their landlords and they want someone to whine to.
- Article IV. Division 3. Appeals: Mr. Tousley confirmed it was a proposal for administrative appeals and said it felt like "the fox guarding the hen house." He compared it to someone being pulled over by a cop, wanting to appeal the decision, and only being able to do so administratively, not in court. Mr. Tousley asked if any further appeal would be allowed beyond the administrative decisions written in the proposed Chapter 18. He felt applicants should be able to go to the Board of Appeals.

Councilor Laura Tobin of Center Street was really excited to see the proposal to post property owners' contact information in case of emergencies. She recalled a few years prior, when a neighbor's basement was flooded and they were staying in a hotel but could not get in contact with the landlord; Councilor Tobin's contact went to an answering service that was only operating between 7:00 PM and 7:00 AM, so there was no way to leave a real message. She said this information is necessary for tenants to have. With the idea of shifting toward a more customer centric operation, Councilor Tobin also thought it was important to recognize the renters are a part of the City as well and to help them with services too, even though they do not own the property. Councilor Tobin shared thoughts she hoped would be helpful in resolving some issues after reviewing the proposed changes to Chapter 18:

- Flooding from rain: She did not see it addressed. There was something about basement flooding, but nothing about a whole building flooding from the roof structure. Councilor Tobin asked for it to be considered as an option.
- Windows that do not work: Councilor Tobin said parts of the proposed Chapter 18 seemed to imply the expectation is that windows must work and must have screens. However, she recalled an instance when four of five windows in her rental could not be opened and when she inquired with the Community Development Department, there was nothing they could do. She hoped the intent would be clearer now that it is all complied in one place and maybe it would not be a problem.
- Heat: She wondered if there was a way to incorporate and address when a rental has no insulation to supplement the heat and the tenant is required to heat the building/space themselves. Councilor Tobin also recalled having her heat turned off and the landlord telling her it is the standard practice in this area by landlords on April 1 (when heat is included in rent), even if it might be 20 degrees outside.

Chair Bosley led the Committee and staff in addressing the public's concerns that were mentioned, beginning with yard waste. Mr. Wood clarified the nuance that yard waste means vegetative type matter vs. solid waste or sanitary waste. He said one of the challenges is accumulation of yard waste and sometimes there are conflicting factors. For example, some parts of the City might also have forestry regulations if a property abuts a woodland that would prohibit certain activities. Mr. Lawliss referred to the definition of *yard waste* on page 6 of the proposed Chapter 18 (page 19 of the PLD meeting packet), "placed into a waste storage container." He said raking leaves to the side of the road would not be a storage container, so therefore it would not be considered yard waste. Chair Bosley said only in the instance of the definition of *yard waste* per the proposed Chapter 18, which "shall mean grass trimmings, leaves, tree branches and similar ornamental plant material and shall be incorporated in the term 'waste' whenever yard waste is placed into a waste storage container." Mr. Lawliss agreed.

Mr. Tousley's said his concern was that there was ambiguity between that definition of yard waste and the reference to both *waste* and *yard waste* in Sec. 18-12., "No person shall permit waste or yard waste to accumulate upon any premises, or the interior of any structure. Every occupant and/or property owner shall dispose of waste in a clean and sanitary manner by placing such waste in a waste storage container." He was concerned that it could be misconstrued as all yard waste shall be brought into a waste container. Mr. Tousley suggested another paragraph, etc., to clarify. Chair Bosley wondered if something like, "yard wasted, as defined," would help. Mr. Wood asked if it was appropriate to have the Committee's support to move this idea forward with the understanding that the first draft would incorporate those changes and try to reduce the ambiguity. Chair Bosley said that was exactly right.

Next, the Committee discussed the concerns raised about the time period to rectify overflowing bulk waste storage containers. Chair Bosley said she agreed that 12 hours seemed pretty unreachable and wondered about 24 hours instead. Mr. Wood wanted to provide some examples of why 12 hours is important. Mr. Wood said the remedy is simple, which is to get the stuff into a container, and that it can be remedied fairly quickly. He said Code Enforcement had consistent problems with certain places having undersized waste disposal containers on purpose so they could pay less, and then containers overflow constantly. Mr. Wood said this was creating one of the City's increased challenges, which is an increased rodent problem. So, he said there was a real focus on getting trash, in particular, containerized appropriately. For those reasons, Mr. Wood said the 12-hour window is tight on purpose; it is meant to get some action. He stated that Code Enforcement is not typically giving out tickets at 12 hours, but it might be after several requests. Mr. Lawliss thought Mr. Tousley's example of a 4:00 PM citation for 4:00 AM disposal was an extreme one. Mr. Lawliss thought a more common occurrence would be an 8:00 AM citation to clean up by that night. He said staff try to use some reason and common sense and try to work with property owners. For example, if there was a 4:00 PM citation, Mr. Lawliss said he could work with the property owner to see if they could arrange clean up by 10:00 AM the next day. He said including the 12-hour time frame gives City staff the authority when people are not cooperative addressing the compliance.

