



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
December 4, 2025
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- November 20, 2025 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Presentation - Southwest Region Planning Commission
2. Public Hearing - Ordinance O-2025-34-A - Petition to Amend the Zoning Map - 1.24 Acre Portion of 62 Maple Avenue - Industrial Park to Medium Density
3. Public Hearing - Ordinance O-2025-28-A - Relating to Amendments to the Zoning Map - Low Density to Commerce - Intersection of Pearl Street and Winchester Street

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations - Airport Development and Marketing Committee; Ashuelot River Park Advisory Board; Assessors Board; Bicycle Pedestrian Path Advisory Committee; Building Board of Appeals; Conservation Commission; Heritage Commission; Historic District Commission; Housing Standards Board of Appeals; Keene Housing; Partner City Committee
2. Confirmation - Heritage Commission

C. COMMUNICATIONS

1. Leon Watkins - In Support of Ordinance O-2025-28-A - Amendments to the Zoning Map – Low Density to Commerce – Intersection of Pearl Street and Winchester Street

2. Michael Wright - In Support of Ordinance O-2025-28-A - Amendments to the Zoning Map – Low Density to Commerce – Intersection of Pearl Street and Winchester Street
3. Shane Brown - In Opposition of Ordinance O-2025-28-A - Amendments to the Zoning Map – Low Density to Commerce – Intersection of Pearl Street and Winchester Street

D. REPORTS - COUNCIL COMMITTEES

1. Request for an Access Easement Across City-owned Land in the Town of Swanzey - Public Works Director
2. Mike Pappas - Petition - Magnolia Way Residents - Request for Discontinuance and Removal of Sidewalk on Northerly Side of Magnolia Way
3. Relating to the Load Limit Postings of the Beaver Street and Spring Street Bridges - City Engineer
4. Relating to the 2025 Construction Season Summary and 2026 Construction Season Preview of Upcoming Projects - City Engineer
5. Draft "Protection of Streets" Ordinance - Public Works Director
6. Downtown Infrastructure Project Update - Public Works Director

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. City Council Goals (2026-2027)

G. REPORTS - BOARDS AND COMMISSIONS

1. Amendments to the Planning Board Regulations and Application Procedures

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Amendments to the Planning Board Regulations and Application Procedures
Ordinance O-2025-38

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to Adopting the Provisions of RSA 79-E "Community Revitalization Tax Relief Incentive"
Resolution R-2025-35

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, November 20, 2025. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Laura E. Tobin, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, Thomas F. Powers, and Mitchell H. Greenwald were present. Kate M. Bosley was absent. Councilor Lake led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to adopt the November 6, 2025 meeting minutes as presented was duly seconded by Councilor Filiault.

Councilor Haas requested a correction to the dates listed on page one of the minutes related to the scheduling of the Municipal Services, Facilities and Infrastructure Committee as follows: “Wednesday, November 25, 2025 would be moved to Tuesday, November 24” corrected to say: “Wednesday, November 26, 2025 would be moved to Tuesday, November 25”. Correction was accepted by consensus. The motion to adopt the November 6, 2025 meeting minutes, as amended, carried unanimously with 14 Councilors present and voting in favor. Councilor Bosley was absent.

ANNOUNCEMENTS

Mayor Kahn announced the opportunity to watch *The American Revolution*, with the fourth episode this week. Keene locals such as Ben White and Cauley Powell were contributing editors for the series. He called it another accomplishment for Florentine Films, which includes Ken Burns.

The Mayor led the Council in honoring Councilors Williams and Workman, who celebrated birthdays in November.

Mayor Kahn also announced City events upcoming in November:

- Thanksgiving Holiday: November 27 and 28, 2025, the City of Keene is closed.
- Annual Kiwanis Tree Lighting: November 28, 2025 at 5:00 PM on Central Square.

The Mayor also shared the Council’s updated meeting schedule for the holidays. The Municipal Services, Facilities and Infrastructure (MSFI) Committee Meeting of Wednesday, November 26 would be moved to Tuesday, November 25 at 6:00 PM for the Thanksgiving Holiday. The Finance, Organization and Personnel (FOP) Committee meeting scheduled for the week of Thanksgiving was canceled. He also reminded the Council that the second of two City Council Goals Workshops would be held on Monday, December 1, 2025 at 6:00 PM in Cohen Hall. The second workshop would focus on incorporating any identified amendments and additions to the Council Goals. The Mayor thanked those Councilors who attended the first workshop on November 17, 2025, and encouraged all Councilors to attend the second workshop and weigh in on priorities for the next two years. The Mayor called it a useful opportunity for the Council to share its priorities with staff. He asked Councilors to read documents the City Manager shared with them in advance of the next Workshop and come prepared to make progress. The Mayor

also announced that on December 2, 2025 in the Council Chambers, the City Council would hold a Non-Public Session for the annual evaluation with the City Manager. The Mayor said it should be short and to the point, but Councilors' attendance would be appreciated.

Councilors were provided with a handout for the City Council's incoming and outgoing group photos on December 4, 2025 in the Council Chambers, just before the regular City Council meeting; the incoming group photo is scheduled for 6:15 PM, and the outgoing group photo at 6:25 PM. He asked Councilors to make every effort to be present for the photos, which are important for the City's historical record. The City Council's Inauguration for newly elected or re-elected Councilors would be held on January 1, 2026 at 12:00 PM in the Council Chambers, as the City Charter specifies. He further noted that before the inauguration, he is holding meetings with every City Councilor to discuss future committee and board assignments. He encouraged any Councilor or Councilor-Elect that hasn't scheduled a meeting, to contact his office to make arrangements.

Mayor Kahn announced that the Council's Holiday Party would be held immediately after the December 18, 2025 City Council meeting at Birdies. Councilors were each invited to bring a guest.

Finally, the Mayor wished everyone a safe, joyful, and Happy Thanksgiving filled with gratitude, connection, and time spent with those who matter to them the most.

COMMUNITY RECOGNITION: SULLIVAN STURTZ - 2025 KEENE HIGH SCHOOL CROSS - COUNTRY RUNNING ACHIEVEMENTS

Mayor Kahn welcomed Sullivan (Sully) Sturtz to recognize his four years of Keene High School Cross Country Running accomplishments. Sully capped off an extraordinary cross-country season by earning New Hampshire Division I and All-State honors for the 2025 New Hampshire Cross Country season. Mayor Kahn said Sturtz's achievements in the 2025 season solidified his place among the best high school distance runners in New England and the entire northeast. He said Mr. Sturtz's 2025 season was nothing short of dominant, winning all five invitational tournaments he entered this fall, including the Cochran Classic Invitational for the third time, the Amherst Invitational for the third consecutive year, the Northfield Mount Hermon Invitational for the third straight time, the Connecticut Valley Conference title for the third year, and finishing second in the Moonlight Madness Invitational at the Cheshire Fairgrounds after winning for the three previous years. Mayor Kahn said that with every race, Mr. Sturtz demonstrated poise, strategy, and unrivaled competitiveness. The Mayor said one of Sully's most impressive performances was blazing through the final run on his home Keene High School Cross Country course, setting a new course record of 3.2 miles in 15 minutes and 50 seconds. This record time solidified Mr. Sturtz's status as the fastest cross-country runner ever at Keene High School. Mr. Sturtz finished his championship season as runner-up in the Division I State Championship, which qualified him for the Meet of Champions tournament, where he ran an even better time for the highlight of his season. Mr. Sturtz claimed the Meet of Champions Title for the first time in his four-year running history, defeating all Division II and Division III qualifying individual champions, as well as all other runners from the qualifying 18 teams in the team finals. The Mayor said Mr. Sturtz further proved his running talent at the New England

Championships, finishing fifth overall among 253 runners from New Hampshire, Vermont, Rhode Island, Connecticut, and Maine. After finishing fourth in each of the previous two New Hampshire championship meets, Mayor Kahn called it a rare feat for an underclassman to play so highly in back-to-back seasons and then follow up with an especially hard fought fifth place finish. The Mayor called it a testament to Mr. Sturtz's consistency and ability to rise to big occasions.

By this season's end, the Mayor said Mr. Sturtz's accolades painted a clear picture of his dominance among New England runners. He was named to the New Hampshire Division I All Star Team, the New Hampshire All Star Team, and the All-New England Team, earning recognition from his peers, coaches, and cross-country fans across the region. Mayor Kahn said Mr. Sturtz showed incredible dedication and hard work this season and his entire four-year career, according to Coach David Goldsmith (in the audience; with an impressive record of coaching All-State runners at Keene High School. Mr. Sturtz's ability to perform at such a high level week-after-week and season-after-season reflected his training, focus, and love for the sport. The Mayor said what made Mr. Sturtz and this season even more remarkable were his steady progression since freshman year, consistently improving his times and racing tactics, setting personal bests and key races, and leading his team to second place in the Division I Championship, fourth place in the Meet of Champions, and 16th place in the New England Cross Country Championship. Mayor Kahn said that Mr. Sturtz had firmly established himself as one of the top runners to watch heading into the postseason and trying to earn a spot in the National High School Cross Country Championships later in 2025. As Mr. Sturtz planned his future at the University of Massachusetts at Amherst, the Mayor knew he would continue to demonstrate perseverance, humility, and passion for running. Mayor Kahn said Keene High School and the entire Keene community were proud of Mr. Sturtz's accomplishments and congratulated him.

Mr. Sturtz thanked the City Council and Mayor Kahn for this honor and all the nice things that were said. Mr. Sturtz said all of the accomplishments the Mayor listed were not his alone; he would not have been able to get anywhere close to those things without the support of his community and family, and specifically without the support of his team and Coach Goldsmith. Mr. Sturtz said the current Cross Country Team was the best he had ever seen in his time affiliated with the program at Keene High School. He thought it was awesome to see the team rising and performing so well, especially in Keene, which has such a strong running culture. He knew the success would continue and Mr. Sturtz encouraged the community to show the Keene High School Cross Country Team some love. Mayor Kahn thanked Tanya and John Sturtz for all their support of Sully this year and beyond.

NOMINATION - HERITAGE COMMISSION

Mayor Kahn nominated Marilyn Huston to serve as a Regular Member of the Heritage Commission, with a term to expire December 31, 2028. The Mayor tabled the nomination until the next regular meeting.

COMMUNICATION - KEENE DOWNTOWN GROUP - REQUEST TO USE CITY PROPERTY - ICE AND SNOW FESTIVAL - FEBRUARY 7, 2026

A communication was received from Mark Rebillard of the Keene Downtown Group, submitting the annual request for a license to conduct the 2026 Ice and Snow Festival on City property on February 7, 2026. Mayor Kahn referred the communication to the Planning, Licenses and Development Committee.

COMMUNICATION - MEDARD KOPCZYNSKI - RESIGNATION - CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD

A communication was received from Medard Kopczynski, resigning from the Congregate Living and Social Services Licensing Board. A motion by Councilor Greenwald to accept the resignation effective January 1, 2026, 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.

PLD REPORT - PRESENTATION - HERITAGE COMMISSION ANNUAL REPORT

A Planning, Licenses and Development Committee report was read, unanimously recommending that the presentation – Heritage Commission Annual Report – be accepted as informational. Mayor Kahn accepted the report as informational.

PLD REPORT - REQUEST FOR CONSIDERATION OF AN ORDINANCE AMENDMENT TO REGULATE THE MUZZLING OF DOGS AND DRAFT ORDINANCE

A Planning, Licenses and Development Committee report was read, unanimously recommending that the City Attorney be directed to introduce an Ordinance for first reading relating to Regulating the Muzzling of Dogs. 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 14 Councilors present and voting in favor. Councilor Bosley was absent.

PLD REPORT - CREATION OF NEW CITY CODE CHAPTER 44 RELATING TO BUILDING CONSTRUCTION AND DEMOLITION

A Planning, Licenses and Development Committee report was read, unanimously recommending the City Manager be directed to introduce an ordinance for first reading relative to the creation of a new City Code Chapter 44 Relating to Building Construction and Demolition. 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 14 Councilors present and voting in favor. Councilor Bosley was absent.

PLD REPORT - UPDATE TO CHAPTER 18 OF THE CITY CODE, PROPERTY AND HOUSING STANDARDS

A Planning, Licenses and Development Committee report was read, unanimously recommending 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. A motion by Councilor Jones to carry out the intent of the Committee report was duly seconded by

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

FOP REPORT - 2025 HOMELAND SECURITY GRANT PROGRAM AWARD - CRITICAL CARE EQUIPMENT

A Finance, Organization and Personnel Committee report was read, unanimously recommending the City Manager be authorized do all things necessary to accept and expend the 2025 Homeland Security Grant Program Award – Critical Care Equipment in the amount of \$57,118.00. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Bosley was absent.

FOP REPORT - 2025 HOMELAND SECURITY GRANT PROGRAM AWARD - HAZARDOUS MATERIALS ALLOCATION

A Finance, Organization and Personnel Committee report was read, unanimously recommending the City Manager be authorized do all things necessary to accept and expend the 2025 Homeland Security Grant Program Award – Hazardous Materials Allocation in the amount of \$23,128.00. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Bosley was absent.

FOP REPORT - EXECUTION OF AN AGREEMENT FOR ENGINEERING SERVICES WITH MICHAEL PETROVICK ARCHITECTS, PLLC FOR THE DESIGN OF THE CITY HALL STRUCTURAL REPAIRS PROJECT (65J0002B)

A Finance, Organization and Personnel Committee report was read, unanimously recommending the City Manager be authorized do all things necessary to execute an agreement with Michael Petrovick Architects, PLLC for the Design of the City Hall Structural Repairs Project (65J0002B) for an amount not to exceed \$130,000. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Jones said he was glad to see this awarded to a local company owned by a gentleman doing a lot of work within the community. The Councilor liked that the money would stay local.

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

FOP REPORT - EXECUTION OF A GRANT AGREEMENT WITH THE RECREATIONAL TRAILS PROGRAM (RTP) FOR THE REHABILITATION OF THE ASHUELOT RAIL TRAIL BRIDGE OVER THE ASHUELOT RIVER

A Finance, Organization and Personnel Committee report was read, unanimously recommending the City Manager be authorized do all things necessary to execute and expend a grant agreement with the Recreation Trails Program (RTP) for engineering services and the construction phase of

the Ashuelot Rail Trail Bridge Rehabilitation Project (65J0022A). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Jones said this bridge was definitely in need of improvement. He noted that when walking over the bridge, you could feel the squeak underneath, like the boards were getting soft. He said it would definitely need some work to get it back to where it should be. Councilor Jones added that Pathways for Keene reviewed its minutes and found it had committed \$5,000 to this project. If more would be needed, he said Pathways for Keene could review that need at its next meeting on the second Monday in January 2026.

In light of the recent financial situation with the University System of New Hampshire and Keene State College (KSC) specifically, Councilor Workman asked for an update on what the backup plan was if Keene State College would not match the City's 20% as originally expected. At this time, City Manager Elizabeth Ferland said she did not have confirmation that KSC would match the City's 20% and if that were to become an issue, she would ask Pathways for Keene to consider increasing their donation or look for other funding the City might be able to use for the match. She said it was a relatively small number.

Mayor Kahn called it a good grant, which he would hate to see go by the wayside because of the match issue. The City Manager agreed.

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

FOP REPORT - RE-ALLOCATION OF FY26 CIP FUNDS IN THE TRAFFIC SIGNAL REPLACEMENT PROGRAM (75M012) FOR THE DOWNTOWN INFRASTRUCTURE IMPROVEMENTS AND RECONSTRUCTION PROJECT

A Finance, Organization and Personnel Committee report was read, unanimously recommending the City Manager be authorized do all things necessary to re-allocate CIP FY26 allocated funds in the Traffic Signal Replacement Program (75M012) to the Downtown Infrastructure Improvements Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Bosley was absent.

FOP REPORT - RE-ALLOCATION OF FY27 CIP FUNDS IN THE STORMWATER RESILIENCY PROGRAM (75M006) FOR THE DOWNTOWN INFRASTRUCTURE IMPROVEMENTS AND RECONSTRUCTION PROJECT

A Finance, Organization and Personnel Committee report was read, unanimously recommending accepting this item as informational. Mayor Kahn filed the report as informational. The Mayor explained that the FY27 Capital Improvement Program (CIP) funds had yet to be allocated, so this change would be reflected in the upcoming iteration of the CIP for 2026 through 2032.

FOP REPORT - RE-ALLOCATION OF UNSPENT CIP PROJECT FUNDS FROM THE ROAD PRESERVATION AND REHABILITATION PROGRAM (75M002) FOR THE

CONSTRUCTION PHASE OF THE GEORGE STREET BRIDGE IMPROVEMENTS PROJECT

A Finance, Organization and Personnel Committee report was read, unanimously recommending the City Manager be authorized do all things necessary to reallocate unspent allocated program funds in the amount of \$150,000 from the Road Preservations and Rehabilitation Program (75M002) to the George Street Bridge Replacement Project (75M0020A). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Bosley was absent.

CITY MANAGER COMMENTS

The City Manager, Elizabeth Ferland, was pleased to announce that City Assessor Dan Langille was awarded the Lawton B. Chandler Award by the New Hampshire Association of Assessing Officials (NHAAO) at the Annual Conference for Assessors. This is a distinguished recognition within assessing profession. The NHAAO established this award to recognize individuals who demonstrate outstanding service through active contribution, leadership, and a commitment to inspiring others in the spirit of Lawton Chandler's legacy. The City Manager said Mr. Langille's work and dedication exemplify those ideals; his leadership, professionalism, and service to the City of Keene and the broader assessing community make him truly deserving of this honor. City Manager Ferland noted that often, people from other communities with assessing questions reach out to Mr. Langille because he is a wonderful resource to other communities and the assessing profession. The City Manager said this was a well-deserved recognition.

City Manager Ferland shared a reminder from Councilor Tobin about Giving Tuesday: the first Tuesday after Thanksgiving, December 2, 2025. The City Manager said Giving Tuesday is the opportunity to give back and invest in the community: give to a favorite nonprofit, volunteer, donate goods, or do something nice for a neighbor.

The City Manager concluded by introducing the City's new Human Resources Director, Darcy Newport. The City Manager was excited to welcome Ms. Newport's 30 years of Human Resources experience. She had most recently been the HR Director at Nichols College in Dudley, Massachusetts, since 2018. Ms. Newport holds a Master of Science in Organizational Leadership and a Bachelor's in Personnel Management. While she has not worked municipally before, the City Manager said Ms. Newport has all the right experience. So, City Manager Ferland was really excited to have Ms. Newport on the team.

Councilor Filiault thanked the Mayor and the Mayor's Youth Council for its presentation at Keene Middle School on November 20, 2025 on Native American History in Keene. Councilor Filiault thought most in the room remembered when the Middle School was built; it was delayed because Native American burial grounds were found. He said the Youth Council had some artifacts at the presentation. Councilor Filiault said it was well done. Mayor Kahn was appreciative, noting 14 students from the Youth Council (9th to 12th graders) led the presentation. The presentation was well-supported by the key researcher for the burial's archaeological dig, Robert Goodby of Franklin Pierce University. Additionally, Joyce Heywood,

a member of the last Abenaki family present in Keene, showing family heirlooms at the presentation; she had previously met the students via Zoom. Mayor Kahn said the Cheshire County Historical Society was also very helpful in providing historical artifacts. He noted Keene High School had been a terrific advocate for the Mayor's Youth Council and thanked Library Director Marti Fiske for being a real asset in coordinating this presentation as a former social studies teacher. The Mayor said his takeaway from this was that the arts and sciences can be made into active learning programs and practical learning experiences for students, which he thought the students demonstrated through this presentation. He reiterated what an asset Ms. Fiske was.

ORDINANCE FOR FIRST READING - RELATING TO THE MUZZLING OF VICIOUS DOGS - ORDINANCE O-2025-35

A memorandum was read from City Attorney Amanda Palmeira, recommending the City Council refer Ordinance O-2025-35 Relating to the Muzzling of Vicious Dogs to the Planning, Licenses and Development Committee. Mayor Kahn referred Ordinance O-2025-35 to the Planning, Licenses and Development Committee.

ORDINANCE FOR FIRST READING - RELATING TO UPDATE OF CHAPTER 18 PROPERTY AND HOUSING STANDARDS CODE - ORDINANCE O-2025-36

A memorandum was read from Fire Marshall/Building Official Richard Wood and Community Development Director Paul Andrus, recommending the City Council refer Ordinance O-2025-36 Relating to Update of Chapter 18 Property and Housing Standards Code to the Planning, Licenses and Development Committee. Mayor Kahn referred Ordinance O-2025-36 to the Planning, Licenses and Development Committee.

ORDINANCE FOR FIRST READING - RELATING TO NEW CHAPTER 44 BUILDING CONSTRUCTION AND DEMOLITION - ORDINANCE O-2025-37

A memorandum was read from Flood Plain Administrator Michael Hagan and Community Development Director Paul Andrus, recommending the City Council refer Ordinance O-2025-37 Relating to New Chapter 44 Building Construction and Demolition to the Planning, Licenses, and Development Committee. Mayor Kahn referred Ordinance O-2025-37 to the Planning, Licenses and Development Committee.

ORDINANCE FOR SECOND READING - PLD REPORT - RELATING TO PAVEMENT SETBACKS AND CROSS SITE ACCESS - ORDINANCE O-2025-29

A Planning, Licenses and Development Committee report was read, unanimously recommending the adoption of Ordinance O-2025-29. The Mayor filed the report as informational. Ordinance O-2025-29 Relating to Pavement Setbacks and Cross Site Access read for the second time. A motion by Councilor Jones to adopt Ordinance O-2025-29 was duly seconded by Councilor Tobin.

11/20/2025

Councilor Greenwald noted his standing Conflict of Interest on Ordinance O-2025-29 and was recused without objection.

The motion to adopt Ordinance O-2025-29 carried unanimously on a roll call vote with 13 Councilors voting in favor and Councilor Greenwald abstaining Councilor Bosley was absent.

ORDINANCE FOR SECOND READING - FOP REPORT - RELATING TO CLASS
ALLOCATION - ORDINANCE O-2025-32

A Finance, Organization and Personnel Committee report was read, unanimously recommending the adoption of Ordinance O-2025-32. The Mayor filed the report as informational. Ordinance O-2025-32 Relating to Class Allocation read for the second time. A motion by Councilor Powers to adopt Ordinance O-2025-32 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Bosley was absent.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 7:46 PM.

A true record, attest:


City Clerk



PUBLIC HEARING

Amendment to Zoning Map -

Industrial Park to Low & Medium Density – Maple Avenue & Route 12

Notice is hereby given that a public hearing will be held before the Keene City Council relative to **Ordinance O-2025-34-A Relating to Zone change**. Petitioner, City of Keene Community Development Department, proposes to amend the Zoning Map of the City of Keene by changing the zoning designation for of the four parcels located at 62 Maple Ave (TMP #227-006-000), 84 Maple Ave (TMP # 227-007-000), 90 Maple Ave (TMP #227-008-000, and 100 Maple Ave (TMP #227-009-000) from Industrial Park to Medium Density, and the zoning designation of the two parcels located at 0 off Route 12 (TMP #513-001-000 & #513-002-000) from Industrial Park to Low Density. The total area of land that would be impacted by this request is ~70-ac.

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

HEARING DATE: December 4, 2025

HEARING TIME: 7:00 pm

HEARING PLACE: Council Chambers, Keene City Hall

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

Attest: 

City Clerk

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.

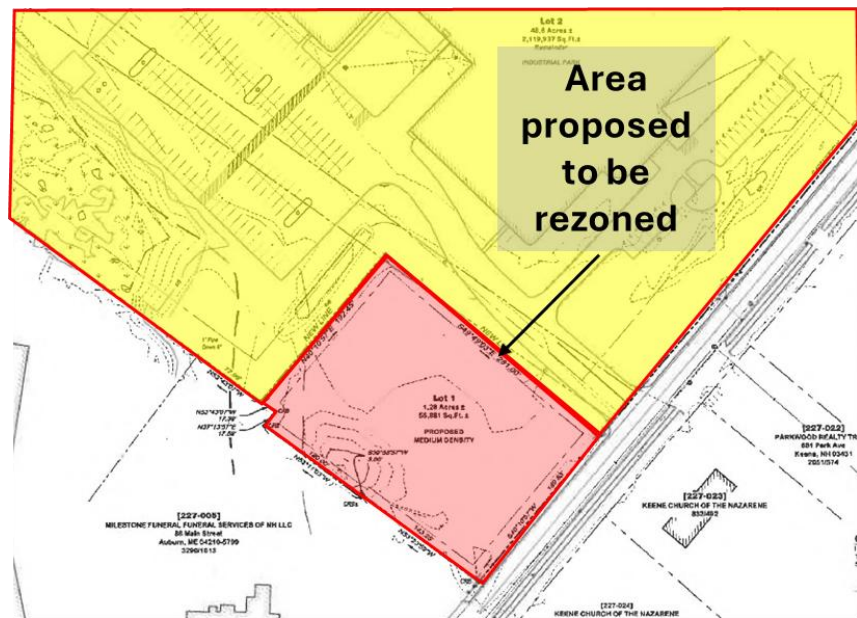


Figure 1. An image taken from the submitted plan showing the extent of the area proposed to be re-zoned.

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.

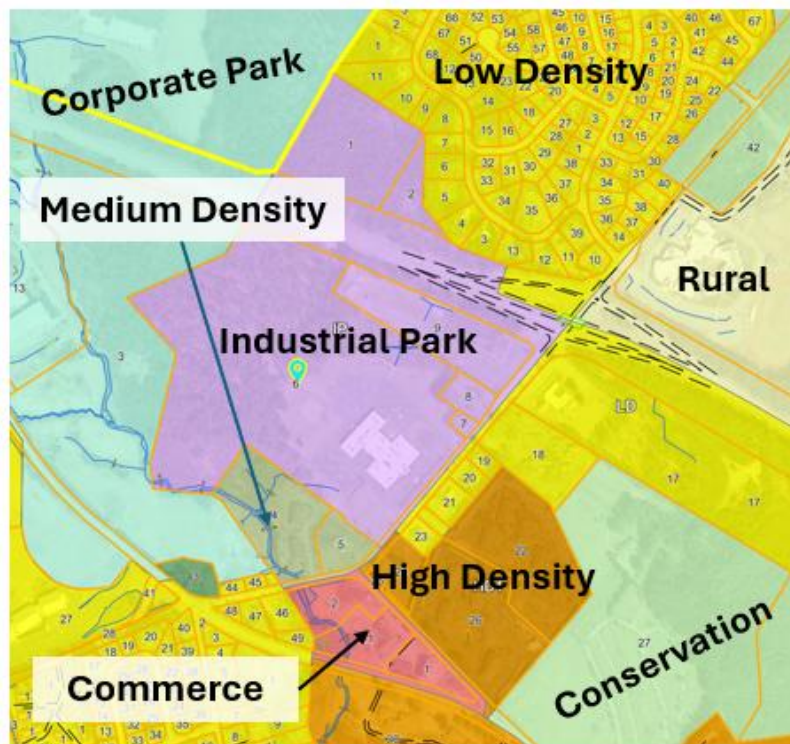


Figure 3. The zoning of the parcel at 62 Maple Ave and surrounding parcels.

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."*



PUBLIC HEARING

Amendment to Zoning Map -

Low Density to Commerce -

Intersection of Pearl Street and Winchester Street

Notice is hereby given that a public hearing will be held before the Keene City Council relative to **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 0 Winchester St (TMP #592-019-000), 291 Winchester St (TMP # 592-020-000), 371 Pearl St (TMP #592-021-000), 305 Winchester St (TMP #593-003-000), and 363 Pearl St (TMP #593-004-000) from Low Density to Commerce. The total area of land that would be impacted by this request is ~1.58-ac.

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

HEARING DATE: December 4, 2025

HEARING TIME: 7:05 pm

HEARING PLACE: Council Chambers, Keene City Hall

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

Attest: 

City Clerk



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.

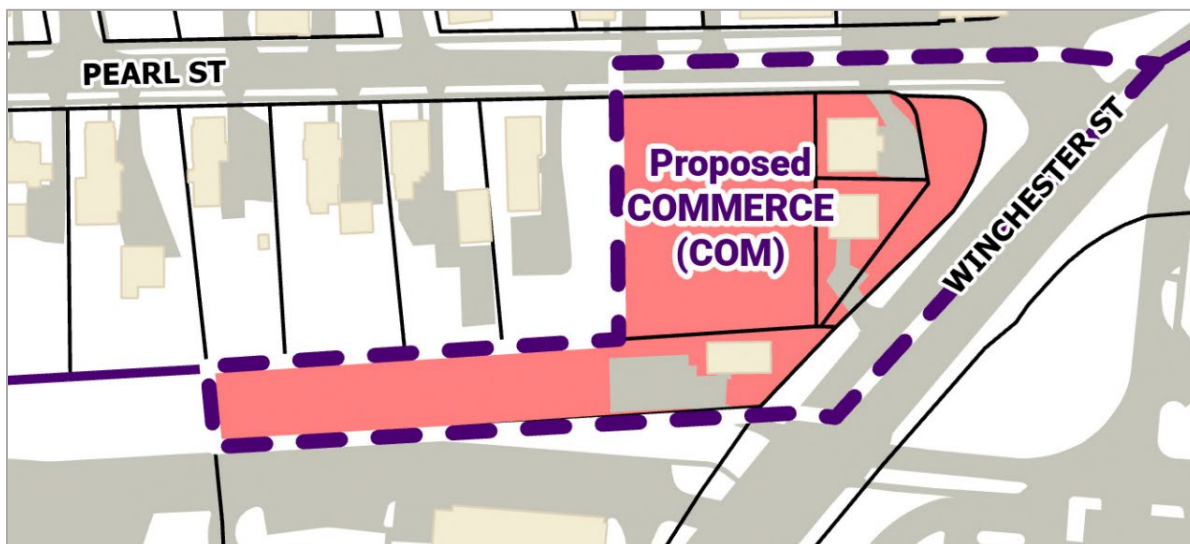


Figure 1. Area proposed to be rezoned from Low Density to Commerce in the “A” version of the ordinance, O-2025-28-A.

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 #B.1.

Meeting Date: December 4, 2025

To: Mayor and Keene City Council

From: Mayor Jay V. Kahn

Through: Terri Hood, City Clerk

Subject: Nominations - Airport Development and Marketing Committee; Ashuelot River Park Advisory Board; Assessors Board; Bicycle Pedestrian Path Advisory Committee; Building Board of Appeals; Conservation Commission; Heritage Commission; Historic District Commission; Housing Standards Board of Appeals; Keene Housing; Partner City Committee

Recommendation:

Attachments:

None

Background:

I hereby nominate the following individuals to serve on the designated City Board or Commission:

AIRPORT DEVELOPMENT AND MARKETING COMMITTEE

Peter Temple December 31, 2028
Re-nomination, Slot 2

Julie Schoelzel December 31, 2028
Re-nomination, Slot 3

ASHUELOT RIVER PARK ADVISORY BOARD

Arthur Winsor December 31, 2028
Moving from Alternate to Regular Member, Slot 2

Thomas Haynes, alternate December 31, 2028
Re-nomination, Slot 8

ASSESSORS BOARD

John T. Newcombe December 31, 2028
Re-nomination, Slot 1
2025-554

BICYCLE PEDESTRIAN PATH ADVISORY COMMITTEE

Rowland Russell
Re-nomination, Slot 3
December 31, 2028

Charles Redfern
Moving from Alternate to Regular Member, Slot 4
December 31, 2028

Michael Davern
Moving from Regular to Alternate Member, Slot 8
December 31, 2028

Diana Duffy, alternate
Re-nomination, Slot 9
December 31, 2028

Andy Holte, alternate
Re-nomination, Slot 10
December 31, 2028

BUILDING BOARD OF APPEALS

Corinne Park
Re-nomination, Slot 1
December 31, 2028

Malcolm Katz
Re-nomination, Slot 2
December 31, 2028

Steven Walsh
Re-nomination, Slot 4
December 31, 2027

CONSERVATION COMMISSION

Robert Milliken
Moving from Alternate to Regular Member, Slot 2
December 31, 2028

Steven Bill
Re-nomination, Slot 5
December 31, 2028

Kenneth Bergman
Moving from Alternate to Regular Member, Slot 7
December 31, 2028

Alexander "Sparky" VonPlinsky, alternate
Re-nomination, Slot 11
December 31, 2028

HERITAGE COMMISSION

Cauley Powell
Moving from Alternate to Regular Member, Slot 7
December 31, 2028

HISTORIC DISTRICT COMMISSION

Anthony Ferrantello
Re-nomination, Slot 2
December 31, 2028

Sophia Cunha-Vasconcelos, Chair
Re-nomination, Slot 5
December 31, 2028

Peter Poanessa, alternate
Re-nomination, Slot 12
December 31, 2028

HOUSING STANDARDS BOARD OF APPEALS

Corinne Park
Re-nomination, Slot 1
December 31, 2028

Malcolm Katz
Re-nomination, Slot 2
December 31, 2028

Steven Walsh
Re-nomination, Slot 4
December 31, 2027

KEENE HOUSING

Cody Morrison
Re-nomination, Slot 3
December 31, 2030

PARTNER CITY COMMITTEE

John Mitchell
Re-nomination, Slot 5
December 31, 2028

Andrew Madison
Moving from Councilor position
to Regular Membership, Slot 7
December 31, 2028

William Schoefmann
Re-nomination, Slot 9
December 31, 2028

Doris McCollister
Re-nomination, Slot 10
December 31, 2026

Gerald Lins
Re-nomination, Slot 11
December 31, 2028



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: December 4, 2025
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Terri Hood, City Clerk
Subject: **Confirmation - Heritage Commission**

Recommendation:

Attachments:

None

Background:

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

Heritage Commission

Marilyn Huston
Slot 4

Term Exp: December 31, 2028



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: December 4, 2025

To: Mayor and Keene City Council

From: Leon Watkins

Through: Terri Hood, City Clerk

Subject: **Leon Watkins - In Support of Ordinance O-2025-28-A - Amendments to the Zoning Map – Low Density to Commerce – Intersection of Pearl Street and Winchester Street**

Recommendation:

Attachments:

1. Leon Watkins - In Support of Rezoning in Ordinance O-2025-28-A_redacted

Background:

Leon Watkins has submitted a letter in support of the rezoning of the intersection of Pearl Street and Winchester Street.

Leon Watkins

Former Owner , Leon Watkins Auto Center

600 Main St.

Keene , NH

[REDACTED]

Keene Planning Board

City of Keene

3 Washington Street

Keene, NH 03431

Re: Support for Rezoning of Property at the Winchester St./Pearl St. Roundabout

Dear Members of the Keene Planning Board,

I am writing as a previous business owner in Keene to express my strong support for the proposed rezoning of the property located at the roundabout at Winchester Street and Pearl Street.

As someone who has lived and worked in this community for many years, I believe this rezoning represents a valuable opportunity for responsible development that aligns with the City's long-term goals. The location is highly visible, strategically placed, and well-suited for improved commercial and mixed-use activity. A zoning update would help unlock its potential in a way that enhances the surrounding neighborhood, supports local economic growth, and contributes positively to the character of our city.

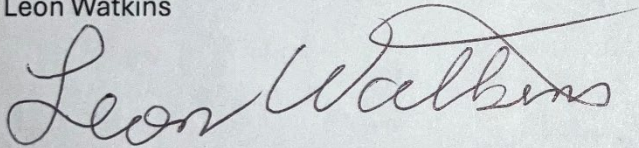
Keene continues to evolve, and thoughtful planning decisions like this one help ensure we remain a vibrant, welcoming, and economically resilient community. Allowing this property to be developed under updated zoning guidelines would encourage new investment, increase foot traffic to nearby businesses, and make better use of an important gateway corridor.

I appreciate the Planning Board's commitment to carefully evaluating proposals that balance community needs with sustainable development. In this case, I believe the benefits of rezoning are clear and will help support both existing businesses and future growth.

Thank you for your time and consideration. Please feel free to contact me if you would like any additional information or perspective.

Sincerely,

Leon Watkins

A handwritten signature in dark ink, reading "Leon Watkins". The signature is written in a cursive style with a large, sweeping initial "L" and a long, horizontal flourish extending to the right.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: December 4, 2025

To: Mayor and Keene City Council

From: Michael Wright

Through: Terri Hood, City Clerk

Subject: **Michael Wright - In Support of Ordinance O-2025-28-A - Amendments to the Zoning Map – Low Density to Commerce – Intersection of Pearl Street and Winchester Street**

Recommendation:

Attachments:

1. Michael Wright - In Support of Rezoning in Ordinance O-2025-28-A_redacted

Background:

Michael Wright has submitted a letter in support of the rezoning of the intersection of Pearl Street and Winchester Street.

Michael Wright
331 Pearl St.
Keene, NH 03431

[REDACTED]
[REDACTED]

30 Nov. 2025

Keene Planning Board
City of Keene
3 Washington Street
Keene, NH 03431

Re: Support for Rezoning from Low Density to Commercial – Pearl Street & Island Street Area

To the Members of the Keene Planning Board,

I am writing as a property owner in the neighborhood surrounding Pearl Street and Island Street to express my support for the proposed rezoning of this area from Low Density to Commercial.

In recent years, this part of Keene has experienced meaningful changes in traffic patterns, property use, and community needs. The existing residential zoning no longer reflects the way the area functions or the direction in which it is naturally evolving. A commercial designation would provide the flexibility necessary for thoughtful, well-managed growth while reducing the number of variances and special exceptions currently required for even modest improvements.

I believe this rezoning will:

- Encourage appropriate economic development that aligns with the surrounding mixed-use character and brings new services and opportunities to residents.
- Improve property values by allowing investment in underutilized parcels and supporting the revitalization of existing homes.
- Create a safer environment that is appealing to all that live in Keene especially in our neighborhood.

As someone directly connected to this neighborhood, I care deeply about maintaining its character while allowing it to adapt to current and future

needs. The proposed zoning change strikes that balance. I believe it will benefit both the immediate area and the broader Keene community.

Thank you for your consideration, and for your ongoing work on behalf of our city. I respectfully urge you to approve the rezoning request.

Sincerely,
Michael Wright

A handwritten signature in black ink, appearing to read 'Michael Wright', with a stylized, cursive script.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: December 4, 2025

To: Mayor and Keene City Council

From: Shane Brown

Through: Terri Hood, City Clerk

Subject: **Shane Brown - In Opposition of Ordinance O-2025-28-A - Amendments to the Zoning Map – Low Density to Commerce – Intersection of Pearl Street and Winchester Street**

Recommendation:

Attachments:

1. Shane Brown - In Opposition of Rezoning in Ordinance O-2025-28-A

Background:

Shane Brown has submitted a letter in opposition to rezoning of the intersection of Pearl Street and Winchester Street.

Opposition Letter – Resident of Pearl St.

Dear Members of the City of Keene Planning Board, the Planning, Licensing, and Development Committee, and Mayor Kahn,

As a resident of Pearl Street, I am submitting this letter in strong, formal opposition to the proposal provided. This proposal would create significant and harmful impacts on safety, congestion, neighborhood character, and long-term residential stability. The City of Keene, through both its committees and ordinances, has repeatedly acknowledged the importance of protecting residential areas from exactly these types of pressures.

Below is a detailed outline of the primary concerns supported by documented City actions, studies, and New Hampshire law.

1. Safety Risks to Residents

The City of Keene has repeatedly acknowledged ongoing safety issues on residential and downtown streets, including signage deficiencies, visibility concerns, and risks to pedestrians. These issues have appeared before the Municipal Services, Facilities & Infrastructure Committee (MSFI) and the City Council, demonstrating their severity.

Key Dates Reflecting City Acknowledgment of Safety Concerns

- April 23, 2025 — The MSFI Committee reviewed an agenda specifically focused on “pedestrian safety and downtown visibility,” highlighting concerns about high-risk areas and inadequate traffic controls.
- May 1, 2025 — The City Council adopted Ordinance O-2025-10A and Ordinance O-2025-11A, amending stop-sign and yield-sign locations, including changes near the Pearl Street/Winchester Street corridor.
- Ongoing — The MSFI Committee meets every fourth Wednesday of the month to address traffic, speed concerns, visibility, and infrastructure-related safety improvements.

Why This Proposal Undermines City Safety Efforts

Despite the City's clear recognition that safety protections must be strengthened, this proposal would *reverse* that progress by:

- Increasing traffic volume on a narrow, residential street
- Adding new turning movements where visibility is already compromised
- Introducing non-resident, high-turnover traffic into a pedestrian-dense area
- Heightening the likelihood of vehicle–pedestrian conflicts
- Directly contradicting the City's documented efforts to improve signage, speed control, and crosswalk visibility

Approving this project runs counter to the City Council's own stance that safety improvements, not additional hazards, are necessary on streets like Pearl Street.

2. Increased Congestion and Parking Overload

Pearl Street already operates at the limits of its design capacity for traffic flow and parking availability. Approving this proposal would amplify existing issues that the City has formally identified through the Neighborhood Parking Report, Strategic Parking Plan, and MSFI discussions.

Key Facts

- The Neighborhood Parking Project Final Report (July 9, 2024) concluded that many Keene residential streets are too narrow to support both a full parking lane and safe two-way travel. Increased parking demand restricts clearance, slows traffic flow, and creates unsafe choke points.
- Keene's Strategic Parking Plan and a July 2022 parking study show downtown on-street parking utilization exceeding 90%, with the City even considering raising meter rates due to high demand.

- The MSFI Committee, which oversees traffic control, highlighted “traffic improvements and event planning” in the March 27, 2025 meeting agenda — reinforcing that congestion is an ongoing citywide concern.

Why This Matters for Pearl Street

- Pearl Street’s limited roadway width means additional traffic or parked vehicles will impede emergency access, slow traffic, and increase collision risk.
- Overflow parking, from employees, customers, or visitors, will spill into scarce residential spaces, sidewalks, and yards, which the City’s own study warns against.
- The City’s parking studies clearly show that congestion is already a material concern; approving additional demand will push Pearl Street into the exact “overburdened zone” the City seeks to avoid.
- The MSFI Committee’s ongoing traffic-management agenda signals that new development must mitigate impacts, yet this proposal does *not* include any mitigation.

3. Negative Impact on Neighborhood Character

The proposed project represents a fundamental and irreversible shift away from the established residential character of Pearl Street. This is not simply a matter of preference, it is directly tied to the City’s planning principles, zoning intent, and long-term community stability.

A. Residential Character Is a City Priority

Keene’s Land Use Code, Neighborhood Parking Report, and multiple MSFI discussions emphasize protecting residential neighborhoods. Pearl Street is intended to remain:

- Low-volume

- Low-intensity
- Pedestrian-oriented
- Residential in nature

High-intensity activity or non-resident traffic is incompatible with this planning intent.

B. Pearl Street Cannot Absorb Commercial-Level Activity

Pearl Street is a residential corridor, not a commercial district. Its narrow width, short sightlines, and limited parking cannot support:

- Increased daily trips
- Customer or employee traffic
- Commercial loading/unloading
- Overflow parking
- High-turnover non-resident vehicles

Such activity distorts the neighborhood's function and burdens residents.

C. City Committees Have Reinforced the Need for Preservation

Recent MSFI and City Council discussions reiterate that residential neighborhoods must maintain:

- Quiet enjoyment
- Safe pedestrian environments
- Predictable traffic volumes

- Consistent land-use patterns

These issues arose repeatedly during reviews of stop-sign changes, visibility concerns, and parking impacts, all directly relevant to Pearl Street.

D. Allowing This Project Normalizes Commercialization of Residential Streets

Approval sets a dangerous precedent, opening the door for:

- Similar conversions on adjacent streets
- Increased traffic infiltration
- Gradual erosion of residential stability
- Cumulative impacts that the City historically seeks to prevent

This is how neighborhood drift occurs: one incompatible use triggers years of incremental disruption.

E. Neighborhood Character Matters Because People Live Here

Pearl Street is a community where:

- Children play
- Elderly residents walk daily
- Families rely on safe sidewalks
- Neighbors interact and support one another

Transient, high-turnover traffic undermines the livable, community-oriented nature residents depend on.

F. This Project Conflicts With the City's Stated Vision

The proposal violates:

- The City's neighborhood preservation goals
- MSFI's emphasis on traffic calming
- The Land Use Code's compatibility standards
- Recently adopted safety ordinances

Approval weakens the City's foundation for responsible planning.

4. Precedent for Further Harmful Development

Approving this proposal would not only harm Pearl Street today, it would create a blueprint for future incompatible development across Keene. Once a higher-intensity, non-residential use is allowed on a clearly residential street, future applicants will cite this approval as justification.

New Hampshire Law Supports This Concern

Under RSA 674:17, all zoning decisions must consider:

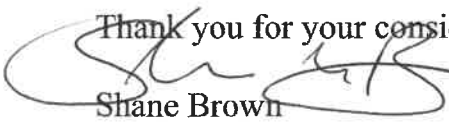
- The character of the area involved
- Its suitability for particular uses

The same statute requires zoning to:

- "Lessen congestion in the streets"
- "Secure safety from dangers"
- "Prevent overcrowding and avoid undue concentration"

For the reasons outlined above, safety risks, increased congestion, erosion of neighborhood character, and dangerous legal precedent, I strongly urge the City to reject this proposal. Pearl Street is a residential street that deserves protection, stability, and respect for the families who live here.

Thank you for your consideration.

Shane Brown

Resident, Pearl Street
Keene, NH

12/2/2025



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: December 4, 2025

To: Mayor and Keene City Council

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

Through:

Subject: Request for an Access Easement Across City-owned Land in the Town of Swanzey - Public Works Director

Recommendation:

On a vote of 4 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute and record a deed for a permanent access easement benefiting Public Service Company of New Hampshire, (d.b.a Eversource Energy), across City-owned land in the Town of Swanzey.

Attachments:

None

Background:

Public Works Director Don Lussier stated that this is a request from Eversource to authorize the City Manager to grant an easement across City-owned property. He continued that the driveway to the Wastewater Treatment Plant (WWTP), sometimes referred to in the popular press as "Airport Rd.," is an active commercial driveway. Eversource Utilities has a transmission line from the Emerald St. substation down into Swanzey and points south. They access it as needed for maintenance at two locations. One is shown on Google maps as a road but is not a road. A gravel path into the woods is there because that is where the City's force main runs. For most of the length of the airport road it follows the roadway, but this is the point where it comes in from the cross-country section and enters the roadway right-of-way. Eversource uses the same gravel access to reach the transmission line. The second location Eversource accesses is closer to the WWTP. The field directly to the west of the City's solar array is where Eversource goes through. A path runs through the woods and comes out onto Eversource's right-of-way.

Mr. Lussier continued that Eversource is asking for a permanent easement to be able to use airport road and these existing access points to maintain their system. It will not affect traffic on airport road and will not affect the WWTP's ability to conduct operations. Staff believes this permanent easement would have no impact on the City and recommends that the City Council grant it. Joe Hoebeke from Eversource is the Regional Municipal Representative, the City's coordinator who helps with issues, and is here tonight to answer questions.

Chair Greenwald asked if the Committee had any questions. He continued that it sounds clear to him. He asked if members of the public had any questions. Hearing none, he asked for a motion.

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

On a vote of 4 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute and record a deed for a permanent access easement benefiting Public Service Company of New Hampshire, (d.b.a Eversource Energy), across City-owned land in the Town of Swanzey.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: December 4, 2025

To: Mayor and Keene City Council

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

Through:

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

Recommendation:

On a vote of 4 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the withdrawal from the Petitioner.

Attachments:

1. Memorandum_City Engineer

Background:

Chair Greenwald asked to hear from Petitioner Mike Pappas.

Mike Pappas stated that he represents the landowners on Magnolia Way. He continued that since they started the project, the houses they put in have fit all the requirements. The ones on the north side of the street have a sidewalk that was put in before they purchased the property, which does not seem to fit in. The sidewalk does not allow proper driveways, and people are parking on the sidewalk, with standard-sized cars and Toyota trucks. They are halfway on the sidewalk. It does not allow people a decent yard. The other side does not have sidewalk. The next street up, Bergeron Ave., also does not have sidewalks. He knows a roundabout is coming to the intersection of Matthews Road. This would be a sidewalk leading to a very congested roundabout. Everyone on the street has agreed to the concept of removing the sidewalk. He is here to ask if the City Council can do something about that.

Chair Greenwald asked if the Committee had questions for Mr. Pappas. Hearing none, he asked to hear from Public Works.

Mr. Lussier stated that he met with the City Attorney yesterday afternoon, who correctly pointed out that the process in the Code requires the City Engineer to issue a written recommendation to the City Council on questions of waivers, and he apologizes; he forgot that was the requirement. He continued that the City Engineer has prepared a written recommendation he will talk to the

Committee about tonight. He (Mr. Lussier) put written copies on the Committee's desks. The City Clerk will add it to the agenda packet for next week's Council meeting.

Bryan Ruoff, City Engineer, stated that to analyze the waiver request, it is most germane to discuss the background involved in this development. He continued that the Magnolia Way subdivision was approved by the Keene Planning Board in 2006. As part of the project, the acting City Council at the time approved the acceptance of public infrastructure proposed as part of that project, including the road, sidewalk, drainage, water, and sewer. Construction began that year but was not completed. It was accepted for public maintenance prior to the expiration of the Council's 36-month project completion deadline. In 2011, the developer repeticioned the City Council for reapproval of the layout of the public infrastructure, which was once again granted. Again, some of the construction occurred but was not completed prior to the 36-month completion deadline. Again, in July 2023, City Council voted for a third time to approve the layout of Magnolia Way and the associated public infrastructure and accepted that as part of the proposed project. Since that time, a new development team has made steady progress on the project, addressing the unresolved, uncompleted work so the City can fully accept the roadway and associated infrastructure. The water and sewer infrastructure to date have been accepted by the City for public maintenance. The remaining work was deferred until the final home was built in order to minimize premature wear and tear to the roadway.

Mr. Ruoff continued that for these three iterations of City Council approval, the plans for Magnolia Way have not changed since the original proposal. Subdivision plans show a 15-foot front setback line, which is still acceptable in the Low Density District. The utility plan shows individual house footprints between 20 and 40 feet back from the right-of-way. It appears, based on staff's inspection, that the development has been constructed to plan, to date. The applicable standards that are requested to be waived are the Article 23.3.7.A. of the Land Development Code (LDC), which states, *"Sidewalks shall be required on at least one side of any proposed street in any residential zoning district."* Prior to the adoption of the LDC, the Code of Ordinances had identical language; this is not a new requirement. In addition, the City's 2015 Complete Street design guidelines that were adopted identify Magnolia Way as a neighborhood street. Neighborhood streets typically call for a five-foot minimum sidewalk on at least one side of the street. In response to the Petitioner's justification for the removal of the sidewalk, which is that it is rarely used by the current residents, it is important for the City Council to understand that it is City infrastructure that is for the life of the public way. If the next set of homeowners in this area decide to petition to *add* a sidewalk, that cost would then be borne by the City and the taxpayers.

Mr. Ruoff continued that regarding the parking requirements, and encroaching in the existing parking areas, for the road access permits that were received for all these lots, the condition was that all vehicles need to be parked in the driveway to meet City Code. Thus, that is not an applicable justification, either, for the removal of the sidewalk. Based on those conditions and staff review, the waiver conflicts with the City Council's adoption of Complete Streets guidelines and would create an undesirable precedent for granting waivers based on project-to-project preferences of current homeowners. For these reasons, Public Works recommends the MSFI Committee recommend denying the request for this waiver for the sidewalk in question.

Chair Greenwald stated that for the record, he has no financial interest in this property, no listings from his real estate office, and no relationship with the property owners. He continued that thus, he does not have a conflict.

Chair Greenwald asked Mr. Lussier if that sidewalk needs to be five feet wide. Mr. Lussier replied

that a five-foot wide sidewalk is a requirement. He continued that prior to the adoption of the LDC, it was specifically listed in Chapter 70 of the Code of Ordinances. With the LDC, more of those requirements were transferred into the Public Works Standards rather than into law, but he would remind everyone that Public Works is required to plow all City sidewalks, and their plows are five feet wide. Making a sidewalk less than five feet wide would make it impossible for Public Works to plow, and they will not shovel it.

Chair Greenwald stated that there is sidewalk on the north side, not on the south side. Mr. Lussier replied that is correct. He continued that as it was originally approved, the sidewalk goes from Winchester St. to the far side of the cul-de-sac. Chair Greenwald stated that he looked at it today, and it is a big sidewalk for a small front lawn, but they have to weigh the City Code against that.