Vice Chair Jones wondered if 24 hours could not be a reasonable time frame. Mr. Lawliss said the Council could establish whatever period it felt most appropriate. He thought the question was

where it would make a difference. Mr. Lawliss said he thought sometimes 12 hours could motivate people to get things done sooner, whereas a 24-hour limit could easily turn into tomorrow and then requests for extra hours, etc. He cautioned how far to trickle down. Councilor Haas preferred a longer time frame vs. staff having some flexibility with the property owner (e.g., to rectify in 14 vs. 12 hours). Councilor Haas supported writing it as something definite, and 24 hours seemed appropriate to him. Chair Bosley tended to agree. She fully understood the impetus of getting something gross cleaned up and that there were lots of infestations happening in Keene she never heard about 20 years prior. She said it was shocking for people to find rats in their homes in rural neighborhoods in West Keene and neighborhoods in Central Keene, although she said it is not specific to an area. Chair Bosley also understood the need to give the property owner a reasonable expectation and not feel as though they are getting a favor from Mr. Lawliss to allow extra morning hours, for example.

Mr. Wood wanted to ensure there was clarity that in Code Enforcement work, the staff must use discretion all the time. He said it is not about giving anybody a favor but about using the tools at staff's disposal to accomplish the compliance, which might look and feel different in each instance. He compared it to the conversation with the Animal Control Officer and some levels of discretion required in any regulatory environment. Mr. Wood understood the desire to have a very narrow tailored trigger but stated that just because the Code might say 24 hours, he wanted everybody to understand that if someone told staff they could have it cleared in 30 hours, it would be fine because the goal is removal and compliance. He said staff were not opposed to changing it to 24 hours. The existing rule in the Ordinance was 12 hours, and Mr. Wood said it could be helpful for repeat offenders because it could trigger a first ticket offense, which has a process for adjudications too. He wanted the Committee to have that background. Chair Bosley thought she heard the majority of the Committee members saying 24 hours made sense to them, so it was an update she was comfortable recommending.

Chair Bosley returned to Sec. 18-16. – Posting of Emergency Contact Information. She agreed that it listed, "All rental properties shall have been posted in a regularly accessible common area with written notification…" Chair Bosley wanted to clarify her townhouse scenario, stating the property is a townhouse style, with one deed to one person and four units. She said she wanted it to be really clear whether a property owner would have to post these notifications in ADUs or if they reside onsite; or in her townhome scenario that would be someone's private residence, which she call unlikely, citing difficulty with the tenants keeping smoke detectors properly installed, let alone a plaque on the wall. She hoped for clarity on staff's intent. Mr. Wood agreed after hearing Chair Bosley's and Mr. Tousley's comments, that there was room to tighten this up so it would make more sense. He agreed that ideas such as an exception for owner occupied locations and ADUs would certainly be reasonable approaches. Mr. Wood recalled highlighting the difference for a townhouse between the different codes; in the building code it is about the style of the building. He thought there was an opportunity to work on that. Mr. Wood said he did think there was value to having the notification for a rental building that has multiple units, period. He cited the challenge of many single-family Keene homes rented to four individuals in separate units, which he called a whole different look and feel. Mr. Wood said staff would try to tighten this standard up.

Mr. Wood confirmed for Sec. 18-16., the Committee was seeking a way to not have the notifications required in owner-occupied units or ADUs, which he called easy. Additionally, language for where the notices should be posted in single-entry units and what those should look/feel like. Chair Bosley said with the understanding that if the City is asking for posting in single-entry units, she would be very clear that the owner could ensure it is there when the tenant rents the property but that does not mean it is going to be maintained. Mr. Wood said it was understood and no different than things Code Enforcement deals with, like smoke detectors. Chair Bosley noted in many cases, tenants only display plaques like those on notified inspections days. She said she saw the value in it and thought Councilor Madison had a great point about the relevance to his work with New Hampshire DES. Chair Bosley appreciates it when Code Enforcement alerts her that something is happening at one of her properties or to have interactions with any City department.

Next, the Committee addressed Councilor Tobin's concern that the Ordinance did not specify windows but talked about screens. Chair Bosley wanted to be clear about the requirement, noting that not every window in the City of Keene opens. One of the largest complaints she heard about the Colony Mill's beautiful, amazing renovation was that those windows are not open, and she said people choose to live there or not. Chair Bosley thought the City should be conscientious of the expectation in the general sense. Mr. Wood thought it was an important statement. He explained there are buildings with windows required for ventilation purposes, which is different than buildings with mechanical ventilation. So, he agreed that it would not be easy and would need to be nuanced. Staff would work on cleaning it up to make more sense.