Councilor Tobin stated that this is a fairly new development. She continued that she heard staff say that this was part of the plan. She is a little confused as to how there could not be room for a car in the driveways if this was always the plan. Presumably, the driveway would have been made long enough to fit vehicles. Mr. Lussier replied that all these homes have garages, and can meet their on-site parking requirements because of that. He continued that City Code says, in a different section, that any single-family home must have at least one on-site parking space per unit. That parking space must be either behind the front setback line, which is 15 feet in the Low Density Zone, or behind the building line of the actual structure. The driveways all go up to the face of the garage, so they cannot go around the side of the building, so it is that 15-foot setback. Because they have the parking space in the garage, they can have a driveway that is shorter than 18 feet. Councilor Tobin replied that that means they can put their cars in the garage.

Councilor Tobin asked Mr. Lussier to clarify what is happening with the lower Winchester St. construction. She continued that she thought sidewalks would be going in in that area. Mr. Lussier replied that right now, as Mr. Pappas pointed out, there are no sidewalks on Winchester St. in the vicinity of Magnolia Way. He continued that with the Federally funded project that is being designed and developed right now, there will be sidewalks on that western side, the same side as Magnolia Way. The project design shows the new sidewalks connecting to the Magnolia Way sidewalks.

Chair Greenwald asked for public questions or comments.

Mr. Pappas stated that he has a question about what happens in the middle of winter when the City plows the sidewalks. He asked if the homeowners' cars need to be moved, if they are taking up sidewalk space. Mr. Lussier replied that it is a violation already to park on top of a sidewalk. He continued that he looked at the plans, although he has not gone out to measure the actual footprints of the homes. The building setback line is 15 feet, which is certainly smaller than his truck. All the plans show the building footprints are between 20 and 44 feet. He is not sure what the actual distance is between the sidewalks and the garages are, as constructed, but presumably, yes, they cannot park on the sidewalks.

Mr. Pappas replied that that is where he is asking for some sort of relief here. He continued that if the nose of a car is parked right up against a garage, a plow cannot go down the sidewalk. They were allowed to build these houses here. These homeowners purchased these houses with the complete understanding that they could park a car in front of their garage. Now, in the middle of a winter snowstorm, if they are parked in front of their house, perpendicular to their house with their vehicle's nose to the door, those sidewalks will not be able to be plowed by the City plows. Something has slipped through the cracks somewhere, because this will not be functional. Two more houses, 1 and

3 Magnolia Way, have been built, and their driveways and garages are even worse than the existing ones. At 5 Magnolia Way, a Toyota truck is four feet into the sidewalk, with its nose to the garage door. The City is limiting these homeowners to having one car. There is no place to park a car on the street. These are homes, not apartments. People have families, and they have two or more cars. He is wondering how that requirement here cannot be viewed as a problem.

Chair Greenwald asked the City Attorney to clarify, because this issue has never come to the City Council before. He continued that this went through the Planning Board's site plan review. He asked why this is a City Council issue, instead of an issue for the Planning Board or the Zoning Board of Adjustment. City Attorney Amanda Palmeira replied that as the Public Works Director described, the Planning Board just checks that the minimum requirements are met, and with the garages, they are. Thus, the Planning Board will not be thinking about what will happen if the homeowners want more than one car, because that is not the Planning Board's concern. As for why this is before the City Council, it is because the requirements for sidewalks, in Article 23 of the LDC, has a process for a waiver from that, which is the City Council's purview. She was looking to see if the LDC gives the Committee, say, four criteria to consider, and it does not. The LDC does not give the City Council a process; it just says the waiver request is for the City Council to decide. The only guideline the LDC gives is, *"In no case shall financial hardship be used to justify a waiver."*

Councilor Tobin stated that her thinking is, the sidewalk was put there as part of a plan, and the buildings were built afterwards. She continued that presumably, they would have known the length of the driveway before the building was put there. She struggles to see how this is suddenly something that is happening. Chair Greenwald replied yes, the sidewalk was there first. He continued that he thinks what Councilor Tobin is saying is that the house could have been set further back. Councilor Tobin replied yes, the house could have been put back further, or there could have been fewer houses, but this is the way it was designed.

Mr. Pappas stated that the house met the requirements. He continued that it is the largest house that could be put on these lots. These are 1,500 square foot houses; it is not like they put a 4,000 square foot house in and pushed the envelope. These are not big houses. They maximized the size of house they could put on these lots, to make them saleable. Again, the next street up does not have it. These are small streets, on the outskirts of the City, and to maximize the square footage, to have single-family homes, they did not go outside that. They built where they were allowed to. The road is getting paved, and the driveways are all built and paved according to Code, but they cannot park in them. That is why here is here. Something got overlooked.

Councilor Workman stated that she agrees with many of Councilor Tobin's points. She continued that this was not a new, surprise requirement. It has been a requirement since the property has existed, since the development was being planned. She hears that trucks cannot park in the driveway, but regular vehicles can fit. She asked if that is correct. Mr. Pappas replied that the truck in question is very small, a Toyota. Councilor Workman replied that nonetheless, the owners have a choice. They had the choice to buy that property and a choice about what kind of vehicle to own, and there are garages. She struggles to see how the Committee could recommend approving this. She understands where Mr. Pappas is coming from, but the City has a plan, and they have Ordinances for a long-term plan. There is no guarantee that the current property owners will be there in 20 or 30 years.

Councilor Filiault stated that he agrees with everything being said. He continued that this matter should not have landed in the City Council's lap, but it has. Obviously, this is far from a perfect

design, but he is certainly not in favor of ripping up sidewalks. He sympathizes and thinks Mr. Pappas has a legitimate complaint, but as others have said, it should have been resolved way before even the sidewalks were laid. Someone had to have seen this plan, including the developer. Measurements are measurements. If snow removal is the biggest issue, then Public Works and the land owners will have to figure it out.

The City Manager stated that in many of the residential neighborhoods, people are doing the exact same thing, and when snow comes, they move their cars. She continued that people cannot leave their cars on the sidewalk, because Public Works cannot plow around them.

Mr. Pappas stated that these are single-family homes, not apartments. He continued that they are three-bedroom homes, given one parking space, in a residential neighborhood that is nearly on the City's border, not downtown. They are not asking for something that has not been done. He is at a loss, not being able to park more than one car.

Dave Raabe of 7 Magnolia Way stated that he owns a small Toyota pickup truck, but he is fortunate to "not have the sidewalk in his driveway." He continued that he owns three vehicles. He does not have a choice in putting one anywhere else other than one in the driveway and two in the garage. It is very tight. He wishes the planning was done ahead of time, but that is not the situation now. The two new houses currently being built, that are closest to Rt. 10 or Winchester St., have very short driveways. He does not know if anyone has gone out and measured, but he doubts you could fit a regular car between the garage door and the sidewalk. He knows those two houses are in an even tighter situation than others on the street. He understands the rules and understands that planning is supposed to work ahead of time. Having worked in construction, he knows things do not always work out as you hoped. He agrees with Mr. Pappas. He lives on the street and understands where he is coming from.

Chair Greenwald stated that the other issue weighing on him is the precedent and the procedure. He continued that perhaps they need to look into the City's requirement for sidewalks. When they start changing the rules, that creates issues. He agrees that this sidewalk is "pretty goofy" – it is very large for the use. But if the Code says it must be a minimum of five feet, that is what it is, or it should not be there. He is weighing it all. Mr. Pappas stated a good case.

Councilor Tobin stated that something else she is thinking about with the LDC is that they have flexibility. They allow flexibility for developers to choose how they want to develop. It is a choice to use the maximum buildable space, and when you build on space, you are choosing to not make that part of the driveway or yard. It is a choice, and that flexibility is allowed because different people have different needs.

Mr. Pappas stated that the other side of the development has three times as much room as the side where the sidewalk was approved to be on. He continued that the sidewalk is approved on the shortest side of the street. For numbers 2, 4, 6, 8, and even 10, a sidewalk would be feasible. The sidewalk does not fit where it is on the northern side of the street. Again, one street up, it was never put in. They were allowed to put these houses in and maximize the space. The existing sidewalk is from 18 or 19 years ago. Then, they put these houses in, with something they did not see up front. They have the chance to make a change. The sidewalk just does not fit. He thinks it will cause big problems.

Chair Greenwald stated that something Mr. Pappas has not said, which might help him, is that this is

a development that was proposed long ago and languished. He continued that Mr. Pappas's group, or whoever was behind it all, was brave enough to come forward to build. The road was there, and the sidewalk was there, and they had to put the houses there. They had to deal with what they walked into, and ultimately will look good regardless of how this vote goes. They are nice-looking houses in a nice development, creating housing, which is important.

Chair Greenwald stated that he thinks the Committee has heard all the issues. Now they have to make a decision. What is tough about the MSFI Committee is that the Finance, Organization, and Personnel Committee looks at whether to spend the money or not, and the Planning Board looks at the laws, whereas the MSFI Committee has to deal with the reality of situations that did not go as planned.

Mr. Pappas replied that the sidewalk would have been nice on the other side of the street. Chair Greenwald replied that it would have been great if the street, sidewalk, and houses were all planned at the same time, but now they have to deal with the situation.

Mayor Kahn stated that he hesitates to jump in, but he will suggest the possibility of making a deal. He continued that if the sidewalk is on the wrong side of the street and the property owner is prepared to handle both the removal and replacement of the requirement, that is an option he does not think the Committee has before them, but it is an option for them to consider. He would not want to see the full Council consider this before the Committee had considered that option.

Chair Greenwald asked if the request before the Committee includes the removal. Mr. Pappas replied no. Chair Greenwald asked who, then, would be doing the removal. Mr. Pappas replied that he would have to go back to the drawing board, but at least that would be an option to consider, instead of his request just being denied. Chair Greenwald replied that he does not think the City would remove the sidewalk. Mr. Pappas replied no, he and others would remove the sidewalk, but then the reconstruction of the sidewalk on the other side of the street would be on him and others as well, is the Mayor's argument of making a deal.

Chair Greenwald stated that this is a new idea to consider. He asked for thoughts.

The Mayor stated that something to consider is whether easements would be required to put the sidewalk on the other side.

The City Attorney stated that the request that is before the Committee is a waiver of the requirement, so if they are talking about still requiring a sidewalk, just moving it, the Committee would not be granting the waiver. They would still be requiring a sidewalk, regardless of where it ends up.

Mr. Lussier stated that procedurally, the final step in all this, once the development is completed and all the public infrastructure is accepted, is that he is required to certify to the City Council that all of the construction has been completed in accordance with Article 23. He continued that the Article does not say the sidewalk has to be on the north side. If they wanted to build it on the south side, he could still certify that it was built according to the requirements of Article 23. Obviously, Mr. Pappas would really have to look into this, but his only caution would be that there is drainage infrastructure on the south side, low-impact design type, that would probably complicate construction of sidewalks within the public right-of-way as it was laid out by the City Council.

Chair Greenwald asked if this is leaning towards being placed on more time, or accepted as

informational. Mr. Lussier replied that if the Committee's direction is to recommend having a sidewalk, which can be on either side, that would not require placing the item on more time. It would require the developer coming up with a plan, through the Public Works Department, to install it on the south side. The City Attorney stated that regarding the request before the Committee, she recommends they either grant or deny it, given that the LDC gives the City Council the responsibility of making that decision.

Councilor Filiault asked if they could just have this handled administratively, with a report back to Council. The City Attorney replied that the question before the Committee is narrow. She continued that for a waiver of the legal requirement, the LDC requires the City Council to decide. If the Committee wants to waive the requirement for the Petitioner, they need to grant the waiver. If the Committee does not want to waive the requirement for sidewalks, they need to deny the waiver. That is not something staff can do administratively, nor is it something the Committee could accept as informational. The Committee needs to either grant or deny the request for a waiver from the LDC's sidewalk requirements.

Councilor Filiault stated that they are not changing the sidewalk requirement, just considering saying it could go on the other side of the road. He continued that they are not saying to change or waive anything, so that could be handled administratively. Chair Greenwald replied that the City Attorney is saying the Committee needs to deal with the petition that is before them. Councilor Filiault asked if they could accept the petition as informational and have the request handled administratively.

The City Attorney replied that there is nothing to be handled administratively. She continued that Mr. Lussier will work with Mr. Pappas about completing the layout and how that is accomplished, but the specific request in front of the Committee is about whether the Committee/Council wants to require sidewalks on Magnolia Way or not. Staff cannot regulate, grant, or deny that. It is up to the Committee/Council. Again, if the Committee is looking for a solution where the sidewalk still exists, just changed to the other side of the street, that is fine and they can do that. That would equate to the Committee recommending to not grant this waiver. Meaning, the sidewalk requirement is still in place.

Councilor Filiault replied that the request in front of the Committee is "deny on the northerly side of Magnolia Way," not just deny. He continued that the motion could be, "removal of sidewalk on the northerly side of Magnolia Way." That is the way it is worded, in what is in front of the Committee.

Councilor Workman asked if it would be possible for the Petitioner to just withdraw the request right now, and the matter can come back to the Committee once there is a new plan. The City Attorney replied that she thinks that is permitted, procedurally. She continued that people who submit something to the City Council should have the right to withdraw it without having an action taken on it. The Committee's motion would be to allow the withdrawal, and the Council would have to vote to carry out that recommendation.

Mr. Pappas replied that if he is allowed to withdraw his petition, that would be fine, and then they could come back.

The City Manager stated that to clarify, this will not come back to the MSFI Committee. She continued that if the sidewalk is removed and relocated, it will be approved through the regular administrative process. Councilor Workman replied that with that caveat, she would clarify that the City would not incur any expense related to that.

Councilor Workman asked, for the record, if Mr. Pappas with withdrawing his request. Mr. Pappas replied yes.

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

On a vote of 4 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the withdrawal from the Petitioner.



DATE: November 25, 2025

TO: The Mayor and Keene City Council

THRU: Elizabeth A. Ferland, City Manager
Don Lussier, P.E., Public Works Director

FROM: Bryan Ruoff, P.E., City Engineer

RE: Request for Waiver to Article 23.3.7 of the Land Development Code

Recommendation

That the request for a waiver of Article 23.3.7 "Sidewalks" of the Land Development Code submitted by Pappas Contracting be denied.

Background

The Magnolia Way subdivision was approved by the Keene Planning Board in 2006. As part of the project Keene City Council approved the acceptance of the public infrastructure, including the roadway, sidewalks, drainage, water and sewer at that time. Construction began that year but was not completed and accepted for public maintenance prior to the expiration of the council's 36-month project completion deadline. In 2011, the developer re-petitioned and City Council re-approved the layout of public infrastructure, which was granted. Once again, some of the construction occurred but the project was not completed and accepted by the City prior to the 36-month project completion deadline.

On July 6, 2023, the City Council voted for a third time to approve the layout of Magnolia Way and the associated public infrastructure. Since that time, the new development team has made steady progress in addressing the unresolved and uncompleted work so that the City can fully accept the roadway. The water and sewer infrastructure have been accepted for public maintenance. The work that remains was deferred until the final home was built in order to minimize premature wear and tear on the roadway. (Refer to a letter from Public Works to Nuevo Transfers, LLC, dated 4/28/2025)

For all three iterations of the approvals, the plans for Magnolia Way have not changed. The subdivision plan shows a 15' front setback line, which is still applicable in the Low-Density zoning district. The utility plan shows individual house footprints between 20' to 44' back from the right-of-way line and it appears that the development was constructed substantially to plan.

Applicable Standards

Article 23.3.7 of the Land Development Code (LDC) states that "*Sidewalks shall be required on at least one side of any proposed street in any residential zoning district*". Prior to adoption of the LDC, Sec. 70-127 of the Code of Ordinances had identical language.

The City's 2015 "Complete Streets Design Guidelines", adopted in 2015, identifies Magnolia Way as a Neighborhood Street. The Neighborhood Street typology calls for a 5-foot minimum sidewalk "located on at least one side of the street".

Response to Petitioners' Justification

In their petition, the residents request relief from the Public Infrastructure Standards because:

1. It is rarely used.
2. It shortens driveways causing larger vehicles to overhang the sidewalk.

It may very well be that the current residents of the neighborhood do not frequently use the sidewalk. However, once accepted as a public street, Magnolia Way will be used by many future residents. The Council must consider the needs of both future residents and the general public as a whole. Experience has shown that sidewalks are highly desirable amenities in residential neighborhoods. There are currently no sidewalks on either side of Winchester Street. However, sidewalks will be constructed along the western side as part of the federally funded Lower Winchester Street Reconstruction project. Once completed, the Magnolia Way sidewalks will provide safe pedestrian access to nearby amenities such as Market Basket and Hamshaw Lumber.

With respect to vehicle parking, it should be noted that each of the homes in this development has an attached garage. The garages are required to meet the LDC standard for on-site parking. Every single-family home is required to provide a minimum of 1 parking space. As specified in article 9.3.2 of the Land Use Development Code, ***"Each vehicle parking space shall be a minimum dimension of 8-ft by 18-ft and shall be located to the rear of either the front setback or front building line."*** Most of the parcels within this development cannot accommodate an 18-foot parking space without encroaching into the front setback. It's also worth noting that Sec. 94-67 of the Keene Code of Ordinances prohibits parking "On a public sidewalk".

Summary and Recommendations

The requested waiver conflicts with the Council's adopted Complete Streets guidelines and would create an undesirable precedent for granting waivers based on project-by-project preferences. For these reasons Public Works recommends the City Council deny the request for a waiver of the sidewalk requirement.



April 28, 2025

via: Certified Mail

Christopher Masiello
Nuevo Transfers, LLC
1 Bedford Farms Drive
Bedford, NH 03110

RE: Magnolia Way

Chris,

I'm writing to remind you of the deadline for final completion and acceptance of all public infrastructure associated with Magnolia Way. As described in my August 14, 2024 letter, all construction and acceptance must be completed before **July 5, 2026**.

For your convenience, I've enclosed a copy of the most recent punch list, which identifies the items the City agreed to differ until the completion of the remaining homes. As I described in my earlier letter, we will need to resolve the issue of a sidewalk that is apparently encroaching onto one of the building lots.

Please contact the Engineering Division if you have any questions or an update on the status of this development.

Sincerely,

Donald R. Lussier, P.E.
Public Works Director

Encl.

CC: Paul Andrus, Community Development Director
Amanda Palmeira, City Attorney
Terri Hood, City Clerk
Dan Langille, City Assessor
Bryan Ruoff, City Engineer

City of Keene

Engineering Division

S-08-05 - Magnolia Way Subdivision

Project Punchlist

	To be Completed By			Status
	Developer	City	3rd Party	
Water				
Replace hydrant near Winchester St.	X			Complete - OK
Locate and mark curb stops, clean as needed	X			Complete - OK
Flow test hydrant at cul-da-sac			X	Complete - OK
Exercise gate valves		X		Complete - OK
Exercise curb stops		X		Complete - OK
Hydrostatic Pressure Test water Main			X	Complete - OK
Sewer				
Open and inspect SMH #1 & #2		X		Complete - OK
Clean and video inspect sewer mains			X	Completed by City - OK
Locate, cleaned and video inspected sewer services			X	Completed - Under Review
Mandrel and Pressure Test Sewer Mains			X	Complete - OK
Vacuum test Sewer manholes			X	Complete - OK
Drain				
Open and inspect Drainage structures		X		Complete - OK
Replace Catch basin #7 Frame and Grate	X			Not Completed - Deferred
Locate leaching trench cleanouts	X			Complete - OK
Clean all CB's, drain pipes and infiltration pipes			X	Complete - OK
Video inspect all drain pipes ⁽¹⁾			X	Completed - Under Review
Pavement				
Clean debris/vegetation off of sidewalks	X			Complete - OK
Inspect sidewalks		X		Complete - Corrections Needed
Replace sidewalk with cross slope over 2% at western end of road	X			Not Completed - Deferred
Apply concrete sealant (silane/siloxane)	X			Not Completed - Deferred
Check pavement cross-slope		X		Complete - Corrections Needed
Correct pavement cross-slope at Cul-da-sac	X			Not Completed - Deferred
Measure existing pavement thickness at trench		X		Complete - OK
Adjust structures to final pavement elevation	X			Not Completed - Deferred
Seal all existing pavement cracks	X			Not Completed - Deferred
Place wearing course	X			Not Completed - Deferred
Paint stop line	X			Not Completed - Deferred
Install stop Sign	X			Complete - OK
Landscaping & Other				
Install Streetlight	X			Not Completed - Deferred
Remove unwanted vegetation within the ROW	X			Complete - OK
Locate/expose or install property bounds			X	Not Completed - Deferred
Grade behind walks	X			Complete - OK
Loam and Seed	X			Not Completed - Deferred
Landscaping	X			Not Completed - Deferred

Notes:

- 1) Video inspections of storm drains and sewer services has been received and is being reviewed by City Staff. Any deficiencies found in the video will be brought to the developers attention
- 2) Items marked as "Deferred" may be completed after the construction of all homes is complete.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: December 4, 2025

To: Mayor and Keene City Council

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

Through:

Subject: Relating to the Load Limit Postings of the Beaver Street and Spring Street Bridges - City Engineer

Recommendation:

On a vote of 4 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the report as informational.

Attachments:

None

Background:

Chair Greenwald asked to hear from City staff.

City Engineer Bryan Ruoff stated that at the September MSFI Committee meeting, they spoke about this project and the findings of the structural assessment. He continued that there was still some work that needed to be done to see if the restrictions had to be applied to emergency vehicles, school buses, and City vehicles. The City's consultant engineer, Hoyle and Tanner, performed that assessment of City-owned and -maintained vehicles, and they get no relief. The ambulance can pass the bridge, but what is recommended is a 10-ton load limit on these two bridges, Beaver St. over Beaver Brook and Spring St. over Beaver Brook. In light of that, effective December 1, Public Works is implementing a posted weight limit on the two bridges for 10 tons maximum, including vehicle and load weights. The weight limit restrictions are based on the NH Department of Transportation (NHDOT) Bridge Inspection results and an independent structural evaluation completed by the consultant engineer. This is happening because these two bridges are over 100 years old. They are required for replacement and are beyond their serviceable life. They will be built into the CIP. What staff is looking to do, and coordinating with NHDOT about, is potentially swapping with the Maple Ave. bridge and putting the Beaver St. Bridge in place of it in that scheduled slot for that NHDOT Red Listed Bridge Funding. It means that no vehicles over 10 tons in weight can travel over the bridge. Signs will be installed at each bridge approach in either direction. Larger commercial vehicles, logging trucks, City emergency vehicles, heavy equipment, buses, and oil and propane delivery vehicles, will need to seek an alternate route. Staff have already coordinated with emergency response, and they are re-routing based on these recommendations. Most passenger vehicles will remain unaffected.

Chair Greenwald asked if he is saying that oil trucks and garbage trucks would be over the limit. Mr. Ruoff replied that is correct. Chair Greenwald asked if they have been informed. Mr. Ruoff replied yes.

Councilor Filiault stated that his only concern would be Fire response. He continued that for any fire incident or medical call on the east side of the bridge, the response would be to go to Roxbury St. and cut across. He asked if this has been discussed with the Fire Department. Mr. Ruoff replied yes, they have had a couple of meetings with them. He continued that there are some adjustments that will need to be made as part of the Downtown Infrastructure Project, to make sure they still have the quickest means of access once that construction starts. They had the initial conversation. Dispatch is aware of that load rating. They will coordinate continuously as they go on with the downtown project.

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

On a vote of 4 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the report as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: December 4, 2025

To: Mayor and Keene City Council

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

Through:

Subject: Relating to the 2025 Construction Season Summary and 2026 Construction Season Preview of Upcoming Projects - City Engineer

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the 2025 Construction Summary and 2026 Construction Preview as informational.

Attachments:

None

Background:

Mr. Ruoff stated that he will briefly go over the major construction projects. He continued that there have been many questions about Island St. He will not necessarily read all the projects listed in the agenda packet, but he will give a summary and updates on the projects that have been completed so far this year. The contractor demobilized this week on Island St. They have completed the scope of work except for the sidewalks and final paving, which will be done next construction year. The sidewalks, to make it through the winter and be safe for plowing and pedestrians, are temporarily paved. They will be replaced with concrete next year. The road does not have quite the pitch he was looking for, so they will shim to get a good pitch with how flat it is along the horizontal profile, next year around May, followed by final loam seed restoration. People's driveways will be finalized for Island St.

Mr. Ruoff continued that he is happy to say the Marlboro St. project has been awarded. They received additional money from NHDOT. The plan to do trail work this year likely will not happen. They will hit the ground running on April 1. Projects coming up next year or that have recently been bid include the Transportation Heritage Trail Phase I. They received authorization from NHDOT to award the project, which will start this winter, which is exciting. Similarly, the George St. Bridge Replacement project was just bid. They are weeks away from receiving NHDOT approval, and they likely will start that project in the spring or possibly even the winter. The Downtown Infrastructure Project is out to bid, with a bid opening set for December 18. The Public Works Director will provide an update on that project. They had a good turnout for the pre-bid meeting, so they are very optimistic about receiving good and competitive bids for that. The Key Rd. Drainage Replacement project received competitive bids last week, and they will be awarding that project for construction

this winter. He is happy to answer any questions. He will provide a more detailed update in the spring, but these are some highlights.

Chair Greenwald asked for more information about the pre-bid meeting for the Downtown Infrastructure Project. Mr. Ruoff replied that it was held remotely so they could get as many potential bidders as possible. He continued that he believes there were 12 or 13 people logged into the call for that. Stantec went over the scope of work, and the Department of Environmental Services (DES) went over the Federal funding requirements. It was about an hour-long meeting. They have received about six to eight questions from prospective bidders on the project that really demonstrate they are digging into the weeds of the project details. With that, they are optimistic that they will get competitive pricing for the project. Chair Greenwald asked if all the little miscellaneous filings, permits, hearings, and whatnot are done. Mr. Ruoff replied yes, and staff received notice today that there were no comments received during the environmental review period. They were excited to know they cleared that hurdle. DES graciously allowed them to go to bid before having that formal approval. Despite everyone making a big deal about the delay, they ended up only losing two days. The plan was to go to bid that Monday and they went out that Thursday morning instead. They are having an extended bid period anyway, so it was built into the bid schedule from the start. Chair Greenwald replied that that is worth saying twice. He continued that the Council, City Manager, and staff took some heat on that.

Councilor Filiault stated that Council had more than one call from constituents saying Island St. is too narrow. He asked if it is correct that they are standard, 11-foot lanes. Mr. Ruoff replied yes, it is a narrower construction for traffic calming and slower speeds in that area. Councilor Filiault replied that it sounds like it was by design, which is what he told the callers.

Chair Greenwald stated that Island St. is a preview of the rebuilding of Main St., because that was all new underground infrastructure. Mr. Ruoff replied that he likes to call it “mini downtown.”

Councilor Tobin asked for a reminder of when Beaver St. and Spring St. reconstruction will happen. Mr. Ruoff replied that they are being put into the CIP. He continued that the definitive years are not scheduled yet. Beaver St. is more critical, so the idea is to swap that out in the Federally funded project for Maple Ave., and then put Maple Ave. back into the programming. Currently, that is scheduled for NHDOT for FY 29, he believes.

Councilor Workman asked if there is any plan to put any striping, painting, or markers on the roadway of Island St. soon. She continued that she has noticed cars are driving in the middle and drivers seem afraid of those big granite curbs, especially as you get up to the intersection at West St. People seem to forget there are three lanes there, not two. Mr. Ruoff replied that in the interest of public safety, that is the one thing staff will have the contractor do before he is totally demobilized for the winter. He continued that they will make sure to get some line striping and crosswalk striping in. He knows they lost a lot of that, so they will make sure to get it back.

At 6:52 PM, Chair Greenwald noted for the record that Councilor Favolise has joined the meeting.

Chair Greenwald asked if the Committee or members of the public had questions or comments about construction projects.

Brandy Wells stated that she owns a business in downtown Keene, and calling Island St. a “mini downtown” is very concerning, because it was just one bridge, and she is not sure how long that

project took, but her husband works for Corning and it has been a nightmare just to get in and out of his workplace. She continued that she wants to understand what contracts have already gone out with the project, if it has not been bid on. She asked what the association is with GPI to this project.

Mr. Ruoff replied that there were definitely traffic issues with Island St. He continued that he thinks by the end of the project, they had worked them out, and they coordinated daily with Corning, which is above and beyond for both the contractor and the project manager. He does agree, and the City owes Corning an apology; there were inconveniences at times, for sure. No contracts have been awarded to date for the Downtown Infrastructure Project, other than the design. In accordance with Federal funding requirements, staff put out a Request for Qualifications and received three for engineering services during construction. From that process, GPI was selected. They are holding off to award that contract until they are sure they have bids that they can award the construction phase of the project, so they do not have someone under contract for a project that potentially is not going forward. That is obviously a worst-case scenario that they do not want, but it very typical for what they do for all major projects.

Chair Greenwald stated that he agrees with what Ms. Wells said. He continued that he tried to get in for a dentist appointment in the same building, and what happened was unacceptable and cannot happen on Main St. You could not get into that parking lot. Mr. Ruoff replied that he agrees.

Ms. Wells stated that her other questions are how staff are supporting downtown businesses through this, and how realistic it is for staff to put a bid out for December but plan on breaking ground in 2026. Mr. Ruoff replied that regarding the first question, the Downtown Infrastructure Project is its own item in tonight's agenda, and the project's Ombudsman can speak to that. He continued that GPI is inspecting not only the technical aspects of the work, but making sure they are coordinating between the project contractor, project ombudsman, and local businesses, to make sure they are not missing anything. They made it clear in the pre-bid meeting that during this project, they need to coordinate as a group, and make sure they are looking out for all things. For example, if a business is closed on a certain day, that is the day the team wants to connect their water service so they do not lose water unnecessarily on a day they are open for business. Those are the types of things the team is looking to stay on top of and have already summarized in support of the project. They need everyone on board paying attention to those things, to support local businesses downtown.

Mr. Ruoff stated that regarding the second question, he generally does not like to bid in November and December, as he feels contractors are generally either scrambling to finish their work in the current construction season, or shutting down and going on vacation. However, in this instance with this size project, they have to bid in December. They will need the four months between the bid opening and the start of construction operations in the field to be able to work through all the schedules, all the submittals, and all the things involved with the project, to make sure the contractor is incorporating what the City wants.

Mr. Lussier stated that he would add that one question they already got from a contractor was whether the City will pay for materials delivered to the project but not yet installed. That provision is not uncommon in contracts, allowing the contractor to purchase materials earlier in the project, and once the City has control over the materials, the City will pay for a portion of the cost. He continued that for example, the contractor can buy all the pipe and concrete structures in advance. That mitigates the contractor's inflation risk. Instead of the contractor worrying about whether prices will go up next year for the pipe, he can buy it all now, and deliver and secure it at a City location. That is the advantage of earlier bidding.

Chair Greenwald asked if there was anything further from the Committee or public. He continued that the Downtown Infrastructure Project is further in the agenda.

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 accepting the 2025 Construction Summary and 2026 Construction Preview as informational.



ITEM #D.5.

CITY OF KEENE NEW HAMPSHIRE

Meeting Date: December 4, 2025
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Draft "Protection of Streets" Ordinance - Public Works Director

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the draft "Protection of Streets" Ordinance as informational.

Attachments:

None

Background:

Mr. Lussier stated that he is here to report back on something they discussed a while ago that has been on his agenda to get done, the Protection of Streets Ordinance. He continued that Public Works staff have been talking about this idea for a while. Many communities in NH have already implemented similar Ordinances, and municipalities copy each other's best ideas. Concord, Manchester, Dover, Portsmouth have Ordinances with verbatim language and the same structure, which has been legally vetted and proven. The idea is to protect the City's investments in its pavement and roadway infrastructure. Sometimes, the City has just finished cutting pavement, when someone digs a trench across it to put in a new sewer line or fix a gas pipe. The intention of the Ordinance is to reduce those incidents. A Committee member had asked if this would allow a property owner who unexpectedly had a sewer main fail to still be able to fix their sewer main. The answer is yes. The City will not tell someone they cannot fix their sewer or water line, or tell a vacant property owner that they cannot build a new home because the City just paved the street. They will not tell the utility company they cannot fix a leaking gas main. The Ordinance says, if you have one of those emergency situations or unavoidable excavation in the street, the City will charge the normal excavation fees, and an additional Pavement Life Reduction fee. Depending on how soon after the work has been completed, it could be two or three times the amount of the normal fee. That money goes into the City's coffers. The following year, Public Works would include in the operating budget a request for a supplemental that would approximately equal whatever they collected the previous year, and it would allow the City to do additional maintenance on those patches, such as crack sealing or milling and overlaying. The goal is to keep the road in good condition despite that damage.

Mr. Lussier continued that regarding the cost, the agenda packet has a table he created to compare the existing fees with other municipalities' fees. Today, Public Works charges a flat \$75 fee for

excavation permits. That fee was last adjusted in 2017, structured to pay for two hours of the Engineering Technician's time, including his time to receive, process, and approve the application, then go out and do the necessary inspections. He also goes out a year later to inspect the patch to make sure it has held up. Public Works does not charge fees beyond that. The \$500 security deposit is refundable to the contractor, assuming the contractor's patch holds up, or that he fixes it if it does not hold up. He questions whether the average homeowner who hires a contractor to fix their sewer or water line actually knows about that refundable security deposit and whether the contractor refunds it to them. By contrast, Concord, Dover, and Manchester charge significantly more than Keene. Initial application fees range from \$200 to \$255. They also charge a Street Damage Fee ranging between \$7 and \$5 per square foot in those communities. Everyone pays that, whether it is a newly paved street or not. For newly paved streets, those municipalities also charge an additional fee to compensate the municipality for the fact that the new pavement has been deteriorated and will not last as long as it otherwise would have. That fee is between two and three times the normal amount, depending on how long the pavement has been paved. Adding all of that up, the same work that costs \$75 in City of Keene would cost \$1,500 in Concord, and nearly \$2,000 in Dover. Public Works proposes bringing Keene's charges more in line with Keene's peers. He is looking to raise the permit fee to \$100, which reflects the incremental increases in labor costs for two hours of the Engineering Technician's time, and to add the Street Damage fee of \$5 per square foot of any pavement disturbed. Length of the trench times width of the trench across the pavement or sidewalk multiplied by \$5 would be added to the cost of the permit. For permits issued on newly paved streets, within two years of paving, they would charge three times the damage fee, as an added cost. For streets between two and five years, they would charge twice the damage fee, as an added cost. The example the table shows assumes a trench 12' long by 5' wide, with work within two years of paving, which would come to \$1,425. It is still a little below Keene's peers' fees, but more in line. Again, that money collected would become available to do additional maintenance work in subsequent years.

Mr. Lussier continued that something else he wrote into the draft Ordinance per the Committee's request is a two-year waiver. Homeowners having work done on roads shown in the CIP to be paved within the next two years would be exempt from paying the additional fees and the Street Damage fee. Thus, it gives a modest incentive for the homeowner to do the work. If they know their water line has been leaking, or their water pressure is not good and they know their pipe is probably tuberculated, for example, they will have a small incentive to get that work done in advance of the paving work that will happen. On the flip side, if they chose not to do the work in advance, they would pay a premium if they did it later.

Mr. Lussier stated that this is a draft Ordinance and has not been presented for a first reading. Public Works' recommendation is to either direct staff to present the Ordinance to the City Council or to tell him if they do not want this Ordinance.

Chair Greenwald stated that he has a communication from a Park Ave. resident, Richard Watkins, which he is not sure the other Committee members have seen. He continued that Mr. Watkins is not pleased with the concept and has some questions. He asked if Mr. Lussier has seen this. Mr. Lussier replied no. Chair Greenwald replied that he will give it to him. He continued that he will not read the whole thing aloud, but part of it says, *"...I use the term 'penalize' because it is our understanding via our contractor that the contractor does the digging and repairs and the costs are passed on to the homeowner."* He is sure Mr. Watkins would like his communication to be read and considered. He himself is struggling with this proposed Ordinance. He continued that he understands that Public Works wants to recover costs, but when the homeowner is dealing with a major expense such as a new water or sewer dig, and then the City adds more fees because they are breaking the road, he

has concerns. He will pass Mr. Watkins' communication over to the City Manager to respond to, because he assured Mr. Watkins that either she or the Public Works Director would.

Councilor Favolise stated that when this idea first came up, he was fine with moving it forward and looking at a draft Ordinance. He continued that he did not like it then but wanted to move the process forward. Now, almost a year later, he still does not like it, for much the same reason that Chair Greenwald said and that he himself has said in the past. He understands that other municipalities are doing this, but that does not mean Keene has to. It is not the "carrot" part of this that concerns him, which is the part that gives homeowners incentive to do planned work or utility maintenance ahead of a scheduled paving. His concern is for the homeowners, or tenants getting the cost passed on to them, faced with an emergency plumbing situation. He does not like the idea of homeowners needing to do these expensive, emergency projects and then having to pay the City more money, too. He understands that in a vacuum, and from the City's side, that this makes sense. The City paves the roads, wants them to remain paved, and wants to get a good return on their investments. On the other side are the homeowners or tenants who would be faced with the costs of this. He thinks this proposed Ordinance has moved through the process enough and he will vote against moving it forward tonight.

Mr. Lussier stated that he completely understands Councilor Favolise's concerns. He continued that his counter argument is that these sorts of water and sewer problems are rarely completely unexpected. Typically, when they see water or sewer lines getting replaced, the service has been in the ground since about the 1950s or 1960s, and the homeowners have had to get repeated cleanings or have had other indications that the service line was failing, before it completely fails. The hope, with this Ordinance, is that those property owners who know they have these problems brewing will deal with them more proactively, instead of waiting for emergencies.

Councilor Filiault stated that Councilor Favolise and Mr. Lussier both make good points. He continued that he knows there is a lot of gray area, but he wonders, if a homeowner truly did not see the emergency coming and, say, has backfill in the house because the sewer line collapsed, if there would be a way for these fees to be waived. He asked if there could be some mechanism for a homeowner to come to Public Works and explain that they did not see the situation coming, and ask for a waiver. Mr. Lussier replied that respectfully, he would say no, because Public Works does not have records of routine maintenance on these pipes. He continued that homeowners are not obligated to get a permit for something like Roto Rooter coming out to cut roots or clean their blocked up sewer pipe. The honest homeowners would pay the fee, and other homeowners would realize that if they said, "We had no way of knowing," they would not have to pay the fee. Thus, he does not think that would be a workable approach.

Councilor Workman asked how big of a problem this is. She asked how many of these excavations were a problem in 2024, for example. Mr. Lussier replied that it is not as big of a problem as he initially thought when they first started looking at it. He continued that the perception is that every time the City paves a road, they turn around and someone is cutting on it. In actuality, they looked at it, and it was a little over an average of one per year.

Councilor Filiault stated that it sounds like they are trying to fix a problem that does not exist. He continued that he understands where Mr. Lussier is coming from. The perception was that they had a problem. He thinks they could increase the permit fee a little bit to help with the costs, but since they do not seem to have a big problem, he does not think they should be penalizing a homeowner whose sewer system fails. He is trying to meet in the middle. Especially today with the rising cost of

everything, this is the last thing a homeowner needs. He tends to trust homeowners. In many cases, maybe the homeowners did kind of see the problem coming, but money is tight for everyone right now. No one wants to go spend \$15,000 to replace their sewer line. He wants to give the homeowner the benefit of the doubt. Maybe they could increase the permit fee a bit, but he would not be in favor of the Ordinance as written.

Mr. Lussier stated that he was surprised when he saw there were not many of these incidents. He continued that he still thought it was worthwhile to bring the Ordinance forward, not so much for the Pavement Life Reduction fee, but for the Street Damage fee. Now, the City charges the contractor a refundable security deposit on the patch, of \$500. He has long suspected that the homeowners rarely see that money back. The check goes back to the contractor, and it is up to the individual contractor as to whether that gets refunded to the property owner. He suspects many contractors charge it on the front end to the property owner, and keep it on the back end. The Pavement Damage fee would be a new revenue source that would allow Public Works to do more maintenance work on these patches over time. That would be applicable to every permit, which is about 50 per year, not just the one or two a year that are cutting newly paved pavement.

Chair Greenwald asked if it is correct that for a sewer or sprinkler line replacement, pavement gets cut, a hole is dug, pipe is replaced, and the property owner pays for the repaving. Mr. Lussier replied yes. Chair Greenwald asked if this is for if it fails. Mr. Lussier replied that a typical patch is about 12' long and 5' wide, so the damage fee would be about \$300, based on what he wrote here into the Ordinance. He continued that that \$300 would be available to do things like sealing the edges of the patch a couple years later to make sure water is not infiltrating and damaging the roadway. If that patch settles over time, it would allow Public Works to mill and overlay it so it rides properly in the future.

Councilor Tobin stated that it sounds like the issue for Mr. Lussier is he thinks the security deposit might not be making it back to the homeowner. She asked why that is a deposit, and not a fee. Mr. Lussier replied that that is just the way it is currently structured in the system. He continued that the excavation permit is issued to the contractor that is doing the work, not the homeowner. Public Works charges the security deposit to make sure the patch is paved properly and holds up. A year after the patch is completed, the inspector goes out and checks it, and if it is within tolerance, within 3/8" flush with the adjacent surface, the City issues a check to the contractor that took out that permit and returns the money. If the patch is not within tolerance, Public Works either calls the contractor and makes them fix it, or the contractor forfeits that money and Public Works does the work. Generally, the contractor fixes it.

Councilor Tobin stated that it would be difficult, in general, to explain this to people. She continued that she thinks people will feel they are being charged extra. If there are only a few incidents where people cut into new pavement, she wonders if there is a way to incentivize doing work early, without a punishment. Mr. Lussier replied that the only incentive they could offer right now would be a free excavation permit, which is \$75. Chair Greenwald replied that they would also avoid the penalty. Mr. Lussier replied that there is no penalty today.

Councilor Favolise stated that regarding the question of whether the contractors are keeping the security deposits the City returns to them, he does not think that is a basis on which the Committee should be considering this Ordinance. He continued that he thinks Councilor Filiault offered a potential solution here, which he would like Mr. Lussier's input on. He asked if Mr. Lussier would consider it a small victory if the permit fee went from \$75 to \$100 in line with the cost of labor. Mr.

Lussier replied that he thinks that would be wise and in keeping with the City Council's policy. He continued that their fee structures are supposed to account for the cost of providing the service, and since the fee has not been adjusted for seven years, it is definitely time to do that.

Chair Greenwald asked if Mr. Lussier can just handle that, or if the Committee needs to make a motion. Mr. Lussier replied that they do not need to make a motion.

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

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the draft "Protection of Streets" Ordinance as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: December 4, 2025

To: Mayor and Keene City Council

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

Through:

Subject: **Downtown Infrastructure Project Update - Public Works Director**

Recommendation:

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

Attachments:

None

Background:

Mr. Lussier stated that the project went out to bid on November 6, and bids are due on December 18, which happens to be a City Council night. He continued that his hope is that the City Manager's comments that night will feature some excellent news. As Mr. Ruoff mentioned, the pre-bid meeting was well attended. Staff have reached out directly to several firms in the area that they know do this sort of work and would be qualified to do the project. The Engineering Division reached out to firms the City has worked with in the past, and three firms in Massachusetts that a City resident who works for an engineering firm told them about. Altogether, staff have contacted 15 construction firms directly to encourage them to take a look at this project. The electronic bidding website notifies Public Works about who has accessed and downloaded the plans, and he has not looked recently to see how many firms have done that, but as of the date of the pre-bid meeting, quite a few firms had downloaded the plans. So, they know the word is getting out, including to the specialty subcontractors, such as electricians and arborists.

Mr. Lussier stated that in the last week, the team has spent a lot of time thinking about and talking about how to accommodate events downtown during construction. He continued that around this time of year, the City Clerk sends notices to all the event coordinators who get licenses from the City each year for things like Pumpkin Fest, the Music Festival, and the Food Festival. The correspondence lets the event coordinators know it is time to renew their application for the current year, and the relevant information. This year, that information will include three example footprints they can use as a starting point for their planning purposes, without Central Square and the active construction area. The large event footprint they can take as a starting point would include the Commercial St. parking lot and Main St. from Railroad down to Emerald St., and the medium event footprint would eliminate the Commercial St. parking lot but would still block off the southern end of Main St. and include

Railroad Square. The small event footprint would not include any (large) road closures but would allow the event on the sidewalk on both sides of Main St. along with Railroad Square. Those are intended to be starting points. Each event will be unique and will go through the normal protocol process where the event coordinator comes in and they talk through all of these different issues, such as security, bathrooms, tents, cooking, and so on and so forth. The protocol process will be tailored for each event's needs.

Mr. Lussier stated that something that staff has talked about internally is what to do if there are additional costs for an event this year, such as an event requiring more time from Public Works to lay out protective barricades around the Commercial St. parking lot. He does not know the mechanism for how this will be administered with the Council, but his personal recommendation is that if there are additional costs for City staff that are over and above what it would have normally cost them to run that event in years prior, due to the construction project, he feels like the City should absorb that cost. How that gets administered with the City is something to figure out, but he thinks it would be fair to the event sponsors. The Downtown Infrastructure Project should not cause the event coordinators' costs to increase.

Mr. Lussier continued that the Hannah Grimes Center holds an event coordinators' meeting every year around this time. It will be December 12, and he and Mr. Downing will attend. He attended last year, which was before Mr. Downing was hired, and spoke to the event coordinators. At that time, construction was planned for 2025, which obviously changed. He will answer any questions the event coordinators have about how the downtown project will affect their events in the coming season.

Mr. Lussier stated that Dave MacNamara, the Project Manager from Stantec, is here tonight and would like the opportunity to address the Committee, regarding some questions that have come up about Stantec's role in the project.

Councilor Filiault stated that before Mr. MacNamara speaks, he has a couple of things. He continued that first, it looks like interest rates will be down a full percent, so he asks Mr. Lussier to remind the contractors of that. Second, Mr. Lussier mentioned that events will have to go through the normal protocol process, and he would like to look at that, because he thinks they should work on that a bit. Normal protocol can take a while, which is just how government works. He would like to streamline the protocol for events during the Downtown Infrastructure Project. He is not saying they should waive everything and just tell people go for it, but he would like to find a way, through City staff, to expedite or streamline whatever the normal protocol is. Things are going to happen. Someone might come up at the last second, and because of what is happening in one location, only be able to have a small event in another location, and he does not want them to be kept on the hook for a long time. Maybe they could have a committee formed for expedited events that do not require a lot. He does not have the exact answer to this; he is just throwing ideas out. Regarding the City absorbing extra costs, he would like them to look at that, too, and maybe even discount the costs through the downtown project. Instead of just being a little more easygoing, he would like to see the City be a little more extended during the whole project, being a nice City government, going above and beyond to really help the downtown merchants through these two years.

Mr. Lussier replied that licensing those events is a City Clerk function and he does not want to speak out of turn in terms of how they do their process. He asked if the City Manager wants to say anything.

The City Manager replied that she cannot speak for the City Clerk, but she can say that the attempt to identify locations for events during each phase of the project is an attempt to make this process

easier. She continued that they have gone through quite a bit of up-front work to look at which events could go where and how that could be flexible. That is a good step in the right direction. She also agrees with the Public Works Director's comment, holding them harmless. If an event has cost an event coordinator X amount of dollars in the past, it should be the same again this year, if the additional cost is because of the downtown project. She thinks that is fair. Regarding flexibility, she does not know what the right mechanism is, but she would like to find a way to build some additional flexibility into the process in terms of timing. Oftentimes, coming back and forth with City Council is what takes a while. During COVID times when they added additional emergency authority, she was able to deal with things very quickly and flex in many different ways. They need to look at that a little more, to see what the City Council might be able to grant to staff, to handle things a little quicker.

Chair Greenwald replied that he thinks he speaks for the Committee when he says they will hold special meetings to accommodate decisions. He continued that while they are on the topic of events, he thinks Ms. Wells would like to speak, and then they will get into the construction conversation.

Ms. Wells stated that she submitted an application for a Renaissance Faire event and is waiting to hear how things are going to proceed. It is very concerning that there is not even a bid for the project, and she is already being told that they are not even sure if they will do events during the time of construction. She is glad they are open to conversation about expediting it, but she has been waiting to hear for months whether she will even be allowed to host this event.

He continued that what Public Works has been telling people all along is that they will still be able to have events during construction, but the location of the event might be different than it has been in previous years. He has been saying since last year, they will have events downtown turning construction. Maybe this has not been communicated well, but like he said, they have been working with the City Clerk's Office to develop these different example footprints that people can use for planning purposes. It might just be that the City Clerk's Office is still working on what the footprints were going to.

Chair Greenwald asked if anyone else had anything regarding events. He continued that all the mini events will be coming forth as Mark Rebillard and his group come through. He asked if it is correct that the protocol is that it goes to the City Clerk's Office. Mr. Lussier replied yes.

Chair Greenwald asked Mr. Lussier to proceed with the construction conversation. Mr. Lussier invited Dave MacNamara to address the Committee.

Dave MacNamara of Stantec stated that he wanted to be here to address the permitting snafu from a month ago and answer any lingering questions. He continued that he wants to assure everyone that things are moving forward. As Mr. Lussier and Mr. Ruoff noted, the bid is on track. They worked through it with DES. At the beginning of the process last spring, they were working with DES and had submitted a bunch of paperwork in response to DES's request for information. They went back in and saw that DES had closed the portal Stantec had used to communicate with DES about the permit application process. At the time, he thought that was good and meant that DES was doing its final review and that everything was moving along. The technical piece was still underway, so they were continuing to work with other groups in DES on the technical details. After a few weeks or a month, he should have figured out that something was off, because DES had not given Stantec the final declaration that the review was closed out. It just lingered. They caught up with it as it got closer to the bid, talking to someone else in DES about another piece of the process, and found out that the portal should not have been closed. He is not trying to say that DES made the mistake. Stantec

made the mistake. He himself should have recognized it at the time. DES opened the portal back up, and he looked in, and saw that DES had a couple of questions. Stantec quickly got the answers back to DES, and that is when they came into that public comment piece that came out of that. Once Stantec had given DES everything they needed, about a month ago, a 30-day public comment period was needed to close this formally out. At that point, they worked with the City, with DES, got all the players together, and worked through it in quick fashion. DES let them go forward with the bid. The stipulation was that they could not open bids until the public comment period was closed, and any questions that came in were satisfactorily answered. They have all the sign-offs from DES now. The bid opening date is December 18, and hopefully it has not impacted that. In summary, he dropped the ball. It was something that potentially could have cost them more time than it did, but everyone worked together when it did come to light, and they were able to keep things on track. He is here to take any comments or answer any questions.

Councilor Favolise stated that he appreciates Mr. MacNamara being here to address it and being candid about where the ball was dropped. He continued that the reason he voted to delay this for a year was specifically so that everyone involved, including downtown business owners, downtown residents, City staff, and the City Council, could make sure they were getting everything lined up and had all their ducks in a row, and that they were not going to let things that did not need to slip through the cracks to slip through the cracks. He asked if he will wake up a week from now to some new Keene Sentinel article that says there is some other problem, some other T not crossed or I not dotted, or if Mr. MacNamara is confident now that they are in a phase where they are moving forward, not stopping or moving backward. Mr. MacNamara replied that they are confident that they are going forward. He continued that he is not expecting any more surprises.

Councilor Filiault stated that Stantec has other projects going on in NH. He asked how they are seeing bids come back, based on initial thought process. Mr. MacNamara replied that it has been mixed. He continued that one recently came in right where they were, whereas some others came in a little high. The engineering community has started to adjust to some of those prices, in terms of the estimates and recognizing that prices have been increasing for the last few years. Councilor Filiault asked Mr. MacNamara to be sure to point out that interest rates are down. Mr. MacNamara agreed, and continued that there seems to be a lot of interest in the City's project. Stantec has spread the word to contractors they have worked with, particularly ones that would be suitable for a project of this magnitude. They are optimistic. When contractors know they are bidding against other qualified contractors, that helps keep the bids reasonable.

Chair Greenwald stated that after his concerns about having an acceptable bid, his next biggest concern, which he keeps asking, is about the plan to build this in two construction seasons. He asked if Stantec is confident that construction will go from Central Square to Gilbo Ave. from March to November. Mr. MacNamara replied yes. He continued that looking at it as three phases limited the contractors, confining them to one major construction crew at a time. By loosening those restrictions, Stantec anticipates maybe having a crew working in Central Square while another crew works on the northern part of Main St. There is enough room to manage traffic within Central Square with that crew and then manage traffic on Main St. It would have been one crew doing all of Central Square in a year, but now, allowing another crew adds half of Main St. to that. It will be a lot of work and be more disruptive, but it will be quicker. That is the tradeoff.