Related to Councilor Tobin's question on floods specifically from roofing, Mr. Lawliss referred to Sec. 18-20. – Interior Surfaces, which includes windows, "Interior surfaces, including floors, walls, windows, doors, and ceilings shall be maintained in good, clean, compliant, and sanitary condition." He said some of these questions are partially covered and answered with a little nuance instead of having windows mentioned in multiple different parts of code. Mr. Lawliss said they tried to streamline these into areas centered around openings and drainage of them. Chair Bosley thought that might be a partial answer to the roofing question and felt like the code related to maintenance of roofing is probably not in this section. Mr. Lawliss agreed, stating roofing is covered under Property Standards because it applies to properties other than rentals. He referred to Sec. 18-12. – Minimum Standards for All Property, 10) "Exterior surfaces, accessory structures, and structural members, including but not limited to, roofs, chimney, doors, windows, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained structurally sound and good repair, and shall be capable of safely supporting the imposed dead and live loads."

The Committee concluded on the Appeals process. Chair Bosley said she saw that following a decision, an appeal would go to the Community Development Director. She asked if there was a person outside the Community Development Department involved. The City Attorney said there is a Building Board of Appeals, which is where the RSA directs appeals of the Building Code. She said the City is authorized under law to create an administrative appeal such as what was proposed in Chapter 18, which she said was the case in the Fire Code (appeals to the Fire Chief) and had been blessed by case law for a very long time. Chair Bosley wondered if that should be referenced in this section. The City Attorney said it would not be a bad idea to include but she

would ensure it is in the letters and violations that go out. Chair Bosley suggested including it, so people reading Chapter 18 understand they are reading something that follows the City's common practices. Mr. Lawliss emphasized that in his years with the City, two appeals went to the Building Board of Appeals and in both cases, the Board thought its expertise was less related to the questions of trash on a lawn vs. building architecture/engineering. He thought some of those concerns might have been more related to fines and fine amounts, which could have been administrative reviews and avoided that process. Mr. Lawliss thought staff could add more clarity on what property owners' next steps should be when aggrieved by an administrative decision. Chair Bosley said she did not have experience with this but the few moments she had seen appeals as a Committee member they regarded zoning decisions, which are very different than Chapter 18. Chair Bosley said zoning has a process through the Zoning Administrator, Community Development Director, and then the Zoning Board of Adjustment. So, it made sense to Chair Bosley to have an out-of-house appeal process to have the decision supported when people do not agree, to review what the Ordinance says, and ensure the decision aligns, even though it is not the highest and best use of the Board's time. Mr. Lawliss agreed, stating that Community Development Department staff would consult the RSA again with the City Attorney's help, noting that some of the RSA refers directly to the courts vs. a board for certain decisions, so they would clarify those specific cases. Chair Bosley appreciated added clarity. Mr. Lawliss also clarified with Mr. Tousley that Mr. Wood is not the Community Development Director, Mr. Andrus is.

The following motion by Councilor Haas was duly seconded by Councilor Madison.

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the City Manager be directed to introduce an ordinance for first reading relating to amendments to Chapter 18 of the City Code, incorporating the changes discussed by the Committee.

5) <u>Relating to Pavement Setbacks and Cross Site Access - Ordinance O-2025-29</u>

Chair Bosley noted that no further public comments would be accepted on this Ordinance as there was already a Public Hearing. She welcomed a summary from Community Development Director, Paul Andrus.

Mr. Andrus explained that City staff thought Ordinance O-2025-29 was a very common-sense update to Land Development Code Section 9.4.2, "Dimensions & Citing." Essentially, it would allow for cross-access among commercial properties within the City, which exists in reality. However, he said due to the existing Code, when faced with instances of no cross-site access, the only remedy was to actually put it in the site plan through a variance process. Mr. Andrus said this change would have a very defined impact on public safety and many different things that the Code is trying to address. Mr. Andrus said this was really a clean-up in the spirit of a lot of the things the Committee had discussed during this meeting.

Chair Bosley recalled the Public Hearing on this Ordinance being pretty quiet and did not think there was a lot of public interest in this topic. She did think there were plenty of cases where this already existed and said it would be great if they could be conforming or allowed to keep traffic

off the City streets, if appropriate. Chair Bosley also thought it was a great addition to the Ordinance for property owners to be able to determine that. So, she was satisfied.

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

On a vote of 5 to 0 the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-29.

6) Adjournment

This possibly being Chair Bosley's final meeting as a Councilor, the Committee wished her well. Chair Bosley really appreciated the opportunity to lead this Committee.

There being no further business, Chair Bosley adjourned the meeting at 7:50 PM.

Respectfully submitted by,
Katryna Kibler, Minute Taker

Edits submitted by,
Terri M. Hood, City Clerk