The City Manager stated that she has to add that as is the case with many projects, including one they talked about this evening, they might get to the end of the project and find there are some things that need to be wrapped up in the next season. She continued that for example, the Island St.

project, which was a much smaller project, has them coming back for final paving and final concrete sidewalks in the spring. It is great that Stantec is confident the work can be done in two seasons. She would just say that they should expect to possibly have some wrap-up of final items in the following season.

Chair Greenwald asked if there were any other questions. He asked if there are any other decisions that need to come out of the Council or Committee, such as related to trees, sidewalks, trash cans, or something else. Mr. Lussier replied no. He continued that to add to what Mr. MacNamara said, obviously, no one was happy that this oversight occurred. Once it was identified, Stantec, DES, and the Engineering Division really rallied and pulled out all the stops to make the problem go away very quickly. Once the City and Stantec had the conference call with DES, DES sent the team comments at the end of that week. Stantec quickly responded to all of the comments the following Monday, and by that Wednesday, they had authorization to advertise. No one likes that they got into that situation, but he thought it was a good example of how having a good working relationship with the engineer, the owner, and the regulatory bodies meant they could quickly resolve it.

Mr. Lussier continued that regarding the question earlier tonight about what the team is doing to support businesses during the project, Mr. Downing's role as the Ombudsman is a big part of that, but he is not the only part. Mainly, the team is trying to communicate with businesses as much as possible, by sending frequent email notifications about what is happening, what the changes are, and what they can expect in the coming weeks. As discussed in previous meetings, they are working with business owners if coordination needs to happen for things like ADA accessibility or utility improvements on their site. Those are things the City can do. The City cannot do things like directly advertise for a certain business; that would not be an appropriate use of public money. But as much as the City can help businesses with information and let them know what to expect, and what is happening in the coming days, weeks, and months, that is what they are committed to. They have also been adamant all along that customers will be able to get to businesses, although they might have to park further away, and walk over a dusty, gravel mess to get there. Mr. Downing will report on his work. In the coming months, they will hear about things like the "Coffee and Hard Hats" events they will have once the contractor is under contract and they are getting closer to construction.

The City Manager stated that in addition, the City has a very creative team of two people, Rebecca Landry and Asah Cramer, who do social media, and other videos and reels which have recently been focused on preparing for this project. She continued that they have been creating videos showing how many minutes it takes to walk from parking lots to downtown businesses. They are focusing on this because people will find it easier to park in those lots and walk to the businesses. Ms. Landry and Ms. Cramer are getting creative about other ways to communicate that downtown is open for business, and when issues come up and perception issues come up, finding ways to address those. Social media does not reach everyone, but it is helpful, so they will see more of that as they go forward.

Mr. Lussier invited the Project Ombudsman to talk about his activities from the past month.

Mr. Downing stated that he has been communicating frequently with Ms. Landry and Ms. Cramer. He continued that they have come to him and asked what people's misperceptions are, and have really jumped on that to get ahead of some of those. They also talk about other ways to communicate that downtown is still open. That will be the biggest challenge facing them, from a communications perspective. Mark Rebillard and his group are approaching that from a different direction, encouraging people to come downtown, just to remind people that downtown is still here, functional,

and vibrant while all this is going on.

Mr. Downing continued that following last month's MSFI Committee meeting, he talked with several Committee members offline and realigned his priorities. He set himself a goal to get to every business front in the project footprint, in person, before this meeting. That might have been a little ambitious, but he did pretty much achieve that goal. He was unable to get into approximately 10 businesses, mostly therapists, who are generally only in their offices when they are with clients, and he does not want to interrupt them. He thus had to use email or the phone for about a dozen businesses, and he heard back from most of them. Except for one business he has no way of contacting, he has met or exchanged information with everyone downtown. Per the Committee members' guidance, he moved quicker than he had been moving previously, which means he has not necessarily met with every business owner. He spoke with whoever was available when he was there, so there is follow-up work to do, but at least now, everyone has at least received his business card or has seen him in their business.

Mr. Downing continued that the major concerns he has been hearing are similar to what others have been hearing. Some people are still questioning whether the project will happen, stemming from the way it was delayed for a year, and the Sentinel headlines about the bidding process. The bidding process happened pretty much on time, and there is contractor interest in the project, but maybe some people still have wishful thinking that it will not happen. The question he is asked the most is when the project is starting, and they want detailed phasing information, which will not be available until there is a construction team. As soon as he has that information, he will start distributing it to people, focused on when their particular business will be impacted. People also ask him about parking. People are concerned that their clients or customers will not be able to park. Again, once there are more detailed phasing plans, they will be able to tell people exactly where they can park. He is talking with Ms. Cramer and Ms. Landry about how they can most effectively communicate that. Other concerns are related to traffic flow. Some have concerns that all of downtown will be shut down to traffic for the whole duration, which has never been considered for this project. As he understands it, most construction plans at this time have full traffic flow, with just lanes closed off. That has been encouraging to people, although they are concerned. He has enjoyed meeting everyone. That is why he was interested in this position in the first place. Most people seem somewhere in between concerned and focused on what is next, how to get through this, how to help each other, how the City will help them. That is what they are navigating now.

Mr. Downing continued that next will be the follow-up visits. Some people had questions he will need to talk with Public Works or other City departments about, and then he will bring the answers back to people or connect them directly to staff, depending. He will meet with owners he was not able to connect with the first time through. He has some of those scheduled in the next couple weeks after Thanksgiving break. He will also have to go back to some businesses and collect more information the construction teams will need, such as busiest hours or season or days of the week, delivery schedules, and the type of information that Mr. Lussier and Mr. Ruoff were talking about having to coordinate closely to make sure downtown functions throughout this process. He did not spend as much time as he had earlier, getting every little bit of detail, because he wanted to get through to everyone, so he will be going back and gathering that on a timeframe more suitable to the people he is meeting with. Then, he will work on documenting everything he has done. He has to build the database that includes all this information so that people can find it. For example, when it is time to construct the first block on Main St., they need to be able to know who is on that block, when their deliveries are, what the busy times are, and how to coordinate with them. Also, he needs to do the paperwork he talked about last month, such as the FAQ and the binders for businesses, as he put all

of that off for a month. He will start putting that stuff together. He is happy to answer more questions and he welcomes feedback.

Councilor Favolise stated that he appreciates the work Mr. Downing is doing. He continued that he saw Mr. Downing out there today. He hears that they have the social media push and the email list. He asked if he has a sense of whether the downtown business owners and employees have signed up for that or are tuned in with that. He wonders whether social media and emails are reaching the people who will be most impacted by this project. Mr. Downing replied that as he goes around to downtown businesses, one of the things he has been doing is letting people know how to connect with it. Many already have. When he first came into this position, there were five different contact lists from various sources, mostly from the opt-in lists that already exist. One of the pages in the binder that will go out to everyone downtown will be a connections page, with his information and instructions on how to sign up for that and how to get the downtown information. There are 18-20 categories you can sign up for, and he makes sure to highlight the one that focuses on the downtown information. Not everyone knew it was there. Some people are not interested in another email, but he at least makes sure they know it is there and how to reach it.

Councilor Tobin stated that she has a question about residents and how well it has been going for Mr. Downing to connect with downtown residents. Mr. Downing replied it is virtually impossible. He continued that most downtown residents live in the upstairs spaces, which are locked. He cannot get in. He did end up in two residential spaces above downtown businesses because they are in the same access as the upstairs businesses, and the residents looked like they were going to call the Police on him. He had to pull out his City ID. He thinks he needs to get ahold of the downtown property managers and talk with them about how to communicate with their residents. He will meet with Mr. Lussier after Thanksgiving to ask how to go about doing that. It is a different animal entirely. Businesses are mostly welcoming to people walking in their front doors, but residences are not. His initial approach will be to reach out to property managers downtown and work through them. As the project gets closer, they will have to rely on posting information on the front door spaces of all the apartments, to let them know when their specific area will be impacted. It is a good question, which he has been trying to figure out how to deal with.

Mr. Lussier stated that he thinks Mr. Downing's idea of going through the property managers is a good one. He continued that once they have a little more information to share with tenants, they can do an "Every Door Direct Mail." They have used that for this project before. It allows the City to send an informational card to every mail recipient within a postal route. There is a cost to that, of course, but it would put the information in the hands of each tenant within the project area. He would like to do something like that, saying, 'the project is moving forward, please come to this website address in order to learn more.'

Councilor Tobin stated that something she wants to make sure is addressed at some point is considering what people do for work and how they might be affected by, say, noise. She continued that on certain days, it will be very difficult for people who work in offices or work from home, and she wants to make sure they are clear about setting the expectation and letting people know the timeframe for when they can expect a certain noise level in their area.

Mr. Downing replied that that has come up with some of the businesses. He continued that depending on what type of business they do, there are different concerns. Retailers' concerns are whether people will be able to get to their businesses. The many spas and hair salons all rely on water, so they need to know when their water will be off. Food service has both concerns and some

have talked about the noise levels. Much of it comes down to the specific phasing, the specific schedule of when the construction team will be close to those locations. When he has that information, he will share it with people.

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 accepting the Downtown Infrastructure Project Update as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: December 4, 2025
To: Mayor and Keene City Council
From: Elizabeth Ferland, City Manager
Through:
Subject: **City Council Goals (2026-2027)**

Recommendation:

Move to recommend the City Council adopt the proposed city council goals for 2026-2027.

Attachments:

1. City council goals draft 2025-2026 draft (following 2nd workshop)

Background:

The attached draft City Council Goals for 2025–2026 are submitted for your consideration and potential adoption this evening. These proposed goals are the result of two facilitated City Council workshops focused on reflecting on prior accomplishments and establishing priorities for the upcoming biennium.

The first workshop centered on a review of progress achieved under the existing Council Goals and solicited feedback from Councilors regarding needed revisions to ensure the goals remain relevant and are aligned with the City's current and anticipated needs.

The second workshop involved a detailed review of the initial draft goals that emerged from the first session. This collaborative discussion resulted in additional refinements, clarifications, and enhancements. These final recommended revisions are identified in **blue font** in the attached document for ease of reference and consideration by the City Council.

Importantly, the proposed goals are also intentionally aligned with the City's recently adopted Master Plan. This alignment ensures that the Council's policy direction, strategic priorities, and resource allocation decisions are consistent with the long-term vision, values, and community priorities articulated through the Master Planning process.

Upon adoption, these goals will serve as a guiding framework for the City Manager and City staff work plans and budget development over the next two years.

City Council Goals 2025–2026 (Draft) 12/2/25

1. Strengthen Financial Stewardship and Organizational Efficiency

- Clearly communicate budget, CIP priorities, and financial decisions ([making it easy for the average person to understand](#)).
- Modernize systems and streamline internal [and external](#) processes to improve efficiency and reduce unnecessary steps.
- Increase transparency regarding the use of resources, including staffing, contracts, grants, and consultants, using tools such as dashboards.
- Expand online payment options and digital services for improved customer self-service.

2. Enhance Resident Well-Being and Emergency Preparedness

- Proactively identify and address resident needs, emphasizing prevention and intervention strategies.
- Evaluate and improve access to resources for the un-housed population (ex: food sources, bathroom facilities).
- [Support more direct outreach efforts regarding the un-housed population.](#)
- [Support activation of “third spaces” and recreational opportunities.](#)
- Strengthen emergency response systems and interdepartmental coordination.
- [Communicate changes in the FEMA flood maps.](#)
- Improve readiness, response, and recovery planning for emergencies and major disruptions.

3. Support a Vibrant Local Economy, Arts, and Cultural Community

- Reinforce Keene’s identity as a welcoming, innovative, and business-friendly community (open for business).
- Maintain support for businesses, art community, and nonprofits during major infrastructure and downtown projects. (ex: micro festivals and other festivals during downtown infrastructure project)
- Advance public art initiatives, including expanded display opportunities in municipal facilities.

4. Invest Strategically in Infrastructure and Asset Management

- Continue long-term asset management strategies across transportation, utilities, parks, and public facilities.
- Improve pedestrian access and connectivity, particularly to parks and public spaces.
- Expand community-based maintenance initiatives where appropriate.
- Advocate for sustained state and federal investment in local infrastructure.
- [Re-establish the City College Commission.](#)

5. Expand and Preserve Diverse Housing Options

- Encourage new housing development [and communicate economic incentives and other housing development tools.](#)
- Protect and preserve existing housing stock.
- [Support regional housing development.](#)
- Leverage City-owned and State land, [private/public](#) partnerships, and zoning tools to promote housing variety.
- Monitor and report housing trends and development progress.
- Encourage partnerships with employers, developers, and lenders to support housing growth.

6. Advance Environmental Sustainability and Resilience

- Expand clean energy deployment, green infrastructure, and climate-resilient practices.
- Strengthen conservation partnerships, invasive species management, and natural resource stewardship.
- Evaluate development impacts on existing renewable energy assets (ex: new tall buildings shading existing solar arrays).
- [Develop a sustainable street tree program.](#)
- [Keep the City's Energy plan refreshed and relevant.](#)

7. Improve Public Communication, Engagement, and Education

- Ensure City information [and services are customer centric](#), accessible, timely, and easy to understand.
- Use multiple platforms and outreach methods to effectively reach diverse audiences.
- Increase public understanding of City services, emergency procedures, and municipal career opportunities.
- [Be ready to counter misinformation.](#)

8. Ensure a Strong, Engaged, and Supported Municipal Workforce

- Attract and retain a skilled workforce through competitive compensation, [succession planning](#), benefits, workplace culture and professional growth.
- Pursue additional ways City Council can recognize employee contributions and promote workplace well-being.
- Expand leadership development opportunities.
- Establish a coordinated volunteer strategy to lesson workload [and engage the community](#).
- Strengthen workforce pipelines through partnerships with schools, colleges, and community organizations.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: December 4, 2025

To: Mayor and Keene City Council

From: Mari Brunner, Senior Planner

Through: Paul Andrus, Community Development Director

Subject: **Amendments to the Planning Board Regulations and Application Procedures**

Recommendation:

A motion was made by Councilor Remy that the Planning Board approve amendments to the Planning Board Subdivision regulations, site development standards, earth excavation regulations and application procedures, as shown in the memorandum to the Planning Board dated November 14th, 2025 with an effective date of January 1, 2026, with the exception of amendment one, striking the words "in accordance with Article 23 of this LDC" and capitalizing the 1st letter of the next word; In addition, striking Amendment 2 entirely with the intent that the definition is sent forward to City Council for a different amendment. The motion was seconded by Armando Rangel and was unanimously approved.

A motion was made by Councilor Remy that the Planning Board refer the amended regulations to City Council for incorporation into Chapter 100 Land Development Code of the City Code of Ordinances. The motion was seconded by Armando Rangel and was unanimously approved.

Attachments:

1. Draft Planning Board Minutes of November 24, 2025
2. Memo to Planning Board dated November 14, 2025

Background:

At the Planning Board meeting on November 24, 2025, the Board held a public hearing regarding proposed amendments to their site plan, subdivision, and earth excavation regulations and their application procedures, including the thresholds for Major Site Plan Review and Minor Site Plan Review. The Planning Board has statutory authority to adopt and amend their regulations and application procedures. However, in order for these amendments to be reflected in the Land Development Code, the City Council must also adopt these amendments following the procedure detailed in Section 26.4.3.B of the Land Development Code. Therefore, the Board made two motions at the conclusion of the public hearing: the first was to approve the amendments with minor revisions with an effective date of January 1, 2026, and the second was to refer the amendments to City Council for incorporation into the Land Development Code, Chapter 100 of City Code. The draft

minutes from the November 24, 2025 Planning Board meeting are attached along with a memorandum to the Planning Board dated November 14, 2025. An ordinance that contains the amendments adopted by the Planning Board is included under the "Ordinances for First Reading" section of this agenda (O-2025-38).

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

**Monday, November 24
2025**

6:30 PM

**Council Chambers,

City Hall**

Members Present:

Harold Farrington, Chair
Councilor Michael Remy
Armando Rangel
Ryan Clancy
Kenneth Kost
Michael Hoefer, Alternate (voting)
Joseph Cocivera, Alternate (voting)

Staff Present:

Mari Brunner, Senior Planner

Members Not Present:

Roberta Mastrogiovanni, Vice Chair
Mayor Jay V. Kahn
Sarah Vezzani
Tammy Adams, Alternate
Stephon Mehu, Alternate

I) Call to Order – Roll Call

Chair Farrington called the meeting to order at 6:30 PM and a roll call was taken. Michael Hoefer and Joseph Cocivera were invited to join the session as voting members.

II) Minutes of Previous Meeting – October 27, 2025

A motion was made by Councilor Remy that the Planning Board approve the October 27, 2025 meeting minutes. The motion was seconded by Armando Rangel and was unanimously approved.

III) Final Vote on Conditional Approvals

Chair Farrington stated this is a new, standing agenda item in response to the recent City of Dover decision issued by the NH Supreme Court. As a matter of practice, the Board will now issue a final vote on all conditionally approved plans after all of the “conditions precedent” have been met. This final vote will be the final approval and will start the 30-day appeal clock.

Ms. Brunner stated there were no items ready for final approval.

IV) Public Hearing: Amendments to the Planning Board Regulations – The Planning Board proposes to amend its Subdivision Regulations, Site Development Standards, Earth Excavation Regulations, and Application Procedures in the Land Development Code, including Sections 20.2, 21.6, 25.3, 25.5, 26.10, 26.12, 26.14 and 26.19. The proposed amendments are intended to clarify language within the code, correct errors with respect to wording, update submittal requirements to match current practice, and reflect recent changes to state law regarding the timeframes for “Active and Substantial Development” and “Substantial Completion” of subdivision and site plan applications. In addition, the proposed amendments would modify the Board’s Site Plan Review Thresholds to create new thresholds for commercial and multifamily street access permits, modify the threshold for new additions, and establish thresholds for proposals to create new residential dwelling units.

Ms. Brunner addressed the Board and stated she is going to start the presentation by giving some context and background about where the land development code came from and what the goals of that project are. Ms. Brunner stated this project started in 2017 and it was the main implementation action that came out of the 2010 Master Plan: to review all land development codes, regulations and zoning and clean them up and locate them in one place. The land development code the City has today was formally adopted in 2021.

The tagline of this project was Building Better Together. The project goals were to make the City’s regulations easier to navigate, reduce confusion, increase efficiency and streamline wherever possible. Ms. Brunner stated throughout the land development code process, the City conducted monthly developer round tables and did a lot of one-on-one outreach to developers to try and understand their main barriers to developing in Keene. The biggest themes that came out of this process is that anything that increases time, increases cost. More importantly, anything that increases uncertainty will make or break whether they decide to pursue a project in Keene.

The idea behind the project was to put all regulations into one place, make them easy to navigate, make the document user-friendly with reference to codes, reduce confusion and help developers understand exactly what is expected of them. As part of this overall effort, the City also created the Minor Project Review Committee and raised the thresholds for projects that go to the Planning Board.

Ms. Brunner noted the Minor Project Review Committee was really intended to be middle tier of review. Projects that previously went to the Planning Board could theoretically go to this Minor Project Review Committee and expect a shorter turnaround time, reducing the cost of the project and incentivizing developers to come up with projects that meet the City’s regulations so that they can go through this quicker and cheaper process.

However, what is being found is that very few projects are qualifying to go to the Minor Project Review Committee based on the thresholds that currently exist. Ms. Brunner stated the feedback staff has received from those that have qualified regarding this Committee has been very positive.

Ms. Brunner next reviewed the Proposed Amendments.

1. Taking the statement that staff found in the Public Improvement Section of the Land Development Code - Public Works Regulations Article 23. This Article has a requirement for subdivisions that are not mentioned in the subdivision regulations. The intent here is to build that connection.

The language says as follows: *In accordance with Article 23 of this LDC, the owner/developer shall provide permanent reference monuments and final subdivision plans shall not be signed and recorded until after the monuments have been installed by the developer and verified by the Public Works director, or security in amount deemed satisfactory to the public Works director is posted, ensuring the monuments will be set*

Councilor Remy stated in the interest of simplicity and not having to track this in two locations at any given time and asked if it should be deleted from Article 23.

Ms. Brunner stated that was a good point and added staff will be bringing a second ordinance forward to City Council that changes the portions of the LDC that are not within the Planning Board's purview. Article 23 is outside of the Planning Board's purview. The Planning Board can't change it, but City Council can. There is going to be a separate ordinance through the City Council, a companion to this item, which will address that.

#2 - Is to define a term that is used in the site development standards multiple times, but is not defined anywhere within the land development code. The term is "primary entrance". Ms. Brunner stated this came up during site plan review a couple years ago. Staff felt it would be helpful to include a definition. She indicated because this is a niche definition, it could potentially have unintended effects if it is made a definition for the whole document, so staff opted to just keep it as a definition for the specific section which is the screening standard in the site development regulations

Currently, the screening regulations already state that you cannot have a service area or drive through windows and lanes etc. on a facade with a primary entrance, but it does not define what a primary entrance is. What staff is proposing is under the general standards for screening, add a new Section E, which says, *"... wherever possible, service areas drive through windows and lanes, mechanical equipment, parking areas and other areas likely to generate noise, dust traffic or other disruptive conditions should not be located adjacent to a primary entrance. For the purposes of this section, primary entrance shall mean, the front and or street facing points of ingress and egress to a building..."*

Ms. Brunner stated this does not change anything other than creating a definition of what we think primary entrance means or what was intended with that. Chair Farrington referred to the McDonald's and Wendy's sites on Winchester Street - their front facade does not have any doorways. The doorways face the street, but they are on the side of the building. Ms. Brunner stated this would be allowed, because it has to be a street facing facade. As long as the drive through window and lane is not parallel to Winchester Street it would be allowed. The Chair felt this language would indicate that McDonald's has no primary entrance. Chair Remy agreed with the Chair and added there could be other cases that do not have a street facing entrance. Ms. Brunner agreed and added hence the reason staff wanted to define it, because you could interpret primary entrance to mean the main entrance to the building, which may or may not have been the intention of this standard. Otherwise, saying that you can't have a drive through window or that you can't have service areas adjacent to it would be restrictive. She added this issue came up

114 with 310 Marlboro Street where the main entrance to the apartments was going to be on the side
115 of the building set back 200 feet from the road. Councilor Remy stated he reads the language to
116 say that the City does not want to see the dumpster right next to a main entrance.

117 Ms. Brunner asked whether the Board agrees that the primary entrance should be narrowed to
118 just entrances along street facing facades. Councilor Remy suggested deleting word *primary*
119 *entrance* because that implies the main entrance.

120 Mr. Hoefer felt there could be a flexibility in an undefined primary entrance. For example, for
121 buildings like McDonald's the primary entrance is off the parking lot.

122 Mr. Clancy asked whether there was a specified distance for a location of a dumpster. Ms.
123 Brunner stated that was part of the reason, to make it clear to somebody when they are trying to
124 design their site what the City is looking for. She added the term primary entrance is used several
125 times in this section of the code. It is also used elsewhere in the code in a different way. Ms.
126 Brunner stated she would be open to changing the term based on the Board's preference, but it
127 would be helpful to clarify for developers what the Board is looking for.

128 Mr. Kost stated the desire is for street facing facades and not having dumpsters when you enter a
129 site. He stated street facing is what the City wants to protect and felt that should be emphasized.
130 Mr. Kost also referred to the term "wherever possible" and wasn't sure if this was a necessary
131 term. Ms. Brunner stated specifically service areas, drive through areas and parking areas, are
132 already in other sections that are stronger that would prohibit it without a waiver or variance.
133 Mechanical equipment that does not have a hard and fast rule, because there are times when due
134 to the feasibility and technical constraints, it may have to be located on a street facing facade.
135 For instance in the downtown, where some parcels have three street facing facades. She added on
136 the list wherever possible would only refer to mechanical equipment.

137 Councilor Remy stated he only sees two places in this chapter where we call something else a
138 primary entrance. He referred Section 26 A.1: *waste collection, waste compaction, recycling*
139 *collection and other similar service areas shall not be located along the business frontage*
140 *building frontage or along a building facade with a primary entrance and shall be screened from*
141 *view from adjacent property.*

142 Section 26 2.B.1 *drive through businesses, drive through windows and lanes shall not be located*
143 *along the building frontage or along a building facade with a primary entrance.*

144 He felt both of these sections are trying to clearly differentiate between frontage and primary
145 entrance. He felt if the City's concern is frontage or street facing points of ingress, then there
146 needs to be a broader change as this language clearly says if there is a main entrance we do not
147 want this type of use next to it. Ms. Brunner stated she interprets this slightly differently. When
148 we talk about frontage, we always identify one frontage and then you might have a street facing
149 façade that is technically not the frontage. She went on to say at the time 310 Marlboro Street
150 was constructed the Planning Board concluded that the dumpster could be next to that door
151 without a waiver because they did not feel like that door was a primary entrance. She indicated
152 that is where she took the cue for the proposed language.

153 Mr. Hoefer asked whether there is a list of definitions versus building this into a Section E. Ms.
154 Brunner stated this option was discussed but there is one other location in the land development
155 code where the term primary entrance is used and staff did not want to cause complications

elsewhere in the code by creating a definition that might conflict with what is meant in that section.

Councilor Remy suggested deleting *or along a building facade with a primary entrance* from Section 21. 6. 2.A.1 or where it says *waste collection waste, compaction, recycling collection and other similar service areas should not be located along the building frontage and shall be screened from view from adjacent property or public rights away, not including alleys* - it would remove a section where it says *and along a building facade with a primary entrance AND drive through business, drive through windows and lanes shall not be located along the building frontage*(This would be the end of the sentence).

Ms. Brunner suggested the following language *service areas and drive through windows and lanes shall not be located adjacent to a primary entrance for the purposes of this section. Primary entrance shall mean the main point of ingress or egress for pedestrians entering the building.*

Ms. Brunner asked permission to take a straw poll and asked how many Board members would want to allow service areas and drive through windows and lanes to only be restricted from the front. The alternative vote is to say that they are restricted from the front and primary entrances.

Chair Farrington and two others voted for the street facing version. The others did not want a drive thru at the main entrance. Mr. Hoefer and Mr. Rangel agreed to that. Ms. Brunner asked whether Mr. Clancy and Mr. Cocivera had a preference. Mr. Clancy asked whether this section was for staff purposes or for the Board. Ms. Brunner stated these are the Board's site development standards. Mr. Clancy asked whether it needs to be defined here or whether it could be defined in the definition section as suggested by Councilor Remy. Ms. Brunner stated it could be defined in the definition section, but she will need to review in other sections of the code where this term is used to avoid confusion.

Mr. Kost referred to a shopping center such as Hannaford's where there is parking by the main entrance where it can very hazardous and this proposal can't do anything about such a situation. Ms. Brunner stated this is the reason to keep primary entrance and have it mean the main entrance into the building that most people use. She stated she would just keep it to service areas, drive through windows and lanes, and remove the other items. Right now, in the code, it already says that you can't have parking between the building and the street; it has to be either to the side or behind the building.

The Board discussed the different scenarios with drive thru lanes in Keene. Ms. Brunner referred to the Burger King and the Tito's building and stated she does not consider the part that goes by the entrance to be a drive through lane. The drive through lane is the lane that is just for the cars to go around and has the window with menu boards and microphones.

Mr. Hoefer agreed and added he would not want a new fast food place to locate a drive thru window right next to their main door. Councilor Remy suggested defining primary entrance in the code and put it in the definitions as the entrance that people use to enter and exit a building because it applies to both this section and Section 9.

Ms. Brunner stated this language should then be removed entirely from the Planning Board's changes and then add the definition to the definition section, which is technically not in the

197 Board's purview. Staff will then be bringing an ordinance forward to City Council and will
198 include it in that.

199 Ms. Brunner moved forward with the next change.

200 #3 - Amend the Earth Excavation Regulations - To reflect a vote that the Board has already
201 taken. She reminded the Board that at a meeting several months ago, the Board voted to delegate
202 enforcement authority to staff, and this change is just codifying it in the LDC.

203 #4 - The code still says it requires the submittal of seven full size copies. Ms. Brunner explained
204 the reason for this is that historically, copies of the plans were sent to the various departments
205 that review them through interdepartmental mail. COVID put an end to that practice. Digital
206 copies are used now.

207 Mr. Kost asked if the city still requires Mylar copies. Ms. Brunner stated this is a requirement at
208 the end of the process once everything is approved.

209 #5 – Submittal Requirement – A request from one of the planners, because they often have to
210 request this information and they would prefer that it is articulated in the submittal requirements
211 so applicants are aware that they are going to need the zoning information on the plan. Mr.
212 Hoefer confirmed the information on a plan such as this would only refer to lot sizes and not
213 about the number of bedrooms or bathrooms etc. Ms. Brunner answered in the affirmative and
214 added zone dimensional requirements typically include lot size, frontage, and lot width at the
215 building line, setbacks, impervious coverage, and building height. It is about comparing numbers
216 to make sure they meet the standards.

217 #6 – In the application procedures, applicants have the ability to request an exemption from a
218 submittal requirement; all other items require a waiver. There is a requirement for just boundary
219 line adjustments in the filing section, which is not in the BLA submittal requirements, to submit
220 an updated survey showing the metes and bounds of the revised parcels. For example, for a lot
221 that is 50 acres and another lot that is 1/4 of an acre and a lot line is being adjusted between those
222 two lots, all that should be required is a metes and bounds in the vicinity of where the lot lines
223 are changing. Ms. Brunner noted to require a survey of the entire 50 acres is cost prohibitive.
224 When applicants try to request an exemption they are technically not permitted to because this is
225 not in the submittal requirements. Instead, they have to request a waiver, which is a separate
226 process before the Board. What staff is trying to require is just the metes and bounds for portions
227 of the parcels that are changing.

228 #7 – addresses HB413, which was signed into law and is retroactively effective. This applies to
229 anything from July 1, 2023 on. It changed the time frame for active and substantial development
230 to be three years instead of two years. Substantial completion went from five years to seven
231 years. Once an applicant gets final approval from the Planning Board, they have three years to
232 start the project and seven years to complete the project. If they meet this timeframe then their
233 rights are vested. Future changes to zoning, subdivision or site plan will not affect the applicant.
234 The current code refers to two years.

235 Staff also wanted to clarify because the language currently states, *within two years, starting the*
236 *day following the Board's decision to approve or conditionally approve*. Ms. Brunner stated now
237 that the Board goes through the final approval process, staff wanted to make it clear that it is the
238 vote on the final approval that starts these clocks.

#8 – To add a new Section D referred to as Substantial Completion. The reason for this is that the current language does not define what substantial completion means. The same language as active and substantial development, but then items for substantial completion would be roadways to be installed and paved through the base course - this does not necessarily have to be accepted by City Council, but it has to meet the conditions for acceptance, which would be determined by the Public Works Director. Utilities have to be installed and ready for hookup. Lot monuments, driveways and other site features are installed or completed. All permanent on site, storm water management, erosion control, etc. are installed. Buildings and structures, off-site improvements, if they are required. Ms. Brunner noted this refers to “hard infrastructure” and major site features being installed.

Mr. Kost asked how a phased plan works in this instance. Ms. Brunner stated 90% of the plans the Board approve are not in phases. In the case where there are phases, the Board has leeway to determine what the time frame for active and substantial development will be for the subsequent phases. Substantial development would be based off that time frame set by the Board.

Councilor Remy talked about staff approved changes that would not come back before the Board and asked that this be kept in mind. Ms. Brunner stated if an applicant wants to modify their plan before final approval, they are required to come before the Board. If staff does approve a change after final approval, substantial completion would be reviewed using the most current approved version of the plan.

Mr. Hoefer felt there should be one definition of what Substantial Completion is and then all sections refer to that definition versus having to define it multiple times throughout the code. Ms. Brunner in response stated Active and Substantial Development and Substantial Completion are specific to whether it is a site plan or subdivision. There could be one definition for both, although there are some slight differences. For instance, for subdivision, it includes lot monuments. For site plans, it includes some other site features that you would not normally see in a subdivision. She added Section 26-10 is the Board Subdivision Application procedures and Section 26-12 are the Site Plan Application procedures.

Mr. Kost felt for a user everything that needs to be used for a subdivision application should be in one location and it would be true for site plan application and liked how it was structured.

Ms. Brunner next reviewed Site Plan review thresholds that were reviewed last month. She noted to one change from last month, which was to split out the thresholds for additions between downtown districts and all other districts.

Currently, Site Plan review thresholds for a new principal building or structure is anything greater than 5,000 square feet of gross floor area is considered a major site plan. Between 1,000 square feet and 5,000 square feet is considered minor site plan.

For Additions - In the downtown district it will remain as it is outlined today, which is anything greater than 15% of the gross floor area of the principal building would be a major site plan. Between 10% and 15% would be a minor site plan.

Outside of downtown districts, that threshold would be raised to increase the number of projects that could go to the Minor Project Review Committee.

279 New residential units, 25 or more would go to Major Site Plan. Between 10 to 24 would go to
280 Minor Site Plan.

281 Vehicle trips - Increase of 100 per day or 50 per peak hour would be Major Site Plan, which is
282 how it exists today.

283 New impervious surfaces – would remain as they are outlined today.

284 No propose changes to land disturbance.

285 Street Access – This is a new proposal. All street access is sent to the Planning Board. Ms.
286 Brunner stated they would like to have flexibility to send some of those to the Minor Project
287 Review Committee. In instances where an applicant is removing street access or narrowing it,
288 perhaps having that reviewed administratively. Any time an exception is required from the street
289 access standard, this would be sent for Planning Board review. If they are meeting all street
290 access requirements, they can go to Minor Project Review Committee. If they are creating a new
291 driveway or they are widening an existing driveway, but they are still staying within the
292 requirements, they can go before Minor Project Review Committee. If they are reducing the
293 number of curb cuts or narrowing them, it could be reviewed administratively with the caveat
294 that the City Engineer would review it as well.

295 Mr. Kost referred to land disturbance of an acre and felt in the downtown an acre is a large area
296 of land. He noted for instance a business on an acre of land downtown won't go before the
297 Planning Board even though it is on Main Street; form based code could also be an issue that
298 could be considered here. He felt this is a large impact in a downtown area.

299 Ms. Brunner referred to the list of thresholds for Major and Minor Site Plan and stated a project
300 that meets any one of these thresholds would have to be reviewed for Major or Minor Site Plan
301 Review. She added modifications to the building or a site, such as facade alteration, landscaping,
302 lighting is at the discretion of the Community Development Director and could warrant review
303 by the Planning Board. Change of use is also another opportunity for staff to use some discretion
304 and move items to the Planning Board. In situations like this, staff will also consult with the
305 Board Chair to get his/her opinion. If an applicant pushes back, "Advice and Comment" is also
306 an option that is suggested. Mr. Kost felt as long as the Board and staff are comfortable that the
307 downtown will be properly protected, he is ok with what is being proposed. Ms. Brunner added
308 another layer of protection for the downtown, at least for historic buildings, is the Historic
309 District Commission. You cannot demolish a historic building that has been ranked as
310 contributing or primary, unless you meet specific conditions. Mr. Kost referred to the Ted's site,
311 Athens Building etc. which are not historic buildings. Ms. Brunner felt realistically most
312 development downtown would come before the Planning Board. She indicated the instance it
313 will not be sent to the Board is, if it is adaptive reuse of an existing building.

314 #11 - To give the Minor Project Review Committee explicit authorization to refer projects when
315 items come before them that does not meet zoning, or if an applicant finds out part way through
316 the process that they need a waiver. This puts developers on notice as well as the Minor Project
317 Review Committee members that they then can refer the project to the appropriate Board. If it
318 does not meet zoning, or if a project requires a waiver, it is not within their jurisdiction; this is
319 just language to help clarify that.

#12 - To specify that a final plan needs to include all professional stamps for anyone who helps prepare the plan. This is something that is required today. This is to make sure that the code reflects that. This is required in the submittal requirements, but not in the filing requirements. Hence, it is just being restated under the filing requirements.

#13 - To require a flattened PDF copy of as built plans in addition to the paper and electronic file formats and to also specify the number of paper copies. At the present time, when an applicant submits an as built plan the department retains a copy and one paper copy is sent to Public Works. Planning staff will do a review of the PDF to make sure that it reflects what is supposed to be there and then engineering does a more detailed review of the actual electronic file.

#14 - Conditional Use Permit Application Procedures: At the present time, this states that applicants who are seeking a waiver for a conditional use permit shall apply to the Zoning Board of Adjustment for a Variance. However, in the Telecommunications CUP, there is process for the Planning Board to issue a waiver. This change would clarify that, a variance is required unless stated otherwise elsewhere in the LDC.

#15 and #16 - To remove the requirement from both the Subdivision Regulations and the Site Plan Regulations that waivers must follow the same process as the application. What this means today is when an applicant submits their application and staff is doing a review, it is a tight timeline; staff try to get projects through in one planning board meeting whenever possible. However, if a waiver is required and that is realized too late in the process, this delays the application because they have to notice the waiver within the required noticing time frame; state statute comes out to 14 days before the meeting. Staff is proposing any waivers that are identified and staff is aware of would still be included in the legal ad language. However, if a waiver is required and this is discovered after the legal ad goes out or if it is discovered during the Planning Board meeting, the Board could still have the ability to determine whether or not to grant a waiver without having the applicant go through the notice process. Ms. Brunner noted noticing waivers is a Keene issue and did not believe other communities require that.

Ms. Brunner added this would reduce the timeframe of an applicant as well as reduce the cost because when they have to do a whole round of noticing just for a waiver, that means they have to do the legal ad fee again and the abutter notice fee again.

Councilor Remy, suggested in the language for the noticing say *waivers from requirements may be requested at the meeting up until the meeting*. Ms. Brunner agreed and stated this could perhaps be added in the abutter notice as legal ads are charged per line. The Councilor asked whether this could dis-incentivize applicants from providing the waivers on time. Ms. Brunner stated she did not think so and added staff does an initial determination of completeness and then do a more thorough review and send the applicant a memo of comments. The applicant then has a revision deadline and this is when they would be required to submit any outstanding items and waivers. If the application is not ready for the public hearing, the Planning Board Steering Committee has the ability to indicate whether it goes on the agenda as well.

Councilor Remy also suggested this language: *waiver request shall be submitted prior to the revision meeting, except as exempted by the Community Development Director*.

Ms. Brunner referred to page 31 of the Board's packet, Section 26, 10.14, all items above Item E has to be met: Request has to be made in writing; They have to cite the specific regulation. She

added vast majority of the developers are acting in good faith and with others, there is leeway for the Board to act.

Mr. Hoefer stated as long as the Board feels good that that process to identify the need for a waiver is happening ahead of time and this is only to prevent the minor cases that might come up during the review process – he was in agreement with this amendment. Ms. Brunner stated staff also schedules a pre-submission meeting where they meet with the applicant prior to submission of the application. At times, there is significant changes between that point and when they submit the application. Staff will also at times send a Memo of all items required.

#17 – Proposal to amend the Earth Excavation application submittal requirements. Specifically, the section refers to exemptions. This amendment is to make it specific about what section it is and where an applicant can request for exemptions. Ms. Brunner further stated Earth Excavation Regulations were written a while ago and have not been used until recently. She noted the section on security does not match other sections on security. Planning Board policy is to not accept performance bonds and to only accept checks or letters of credit. Councilor Remy asked whether it matters whom the letter of credit is from. Ms. Brunner stated she assumes it can only come from a bank and stated she would need to defer to the Finance Department.

Master Plan Consistency – This is in line with the recently adopted master plan. There are goals listed under Livable Housing to make sure that the housing development process is transparent, easy to navigate. The City is trying to boost infill development and redevelopment, remove barriers to housing developments.

Under the Thriving Economy - Goal 3 - An action item to review the City’s regulatory processes to identify potential challenges or constraints that perspective businesses and or developers may face.

Under Flourishing Environment - Where it talks about as an aspiration, smart growth, compact, walkable development and infill are promoted to preserve green space and farms and adaptive reuse of buildings is the common building strategy over greenfield development. To make sure regulations are as clear and streamlined as possible is going to help achieve that goal.

Ms. Brunner next went over the changes from the Board

#1 - strike the beginning and to say *the owner shall* instead of referring to Article 23.

#2 – to delete this item in its entirety and add the definition of primary entrance to the ordinance that goes to City Council.

Ms. Brunner reviewed the changes again:

Amendment #1 would be modified to read 20.2.5 – *Monumentation – the owner/developer shall provide permanent reference monuments and final subdivision plans....*

A motion was made by Councilor Remy that the Planning Board approve amendments to the Planning Board Subdivision regulations, site development standards, earth excavation regulations and application procedures, as shown in the memorandum to the Planning Board dated November 14th, 2025 with an effective date of January 1, 2026, with the exception of

amendment one, striking the words in accordance with Article 23 of this LDC and capitalizing the 1st letter of the next word;

In addition, striking Amendment 2 entirely with the intent that the definition is sent forward to City Council for a different amendment.

The motion was seconded by Armando Rangel and was unanimously approved.

A motion was made by Councilor Remy that the Planning Board refer the amended regulations to City Council for incorporation to Chapter 100 Land Development Code of the City Code of Ordinances. The motion was seconded by Armando Rangel and was unanimously approved.

V) Training on Site Development Standards City has had, and the City Council goals that get adopted every two years, so I just want to review that I'm going to go through the proposed amendment Standard #6 – Screening & Standard #7 – Lighting

Item was tabled for next month.

VI) Staff Updates

Staff is working on an implementation plan for the master plan. Staff is waiting for Council to finish their goals. She indicated next meeting is a full agenda with six public hearings as well as the meeting scheduled for next year. In the New Year, the Board will be starting its review of the CIP.

VII) New Business

None

VIII) Upcoming Dates of Interest

- Joint Committee of the Planning Board and PLD – December 8th, 6:30 PM
- Planning Board Steering Committee – December 9th, 12:00 PM
- Planning Board Site Visit – December 17th, 8:00 AM – To Be Confirmed
- Planning Board Meeting –December 22nd, 6:30 PM

B. More Time Items

C. Adjournment

There being no further business, Chair Farrington adjourned the meeting at 8:18 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Mari Brunner, Senior Planner



MEMORANDUM

TO: Planning Board

FROM: Mari Brunner, Senior Planner

DATE: November 14, 2025

SUBJECT: Proposed Amendments to the Planning Board Regulations

Recommendation:

To hold a public hearing on the proposed changes to the Planning Board's Subdivision Regulations, Site Development Standards, Earth Excavation Regulations, and Application Procedures.

Background:

The following are proposed changes to the Planning Board's regulations in Article 20 of the Land Development Code (Subdivision regulations), Article 21 of the LDC (Site Development Standards), Article 25 of the LDC (Earth Excavation Regulations), and Article 26 of the LDC (Application Procedures). These proposed amendments are intended to clarify language within the code, correct errors with respect to wording, update submittal requirements to match current practice, and reflect recent changes to state law regarding the timeframes for "Active and Substantial Development" and "Substantial Completion" of subdivision and site plan applications.

In addition, the proposed changes include amendments to the Site Plan Review Thresholds in Article 26 of the Land Development Code. The intent of these proposed modifications is to adjust the thresholds to increase the number of projects that qualify for Minor Site Plan Review, encourage driveway designs that comply with City standards, and establish clear thresholds for projects that involve the creation of new residential units.

Language to be removed is identified with ~~strikethrough~~, and new language is identified with **boldface underline** and is highlighted.

Proposed Amendments:

1. Amend Section 20.2.5 of the Subdivision Regulations to include language from Section 23.3.2 "Lot Monuments," as follows. The intent of this proposed change is to ensure consistency between the Subdivision Regulations administered by the Planning Board and the public infrastructure standards administered by the Public Works Department.

20.2.5 Monumentation

In accordance with Article 23 of this LDC, the owner or developer shall provide permanent reference monuments in accordance with Article 23 of this LDC and final subdivision plans shall not be signed and recorded until after the monuments have been installed by the developer and verified by the Public Works Director, or security in an amount deemed satisfactory to the Public Works Director is posted ensuring the monuments will be set.

2. Add a new section "E" after Section 21.6.1.D of the Site Development Standards to clarify the definition of "Primary Entrance" and reinforce other sections of the LDC that require service areas, drive-through windows, and other potentially disruptive areas to be located away from primary entrances, as follows.

E. Wherever possible, service areas, drive-through windows and lanes, mechanical equipment, parking areas, and other areas likely to generate noise, dust, traffic, or other disruptive conditions shall not be located adjacent to a primary entrance. For the purposes of this section, "primary entrance" shall mean the front and/or street-facing points of ingress and egress to a building.

3. Amend Section 25.5 of the Earth Excavation Regulations to reflect the Planning Board's decision to delegate its authority with respect to investigating and resolving complaints to Code Enforcement Staff, as follows.

25.5 ENFORCEMENT

- A. After a duly noticed public hearing, the Planning Board **or its duly authorized agent** may suspend or revoke the earth excavation permit of any person who has violated any provision of the permit, this Article, NH RSA 155-E, or of any person who made a material misstatement in the application upon which their permit was issued. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with this article and NH RSA 677.
- B. Any violation of the requirements of these regulations shall also be subject to the enforcement procedures detailed in NH RSA 676.

C. In accordance with NH RSA 155-E:10, the Planning Board hereby designates code enforcement staff to act as its duly authorized agent with respect to investigating and resolving complaints regarding Earth Excavation operations.

4. Amend the submittal requirements for subdivision applications in Section 26.10.5.2 and the submittal requirements for site plan applications in 26.12.5 to require two instead of 7 copies of complete plan sets on 22-in by 34-in paper or larger size. In addition, amend these sections to clarify that electronic copies shall be submitted as flattened PDF files (i.e. without layers and free of PDF comments or annotations), as follows:

26.10.5 Submittal Requirements

2. A complete plan set signed and stamped by a NH licensed surveyor. **The plan set shall be submitted in both paper format** (7~~2~~ copies on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper); and, ~~an~~ electronic format **(flattened pdf file)**, which **and** shall include the following materials.

26.12.5 Submittal Requirements

- B. A complete plan set signed and stamped by a NH licensed engineer or architect. **The plan set shall be submitted in both paper format** (7~~2~~ copies on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper); and, ~~an~~ electronic format **(flattened pdf file)**, which **and** shall include the following materials.

5. Amend the submittal requirements for subdivision and boundary line adjustment applications in Section 26.10.5.B.2.c by adding a new sub-section "v" to require that proposed plans display the basic zone dimensional requirements for the underlying zoning district in which they are located as well as the existing and proposed zone dimensional information for the subject parcels, as follows. The intent of this proposed change is to make it easier to verify whether applications meet zoning or whether zoning relief is required earlier in the application review process.

v. The basic zone dimensional requirements of the underlying zoning district(s) and the existing and proposed basic zone dimensional information for the subject parcels.

6. Amend Section 26.10.8.B.2 to clarify that an updated survey must provide the metes and bounds for any revised parcel boundaries and not necessarily for the entirety of the subject parcels, as follows. The intent of this proposed change is to reduce unnecessary costs for the applicant and reduce the number of waivers requested from this section.

2. An updated survey showing the boundary line adjustment, and all metes and bounds of the revised parcels **portions of the parcel boundaries** shall be prepared by the applicant following approval from the Planning Board, and shall be filed with the Community Development Department for recording in the County Registry of Deeds.

7. Amend Section 26.10.11.C and Section 26.12.11.C to modify the timeframe for “Active and Substantial Development” for Subdivision and Site Plan applications, respectively, as follows. The intent of this proposed change is to align the LDC with recent changes to state law that increased the timeframe for active and substantial development from two to three years and clarify when the timeframe officially starts.

C. Active & Substantial Development. Active and substantial development of an approved project shall be completed within ~~2~~³ years, starting the day following the Board’s decision to **grant final approval of the project** ~~or conditionally approve the application~~. Plans approved in phases shall be subject to a determination of active and substantial development for the current phase. For purposes of this Section, active and substantial development shall include all of the following.

8. Add a new Section “D” after Section 26.10.11.C entitled “Substantial Completion” to clarify when the rights of the owner or the owner’s successor in interest shall vest with respect to subdivision plans and align the code with recent changes to state law, which increased the timeframe for substantial completion from 5 to 7 years.

D. Substantial Completion. In accordance with NH RSA 674:39 et seq., Substantial Completion of an approved project shall occur within 7 years, starting the day following the Board’s decision to grant final approval, at which point the rights of the owner or owner’s successor shall vest. Plans approved in phases shall be subject to a determination of substantial completion for the current phase. For purposes of this Section, substantial completion shall include all of the following.

- 1. All roadways shown on the approved plan are installed and paved through base course. If such road is intended to be public, the road must meet the conditions for final acceptance described in Article 23 of this LDC, as determined by the Public Works Director.**
- 2. All utilities shown on the approved plan are installed and ready for hook-up.**
- 3. All lot monuments, driveways and other site features shown on the approved plan are installed or completed.**
- 4. All on-site stormwater management, low impact design features, and permanent erosion control measures shown on the approved plan are installed and operational.**
- 5. All new buildings and structures shown on the approved plan are completed and are capable of being used for their intended purpose(s).**
- 6. All off-site improvements specified on the approved plan are completed or**

financial security in a format and amount acceptable to the Community Development Director has been posted with the City to ensure completion of such improvements.

9. Add a new Section “D” after Section 26.12.11.C entitled “Substantial Completion” to clarify when the rights of the owner or the owner's successor in interest shall vest with respect to site plans and align the code with recent changes to state law, which increased the timeframe for substantial completion from 5 to 7 years.

D. Substantial Completion. In accordance with NH RSA 674:39 et seq., Substantial Completion of an approved project shall occur within 7 years, starting the day following the Board's decision to grant final approval, at which point the rights of the owner or owner's successor shall vest. Plans approved in phases shall be subject to a determination of substantial completion for the current phase. For purposes of this Section, substantial completion shall include all of the following.

- 1. All roadways shown on the approved plan are installed and paved through base course. If such road is intended to be public, the road must meet the conditions for final acceptance described in Article 23 of this LDC, as determined by the Public Works Director.**
- 2. All utilities shown on the approved plan are installed and ready for hook-up.**
- 3. All on-site stormwater management, low impact design features, and permanent erosion control measures shown on the approved plan are installed and operational.**
- 4. All new buildings and structures shown on the approved plan are completed and are capable of being used for their intended purpose(s).**
- 5. All major on-site improvements shown on the approved plan, including landscaping, lighting, screening, on-site pedestrian and bicycle infrastructure, and parking areas are completed.**
- 6. All off-site improvements specified on the approved plan are completed or financial security in a format and amount acceptable to the Community Development Director has been posted with the City to ensure completion of such improvements.**

10. Amend the Site Plan Review Thresholds in Section 26.12.3 to raise the threshold for projects that involve new additions to go to Major Site Plan Review, create thresholds for projects that involve the creation, modification, or removal of street access, and create thresholds for projects that involve the creation of new residential units, as follows.

26.12.3 Applicability

A. Site Plan Review Thresholds. Site plan review is required for the following types of improvements described in Sections 26.12.3.A.1 (Major Site Plan) and 26.12.3.A.2 (Minor Site Plan). It shall not be required for single-family and two-family dwellings or their associated accessory uses, provided such dwellings are not attached to a mixed-use building or located on a mixed-use lot containing non-residential **or multifamily residential** uses.

1. Major Site Plan. Major site plan review is required for any proposal that meets or exceeds **any of** the below thresholds.

a. New principal buildings or structures greater than 5,000 sf in gfa.

b. Additions to existing buildings or structures

i. **In the Downtown Districts, additions that are greater than 15% of the gfa of the existing principal building.**

ii. **In all other Districts, additions that are greater than 25% of the gfa of the existing principal building.**

c. Projects that involve the creation of 25 or more new residential dwelling units in one year.

d. Change or increase of vehicle trips per day of 100, or per peak hour of 50.

e. Installation of impervious surfaces (e.g. pavement or gravel) that exceeds 10,000 sf in contiguous area.

f. Land disturbance that impacts 1-acre or greater of land area.

g. New street access where an exception is requested from the street access permit criteria in Article 23.

h. Modifications to the site or building (e.g. lighting, landscaping, façade alteration, etc.), which, at the discretion of the Community Development Director, or their designee, warrants major site plan review.

i. Change of use, which at the discretion of the Community Development Director, or their designee, warrants major site plan review. Such determination shall be based on an evaluation of the impacts of the proposed use on both the subject parcel and the surrounding neighborhood.

2. Minor Site Plan. Minor site plan review is required for any proposal that meets **any of** the below thresholds.

a. New principal buildings or structures that are between 1,000 and 5,000 sf in gfa.

b. Additions to existing buildings or structures

- i. **In the Downtown Districts, additions that are between 10% and 15% of the gfa of the existing principal building**
 - ii. **In all other districts, additions that are between 15% and 25% of the gfa of the existing principal building.**
 - c. **Projects that involve the creation of 15 to 24 new dwelling units in one year.**
 - d. Installation of impervious surfaces (e.g. pavement or gravel) that are 10,000 sf or less in contiguous area, which, at the discretion of the Community Development Director, or their designee, and based on the nature of the proposal, warrants minor site plan review.
 - e. Land disturbance that impacts less than 1-acre of land area, which, at the discretion of the Community Development Director, or their designee, and based on the nature of the proposal, warrants minor site plan review.
 - f. Modifications to the site or building (e.g. lighting, landscaping, façade alteration, etc.), which, at the discretion of the Community Development Director, or their designee, warrants minor site plan review.
 - g. **Creation of new street access or requests to widen existing street access.**
 - h. Change of use, which at the discretion of the Community Development Director, or their designee, warrants minor site plan review. Such determination shall be based on an evaluation of the impacts of the proposed use on both the subject parcel and the surrounding neighborhood.
- B. Administrative Planning Review.** Proposed development or redevelopment, including change of use, associated with uses other than single-family and two-family dwellings that does not meet the thresholds for major or minor site plan review shall be reviewed by the Community Development Director, or their designee, to verify compliance with the Site Development Standards in Article 21 of this LDC prior to the issuance of a building permit. **Proposed modifications to commercial or multifamily street access that do not meet the threshold for minor or major site plan review shall be referred to the City Engineer for review prior to issuing a decision.** The application and review procedures associated with Administrative Planning Review are described in Section 26.13.
- C.** Unless otherwise noted in this Section, the Community Development Director, or their designee, has the authority to determine, on a case-by-case basis, based on the nature of the proposal, whether the proposed work requires review by the Planning Board, Minor Project Review Committee, or City staff, or whether any review is necessary.

11. Amend Section 26.12.8.A.8 to articulate the process by which the Minor Project Review Committee may refer Minor Site Plan projects to the Planning Board for Major Site Plan Review, as follows.

8. Public Hearing. Upon reaching a finding that an application is complete, the Minor Project Review Committee may open the public hearing for the application. **If at any point during the public hearing process it is determined that the Minor Project Review Committee does not have jurisdiction over the project for any reason (e.g., nonconformance with zoning, nonconformance with Site Development Standards, etc.), the Minor Project Review Committee shall refer the project to the appropriate decision-making authority for review.**

12. Amend Section 26.12.9.B to specify that final plans shall include all necessary professional stamps, as follows.

- B. Prior to the signature of the Chair or Vice Chair of the respective decision-making authority on an approved site plan, the applicant shall:
 1. Demonstrate to the satisfaction of the Community Development Director, or their designee, that all conditions of approval have been met as specified by the respective decision-making authority; and,
 2. Provide complete copies of the approved plan set in a number and form as specified by the Community Development Department. **Such plans shall be stamped by all licensed professionals who prepared the plans.**

13. Amend Section 26.12.13.A.4.a to require the submittal of a flattened PDF copy of as-built plans in addition to paper and electronic geodatabase file formats, as follows.

- a. After a project is completed and prior to release of any security, applicants shall provide **two paper copies of** the complete set of "As-Built" plans on 22-in by 34-in paper or larger size, **a flattened pdf file**, and as an electronic file in .dwg, .dxf, .shp or geodatabase format.

14. Amend Section 26.14.11.A to clarify that there may be instances where a separate section of the LDC applies, as follows.

- A. **Unless otherwise specified in this LDC, a** Applicants for a conditional use permit seeking a waiver from conditional use permit standards in the Zoning Regulations of this LDC, shall apply to the Zoning Board of Adjustment for a variance.

15. Modify Section 26.10.14 "Waivers" by removing subsection E requiring subdivision waiver requests to be submitted following the same process and timeframe as required for formal applications to the Planning Board, as follows:

26.10.14 Waivers

- A. Unless otherwise set forth in this LDC, the Planning Board may grant a waiver from strict compliance with provisions of the Subdivision Regulations in Article 19, applicable Site Development Standards in Article 20, or subdivision review standards in Section 25.10 on a case-by-case basis, so long as the Board finds, by majority vote, that:
 - 1. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations; and,
 - 2. Granting the waiver will not increase the potential for creating adverse impacts to abutters, the community or the environment; and,
 - 3. Consideration will also be given as to whether strict conformity with the regulations would pose an unnecessary hardship to the applicant.
- B. The Planning Board may grant a waiver from the requirement that a subdivision be a conservation residential development subdivision, upon reaching a finding that:
 - 1. Conservation values on a property would be better protected by a conventional subdivision design;
 - 2. A conservation residential development subdivision would significantly detract from the character of the surrounding neighborhood; and,
 - 3. A conventional subdivision design provides the only reasonable alternative to developing the parcel to be subdivided given the parcel configuration and site constraints.
- C. In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the standard being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.
- D. Any waiver request shall be in writing and shall cite the specific regulation or standard the waiver is requested from and the reason(s) it cannot be met.
- ~~E. Waiver requests shall be submitted following the same process and timeframe as is required for formal applications to the Planning Board.~~

16. Modify Section 26.12.14 "Waivers" by removing subsection C requiring site plan waiver requests to be submitted following the same process and timeframe as required for formal applications to the Planning Board.

26.12.14 Waivers

- A. Unless otherwise set forth in this LDC, the Planning Board may grant a waiver from strict compliance with provisions of the Site Development Standards in Article 21 or site plan review standards in Section 26.12, on a caseby-case basis, so long as the Board finds, by majority vote, that:
 - 1. Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or,
 - 2. Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.
 - 3. In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the standard being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.
- B. Any waiver request shall be in writing and shall cite the specific regulation or standard a waiver is requested from and the reason(s) it cannot be met.
- ~~C. Waiver requests shall be submitted following the same process and timeframe as is required for formal applications to the Planning Board.~~

17. Amend the Earth Excavation Application Submittal Requirement Exemptions in Section 26.19.5 to correct the "Submittal Requirements" section reference, as follows.

26.19.5 Submittal Requirement Exemptions

An applicant for an Earth Excavation permit may request the Community Development Director, or their designee, to exempt their application from any of the submission requirements referenced in Section 26.19.4.

18. Amend Section 26.19.14 of the Earth Excavation Application Procedures to specify acceptable forms of security, as follows.

26.19.14 Security

Prior to the issuance of any earth excavation permit or to the removal of topsoil or other overburden material from any land area that has not yet been excavated, the applicant shall submit security in a form and amount acceptable to the City Engineer and the Community Development Director to be sufficient to guarantee compliance with the permit; **and shall be either a certified check made out to the City of Keene or a letter of credit.**

- 1. Performance Bonds shall not be an acceptable form of security.**



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: December 4, 2025

To: Mayor and Keene City Council

From: Mari Brunner, Senior Planner

Through: Paul Andrus, Community Development Director

Subject: **Relating to Amendments to the Planning Board Regulations and Application Procedures
Ordinance O-2025-38**

Recommendation:

To refer Ordinance O-2025-38 to the Planning, Licenses, and Development Committee for review and recommendation.

Attachments:

1. O-2025-38 Relating to Amendments to PB Regulations and Procedures

Background:

At the Planning Board meeting on November 24, 2025, the Board held a public hearing regarding proposed amendments to their site plan, subdivision, and earth excavation regulations and their application procedures, including the thresholds for Major Site Plan Review and Minor Site Plan Review. The Planning Board has statutory authority to adopt and amend their regulations and application procedures. However, in order for these amendments to be reflected in the Land Development Code, the City Council must also adopt these amendments following the procedure detailed in Section 26.4.3.B of the Land Development Code.

The amendments adopted by the Planning Board are intended to clarify language within the code, correct errors with respect to wording, update submittal requirements to match current practice, and reflect recent changes to state law regarding the timeframes for “Active and Substantial Development” and “Substantial Completion” of subdivision and site plan applications. In addition, the adopted changes include amendments to the Site Plan Review Thresholds in Article 26 of the Land Development Code with the intent of increasing the number of projects that qualify for Minor Site Plan Review, encouraging driveway designs that comply with City standards, and establishing clear site plan thresholds for projects that involve the creation of new residential units.



CITY OF KEENE

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

AN ORDINANCE Relating to Amendments to the Planning Board Regulations and Application Procedures

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

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

1. Amend Section 20.2.5 of the Subdivision Regulations to include language from Section 23.3.2 “Lot Monuments,” as follows. The intent of this proposed change is to ensure consistency between the Subdivision Regulations administered by the Planning Board and the public infrastructure standards administered by the Public Works Department.

20.2.5 Monumentation

The owner or developer shall provide permanent reference monuments ~~in accordance with Article 23 of this LDC~~ **and final subdivision plans shall not be signed and recorded until after the monuments have been installed by the developer and verified by the Public Works Director, or security in an amount deemed satisfactory to the Public Works Director is posted ensuring the monuments will be set.**

2. Amend Section 25.5 of the Earth Excavation Regulations to reflect the Planning Board’s decision to delegate its authority with respect to investigating and resolving complaints to Code Enforcement Staff, as follows.

25.5 ENFORCEMENT

- A. After a duly noticed public hearing, the Planning Board **or its duly authorized agent** may suspend or revoke the earth excavation permit of any person who has violated any provision of the permit, this Article, NH RSA 155-E, or of any person who made a material misstatement in the application upon which their permit was issued. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with this article and NH RSA 677.
- B. Any violation of the requirements of these regulations shall also be subject to the enforcement procedures detailed in NH RSA 676.
- C. **In accordance with NH RSA 155-E:10, the Planning Board hereby designates code enforcement staff to act as its duly authorized agent with respect to investigating and resolving complaints regarding Earth Excavation operations.**

3. Amend the submittal requirements for subdivision applications in Section 26.10.5.2 and the submittal requirements for site plan applications in 26.12.5 to require two instead of 7 copies of complete plan sets on 22-in by 34-in paper or larger size. In addition, amend these sections to clarify that electronic copies shall be submitted as flattened PDF files (i.e. without layers and free of PDF comments or annotations), as follows:

26.10.5 Submittal Requirements

2. A complete plan set signed and stamped by a NH licensed surveyor. **The plan set shall be submitted in both paper format** (72-copies on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper); and, ~~an~~ an electronic format (**flattened pdf file**), ~~which~~ **and** shall include the following materials.

26.12.5 Submittal Requirements

- B. A complete plan set signed and stamped by a NH licensed engineer or architect. **The plan set shall be submitted in both paper format** (72-copies on 22-in by 34-in paper or larger size; 1-copy on 11-in by 17-in paper); and, ~~an~~ an electronic format (**flattened pdf file**), ~~which~~ **and** shall include the following materials.
4. Amend the submittal requirements for subdivision and boundary line adjustment applications in Section 26.10.5.B.2.c by adding a new sub-section “v” to require that proposed plans display the basic zone dimensional requirements for the underlying zoning district in which they are located as well as the existing and proposed zone dimensional information for the subject parcels, as follows. The intent of this proposed change is to make it easier to verify whether applications meet zoning or whether zoning relief is required earlier in the application review process.

v. The basic zone dimensional requirements of the underlying zoning district(s) and the existing and proposed basic zone dimensional information for the subject parcels.

5. Amend Section 26.10.8.B.2 to clarify that an updated survey must provide the metes and bounds for any revised parcel boundaries and not necessarily for the entirety of the subject parcels, as follows. The intent of this proposed change is to reduce unnecessary costs for the applicant and reduce the number of waivers requested from this section.
 2. An updated survey showing the boundary line adjustment, and all metes and bounds of the revised ~~parcels~~ **portions of the parcel boundaries** shall be prepared by the applicant following approval from the Planning Board, and shall be filed with the Community Development Department for recording in the County Registry of Deeds.
6. Amend Section 26.10.11.C and Section 26.12.11.C to modify the timeframe for “Active and Substantial Development” for Subdivision and Site Plan applications, respectively, as follows. The intent of this proposed change is to align the LDC with recent changes to state law that increased the timeframe for active and substantial development from two to three years and clarify when the timeframe officially starts.

- C. Active & Substantial Development. Active and substantial development of an approved project shall be completed within 23-years, starting the day following the Board's decision to **grant final approval of the project** or conditionally approve the application. Plans approved in phases shall be subject to a determination of active and substantial development for the current phase. For purposes of this Section, active and substantial development shall include all of the following.
7. Add a new Section "D" after Section 26.10.11.C entitled "Substantial Completion" to clarify when the rights of the owner or the owner's successor in interest shall vest with respect to subdivision plans and align the code with recent changes to state law, which increased the timeframe for substantial completion from 5 to 7 years.

D. Substantial Completion. In accordance with NH RSA 674:39 et seq., Substantial Completion of an approved project shall occur within 7-years, starting the day following the Board's decision to grant final approval, at which point the rights of the owner or owner's successor shall vest. Plans approved in phases shall be subject to a determination of substantial completion for the current phase. For purposes of this Section, substantial completion shall include all of the following.

1. **All roadways shown on the approved plan are installed and paved through base course. If such road is intended to be public, the road must meet the conditions for final acceptance described in Article 23 of this LDC, as determined by the Public Works Director.**
 2. **All utilities shown on the approved plan are installed and ready for hook-up.**
 3. **All lot monuments, driveways and other site features shown on the approved plan are installed or completed.**
 4. **All on-site stormwater management, low impact design features, and permanent erosion control measures shown on the approved plan are installed and operational.**
 5. **All new buildings and structures shown on the approved plan are completed and are capable of being used for their intended purpose(s).**
 6. **All off-site improvements specified on the approved plan are completed or financial security in a format and amount acceptable to the Community Development Director has been posted with the City to ensure completion of such improvements.**
8. Add a new Section "D" after Section 26.12.11.C entitled "Substantial Completion" to clarify when the rights of the owner or the owner's successor in interest shall vest with respect to site plans and align the code with recent changes to state law, which increased the timeframe for substantial completion from 5 to 7 years.

D. Substantial Completion. In accordance with NH RSA 674:39 et seq., Substantial Completion of an approved project shall occur within 7-years, starting the day following the Board's decision to grant final approval, at which point the rights

of the owner or owner's successor shall vest. Plans approved in phases shall be subject to a determination of substantial completion for the current phase. For purposes of this Section, substantial completion shall include all of the following.

1. All roadways shown on the approved plan are installed and paved through base course. If such road is intended to be public, the road must meet the conditions for final acceptance described in Article 23 of this LDC, as determined by the Public Works Director.
 2. All utilities shown on the approved plan are installed and ready for hook-up.
 3. All on-site stormwater management, low impact design features, and permanent erosion control measures shown on the approved plan are installed and operational.
 4. All new buildings and structures shown on the approved plan are completed and are capable of being used for their intended purpose(s).
 5. All major on-site improvements shown on the approved plan, including landscaping, lighting, screening, on-site pedestrian and bicycle infrastructure, and parking areas are completed.
 6. All off-site improvements specified on the approved plan are completed or financial security in a format and amount acceptable to the Community Development Director has been posted with the City to ensure completion of such improvements.
9. Amend the Site Plan Review Thresholds in Section 26.12.3 to raise the threshold for projects that involve new additions to go to Major Site Plan Review, create thresholds for projects that involve the creation, modification, or removal of street access, and create thresholds for projects that involve the creation of new residential units, as follows.

26.12.3 Applicability

A. Site Plan Review Thresholds. Site plan review is required for the following types of improvements described in Sections 26.12.3.A.1 (Major Site Plan) and 26.12.3.A.2 (Minor Site Plan). It shall not be required for single-family and two-family dwellings or their associated accessory uses, provided such dwellings are not attached to a mixed-use building or located on a mixed-use lot containing non-residential **or multifamily residential** uses.

1. **Major Site Plan.** Major site plan review is required for any proposal that meets or exceeds **any of** the below thresholds.
 - a. New principal buildings or structures greater than 5,000 sf in gfa.
 - b. **Additions to existing buildings or structures**
 1. **In the Downtown Districts, additions that are greater than 15% of the gfa of the existing principal building.**

2. In all other Districts, additions that are greater than 25% of the gfa of the existing principal building.

c. Projects that involve the creation of 25 or more new residential dwelling units in one year.

- d. Change or increase of vehicle trips per day of 100, or per peak hour of 50.
- e. Installation of impervious surfaces (e.g. pavement or gravel) that exceeds 10,000 sf in contiguous area.
- f. Land disturbance that impacts 1-acre or greater of land area.

g. New street access where an exception is requested from the street access permit criteria in Article 23.

- h. Modifications to the site or building (e.g. lighting, landscaping, façade alteration, etc.), which, at the discretion of the Community Development Director, or their designee, warrants major site plan review.
- i. Change of use, which at the discretion of the Community Development Director, or their designee, warrants major site plan review. Such determination shall be based on an evaluation of the impacts of the proposed use on both the subject parcel and the surrounding neighborhood.

2. Minor Site Plan. Minor site plan review is required for any proposal that meets **any of** the below thresholds.

- a. New principal buildings or structures that are between 1,000 and 5,000 sf in gfa.

b. Additions to existing buildings or structures

1. In the Downtown Districts, additions that are between 10% and 15% of the gfa of the existing principal building

2. In all other districts, additions that are between 15% and 25% of the gfa of the existing principal building.

c. Projects that involve the creation of 15 to 24 new dwelling units.

- d. Installation of impervious surfaces (e.g. pavement or gravel) that are 10,000 sf or less in contiguous area, which, at the discretion of the Community Development Director, or their designee, and based on the nature of the proposal, warrants minor site plan review.
- e. Land disturbance that impacts less than 1-acre of land area, which, at the discretion of the Community Development Director, or their designee, and based on the nature of the proposal, warrants minor site plan review.
- f. Modifications to the site or building (e.g. lighting, landscaping, façade alteration, etc.), which, at the discretion of the Community Development Director, or their designee, warrants minor site plan review.
- g. **New street access or requests to widen existing street access.**

- h. Change of use, which at the discretion of the Community Development Director, or their designee, warrants minor site plan review. Such determination shall be based on an evaluation of the impacts of the proposed use on both the subject parcel and the surrounding neighborhood.

- B. Administrative Planning Review.** Proposed development or redevelopment, including change of use, associated with uses other than single-family and two-family dwellings that does not meet the thresholds for major or minor site plan review shall be reviewed by the Community Development Director, or their designee, to verify compliance with the Site Development Standards in Article 21 of this LDC prior to the issuance of a building permit. **Proposed modifications to commercial or multifamily street access that do not meet the threshold for minor or major site plan review shall be referred to the City Engineer for review prior to issuing a decision.** The application and review procedures associated with Administrative Planning Review are described in Section 26.13.
- C.** Unless otherwise noted in this Section, the Community Development Director, or their designee, has the authority to determine, on a case-by-case basis, based on the nature of the proposal, whether the proposed work requires review by the Planning Board, Minor Project Review Committee, or City staff, or whether any review is necessary.

10. Amend Section 26.12.8.A.8 to articulate the process by which the Minor Project Review Committee may refer Minor Site Plan projects to the Planning Board for Major Site Plan Review, as follows.

- 8. Public Hearing. Upon reaching a finding that an application is complete, the Minor Project Review Committee may open the public hearing for the application. **If at any point during the public hearing process it is determined that the Minor Project Review Committee does not have jurisdiction over the project for any reason (e.g., nonconformance with zoning, nonconformance with Site Development Standards, etc.), the Minor Project Review Committee shall refer the project to the appropriate decision-making authority for review. In the case where the appropriate decision-making authority is determined to be the Planning Board, new notice shall not be required, provided that the public hearing is continued to a specified date, time and location.**

11. Amend Section 26.12.9.B to specify that final plans shall include all necessary professional stamps, as follows.

- B.** Prior to the signature of the Chair or Vice Chair of the respective decision-making authority on an approved site plan, the applicant shall:
 - 1. Demonstrate to the satisfaction of the Community Development Director, or their designee, that all conditions of approval have been met as specified by the respective decision-making authority; and,
 - 2. Provide complete copies of the approved plan set in a number and form as specified by the Community Development Department. **Such plans shall be stamped by all licensed professionals who prepared the plans.**

12. Amend Section 26.12.13.A.4.a to require the submittal of a flattened PDF copy of as-built plans in addition to paper and electronic geodatabase file formats, as follows.

- a. After a project is completed and prior to release of any security, applicants shall provide **two paper copies of** the complete set of "As-Built" plans on 22-in by 34-in paper or larger size, **a flattened pdf file**, and as an electronic file in .dwg, .dxf, .shp or geodatabase format.

13. Amend Section 26.14.11.A to clarify that there may be instances where a separate section of the LDC applies, as follows.

- A. **Unless otherwise specified in this LDC,** Applicants for a conditional use permit seeking a waiver from conditional use permit standards in the Zoning Regulations of this LDC, shall apply to the Zoning Board of Adjustment for a variance.

14. Amend the Earth Excavation Application Submittal Requirement Exemptions in Section 26.19.5 to correct the "Submittal Requirements" section reference, as follows.

26.19.5 Submittal Requirement Exemptions

An applicant for an Earth Excavation permit may request the Community Development Director, or their designee, to exempt their application from any of the submission requirements referenced in Section 26.19.**4**.

15. Amend Section 26.19.14 of the Earth Excavation Application Procedures to specify acceptable forms of security, as follows.

26.19.14 Security

Prior to the issuance of any earth excavation permit or to the removal of topsoil or other overburden material from any land area that has not yet been excavated, the applicant shall submit security in a form and amount acceptable to the City Engineer and the Community Development Director to be sufficient to guarantee compliance with the permit, **and shall be either a certified check made out to the City of Keene or a letter of credit.**

- 1. Performance Bonds shall not be an acceptable form of security.**

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: December 4, 2025

To: Mayor and Keene City Council

From: Mari Brunner, Senior Planner

Through: Paul Andrus, Community Development Director

Subject: **Relating to Adopting the Provisions of RSA 79-E "Community Revitalization Tax Relief Incentive"**
Resolution R-2025-35

Recommendation:

To refer Resolution R-2025-35 to the Planning, Licenses, and Development Committee for review and recommendation.

Attachments:

1. R-2025-35 Relating to Adopting the Provisions of RSA 79-E
2. 79-E District Map Dated December 4, 2025
3. Keene Community Engagement Summary
4. RPRZ Info Sheet
5. R-2025-09 79-E_Adopted

Background:

Project Background

The City received a grant from the InvestNH HOP Grant program in the amount of \$34,860 to update the City's existing 79-E program and explore adopting one or both of the newer housing provisions under this statute in order to encourage housing rehabilitation and new housing development. The City's consultant, Barrett Planning Group, worked with City staff to conduct community engagement, review the existing 79-E regulations, and explore the Community Revitalization Tax Relief Incentive Program's newer components, the Housing Opportunity Zone (HOZ) and Residential Property Revitalization Zone (RPRZ).

Community engagement included one-on-one interviews with developers and property owners, a public workshop with City Council on September 16, and two focus groups with property owners and other relevant stakeholders. A summary of insights gleaned from these engagement activities is attached to this memo. Based on the feedback received from the City Council and developers, a decision was made to focus on the Residential Property Revitalization Zone in RSA 79-E: 4-b (RPRZ) for now and revisit the Housing Opportunity Zone in the future.

Overview of Community Revitalization Tax Relief Incentive Program (RSA 79-E)

The Community Revitalization Tax Relief Incentive provides temporary tax relief for a property owner to rehabilitate an underutilized building in a village center or downtown area. The period of tax relief is up to 5 years for substantial rehabilitation of a qualifying structure, with up to 2 additional years if the project adds new residential units, up to 4 additional years if it adds affordable housing units, and up to 4 additional years if the property is listed or eligible for listing on the National Register of Historic Places. The City Council decides the duration of tax relief based on the public benefits the project provides. The tax relief begins upon completion of construction. During the relief period, the property owner would pay taxes based on the property's pre-rehabilitation assessed value.

The City of Keene adopted 79-E in 2017 for the downtown and amended it in 2018 and 2025 to expand the zone to include Marlboro Street and reflect downtown zoning district changes, respectively. For more information about 79-E, [visit the City website](#).

Overview of Residential Property Revitalization Zone (RPRZ)

Under the RPRZ, a "qualifying structure" is an existing residential structure in a designated zone that is at least 40 years old and has no more than four units. In order for a project to be eligible for this incentive, the proposed renovation must "significantly improve" the quality, condition, and/or use of an existing residential structure. The improved property must also provide at least one public benefit. The statute lists the following as public benefits, but the City may identify additional public benefits to assist the City Council in evaluating applications:

- Enhances the economic vitality of the downtown;
- Enhances and improves a culturally or historically significant structure;
- Promotes the preservation and reuse of existing building stock;
- Promotes development in municipal centers;
- Increases residential housing in urban or town centers.

Additionally, the City must define what constitutes "significant improvement." For more information on the RPRZ, please see the attached RPRZ Flyer prepared by Barrett Planning Group.

Summary of Proposed Changes to the Existing 79-E District

This resolution proposes to modify the existing 79-E district by:

1. Expanding the district down West Street to the bypass, as shown in the attached district map dated December 4, 2025;
2. Modifying the definition of a "qualifying structure" to mean a non-residential or a mixed-use building. This change removes the requirement for residential uses to occupy less than 50% of the gross living area of a mixed-use building and removes residential buildings from the definition (since they will be covered under the RPRZ); and
3. Updating the local public benefit criteria to reflect current city goals and plans. For example, instead of referencing the City's greenhouse gas reduction goals, this resolution proposes to reference the City's energy goals that were adopted with Resolution R-2018-36. Other changes include removing green building standards as a public benefit due to the fact that current building codes are comparable to these standards and removing the owner-occupancy benefit from this section.

The current resolution, R-2025-09, is attached to this memo for reference.

Summary of Proposed Keene RPRZ Elements

RPRZ District: The area where city water and sewer service is provided.

Significant Improvement: Defined as the rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$50,000, whichever is less, and includes the creation of at least one new housing unit or resolves significant life safety or health risks, as determined by the Building and Health Official.

Public Benefits: Projects must provide one or more of the benefits listed below.

- Creates at least one new housing unit
- Prevents at least one housing unit from falling into obsolescence
- Enhances or improves historically significant structure
- Maintains or returns owner occupancy
- Increases livability via flood-proofing, remediation of contamination, or improved energy performance
- Results in a net-zero home

The full text of the proposed resolution R-2025-35 is attached to this memo.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to Adopting the Provisions of RSA 79-E “Community Revitalization Tax Relief Incentive”

Resolved by the City Council of the City of Keene, as follows:

WHEREAS, RSA 79-E “Community Revitalization Tax Relief Incentive” (hereinafter “RSA 79-E”) declares it a public benefit to enhance downtown and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality; and

WHEREAS, RSA 79-E further declares it a public benefit to encourage the rehabilitation of underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B; and

WHEREAS, RSA 79-E also declares it a public benefit to provide short-term property assessment tax relief and a related covenant to protect public benefits in order to encourage substantial rehabilitation and use of qualifying structures, or in certain cases, the replacement of qualifying structures, as described herein; and

WHEREAS, RSA 79-E:4-b, “Residential Property Revitalization Zone,” further declares it a public benefit to revitalize and preserve existing housing stock by providing temporary tax relief for renovation projects that significantly improve the quality, condition, or use of qualifying residential structures in a designated residential property revitalization zone; and

WHEREAS, RSA 79-E:3 permits municipalities to adopt modifications of the provisions of RSA 79-E, as set forth within the Statute.

WHEREAS, on December 21, 2017 the City Council adopted RSA 79-E within certain districts located within the City as defined in R-2017-41; and

WHEREAS, on November 15, 2018 the City Council rescinded R-2017-41 and adopted RSA 79-E within certain districts located within the City as defined in R-2018-33; and

WHEREAS, the downtown district map changed when the City adopted in May 2021 with Ordinance O-2020-10-B the Land Use Code, along with the remapping of the City’s downtown zoning districts with Ordinance O-2020-11-A;

WHEREAS, on April 17, 2025, the City Council rescinded R-2017-41 and further updated the downtown district map as defined in R-2025-09;

WHEREAS, the City Council hereby rescinds R-2018-33 and R-2025-09, and readopts RSA 79-E in accordance with this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Keene that the Council hereby adopts and implements the provisions of RSA 79-E:4, with certain modifications, as follows:

RSA 79-E:4 Community Revitalization Tax Relief Incentive

A. For purposes of administering a RSA 79-E program within Keene, the City hereby defines that a “qualifying structure” shall mean non-residential use building or a mixed use building, being located within the area depicted on the map labeled “City of Keene Community Revitalization Tax Relief Incentive (RSA 79-E) District” dated December 4, 2025 attached hereto and made part of this Resolution.

B. “Substantial Rehabilitation” shall mean rehabilitation of a qualifying structure which costs at least \$75,000 and, in certain cases, replacement of a qualifying structure which costs at least \$75,000;

C. For purposes of administering the RSA 79-E program, the City Council shall ensure that the proposed substantial rehabilitation provides one or more of the following public benefits, or that the proposed replacement provides one or more of the public benefits to a greater degree than would substantial rehabilitation of the same qualifying structure:

I. It enhances the economic vitality of downtown areas;

II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;

III. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior’s Standards for Rehabilitation;

IV. It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan;

V. It will add to the City’s employment base by creating at least one new, full-time job in Keene’s downtown area;

VI. It directly supports the integration of public art in the downtown; or

VII. It addresses one or more of the City’s adopted energy and climate goals as outlined in Resolution R-2018-36 and the Keene Comprehensive Master Plan.

D. “Tax Relief Period” shall mean that for a period of up to five (5) years, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation or reconstruction thereof, beginning only upon completion of substantial rehabilitation or, in the case of a replacement structure, upon completion of its construction.

E. In accordance with RSA 79-E:5, the duration of the tax relief period for applications filed in Keene shall be considered in the context of each specific application and shall only provide that level of tax relief necessary in the discretion of the City Council to effectuate the specific targeted public benefit(s) outlined as determined by the City Council. By way of example, a qualifying project that is deemed by the City Council to provide one or two of the public benefits listed above may be granted a tax relief period of up to two years, and a qualifying project that provides three or more public benefits may be granted a tax relief period of up to five years; provided, however, that in determining what, if any, tax relief duration to provide, the City Council may consider the impact the proposed substantial rehabilitation will have on existing, or required, City infrastructure.

BE IT FURTHER RESOLVED by the Council of the City of Keene that the Council hereby adopts the provisions of RSA 79-E 4-b, as follows:

RSA 79-E: 4-b Residential Property Revitalization Zone

A. For purposes of administering the RSA 79-E:4-b Residential Property Revitalization program within Keene, the City hereby defines that a “qualifying structure” shall mean an existing residential structure which is at least 40 years old and is a one or 2-family home or an attached multi-family home with not more than 4 units. Parcel(s) must also have both city water and sewer service.

B. “Significant improvement” shall mean rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$50,000, whichever is less, and includes the creation of at least one new housing unit or resolves significant life safety or health risks, as determined by the Building and Health Official.

C. For purposes of administering a RSA 79-E:4-b Residential Property Revitalization program within Keene, the City Council shall ensure that the proposed significant improvement provides one or more of the following public benefits:

I. It results in the creation of at least one new housing unit;

II. It prevents at least one housing unit from falling into obsolescence by addressing a life safety or health issue that would render the unit unlivable otherwise;

III. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of a historic district, town center, or village center in which the building is located; or it preserves a historically significant structure that is listed on or determined eligible for listing on the National Register of Historic Places or the state register of historic places, such as existing carriage barns;

IV. It maintains owner occupancy of a residential building or it returns a residential building to owner occupancy;

V. It increases the livability of the home by flood proofing a structure in a flood hazard zone, remediating contamination such as lead or asbestos, or significantly improving the energy performance of a home as determined by the NH Saves Home Heating Index tool by reducing the home heating index from a score of 9 or above to a score of 4 or below;

VI. It results in a net-zero home that produces as much (or more) energy as it consumes by minimizing energy use through efficiency and meeting its remaining needs through renewable energy systems.

D. "Tax Relief Period" shall mean that for a period of up to five (5) years the property tax on a qualifying structure shall not increase as a result of the significant improvement or reconstruction thereof, beginning only upon completion of significant improvement. The City Council may, in its discretion, add up to an additional two (2) years of tax relief for a project that results in new residential units and add up to an additional four (4) years of tax relief for the substantial rehabilitation or significant improvement of a qualifying structure that is listed on or determined eligible for listing on the National Register of Historic Places, state register of historic places, or is located within and important to a locally designated historic district, provided that the substantial rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation.

E. In accordance with RSA 79-E:5, the duration of the tax relief period for applications filed in Keene shall be considered in the context of each specific application and shall only provide that level of tax relief necessary in the discretion of the City Council to effectuate the specific targeted public benefit(s) outlined as determined by the City Council. In making a determination about the duration of tax relief the City Council shall consider the following: a qualifying project may be granted a base level of tax relief of up to five years and may only receive additional years as outlined in Section D based on the extent to which the project meets the criteria and public benefit(s); provided, however, that in determining what, if any, tax relief duration to provide, the City Council may consider the impact the proposed substantial rehabilitation will have on existing, or required, City infrastructure.

No property may be granted tax relief under this chapter more than once in a 20-year period.

BE IT FURTHER RESOLVED that a property owner, as a condition of being granted such tax relief, shall

A. Document the proposed public benefit(s) at the time of the application for tax relief under the Keene RSA 79-E program; and

B. Provide the City promptly with all information and documentation that the City may deem relevant for review of the application for such tax relief, as well as for review of the rehabilitation or replacement project under federal, state, and local laws, codes, and regulations, as may be applicable; and

C. Grant to the City a Covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefit(s) for which the property tax relief was granted and shall require the property owner to obtain casualty insurance, and flood insurance, if appropriate, for twice the term of the tax relief granted; and

D. Grant to the City a lien against the property for the purpose of ensuring proper restoration or demolition of damaged structures and property; and

E. Maintain the property as taxable, regardless of whether the property owner is otherwise subject to property taxes under RSA 72; and

F. The City reserves the right to conduct inspections of the property to ensure compliance with the covenant at the discretion of Community Development Director; and

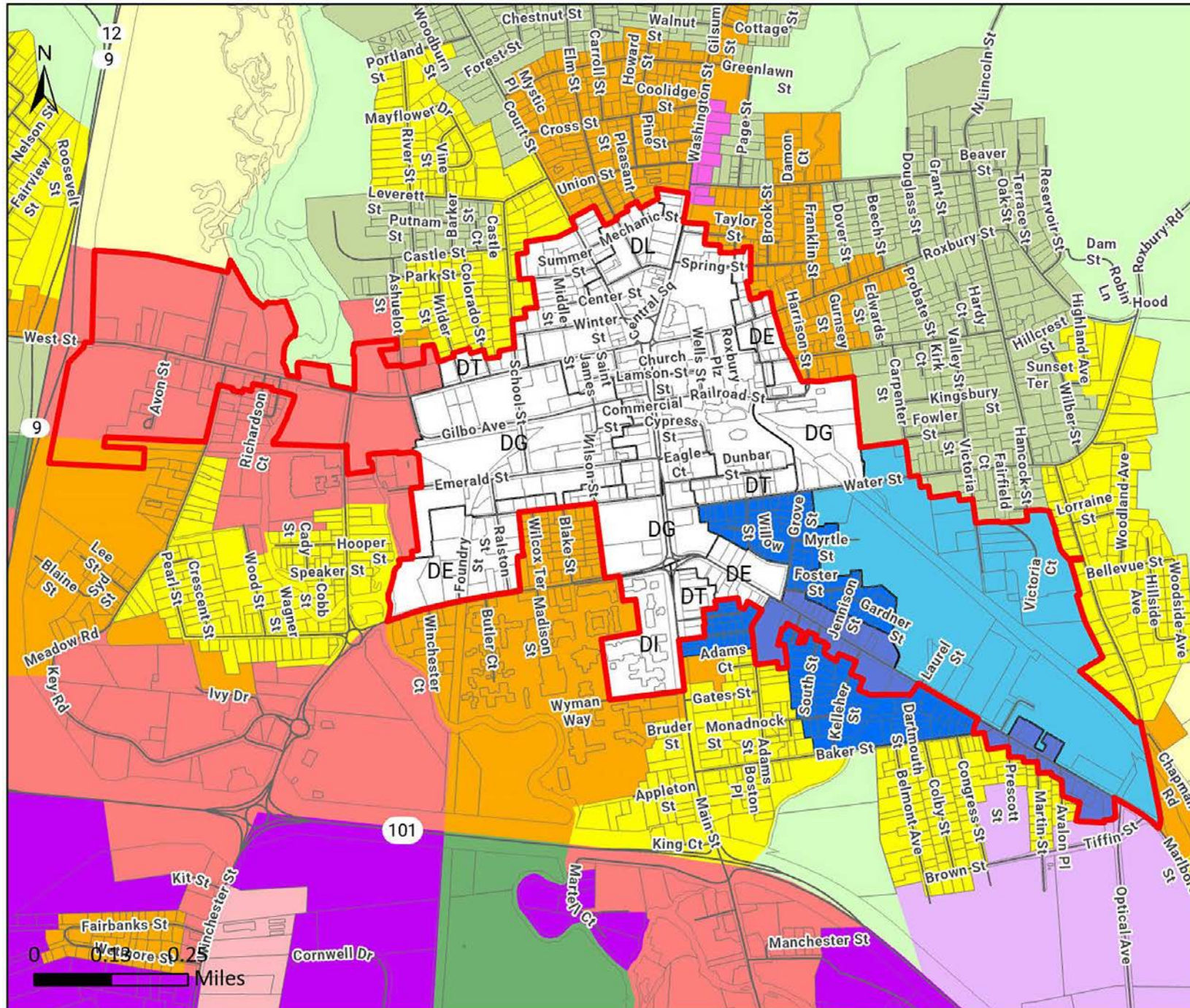
BE IT FURTHER RESOLVED that if the Covenant is terminated for any reason, the City shall assess all current and arrears taxes, with interest, to the property owner as though no tax relief was granted in accordance with RSA 79-E:9,II; and

BE IT FURTHER RESOLVED that the City Manager or their designee is hereby authorized to execute all documents and undertake all actions as may be required to implement this resolution. This resolution shall take effect upon approval by City Council.

Jay V. Kahn, Mayor

City of Keene Community Revitalization Tax Relief Incentive (RSA 79-E) District December 2025 Update

Prepared December 4, 2025



 79-E District December 2025 Update

 Parcels

ZONING

 BUSINESS GROWTH AND RE-USE

 NEIGHBORHOOD BUSINESS

 RESIDENTIAL PRESERVATION

 COMMERCE

 COMMERCE LTD.

 OFFICE

 LOW DENSITY

 LOW DENSITY 1

 MEDIUM DENSITY

 HIGH DENSITY

 HIGH DENSITY 1

 HEALTH CARE

 INDUSTRIAL

 INDUSTRIAL PARK

 CORPORATE PARK

 RURAL

 CONSERVATION

 AGRICULTURE

DOWNTOWN DISTRICTS

 DOWNTOWN CORE

 DOWNTOWN EDGE

 DOWNTOWN GROWTH

 DOWNTOWN INSTITUTIONAL

 DOWNTOWN LIMITED

 DOWNTOWN TRANSITION

This map is for general planning purposes only. The data used to create this map are not adequate for making legal boundary definitions. Exercise caution when interpreting the information on this map. Page 118 of 127

Interviews with Developers and Investors

As part of this process, we wanted to speak with local and regional developers and investors to understand their goals and assess how the 79-E Program could align with and support their projects. City staff provided a list of sixteen contacts, and Barrett Planning Group scheduled and carried out seven one-on-one interviews (see **Table 1**). Questions asked in the interviews included:

- What are the opportunities with RSA 79-E? Potential challenges?
- What could Keene do to facilitate/make process easier or more feasible?
- What types of housing could be built using HOZ incentives? What projects would be feasible under affordability requirements?
- Would Keene benefit from the establishment of a Residential Property Revitalization Zone? What would be helpful for the City to do to facilitate use of this incentive?

TABLE 1: INTERVIEWS WITH DEVELOPERS AND INVESTORS	
Name	Affiliation
Dick Anagnost	Anagnost Investments
Josh Meehan	Keene Housing
Kate Bosley	City Councilor and rental property owner
Bill Hutwelker	SVN The Masiello Group
Keith Thibault	Southwestern Community Services
Steve Duprey	Foxfire Property Management, Inc
Paul Goodwin	Chinburg Development

The following insights were gleaned from these interviews:

Strengths of RSA 79-E:

- The incentive is nimble and relatively easy to understand and apply for
- It allows for projects of scale, bigger and better projects than might happen otherwise
- RSA 79-E creates incentives to renovate older building stock without up-front cost to the City or other government bodies, while ensuring increased municipal revenues once the tax relief expires
- It provides needed cash flow at the beginning when a project really needs it
- RSA 79-E increases the feasibility of rehabilitating unutilized and underutilized structures, often resulting in bigger and better projects

- This incentive often makes the difference for developers by pushing projects just over the edge of viability
- It incentivizes investment in buildings and properties that otherwise would not attract development

Challenges:

- The cost of development in general is currently so high projects are hard to make happen despite incentives
- The end of relief period, when the property is taxed at full market value taking into account the rehabilitation, can be harsh for property owners
- When the relief period ends, property owners may pass on the increased taxes to tenants, raising commercial and residential rents exponentially
- Generally, RSA 79-E is not well known or understood by residents
- Uncertainty about whether or not they will receive tax relief (and how many years) can be a challenge for developers
- There is very little education or awareness among residents about the incentive. People who own properties that would be eligible don't know about

Housing Opportunity Zones (HOZ):

- The levels of affordability required under the statute may be difficult to accomplish for some developers
- Projects under the HOZ will require capacity to enforce affordability requirements, determine eligibility, and monitor units

Residential Property Revitalization Zones (RPRZ):

- Some interviewees foresee potential political issues regarding who received relief and who doesn't
- All agree there are areas of Keene could definitely benefit from the establishment of an RPRZ

Keene's RSA 79-E Program:

- Make sure program is well-advertised with a clear application
- Marketing and education are key to increase support for these projects and increase utilization
- Certainty and clarity
- Programs like these need champions
- Most communities could do a better job of advertising the public benefits of projects

Development in Keene:

- The City of Keene has done a great job opening up the development process and is very easy to work with.
- Interviewees felt that in recent years, the City has been much more proactive with regards to housing and economic development

Potential Changes:

- In general, developers prefer longer terms of tax relief as longer durations are more helpful for the financial profile. Additionally, if granted a longer period of tax relief, a developer more likely able to develop problem properties.
- The City could consider implementing wind down periods for tax increases to soften the cliff of the full tax bill once the relief period ends
- With any changes, the City should consider the tradeoffs between impacting the simplicity of the program and adding more flexibility

Informational Interviews

Barrett Planning Group also conducted two informational interviews with Ben Frost, former Deputy Executive Director and Chief Legal Officer of New Hampshire Housing and Jennifer Marsh, former Assistant Director of Economic Development for the City of Rochester. The interview with Ben Frost helped to clarify the requirements under the statute and answer questions posed during the City Council workshop:

- A community can establish different public benefit criteria for different districts
- “Significantly improves” under the RPRZ is different than “substantial rehabilitation.” This introduces municipal discretion, and a municipality should have some measure (valuation, square footage, cost) by which to gauge this
- The construction of an attached ADU would clearly be eligible for relief under the RPRZ. The case could be made that the construction of a detached ADU could also qualify but the argument is less clear.

The interview with Jenn Marsh provided an example of administrative best practices under RSA 79-E. The City of Rochester has several processes that could be helpful for the City of Keene:

- Rochester publishes a yearly [update](#) on every approved RSA 79-E project, including those for which the tax relief period has ended
- The City has an email template with example covenants, applications, and an explanatory video that is sent to prospective applicants
- The City has created a “cheat sheet” or checklist with each step of the administrative process for staff

- City staff meets with developers and provides example materials to help them fill out complete applications

Focus Groups

To get a better sense of how a 79-E Residential Property Revitalization Zone incentive would work in Keene, the City and Barrett Planning Group held two focus groups: one with property owners of homes that would potentially be eligible for the incentive and one with local contractors, housing advocates and developers, the Heritage Commission, and lending institutions. **Table 2** includes the names and affiliations of those who attended.

TABLE 2: FOCUS GROUP ATTENDEES	
Name	Affiliation
Mark Bodin	President, Savings Bank of Walpole
Rose Carey	Keene Heritage Commission
Tom Julius	Monadnock Interfaith Project
Cathy Murray	SVP Mortgage Lending, Mascoma Bank
Brian Donovan	SVP Commercial Lending, Mascoma Bank
Jose Lezcano	Property Owner
Michael Zoll	Property Owner
Jay Kahn	Mayor, Property Owner
Jeanette Casna	Property Owner
Ben Hoell	Property Owner

RSA 79-E: 4-b Residential Property Revitalization Zones

*Revitalizing existing housing stock by providing **temporary tax relief** for projects that **significantly improve** qualifying residential structures in a designated residential property revitalization zone (RPRZ)*

WHAT STRUCTURES QUALIFY?

A “qualifying structure” under RSA 79-E: 4-b is an existing residential structure in a designated RPRZ that is **at least 40 years old** and **has no more than four units**.

WHAT PROJECTS ARE ELIGIBLE?

The proposed renovation must “significantly improve” the quality, condition, and/or use of an existing residential structure. The improved property must also provide at least one **public benefit**. The statute lists the following as public benefits, but the City may identify additional public benefits to assist the City Council in evaluating applications:

- Enhances the economic vitality of the downtown;
- Enhances and improves a culturally or historically significant structure;
- Promotes the preservation and reuse of existing building stock;
- Promotes development in municipal centers;
- Increases residential housing in urban or town centers.

Additionally, the City must define what constitutes “significant improvement.”

HOW LONG IS THE TAX RELIEF PERIOD?

Applicants could potentially receive up to 15 years of tax relief. The City Council decides the duration based on the public benefits the project provides. They may grant:

Up to 5 years – For substantial rehabilitation (significant improvement)

+2 years – If the project adds new residential units

+4 years – If it includes affordable housing units

+4 years – If the property is listed (or eligible) on the National Register of Historic Places

The tax relief begins upon completion of construction, and no property may be granted tax relief more than once in a 20-year period. During the relief period, the property owner would pay taxes based on the property’s pre-rehabilitation assessed value.



HOW WOULD THE TAX RELIEF PROCESS WORK?

Step 1: Submit the Application

Complete an application.

Step 2: Staff Review

City staff will review the application to make sure it is complete and will contact the applicant if more information is required.

Step 3: Public Hearing (Within 60 Days)

Once the application is complete, the City Council will hold a public hearing within 60 days. This gives the public a chance to learn about the project and share input.

Step 4: City Council Vote (Within 45 Days)

After the hearing, the City Council has 45 days to vote on an application. If approved, they will also decide the duration of tax relief.

Step 5: Record a Covenant

If the project is approved, the applicant must sign and record a covenant with the City at the Cheshire County Registry of Deeds. This legal document protects the agreed-upon public benefits and ensures the building is used and maintained as promised. The covenant can last up to twice as long as the tax relief period.

The applicant is responsible for any recording fees.

Step 6: Complete the Project

Important – work can begin only after:

1. The City Council has approved the project, and
2. The covenant is signed and recorded.

Once these steps are complete, construction or rehabilitation may begin.

Step 7: Tax Relief Period

After the project is complete, tax relief shall be calculated on the value in excess of the original assessed value, as per RSA 79-E:13.

Per RSA 79-E:13, this tax base is set only after:

1. City Council approval, and
2. The covenant is signed.

After the relief period ends, the property will be taxed at its full market value.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION RELATING TO ADOPTING THE PROVISIONS OF RSA 79-E “COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE”

Resolved by the City Council of the City of Keene, as follows:

WHEREAS, RSA 79-E “Community Revitalization Tax Relief Incentive” (hereinafter “RSA 79-E”) declares it a public benefit to enhance downtown and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality; and

WHEREAS, RSA 79-E further declares it a public benefit to encourage the rehabilitation of underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B.; and

WHEREAS, RSA 79-E also declares it a public benefit to provide short-term property assessment tax relief and a related covenant to protect public benefit in order to encourage substantial rehabilitation and use of qualifying structures, or in certain cases, the replacement of qualifying structures, as described herein; and

WHEREAS, RSA 79-E:3 permits municipalities to adopt modifications of the provisions of RSA 79-E, as set forth within the Statute.

WHEREAS, on December 21, 2017 the City Council adopted RSA 79-E within certain districts located within the City as defined in R-2017-41; and

WHEREAS, the City Council hereby rescinds R-2017-41, and readopts RSA 79-E in accordance with this Resolution;

WHEREAS, the downtown district map changed when the City adopted in May of 2021 with Ordinance O-2020-10-B the Land Use Code, along with the remapping of the City’s downtown zoning districts with Ordinance O-2020-11-A,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Keene that the Council hereby readopts and re-implements the provisions of RSA 79-E, with certain modifications, as follows:

A. For purposes of administering a RSA 79-E program within Keene, the City hereby defines that a “qualifying structure” shall mean a non-residential building, a mixed use building with residential uses occupying less than 50% of the gross living area, or a residential use building, being located within the area depicted on the map labeled “City of Keene Community Revitalization Tax Relief Incentive (RSA 79-E) District” dated _____ attached hereto and made part of this Resolution.

B. For purposes of administering a RSA 79-E program within Keene, the City Council shall ensure that the proposed substantial rehabilitation provides one or more of the following public benefits, or that the proposed replacement provides one or more of the public benefits to a greater degree than would substantial rehabilitation of the same qualifying structure:

- I. It enhances the economic vitality of downtown areas;
- II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
- III. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior’s Standards for Rehabilitation;
- IV. It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan;
- V. It will add to the City’s employment base by creating at least one new, full-time job in Keene’s downtown area;
- VI. It directly supports the integration of public art in the downtown; or
- VII. It promotes development of a sustainable building stock in the downtown that achieves a nationally or internationally recognized green building standard (e.g. LEED, Green Globes, National Green Building Standard, and International Green Construction Code).
- VIII. It maintains owner occupancy of a residential building or it returns a residential building to owner occupancy;
- IX. It results in an increase in energy sustainability in conformance with the City adopted greenhouse gas initiatives as determined by a home energy score of at least six (6), and demonstrated carbon emission reduction of at least 10%.

C. “Substantial Rehabilitation” shall mean rehabilitation of a qualifying structure which costs at least \$75,000 and, in certain cases, replacement of a qualifying structure which costs at least \$75,000;

D. “Tax Relief Period” shall mean that for a period of up to five (5) years the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation or reconstruction thereof, beginning only upon completion of substantial rehabilitation or, in the case of a replacement structure, upon completion of its construction;

E. In accordance with RSA 79-E:5, the duration of the tax relief period for applications filed in Keene shall be considered in the context of each specific application and shall only provide that level of tax relief necessary in the discretion of the City Council to effectuate the specific targeted public benefit(s) outlined as determined by the City Council. By way of example, a qualifying project that is deemed by the City Council to provide one or two of the public benefits listed above

may be granted a tax relief period of up to two years, and a qualifying project that provides three or more public benefits may be granted a tax relief period of up to five years; provided, however, that in determining what, if any, tax relief duration to provide, the City Council may consider the impact the proposed substantial rehabilitation will have on existing, or required, City infrastructure.

BE IT FURTHER RESOLVED that a property owner, as a condition of being granted such tax relief, shall

A. Document the proposed public benefit(s) at the time of the application for tax relief under the Keene RSA 79-E program; and

B. Provide the City promptly with all information and documentation that the City may deem relevant for review of the application for such tax relief, as well as for review of the rehabilitation or replacement project under federal, state, and local laws, codes and regulations, as may be applicable; and

C. Grant to the City a Covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefit(s) for which the property tax relief was granted and shall require the property owner to obtain casualty insurance, and flood insurance, if appropriate, for twice the term of the tax relief granted; and

D. Grant to the City a lien against the property for the purpose of ensuring proper restoration or demolition of damaged structures and property; and

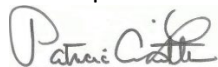
E. Maintain the property as taxable, regardless of whether the property owner is otherwise subject to property taxes under RSA Chapter 72; and

BE IT FURTHER RESOLVED that if the Covenant is terminated for any reason, the City shall assess all current and arrears taxes, with interest, to the property owner as though no tax relief was granted in accordance with RSA 79-E:9,II; and

BE IT FURTHER RESOLVED that the City Manager or her or his designee, is hereby authorized to execute all documents and undertake all actions as may be required to implement this resolution.

This resolution shall take effect upon approval by City Council.

In City Council March 20, 2025.
Referred to the Planning, Licenses and
Development Committee.


City Clerk

A true copy;
Attest:



City Clerk



Jay V. Kahn, Mayor

PASSED: April 18, 2025